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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Joint written statement\* submitted by the International  
Organization for the Elimination of All Forms of Racial  
Discrimination (EAFORD), Association Ma'onah for Human  
Rights and Immigration, United Towns Agency for North-  
South Cooperation, non-governmental organizations in  
special consultative status, International Educational  
Development, Inc., World Peace Council, non-governmental  
organizations on the roster**

The Secretary-General has received the following written statement which is  
circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2020]

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\* Issued as received, in the language(s) of submission only.



## Violations of the right to freedom of religion in China

The right to freedom of religion is espoused clearly in the Universal Declaration of Human Rights (UDHR), in the International Covenant on Civil and Political Rights, which China, has signed, as well as, by China's own constitution, in article 36. However, it would seem that this is a nominal provision, as China practices a system of mass brainwashing in order to force Uighur Muslims to renounce their religion and to indoctrinate them with Han Chinese culture and practices in the region of East Turkistan.

### Introduction

The Uyghur population located in Xinjiang Uighur Autonomous Region, China (Xinjiang) faced and faces ongoing human rights violations carried out by the Chinese government solely based on Religious beliefs and cultural heritage. After the terror attacks of 9/11 a clear rhetorical shift is notable. While previous riots, protests and deaths were blamed on a specific Organisation, the East Turkestan Islamic Movement, China officially suggested the existence of the Uyghur to be a terrorist threat to China.<sup>1</sup> This rhetorical shift establishes a clear link of Islam and violence, a link that violates national as well as international law.

Under the pretence of combating terrorism, China actively suppresses the Uyghurs right to access Islamic knowledge and education. This suppression becomes evident in a tightening of Chinese legislation over the past years. The wearing of religious symbols and engagement in religious activities has been outlawed in all educational institutions in Xinjiang. Furthermore, activities that contribute to the peaceful performance of religion were labelled as "illegal" and "extremist". Certain ways of wearing a beard or selection of names contribute to the "spread of religious fanaticism" according to China.

It is assumed that Uyghurs and other Turkic minorities are being held in so-called counter-extremism centres and/or forced in so-called "re-education camps" for political and cultural indoctrination. Interviews with victims of those detention centres claim prison like conditions as well as torture.

The Chinese Government actively tries to stop minors from becoming religious. Also, it encourages citizens to report parents that introduce their children to religious activities. Rather than participating in religious activities, the Chinese Government offers rectification.

Other measures taken by the Chinese Government culminate to the full or partial destruction of over 100 mosques and shrines.<sup>2</sup> These all are violations of the right to self-determination, and the state responsibility to respect the cultural heritage of Muslim minorities in China.

### Legal framework – International Law

The rights given by the Universal Declaration of Human Rights are not to be violated, in the case of the Uyghur population we want to refer especially to Articles 1 and 2.<sup>3</sup> The State must ensure the safety and dignity of each human being without distinction of ethnicity or religious identity.

China ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which outlaws any act culminating in physical or mental suffering.<sup>4</sup> Interviews with former detainees state that they were strapped to a metal chair for

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<sup>1</sup> Mahmut, Dilmurat Controlling Religious Knowledge and Education for Countering Religious Extremism: Case Study of the Uyghur Muslims, Forum for International Research in Education 5(1), (2019)

<sup>2</sup> Uyghur Human Rights Project (2019) Demolishing Faith: The Destruction and Desecration of Uyghur Mosques and Shrines

<sup>3</sup> UN General Assembly. Universal declaration of human rights Res. 217 [III] A) (10 Dec. 1948).

<sup>4</sup> UN General Assembly Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Res. 39/46 (10 Dec. 1984).

several days while being interrogated and deprived of sleep. Other Detainees speak of beatings and being hung from ceiling walls. Besides physical suffering, detainees experienced mental hardships. Detainees were not told why and for how long they were imprisoned and did not get access to a legal representation or the right to speak with family members.

In 2001 China ratified the International Covenant on Economic, Social and Cultural Rights, according to which, all people have the right to freely pursue their economic, social and cultural development and take part in cultural life.<sup>5</sup> The peaceful pursue of religious activities and having access to mosques and places to worship is fundamental for the social and cultural life of the Uyghur community in China, all actions taken by China to prevent such activities contravene this Covenant.

All measures taken by China to prevent children from practicing their religion and to punish parents, who enable them to do so, violate the Convention on the Rights of the Child, which China ratified in 1992.<sup>6</sup> Other than international legislation that has been ratified by China, there are evident violations against International laws that China did not ratify but are considered customary.

The situation in Xinjiang does not fulfil the requirements of an armed conflict, however; international law has precedence in the intentional destruction of institutions dedicated to religion and criminalized those acts under ICTY Statute Article 3(d).<sup>7</sup> Thus, intentional destruction of cultural heritage during peacetime is prohibited according to customary international law.

The requirements for crimes against humanity include intentional and widespread attacks.<sup>8</sup> The destruction of several mosques across Xinjiang leaves no doubt that the criteria of widespread and systematic targeting of cultural heritage based on religion are fulfilled. Furthermore, there are different standards and sets of rules for the Uyghur communities located in Xinjiang compared to other Muslim communities located across China. This proves the point that Uyghurs are specifically targeted by the Chinese Government because of their ethnicity and religious belief.

In addition to the destruction of cultural heritage, persecution as defined by the Rome Statute is “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectively” and is outlawed.<sup>9</sup> Raphael Lemkin defined eight forms of Genocide, one of them being cultural Genocide. Yet existing in various draft proposals, the term cultural Genocide has not been adopted into international law. Still Lemkin coined the term cultural Genocide as the destruction of the unique cultural, linguistic and religious or other identity of a particular group, which is exactly what the Chinese government has been and is currently doing in Xinjiang.

## Legal framework – National Law

Article 36 of the Chinese Constitution ensures citizens the freedom of religious belief and outlaws the discrimination against people based on their religion.<sup>10</sup> During recent years the regulations concerning religious belief have tightened in China and become vague. The Chinese Constitution protects *normal* religious activities without further defining the term “normal”. As previously mentioned, the Chinese government criminalized certain religious

<sup>5</sup> UN General Assembly International Covenant on Economic, Social and Cultural Rights Res 2200A (XXI) (16 Dec 1966).

<sup>6</sup> UN General Assembly Convention on the Rights of Children Res 44/25 (20 Nov. 1989).

<sup>7</sup> Security Council International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violati S/RES/1966 (2010) (22 Dec. 2010).

<sup>8</sup> International Criminal Court Rome Statute A/Conf.183/9 (17 July 1998).

<sup>9</sup> International Criminal Court Rome Statute A/Conf.183/9 (17 July 1998).

<sup>10</sup> Constitution of the Peoples Republic of China (4 Dec. 1982).

activities and norms such as the wearing of certain beards or selections of names. To summarize the current national framework concerning religion in China, China does guarantee each individual the right to believe but does not allow each individual the right to practice religion, which in the case of the Uyghurs leads to discrimination.

The Criminal Procedure Law of China ensures potential criminal offenders the right to defend themselves and to appoint a defender. Interviews with detainees claim that those rights have been violated. Furthermore, the Criminal Procedure Law outlaws any form of violence or torture during the interrogation process.<sup>11</sup>

## **Conclusion**

Violations of human rights have been documented by various organizations and confirmed by the Committee on the Elimination of Racial Discrimination (CERD). The Uyghurs are persecuted because of their religious belief and sent to re-education facilities. Re-education facilities have prison like conditions and torture is part of the re-education programme. Furthermore, the Chinese government systematically destroys sites of cultural heritage such as mosques and shrines that are of significance for the performance of religious activities. Thus, China violates its own national legislation, ratified international law, as well as, customary international law.

## **Recommendations**

We highly urge the international community to acknowledge the mistreatment of the Uyghur Population in Xinjiang. The human rights violations need to be addressed and condemned by the United Nations and its member states in accordance with international human rights law and international humanitarian law.

We highly recommend the United Nations to take the following steps in order to stop mistreatment of the Uyghurs in China:

- Condemn all violations of the right to freedom of religion by China and urge it to respect national as well as international law
- Create an independent committee to investigate all human rights violations in Xinjiang

We are highly concerned about the human rights violations, thus call upon China to:

- Stop generalizing the Uyghur population as being a threat to national security and only prosecute individuals on counts of extremism and terrorism if their actions justify doing so
- Cease demolition of cultural heritage sites in the Xinjiang province, provide compensation for damage done and allow restoration of partially destroyed buildings
- Close all re-education facilities and allow Uyghurs that are unlawfully detained to return to their families
- Reformulate national legislation in ways that protect the right of every individual to perform religious activities in a peaceful manner, in public or private, and to manifest religion or belief in teaching, practice, worship, and observance.

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Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.

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<sup>11</sup> Criminal Procedure Law of the Peoples Republic of China (17 Mar. 1996).