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Human rights situations that require the Council's attention

Written statement* submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status

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

[24 August 2012]

* This written statement is issued, unedited, in the language received from the submitting non-governmental organization.

Religious freedom deteriorates in China as Ramadan faced mounting repression**

The Nonviolent Radical Party Transnational Transparty (NRP) is deeply disturbed by the systematic deterioration of religious freedom in the People's Republic of China (PRC), especially that which was levelled against Uyghurs prior to and during the Muslim holy month of Ramadan in the Xinjiang Uyghur Autonomous Region (XUAR). The degree of repression faced by Uyghurs during the past year has prompted widespread condemnation from international institutions, governments and non-governmental organisations, amidst a continuing flow of reports and evidence of the curbs placed on religion that have come out from the PRC. In carrying out its systematic repression of religion, the PRC is reaching particularly worrying levels of disregard of international law and human rights norms, as well as flouting its own Constitution which affords the right of religious freedom.

Religious repression

In a recent report by the U.S. State Department, religious freedom was asserted to have “markedly deteriorated” in 2011, describing the situation of Uyghurs as “severe”. Whilst this drew condemnation from the PRC, the facts on the ground resoundingly support this analysis. In 2007, diplomatic cables were leaked in which the Chinese authorities confirmed that they were seeking to restrict “unsanctioned pilgrimages”. According to reliable media reports, Muslims are required to apply online or through their local Islamic association, such as the state-run Islamic Association of China, in order to attend the 2011 Hajj (4-9 November) via one of the 41 specially chartered state-sanctioned planes, whilst private arrangements were alarmingly curtailed through denial of visas, travel documents and passports; this was reportedly only levelled against residents of the XUAR, where Uyghurs predominantly reside. Based on the year-on-year increasing restrictions on attending the Hajj, many Uyghurs fear that the trend will continue.

The Chinese authorities have also been undertaking measures to curb the practice of Islam. In the run up to the 3rd anniversary of the violently suppressed peaceful protest on 5 July 2009, media quoted Xinjiang Regional Communist Party Chief Zhang Chunxian as saying that riot police should “remain on high alert for every kind of hostile force and strike with an iron fist at the forces of separatism, religious extremism and terrorism.” The catalyst for the 5 July protest was the deaths of 17 Uyghurs in Shaoguan, Southern China, though the real cause was the underlying “discrimination and failure to protect minority rights”, according to the UN Commissioner on Human Rights.

The Chinese authorities have cracked down upon religious education, by engaging in raids where children have been injured, from which two subsequently died in detention. Eleven year old Mirzahid Amanullah Shahyari was arrested on 20 May 2012 and died in detention some time later after reportedly being subjected to torture and beatings. On May 22 he was promptly interred without funeral rites that Islam requires and with the presence of police, who asked his family not to speak of the events. In a later incident, the police raided another “unsanctioned school” in which 12 children were injured and 3 teachers detained as the police used explosive devices and fired shots, according to reports on the ground. Pamir Yasin was also detained for 15 days for tweeting “false information” on the Mirzahid's death.

** The World Uyghur Congress (WUC), an NGO without consultative status, also shares the views expressed in this statement.

. The case of Mirzahid bares many similarities to that of Noor-ul-Islam Shebaz, who died in detention at some time in November 2011, both of whom were obtaining a basic religious education in reading the Koran and prayers at an “unsanctioned school” at the time of their detention. Only state sanctioned religious schools are legal in the PRC. They have very limited places and notoriously difficult entry requirements, thus hindering access for many Uyghurs. Children under the age of 18 are not permitted to enter mosques for prayer and are not provided the opportunity to study Islam in school. Both students and teachers at “unsanctioned schools” put themselves at great risk by engaging in religious study, which is likely to result in imprisonment if discovered by the authorities

Curbs on observance of Ramadan

Ramadan in 2012 has been subjected to some of the most stringent restrictions and disregard in recent years. China Digital Times published an image taken on 16 May 2012 by a Weibo user of a so-called “commitment contract” requiring those who seek welfare assistance to refrain from wearing the veil in their homes and to “firmly support the CCP leaders.” This is a policy that has been rigidly implemented since 2011. In the same vein, Radio Free Asia received information from local sources on 26 July 2012 that Uyghurs were being fined for wearing veils and other Muslim or traditional Uyghur dress-wear during Ramadan.

The Chinese authorities have also strengthened security presence in and around Mosques. There have been reports that Mosques have been guarded inside and outside by armed security personnel, in addition to fire engines with water cannons situated outside. Whilst Chinese media resolutely refuted these claims, a BBC article on the economic development in Kashgar subsequently confirmed these reports.

Against this backdrop, there have been a series of reports of Uyghurs being arrested and sentenced under the vaguely defined crime of “illegal religious practices”. Seven Uyghurs were detained in Aksu on 8 August 2012, whilst a further 100 had been fined between 50 and 3000 Yuan for unauthorised study of the Koran in a region where the average monthly salary is 6500 Yuan. Furthermore, the Chinese authorities previously sentenced a Uyghur man, Hebibullah Ibrahim, to 10 years in prison for “selling illegal religious materials”, a crime which normally carries a fine. This is in addition to the 15 years handed down to Sidik Kurban who had for a decade operated such an “unsanctioned” religious school.

Under “social and stability work plans”, government officials were reportedly sent to record the names of those who attend Mosques to ensure that Communist Party cadres, civil officials (including those who had retired), teachers and students under the age of 18 do not attend religious services after local governments released statements forbidding them to do so. These same individuals were also refused from fasting, thus contradicting an online article published on 19 August 2012 by state-controlled China Daily in which it states that “one of the most important prayer ceremonies Muslims attend each year” is the end of fasting festival, Eid al-Fitr, which implies the significance of fasting during Ramadan. This stands in stark contrast to independent media agency reports that restaurants were being forced to stay open whilst fasting was taking place, and that local party leaders were being sent to schools with food to put pressure on local, village leaders to eat.

Violations of international and domestic law

Freedom of religion and belief are inextricably intertwined, interdependent and mutually reinforcing with a variety of other fundamental rights including freedom of speech and expression, freedom of thought and conscience, the principle of non-discrimination and are a good indicator of wider democratic principles, all of which are also a gateway to other fundamental freedoms.

Freedom of religion is defined under Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which China is a signatory. Whilst China has not ratified the treaty, it is obliged to refrain from undertaking policies that would undermine the object and purpose of the ICCPR. The reports of coercive practices to not fast or not wear religious or cultural dress-wear via a “commitment contract”, restrictions on religious schools, security presence in and around mosques and not permitting unfettered travel on Hajj are not conducive with this obligation and other internationally accepted legal norms.

Furthermore, these actions also violate China's own Constitution, namely Article 36 which ensures that no governmental or individual entity shall compel someone to believe or not believe in their religion. In addition, China's Regional Autonomy Law reaffirms this under Article 11, going further by stating that all persons “must ... respect the spoken and written languages, folkways and customs and religious beliefs” of others. It is clear that these laws are not being put into practice.

The Nonviolent Radical Party, Transnational and Transparty calls on the Human Rights Council to:

- Urge China to respect minority religions and religious practices by better engagement through its promotion and support of them.

The Nonviolent Radical Party, Transnational and Transparty calls on China to:

- Conduct a full, comprehensive and meaningful investigation into the reports on the deaths of two Uyghur youths whilst in detention and all other allegations of abuses of religious freedom.
- Redefine its vague legal interpretation of what constitutes separatism, extremism and terrorism by bringing its interpretation into line with accepted international norms so as to ensure that peaceful dissent by human rights activists and government critics is not suppressed.
- Promote, better engage with, cultivate and support minorities' rights and their respective religions.
- Undertake initiatives to effectively put into practice already existing legal provisions that safeguard freedom of religion and belief.
- Ratify the International Covenant on Civil and Political Rights and not to take steps that would run contrary to its ratification.
