



# FORCED LABOUR IN EAST TURKESTAN: State-Sanctioned Hashar System

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The WUC supports a nonviolent and peaceful opposition movement against Chinese occupation of East Turkestan and an unconditional adherence to internationally recognized human rights standards as laid down in the Universal Declaration of Human Rights. It adheres to the principles of democratic pluralism and rejects totalitarianism, religious intolerance and terrorism as an instrument of policy.

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Cover Photo: Uyghurs performing forced labour under the hashar system in Aksu Prefecture, East Turkestan (Radio Free Asia Uyghur Service).



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## EXECUTIVE SUMMARY

The importance of the protection of human rights has been trending downward under China's current leader, Xi Jinping, since he took power in 2013. Since then, China's strategy has moved from mere rhetoric to passing concrete legislation that will certainly have the effect of limiting the rights of the Uyghur community in particular in East Turkestan. Recently, we have seen this in the passage of China's National Security Law, Network Security Law, Anti-Terrorism Act and the Overseas NGO Management Law over the past two years.

By now, it cannot be more clear that open dissent is not tolerated by the state. Although demonstrations and protests had been met by deadly force beginning in the 1990s in East Turkestan, collective action by Uyghurs continued in the years following. Even until 2014, media reports suggested that small demonstrations continued, and were met with the same heavy resistance. It is now more clear that the consequences of any form of open resistance may be severe and result in unjustifiably long prison sentences, or in other cases, extrajudicial killing at the hands of security forces. Because police and security forces are almost never held to account over the death of civilians, they rarely exercise restraint in their use of force.

The result of these measures is a worsening climate of fear and helplessness. The Chinese Communist Party (CPC) continues to abuse the entire Uyghur population of East Turkestan under the guise of "stability maintenance" or "counter-terrorism". It must be noted that although a miniscule fraction of the Uyghur population living in the region has turned to violence in response to China's heavy-handed policies, it in no way legitimizes broad and dangerous generalizations or collective punishment.

Major human rights issues permeating the Uyghur community have only worsened in recent years. Increased restrictions on religious practice continued as mosque-goes were monitored, religious teachers tightly controlled by authorities and prohibitions on religious expression led to many arrests. Continued economic disparities between the Uyghur and Chinese populations have gone unaddressed and China's economic development plans have not yet made any explicit effort to address the underlying problem. The detention of prominent Uyghurs also continued including Uyghur academic, Ilham Tohti, as well as family members of human rights defenders overseas.

In addition to the better known issues faced by the Uyghur community has been the imposition of forced labour in East Turkestan in particular. Although forced labour through the *Laogai* (reform through labour) system is better known, the use of a comparable system in repressing the Uyghur population has remained relatively obscure. This is partly due to restrictions imposed on communication channels connecting Uyghurs to the outside world, but also because of China's

extensive efforts in controlling foreign journalists' access to East Turkestan itself. International media outlets have, however, voiced concerns about the enforcement of *hashar*, or forced labour in East Turkestan in recent years – Radio Free Asia (RFA) in particular.<sup>1</sup>

Moreover, in 2009, Amnesty International highlighted forced labour in East Turkestan and identified it as contributing to the “fuel for discontent” among Uyghurs.<sup>2</sup> The issue of forced labour was also highlighted on multiple occasions by the United States Congressional-Executive Commission on China.<sup>3</sup> In recent years, Uyghurs inside East Turkestan have informed RFA of their continued subjection to forced labour. The majority of these Uyghurs are farmers and villagers from the southern parts of East Turkestan.

The purpose of this report then, is to inform the international community of the use of forced labour in East Turkestan by the CPC as a mechanism to monitor and control the daily lives of Uyghurs. Uyghurs living in the southern prefectures of East Turkestan, including Aksu, Bayingolin, Hotan and Kashgar have been forced into unpaid labour for the ostensible purpose of “stability maintenance”. In a state with a well-documented lack of transparency and a legal tradition that nurtures the CPC's political ambitions, the enforcement of unpaid labour by Chinese authorities in East Turkestan has remained both an uncovered and unnoticed issue. By documenting and the issue, the hope is that the international community will move to compel China to comply with internationally recognized legal norms.

## Methodology & Data Sources

This report has been compiled through investigations conducted by RFA's Uyghur Service, which has gathered significant data and testimony from those who witnessed or were involved in forced labour in recent years.

The report consists of the following: Section One offers a brief background highlighting some of the repressive measures taken by the Chinese government against Uyghurs in recent years and the general causes of tension in East Turkestan. Section Two introduces the issue of forced labour in East Turkestan under the *hashar* system. Section Three provides details of use of forced labour by Chinese authorities in seven counties across four prefectures in East Turkestan. Section Four highlights the international agreements and domestic laws that the Chinese government may be violating. Section Five concludes the report and offers recommendations.

Wherever possible, we have employed available data to examine the political motivations behind China's use of forced labour on Uyghurs. The data collected for this report was gathered from domestic sources on the demographics of East Turkestan, as well as the Uyghur Human Rights Project (UHRP) for details on recent political incidents involving Uyghurs. Because of Chinese restrictions on free speech, many Uyghurs contacted by RFA were reluctant to share detailed information. Furthermore, the lack of transparency surrounding issues of human rights in East Turkestan suggests that the use of forced labour may be more extensive than documented here.

## Political Background

Uyghurs (alternatively spelled Uighurs, Uyghurs) are ethnically and culturally a Turkic people living in the areas of Central Asia known as East Turkestan – alternatively known as the Xinjiang Uyghur Autonomous Region. The area is vast, constituting one-sixth of the total land area under the control of the People's Republic of China. The Uyghurs have a rich cultural history going back almost 4000 years. Before embracing Islam in tenth century, Uyghurs believed in Buddhism, Manichaeism and Nestorian Christianity. Today, Uyghurs practice a moderate form of Sufi Islam and lead predominantly secular lives.

Although the region of East Turkestan has been contested between great powers for centuries, it was not until 1949 that the People's Republic of China gained effective control as Beijing began to settle People's Liberation Army soldiers on farms in the area. This would mark the beginning of a major state policy to actively encourage significant resettlement in East Turkestan, which continues today. If the central government were able to dilute the majority Uyghur population in the region, a number that stood around 83 percent in 1945,<sup>4</sup> but dropped to a mere 46 percent by 2008,<sup>5</sup> control over the region would likely come much more easily. The central government also knew that if it was to dilute the Uyghur population enough, it might mitigate the perceived threat of Uyghur collective action against it.

The eradication of a supposed subversive religion and strong assimilationist policies directed at minorities would be characteristic of the Cultural Revolution in the 1960s that had lasting impacts among Uyghurs. Many of the religious leaders and intellectuals who took a more determined stance against the state were killed, resulting in a definite dilution of Uyghur culture in favor of the hardline policies of the state. By the late 1980s there would be relative calm in the region, but with the breakup of the Soviet Union and many Central Asian states gaining independence, this would provide the impetus for the Chinese government to renew its push for further integration in the 1990s.<sup>6</sup>

Some have characterized the 1990s in terms of five principal strategies, including the recentralization of economic decision-making, increased Han in-migration, further exploitation of energy resources, greater political and economic links with Central Asia and reinforced state control over ethnic minorities' religious and cultural expression and practice.<sup>7</sup> This decade can also be characterized as one of instability in the region as a number of violent incidents took place between Uyghurs and Chinese security forces – a situation that would only deteriorate following 9/11 and the subsequent War on Terror taken up by opportunistic states.

After 2001, the Chinese government began using the language of terror and terrorism to justify further restrictions on the rights of Uyghurs in East Turkestan. China quickly began drawing tenuous connections between violence in the region and international terror networks and pressing other states to accept its narrative of the situation. It was at this point that the government began conflating religious practice and separatism with terrorism. Drawing together these three distinct practices has been at the forefront of their campaign against the so-called 'Three Evils' – religious extremism, separatism and terrorism. There has been a concerted effort to link quotidian religion practice to that of extremism and fundamentalism, creating a climate of fear of Muslims in general.

The 2000s were dotted with sporadic outbreaks of violence that culminated with ethnic unrest in the region's capital, Urumqi, in July 2009, that left hundreds dead. In the aftermath of the violence, the Chinese government undertook a program of mass and arbitrary detentions and enforced disappearances – many of whom have not yet been located.<sup>8</sup> Particular targets in recent years have been bloggers, journalists, activists and those who speak to overseas media regarding poor treatment. In the years following, restrictions would only continue to worsen with increased religious and cultural repression, broader and more extensive "counter-terror" operations and a harsh crackdown on any and all forms of peaceful dissent.

It is in this context in which the Uyghur population now finds itself – living lives with much more insecurity and discomfort. Campaigns instigated by the Chinese government ostensibly to "maintain stability" have done little more than raise animosity and resentment between the Uyghur and Chinese populations as well as between the Uyghurs and the state itself.

## What is the Hashar System?

In the Uyghur language, *hashar* refers to forced group labour for public works projects. Under the system Uyghurs are forced to provide unpaid labour on agricultural, infrastructure and other public works programs for weeks at a time, several times each year. Although the CCP announced the elimination of *hashar* in East Turkestan decades ago, the practice was never abandoned in the southern prefectures of Aksu, Bayingolin, Hotan and Kashgar.<sup>9</sup> Furthermore, the practice has recently spread to other localities in the South and it has taken on the name of *hashar dolkun*. The term *dolkun* can be defined as *waves*, suggesting that it is a sweeping trend that has taken hold in the region. Uyghur locals have told RFA that this new *hashar wave* requires only Uyghur residents to participate in unpaid labour and that the goal of the practice is to “promote political and social stability.”<sup>10</sup>

**The CPC hopes to “prevent people from talking nonsense, gathering in a disorderly manner, and attending illegal activities.”**

Local authorities in Aksu Prefecture further explained to RFA that through forced labour, the CPC hopes to “prevent people from talking nonsense, gathering in a disorderly manner, and attending illegal activities.”<sup>11</sup> Chinese authorities’ use of forced labour as a mechanism to control Uyghurs’ movement comes as no surprise. The CPC has relied on a variety of intrusive regulatory systems to monitor and regulate Uyghurs’ day-to-day lives. These systems have been primarily implemented by Chinese authorities in villages in response to “religious problems” and “infiltration by the three evil forces” (terrorism, separatism, and religious extremism).<sup>12</sup>

Subjects of *hashar* are provided no compensation for their labour, no room or board, and are expected to pay for their own transportation and meal costs. Workers who are injured are not only required to pay for their own medical costs, but also held responsible for sending a family member to cover their missed hours.<sup>13</sup> Depending on the village, the number of hours required of workers ranges from four hours to eleven hours each day.<sup>14</sup> The nature of work varies depending on the season and the geographical location. For example, winter *hashar* generally consists of work related to sand encroachment control. In the summer, some are forced to clean up rivers and lakes while others are required to work on road improvement projects.

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Penalties for missing work is typically 100 Yuan (USD 15) per day, and those who fail to show up to work have been subject to police investigation and detention for 15 to 30 days.<sup>15</sup> Financial penalty for non-compliance is typical of the regulatory systems enforced in these regions. For example, failing to “promptly report villagers’ opinions under a pledge system” enforced throughout the Hotan Prefecture and other surrounding prefectures can result in fines of up to 200 Yuan (USD 30). Total fines under these regulatory systems have run higher than one-fourth of a locality’s annual per-capita income for rural residents. In 2007, the annual rural net income per capita for farmers and herders in Hotan Prefecture was 1,818 Yuan (USD 275).<sup>16</sup>

Uyghur families that do not have an able-bodied young man are also not exempt from the system. Men and women as old as 70 and children as young as 12 are reported to have participated.<sup>17</sup> Uyghur secondary school students are at times pulled out of classrooms in order to meet *hashar* quotas.<sup>18</sup> Uyghurs who are subjected to the new *hashar wave* system expressed their discontent to RFA. At the same time, they have also stressed that it is impossible for them to refuse any orders

from authorities, especially since the roll-out of the most recent “Strike Hard” campaign in March, 2014.<sup>19</sup> To exacerbate the situation, the end date of the new *hashar wave* remains unclear for Uyghurs. According to a local official in Aksu Prefecture, residents are required to participate in *hashar* until “whenever the higher-level authorities tell us to stop.”<sup>20</sup>

Uyghurs who have spoken to RFA have been residents and local officials from East Turkestan’s southern prefectures including Aksu, Bayingolin, Hotan and Kashgar. Compared to the rest of East Turkestan, these prefectures have both higher rates of poverty and proportionately larger populations of ethnic Uyghurs.

For example, in Aksu Prefecture, Uyghurs accounted for 79 percent of the total population 2014.<sup>21</sup> Despite the large influx of Chinese migrants since the 1950s, the majority of Chinese residents live in cities. Furthermore, Uyghurs living in these prefectures tend to be relatively more conservative and religious compared to the rest of the Uyghur population. Consequently, China’s draconian policies restricting cultural and religious expression have been especially intense in these regions. Over the last decade, Uyghurs living in these southern prefectures have shown clear dissatisfaction towards China’s increasingly repressive policies. In response, the Chinese government has labeled this region as the “central battleground for fighting terrorism and threats to stability”<sup>22</sup> and has continuously imposed restrictions on Uyghur residents in particular. As a result, this vicious cycle continues to perpetuate sometimes violent unrest.

According to Amnesty International, East Turkestan is now the only area in China where the general population is systematically subjected to a government policy of forced labour.<sup>23</sup> These measures have played a definite role within the context of China’s most recent *Strike Hard* campaign, as evidenced by the increased security presence. The forced labour system also remains part of a broader system of securitization that has the result of collectively punishing the Uyghur population as a whole. These exploitative and repressive efforts by China represent a further intensification of its fierce crackdown and systematic intimidation of the Uyghur people. Moreover, by imposing compulsory labour on the Uyghur people, China is not only in violation of international agreements but also of its own national laws.<sup>24</sup>

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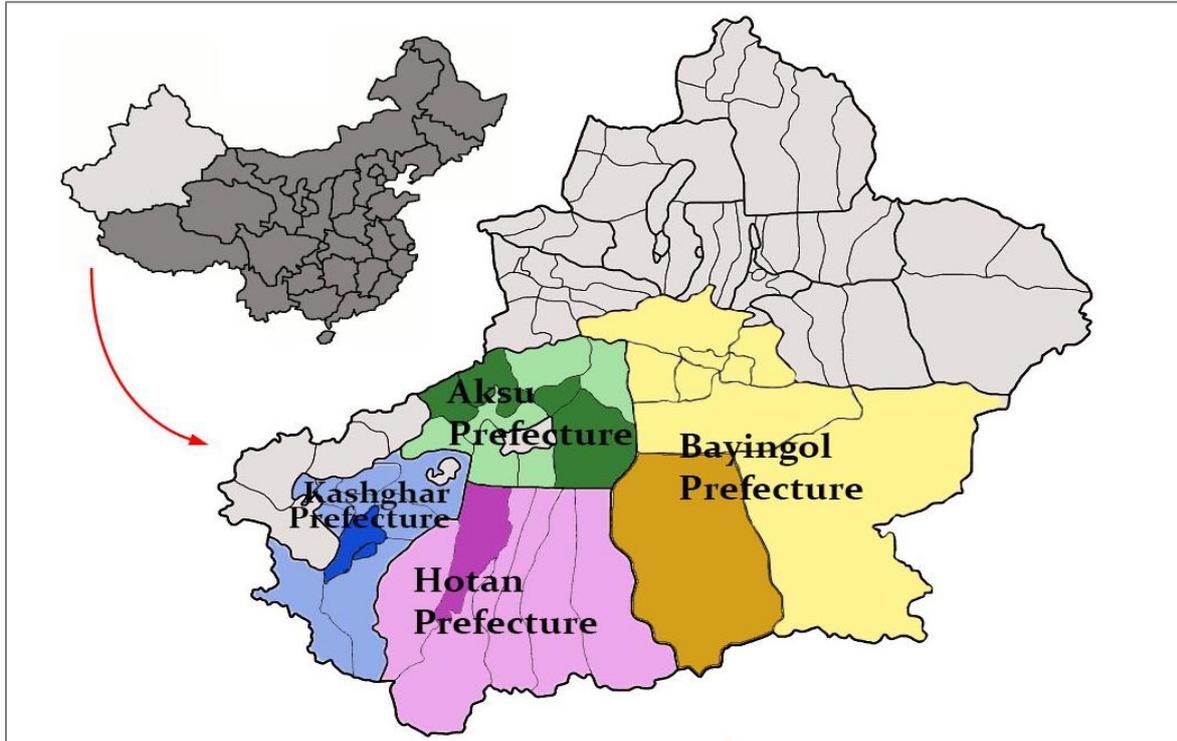
## Forced Labour at the Prefecture Level

According to the latest population statistics, 79 percent of all Uyghurs living in East Turkestan are registered in the five southern prefectures of Hotan, Kashgar, Kizilsu, Aksu and Bayingolin.<sup>25</sup> Forced labour under the *hashar* system in these prefectures is generally organized by village or county leaders at the request of local governments, and labourers consist of Uyghur men and women. Since 2003, RFA has reported extensively on the practice and in a series of interviews in 2003, Chinese government officials and Uyghur residents confirmed the existence of the system in the rural areas of East Turkestan’s southern prefectures including Aksu, Hotan and Kashgar.

At the time, the system was justified as an economic strategy by agricultural officials, claiming that, “although *hashar* was phased out in other provinces of China, here we will need it.”<sup>26</sup> Local Uyghurs also told RFA that in addition to agricultural work, farmers in Kashgar were also forced to build houses for Chinese migrants resettling in the area.<sup>27</sup> RFA continued to investigate the issue since then and has collected a great deal of testimony from residents as well as government officials.

The primary focus of the following sections will be to illustrate recent developments in forced labour, covering localities beyond rural villages in southern East Turkestan – namely in the prefectures of Aksu, Bayingolin, Hotan and Kashgar. Each section includes a brief account of the political and social atmosphere of each prefecture as well as a profile for the counties which make use of forced labour.

Figure 1: Map of East Turkestan including Prefectures where the hashar system exists



## Aksu Prefecture

Aksu Prefecture is located in the mid-western region of East Turkestan, occupying the northwestern part of the Tarim Basin and lies on the southern slopes of the Tangirtagh (Tian Shan) Mountain. According to the 2014 Xinjiang Statistical Yearbook, the population of Aksu Prefecture is around 2.5 million, and Uyghurs account for about 79 percent of the population.<sup>28</sup> Aksu Prefecture is divided into one county-level city (Aksu) and eight counties including Onsu, Kuchar, Shayar, Toqsu, Bay, Uchturpan, Avat and Kelpin. The residents are primarily agricultural workers and in 2009, the rural population represented 41.7 percent of the prefecture's total population.

Figure 2: Map of Aksu Prefecture – Hashar in highlighted

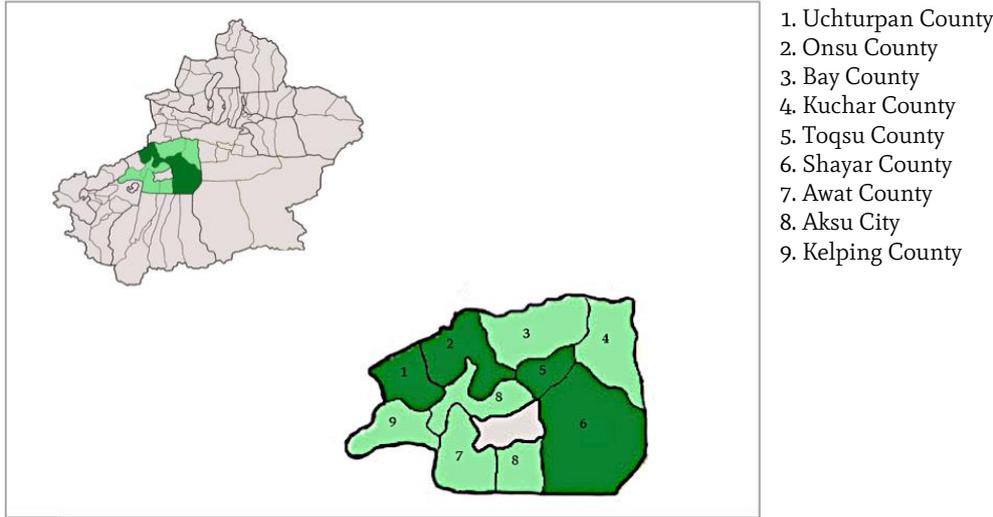


Table 1: Population Statistics – Aksu Prefecture

Location	Total Population	Uyghur Population	Han Population
Aksu Prefecture	2,457,547	1,946,752	476,974
<u>1 Uchturpan County</u>	<u>221,088</u>	<u>201,722</u>	<u>12,049</u>
<u>2 Onsu County</u>	<u>254,080</u>	<u>192,958</u>	<u>54,666</u>
3 Bay County	238,061	207,319	28,447
4 Kuchar County	481,427	428,853	49,229
<u>5 Toqsu County</u>	<u>178,452</u>	<u>166,850</u>	<u>11,011</u>
<u>6 Shayar County</u>	<u>268,749</u>	<u>224,855</u>	<u>41,041</u>
7 Awat County	253,336	207,532	43,669
8 Aksu City	509,235	265,196	235,320
9 Kelping County	53,119	51,467	1,542

*Aksu Prefecture Population & Demographic Information (Statistical Yearbook 2014 Xinjiang; Population & Employment). Underlined: Counties where forced labour (hashar system) has been confirmed by RFA.*

### Political and Social Atmosphere in Aksu Prefecture

Aksu Prefecture has become the target of China’s *Strike Hard* campaign in recent years, through which Uyghurs are faced with increased restrictions on daily activities. Severe religious restrictions are enforced in Aksu through China’s “security and stability work plans” to curb religious activities, especially during the holy month of Ramadan.<sup>29</sup> Restrictions include bans on civil servants and students from taking part in Ramadan, bans on calls to prayer,<sup>30</sup> random searches for “illegal” religious items and publications, orders for Uyghur restaurants to remain open during Ramadan, and for mosques to hold ideological meetings with CPC officials.<sup>31</sup>

**A heavy security presence remains throughout Aksu – the movements of Uyghur residents across the prefecture are closely monitored by village cadres and local authorities looking for “suspicious activities.”**

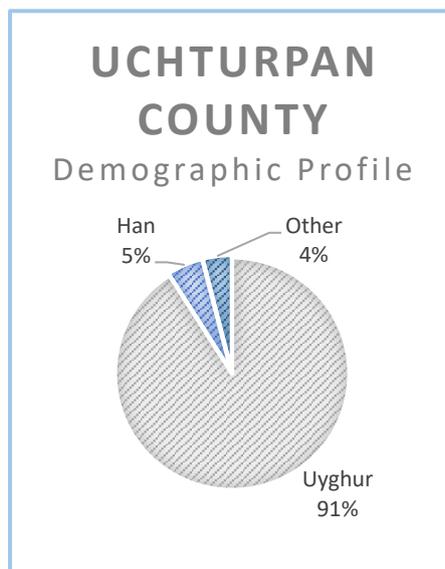
Further restrictions on Uyghur religious have been adopted through an incentive system, by which informants receive cash rewards for reporting local residents exhibiting one or more of 53 proscribed behaviors, which may include wearing “bizarre dress” or having an “Islamic appearance.”<sup>32</sup> Ethnic harmony education campaigns require schoolchildren from the age of seven onwards to attend political education sessions.<sup>33</sup> A heavy security presence remains throughout Aksu – the movements of Uyghur residents across the prefecture are closely monitored by village

cadres and local authorities looking for “suspicious activities,”<sup>34</sup> young Uyghurs are arrested for posting comments on social media,<sup>35</sup> and Uyghur homes are subjected to police raids for materials deemed “extreme” or “subversive.”<sup>36</sup>

Repressive economic policies in the prefecture also create problems among Uyghur farmers in particular. Government regulations require many Uyghur farmers to sell their produce to local governments for below-market prices. Confiscation of farmland and property has become common for Chinese authorities looking to redistribute land to Chinese migrants. Uyghurs who petition these practices are often charged without trial for “harming ethnic unity.”<sup>37</sup>

These policies have contributed to increased tensions in Aksu as of late. The most recent incident involved a knife attack orchestrated by alleged Uyghur “separatists” at Sogan Colliery, a Chinese-owned colliery in Bay County resulted in at least 50 casualties.<sup>38</sup> After 56 days of security operations in the region, Chinese forces announced the death of 17 Uyghurs who were allegedly connected to the incident.<sup>39</sup> Violent incidents also often lead to large-scale house-to-house searches by police<sup>40</sup> and in the 2013-14 period, Aksu recorded the second highest number of fatalities related to violent incidents in East Turkestan at 79.<sup>41</sup>

### *Uchturpan County*



Uchturpan County, under the administration of Aksu Prefecture, has an area of 9,012 km<sup>2</sup> and Uyghurs account for about 91 percent of its population. The county has experienced a large number of fatalities in recent years due to frequent unrest. Economic discrimination towards Uyghurs is on the rise as well. Uyghur farmers are often denied bank loans and frequently experience water shortages for their land. Chinese migrants, accounting for less than 5 percent of the population in some villages, are entitled to more than half of the arable land.<sup>42</sup>

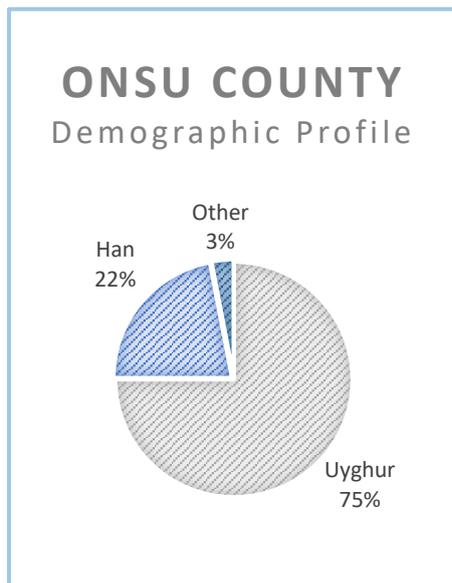
Discriminatory economic policies in Uchturpan stretches beyond just land ownership. Selection of crops for Uyghur farmers are determined by Chinese authorities, while Chinese farmers are free to harvest their crops based on market demand.

Uyghur farmers are also required to provide between 60 and 120 hours of unpaid forced labour each year under the *hashar* system as Chinese migrants are exempted. One farmer from Uchturpan County told RFA, “On paper, the Chinese migrants are farmers just like us. In reality, they enjoy far more entitlements than Uyghur farmers. The Chinese migrants not only enjoy the freedom to harvest any crop, they can also take out bank loans and are entitled to greater water resources.

Uchturpan County has also experienced serious issues of violence, typically between the Uyghur population and the police. Uyghur men refusing to shave their beards are frequently harassed, intimidated, with one man having been shot by police in one instance.<sup>43</sup> The use of guns by police and security forces has reportedly become “standard operating procedures.”<sup>44</sup>

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## Onsu County

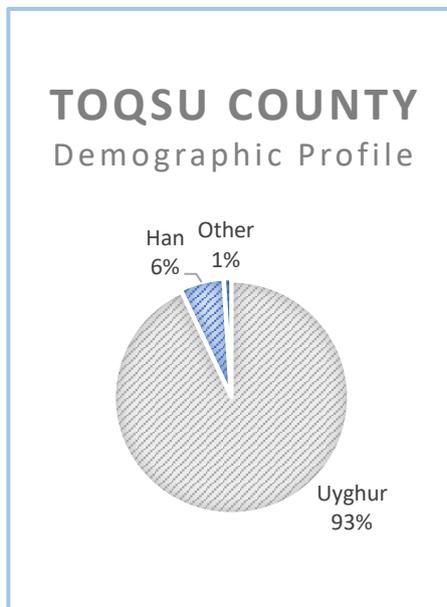


Onsu County, under the administration of Aksu Prefecture, has an area of 14,309 km<sup>2</sup>, and Uyghurs account for about 76 percent of the population. Like many other counties in the southern East Turkestan, Onsu County is often subjected to China's "security and stability work plans" to restrict religious activities during the holy month of Ramadan.<sup>45</sup> Restrictions are typically posted on the Onsu County website prior to the start of Ramadan and include bans for civil servants and students from taking part.<sup>46</sup>

Discriminatory economic policies have also been reported as farmers have been required by local governments to pay financial penalties with little explanation from government officials. Many of the penalties have been meted out for the length of grass or crops on farmland in one instance.

In one instance in 2010, a Uyghur farmer, Abdurehim Mollek, who has been petitioning the government since 1997 over farmland that was confiscated, was arrested again in Beijing after he travelled there with son and a number of other Uyghur farmers to continue to protest the government's land confiscation policy. In 2008, he was held without charge for a full two years. In addition to these economic burdens, RFA reported in 2013 that Uyghur farmers in Onsu have been forced to provide unpaid labour to contribute to government projects.<sup>47</sup>

## Toqsu County



Toqsu County, under the administration of Aksu Prefecture, has an area of 5,821 km<sup>2</sup>, and Uyghurs account for about 93 percent of the population. Under the guidance of the CCP, the Toqsu County government continues to clamp down on "illegal religious activities" through campaigns that outlaw the wearing of "bizarre" clothes, veils, and beards.<sup>48</sup> Uyghur residents are faced with travel restrictions for those "politically unqualified for travel."<sup>49</sup>

In May 2015, local Uyghur residents informed RFA of the new forced labour system that began in January of that year. All Uyghurs between the ages of 18 and 65 were required to participate in unpaid labour 5 days each week, from 5am to 11am each day. Tasks included river clean ups, road repairs, street cleaning and other agricultural work.<sup>50</sup> According to a local official in Toqsu County, it is unclear when the practice is expected to end.<sup>51</sup>

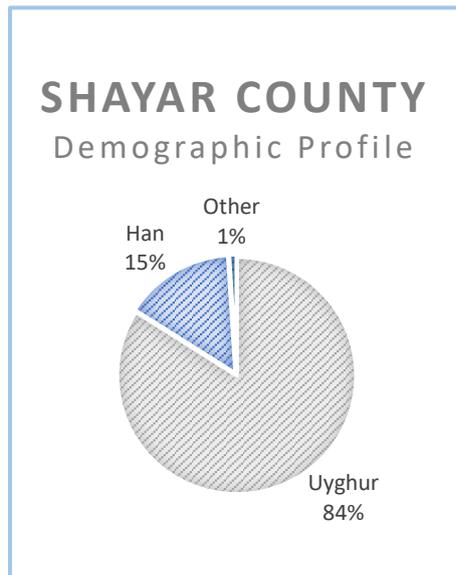
The village secretary of Yultuzbagh explained some of the penalties meted out for non-compliance with the forced labour system. A missed shift can result in a fine of 100 Yuan (USD 15) and a failure to pay this fine will result in a "political investigation" with the possibility of extended detention.<sup>52</sup> If the violator fails to comply with these penalties, the case will be sent to higher authorities. According to a security officer in the Chilan village of Yultuzbagh Township, Yasin Rahman, the system was implemented as part of the *Strike Hard* campaign following the knife

attacks in Urumqi in 2014. Rahman also mentioned that, “Requiring local residents to repair streets, dig ditches, and prune trees lining the roads is not a response to economic needs. Rather, this is China’s strategy to ‘keep Uyghurs busy’ to prevent them from ‘talking nonsense,’ ‘gathering in disorderly manner’ and ‘engaging in illegal activities’.”<sup>53</sup>

A school teacher from Toqsu County reported to RFA that, “Everybody who is familiar with the politics of this region realizes why Uyghurs are being forced into providing free labour. The government wants to control every minute of our lives, because doing so is central to the *Strike Hard* campaign.”<sup>54</sup> A retired Toqsu County government employee told RFA that, “Most of our farmers, especially those of the older generation, lack a basic knowledge of human rights and don’t even know their rights as citizens according to the constitution.” He continued to explain the historical impact of forced labour in the region. “Hashar has a long history in our region, which is why it is considered normal by older generations, but the younger generations of farmers know it is unacceptable.”<sup>55</sup>

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### Shayar County



Shayar County, under the administration of Aksu Prefecture has an area of 31,868 km<sup>2</sup>, and Uyghurs account for about 84 percent of its population. Chinese policy restricting Uyghur religious and cultural expression follows a similar pattern as elsewhere.

In April 2014, authorities instigated a system of rewards, some exceeding more than 50,000 Yuan (USD 7500), for whistle-blowers who reported on a range of ostensibly illegal religious activities including the wearing of beards and the practice of *Nikah* - a traditional marriage ceremony.<sup>56</sup>

In October 2015, RFA spoke with a number of local Uyghurs from Shayar County about the *hashar* system. Uyghur residents expressed frustration with the lack of leisure time and their inability to control their own schedule. A

secondary school student from Shayar County told RFA that he was forced to disrupt his school schedule to perform unpaid labour because the local government required each family to send two workers to perform daily hashar activities. Given that his single mother is the only other person in the household, he was forced to join his mother to pick cotton in order to avoid the fine that would otherwise be imposed on his family. When he tried to explain to the local officials about his need to focus on his studies, he was advised to not “get involved” in politics.<sup>57</sup>

### Bayingolin Prefecture

Bayingolin Prefecture occupies the southeastern portion of East Turkestan. It borders the Chinese provinces of Gansu and Qinghai to the southeast, and is situated to the north of Tibet. The population of Bayingolin Prefecture is around 1.4 million and Uyghurs account for about 34

percent of the prefecture’s population.<sup>58</sup> Bayingolin Prefecture is divided into one county-level city, Korla City, and eight counties including Būgūr, Lopnur, Qarkilik, Cherchen, Yanqi, Hejing, Hoxud and Bagrax County.

Contrary to neighboring prefectures, Uyghurs do not make up the majority ethnic group in Bayingolin Prefecture as a whole. Moreover, the Uyghur population in Bayingolin is concentrated in Cherchen and Būgūr County, which are located on the western half of the prefecture and border Aksu and Hotan. Cherchen County also has higher rates of poverty compared to other counties in Bayingolin Prefecture. In 2005, 44.1 per cent of the total low income population of Bayingolin Prefecture was registered in Cherchen County.

Figure 3: Map of Bayingolin Prefecture - Hashar in highlighted counties

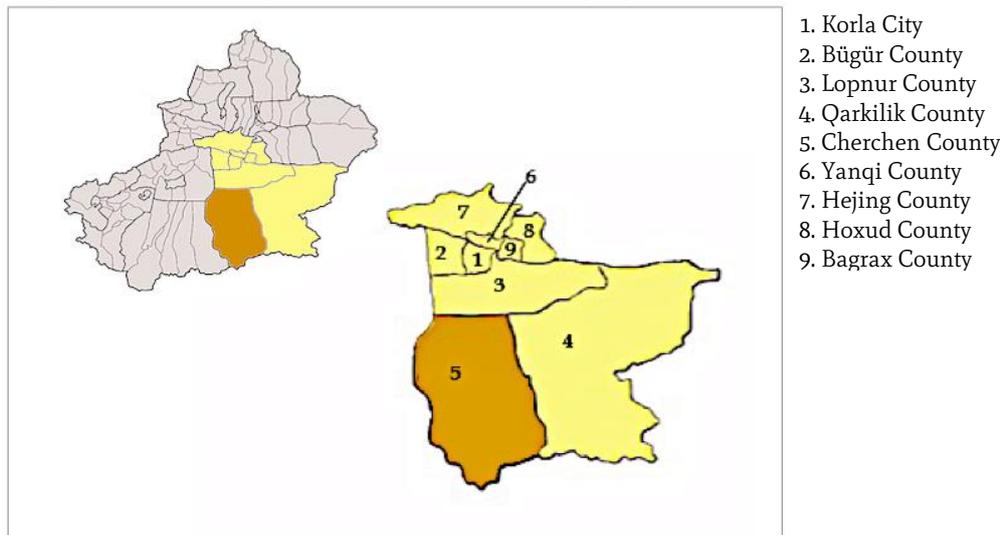


Table 2: Population Statistics - Bayingolin Prefecture

Location	Total Population	Uyghur Population	Han Population
Bayingolin Prefecture	1,404,151	470,650 34%	796,905 57%
1 Korla City	568,571	143,461 25%	401,663 71%
2 Būgūr County	119,449	96,842 81%	21,971 18%
3 Lopnur County	111,327	35,510 32%	74,702 67%
4 Qarkilik County	35,030	13,268 38%	20,058 57%
<u>5 Cherchen County</u>	<u>70,965</u>	<u>50,167</u> <u>71%</u>	<u>20,416</u> <u>29%</u>
6 Yanqi County	160,976	54,278 34%	65,969 41%
7 Hejing County	198,493	54,003 27%	102,367 52%
8 Hoxud County	77,510	12,909 17%	50,008 65%
9 Bagrax County	61,830	10,212 17%	39,751 64%

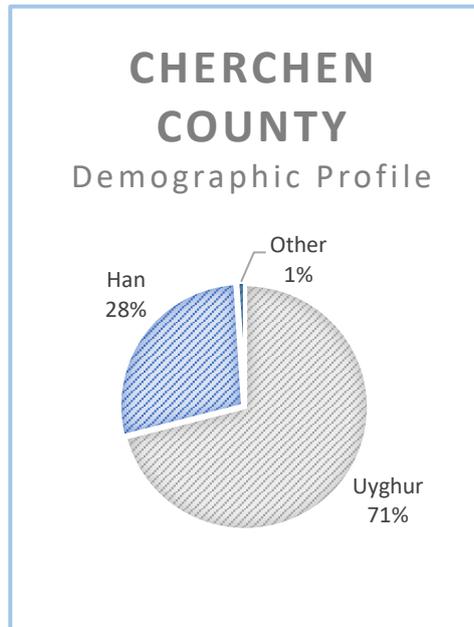
*Bayingolin Prefecture Population & Demographic Information (Statistical Yearbook 2014 Xinjiang; Population and Employment). Underlined: Counties where forced labour (hashar system) has been confirmed by RFA.*

### Political and Social Atmosphere in Bayingolin Prefecture

Local Courts in Bayingolin are targeting Uyghurs for detentions through charges of “separatism” and “terrorism.” Heavy restrictions on religious practice are imposed through the prefecture government, which has forbidden elementary school students and teachers from practicing religion and forbid all students and teachers from participating in religious activities or wearing clothes with a “religious or superstitious hue,” among other things.<sup>59</sup>

Local governments in Bayingolin County have boosted security measures to expand police raids on Uyghur households.<sup>60</sup> Recent episodes of violence in Bayingolin were primarily concentrated in Cherchen and Būgūr County. In September 2014, more than 50 people died and 50 others were injured after residents reportedly raided government buildings and a police station which Chinese state media labelled the attack as “terrorism.”<sup>61</sup>

### Cherchen County



Cherchen County, under the administration of Bayingolin Prefecture, has an area of 138,645 km<sup>2</sup> and Uyghurs account for about 71 percent of its population. The county runs from the Kunlun Mountain range to the middle of the Taklimakan Desert, with roughly 38 percent of the total county land area covered in desert. Sand encroachment on farmland therefore remains a significant problem.<sup>62</sup> Environmental concerns have worsened in recent years as the county continues to experience sandstorms and natural disasters. Besides natural phenomena, experts also attribute environmental deterioration to the occupation of land resources by Bingtuan (Xinjiang Production and Construction Corps),<sup>63</sup> excessive extraction of natural resources, and Beijing’s ambitious efforts to “develop the west.”

In February 2015, a Uyghur resident of Cherchen County informed RFA that all civil servants and farmers had been called to provide unpaid labour towards government projects focusing on road construction and sandstorm control infrastructure. According to RFA, around 10,000 people in Cherchen County were called to participate in shifts from February 5th to 12th, 2015.

Upon further investigation, RFA learned that unpaid labour has existed in Cherchen County under the *hashar* system for the last 17 years, and has made up most of the labour supply for the county’s sand encroachment control projects. Sand encroachment efforts and other projects designed to resist desertification have been subsidized by the regional government over these years. In 2015, the county government received a subsidy of 8 million Yuan (USD 1.2 M) for sand control projects. The labour supply for such projects, however, has been provided by Uyghur farmers without remuneration. In the past, residents were subjected to strict monetary fines for missing a shift. Local residents now say that missing work now leads to fines in addition to political pressure to attend political education camps.<sup>64</sup>

**[Unpaid] labour has existed in Cherchen County under the *hashar* system for the last 17 years, and has made up most of the labour supply for the county’s sand encroachment control projects.**

### Hotan Prefecture

Hotan Prefecture is located in southwest East Turkestan, bordering Tibet and Kashmir to the south, Kashgar Prefecture to the west and Aksu Prefecture to the north. Hotan is divided into one county-level city, Hotan City, as well as eight counties including Hotan, Qaraqash, Guma, Lop, Chira, Keriya and Niya. The population of the prefecture is 2.2 million, with Uyghurs accounting for 96 percent.<sup>65</sup>

In 2000, annual per capita GDP in Hotan was estimated to be 1,659 Yuan (USD 250), making it one of the most impoverished regions in East Turkestan.<sup>66</sup>

In recent years, residents have experience a severe shortage of clean water. Although a water conservation project in the prefecture begun two decades ago, local Uyghurs have told RFA that they have yet to see benefits of the project. According to residents, most of the infrastructure set up through the project lacked sanitation stations and water was instead being piped directly from reservoirs without having gone through an adequate sanitation process.<sup>67</sup>

Figure 4: Map of Hotan Prefecture - Hashar in highlighted counties

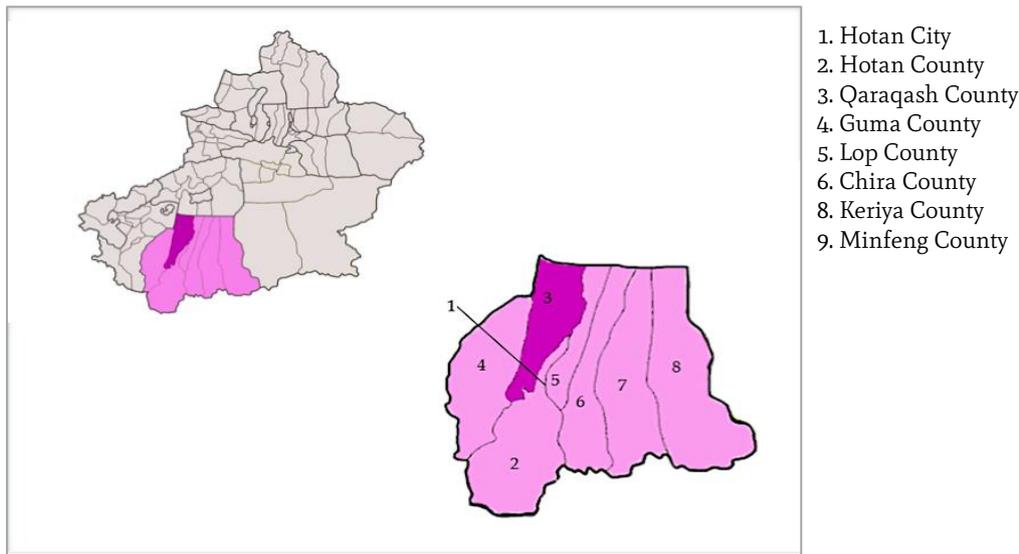


Table 3: Population Statistics - Hotan Prefecture

Location	Total Population	Uyghur Population	Han Population
Hotan Prefecture	2,154,462	2,066,215 96%	83,102 4%
<u>1 Hotan City</u>	<u>331,499</u>	<u>201,722 87%</u>	<u>41,123 13%</u>
<u>2 Hotan County</u>	<u>285,809</u>	<u>192,958 99%</u>	<u>1,927 1%</u>
3 Qaraqash County	543,268	207,319 96%	19,250 4%
4 Guma County	275,267	428,853 98%	4,043 2%
<u>5 Lop County</u>	<u>258,391</u>	<u>166,850 98%</u>	<u>5,144 2%</u>
<u>6 Chira County</u>	<u>159,622</u>	<u>224,855 98%</u>	<u>2,936 2%</u>
7 Keriya County	262,281	207,532 98%	4,997 2%
8 Minfeng County	38,325	265,196 90%	3,682 10%

*Hotan Prefecture Population & Demographics (Statistical Yearbook 2014 Xinjiang; Population and Employment.) Italics: Counties where forced labour has been confirmed by RFA.*

### Political and Social Atmosphere in Hotan Prefecture

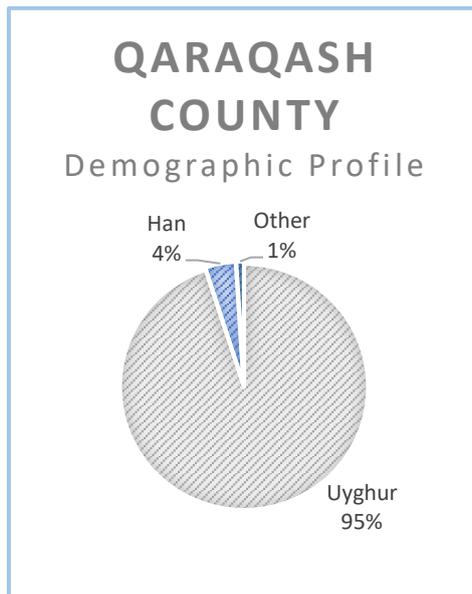
Chinese authorities continue to implement heavy-handed policies and regulations in Hotan Prefecture as part of the *Strike Hard* campaign. In 2015, Chinese authorities in Hotan County, Hotan Prefecture ordered shopkeepers to stock alcohol and cigarettes in a campaign to “weaken religion,” as many local residents refrained from drinking and smoking for religious reasons.<sup>68</sup> Muslim names are now banned as security officials go from house-to-house ordering parents to ensure that their children’s names do not fall on a list of 22 banned names.<sup>69</sup> Religious leaders also continue to serve prison sentences for the peaceful observation and practice of Islam.<sup>70</sup>

**Religious leaders also continue to serve prison sentences for the peaceful observation and practice of Islam.**

During the holy month of Ramadan, restaurants in Hotan have been forbidden from being shutting down<sup>71</sup> and workers are forced to participate in educational activities on atheism.<sup>72</sup> Uyghurs living in Hotan are frequently accused of “religious extremism” and “separatism” by local authorities and are often called to appear before police. Those who end up on local police suspect lists risk losing their farmland if they appear before the police at least once.<sup>73</sup> Pregnant Uyghur women in stages of gestation as late as 9 months have also been forced to undergo abortions in some cases under China’s one-child policy.<sup>74</sup> In 2014, Chinese authorities in Hotan began limiting Uyghurs’ ability to travel, both domestically and abroad through passport restrictions.<sup>75</sup>

Growing resentment towards Chinese authorities have led to the explosion of recent fatal clashes in the prefecture. In February 2015, a population-planning official in Guma County was stabbed to death.<sup>76</sup> A group of Uyghurs kidnapped a security official in Hotan County in March 2015, which subsequently led to the wide-scale detention of more than 200 Uyghur men through violent police raids of local Uyghur homes.<sup>77</sup> Large numbers of SWAT teams and armed police are spread throughout the prefecture at security checkpoints and local markets, often leading to violent clashes with locals.<sup>78</sup> Between 2013 and 2014, Hotan prefecture recorded the third highest number of fatalities related to violent incidents in East Turkestan at 76.<sup>79</sup> Rural counties in Hotan experience more violence than Hotan City itself. Out of eight counties in Hotan prefecture, Qaraqash and Guma County were the most impacted by violence in 2014.

### Qaraqash County



Qaraqash County, under the administration of Hotan Prefecture, has an area of 25,667 km<sup>2</sup>, and Uyghurs account for about 96 percent of its population. Tensions between Uyghurs and Chinese authorities have intensified in recent years. Qaraqash County experienced a series of violent incidents in 2008 after more than 1000 people took the streets to protest against the death of Mutalip Hajim – a prominent local Uyghur businessman and philanthropist – while in custody.<sup>80</sup> Violent clashes between Uyghur residents and security forces followed in the subsequent months and continue today. After each incident, police presence intensifies throughout the county, streets are strictly controlled by the police, and checkpoints are set up throughout the region.<sup>81</sup>

In October 2015, a Uyghur secondary-school student from Qaraqash County told RFA that residents in her county are ordered to perform unpaid labour under systems of *big-hashar* and *small-hashar*. Under the *big-hashar* system, Uyghurs are required to work for several days each week, primarily focusing on public projects in other counties. Those labouring under the *small-hashar* system are required to work on local public projects. Both *hashar* systems require residents to work without pay for one to two days each week, and those who fail to show up are faced with a fine of 100 Yuan (USD 15).<sup>82</sup>

### Kashgar Prefecture

Kashgar Prefecture is located in southwest East Turkestan, bordering Tajikistan, Afghanistan and Pakistan. Kashgar Prefecture is significant in its abundance of natural resources, its richness in terms of Uyghur history, and its strategic location. Kashgar City, located in the northwest, has a rich history of over 2000 years and served as a critical trading post on the Silk Road between China, the

Middle East, and Europe. The population of Kashgar Prefecture is 4.2 million, with Uyghurs accounting for 92 percent of the inhabitants.<sup>83</sup> Kashgar Prefecture is divided into 1 county-level city, Kashgar City as well as 11 counties including Konasheher, Yengisheher, Yengisar, Poskam, Yarkand, Yecheng, Makit, Yopurga, Payzawat, Bachu and Taxkorgan County.

Figure 5: Map of Kashgar Prefecture - Hashar in highlighted counties

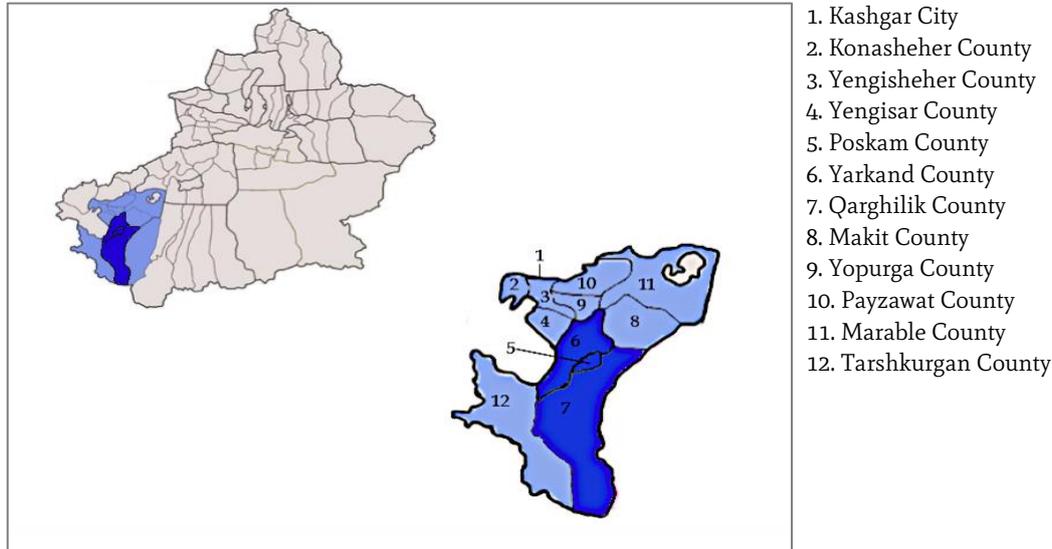


Table 4: Population Statistics - Kashgar Prefecture

Location	Total Population	Uyghur Population		Han Population	
Kashgar Prefecture	4,228,237	3,869,801	92%	294,204	7%
1 Kashgar City	571,045	480,216	84%	86,047	15%
2 Kashgar Konasheher County	270,631	264,374	98%	5,424	2%
3 Kashgar Yengisheher County	351,633	325,922	93%	24,728	7%
4 Yengisar County	295,209	289,524	98%	4,866	2%
<u>5 Poskam County</u>	<u>215,268</u>	<u>172,473</u>	<u>80%</u>	<u>36,458</u>	<u>17%</u>
<u>6 Yarkand County</u>	<u>798,650</u>	<u>763,511</u>	<u>96%</u>	<u>27,791</u>	<u>3%</u>
<u>7 Qarghilik (Kargilik) County</u>	<u>481,060</u>	<u>451,991</u>	<u>94%</u>	<u>23,396</u>	<u>5%</u>
8 Makit County	265,775	216,692	82%	47,843	18%
9 Yopurga County	164,984	156,827	95%	7,891	5%
10 Payzawat County	422,532	412,419	98%	9,649	2%
11 Maralbexi County	351,821	333,704	95%	17,320	5%
12 Tarshkurgan County	39,629	2148	5%	2,791	7%

*Population and Demographics (Statistical Yearbook 2014 Xinjiang; Population and Employment). Underlined: Counties where forced labour has been confirmed by RFA.*

### Political and Social Atmosphere in Kashgar Prefecture:

Modern day Kashgar City serves as a living relic for Uyghurs, with small areas of the city maintaining their historical mud brick buildings and ancient mosques. China’s ambitious development plans have, however, significantly undermined the historical and cultural significance of the city itself. Most recently in 2009, Chinese authorities launched a demolition project in Kashgar’s Old City, subsequently destroying homes,

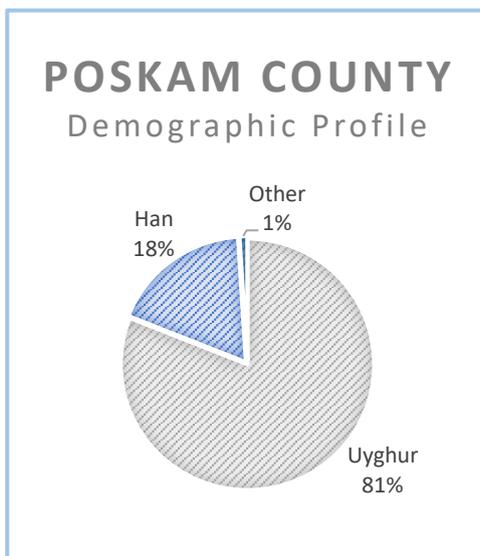
**According to one estimate through satellite images, two thirds of Kashgar’s Old City had been demolished by 2011.**

mosques and other buildings.<sup>84</sup> According to one estimate through satellite images, two thirds of Kashgar's Old City had been demolished by 2011. The demolition project forced more than 200,000 people, the vast majority being Uyghurs, to resettle elsewhere until authorities reconstructed the city.

In recent years, Kashgar Prefecture has experienced head-on China's *Strike Hard* campaign. Closed-circuit cameras are set up throughout cities and markets and police and security forces maintain a significant presence. Uyghur women are targeted for their veils and traditional dress, men are harassed and intimidated for long beards, and teenagers are often compelled to allow their smartphones to be searched for inappropriate content. Mosques are also barred from broadcasting calls to prayer and Muslim names have likewise been banned.

Curbs on Islamic practice and the continued assault on Uyghur history and culture have contributed to inter-ethnic tensions throughout the prefecture. Between 2013 and 2014, Kashgar Prefecture experienced the largest number of fatalities related to violent incidents in East Turkestan's south, according to Uyghur Human Rights Project (UHRP). Of the 327 deaths in the prefecture, 199 occurred in Yarkand County.

### Poskam County:



Poskam County, under the administration of Kashgar Prefecture has an area of 985 km<sup>2</sup>, and Uyghurs account for about 80 percent of the population. Poskam County became a major focus of a crackdown by Chinese authorities after a violent incident in Aykol Township during 2013's Ramadan which left at least three people dead and 50 injured when police fired on a crowd of Uyghur protestors. Since then, Chinese authorities have continued to enforce intensive controls on Uyghurs over religion and culture by progressively narrowing what is considered lawful activity.

In 2014, Chinese police shot and killed three farmers in Aykol Township for possessing "illegal religious items," which included religious text books, knives, and fitness gear such as boxing gloves and sand bags.<sup>85</sup> The latest

incidents involve Uyghur teenagers in Aykol Township who were caught watching "illegal" videos on their cellphones. All of the teens were sentenced to prison terms - some for 2 years, others for 20, and another sentenced to life.

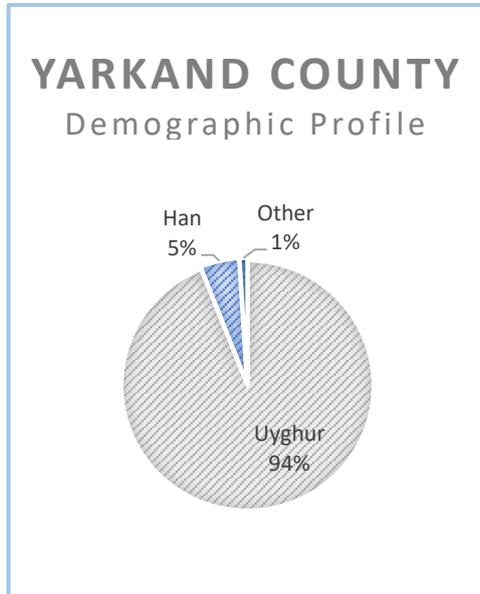
In November 2015, Uyghur residents of Aykol Township informed RFA that Uyghur farmers were ordered to take part in a forced labour scheme to in the area since May of 2015 in order to, "better ensure social stability."<sup>86</sup> Uyghur Farmers in Aykol Township have been required to take part in *hashar* every day of the week for up to 11 hours each day. The nature of the labour varies by day and includes road work and tending to orchards and other farmland.<sup>87</sup>

Uyghur farmers in Aykol have also informed RFA that in the event of a sickness, family members and relatives are expected to pick up the slack. Sherwan Tohti, a distressed Uyghur farmer whose husband was sick with tuberculosis, told RFA that because her husband was not able to contribute his labour,

**Uyghur Farmers in Aykol Township have been required to take part in *hashar* every day of the week for up to 11 hours each day.**

her brother-in-law was forced to account for two shares of labour daily without rest.<sup>88</sup> When asked about why the family had not asked for amnesty from the authorities, the brother-in-law emphasized the harsh consequences that would result from such a plea.

### Yarkand County



Yarkand County, under the administration of Kashgar Prefecture, has an area of 8,969 km<sup>2</sup>, and Uyghurs account for about 96 percent of the population. Yarkand County is historically known as the seat of an ancient Buddhist Kingdom on the southern branch of the Silk Road. Yarkand County's was home to a deadly incident that took place in Elishku Township on July 28<sup>th</sup>, 2014 in which Chinese security forces violently suppressed a mass protest, where hundreds of Uyghurs were killed and countless more arrested.<sup>89</sup>

The major precipitant of the initial protests, according to Uyghur sources, was a protest that took place in Bashkent Township that led to the extrajudicial killing of a Uyghur family of five during house to house searches in the area. This resulted in the flight of many Uyghurs to nearby Elishku Township where they would then participate in the

demonstrations there. Uyghur sources from inside the region stated that upwards of 3000 Uyghurs may have been killed during and in the aftermath of the initial protests, with thousands arrested and an unknown number disappeared. It was alleged that nearly all of those who participated in the protests were gunned down by police and security personnel and many others were then killed during house to house searches that followed.<sup>90</sup>

According to Chinese media sources, only 96 civilians were killed and hundreds more injured when police and security forces clashed with the protesters, including 59 Uyghurs – all later labelled terrorists – and another 37 civilians. Initial reporting by state media, however, suggested that just dozens of civilians had been killed in the clash, but later updated its count. Although the attack took place on Monday, July 28<sup>th</sup>, state media took a full day to release any official reports about the incident.

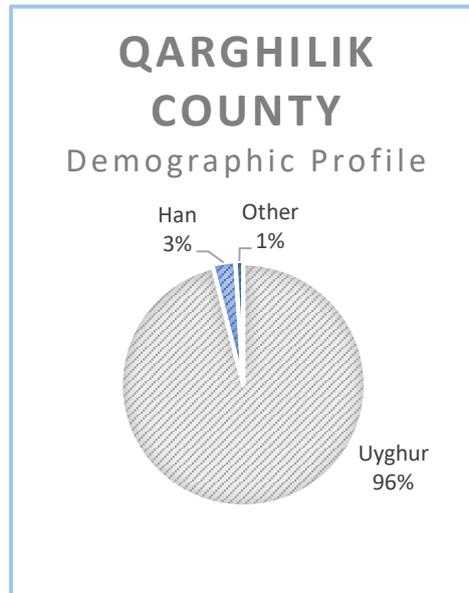
Since then, government restrictions imposed on the daily lives of Uyghurs have only increased. Uyghur farmers in Elishku are diverted from their work on a daily basis to attend to political indoctrination classes or are forced to contribute unpaid labour to government projects such as clearing fields or repairing roads.<sup>91</sup> In the summer of 2015, Uyghur residents of Elishku informed RFA of Chinese government's efforts to employ the *hashar* system across the prefecture, which reportedly requires all Uyghurs in Elishku to perform 30-40 days of forced labour each year.

A local Uyghur security officer from Elishku Township acknowledged that while forced and unpaid labour is illegal both on a national level and within the laws of the Uyghur Autonomous Region, such laws were not enforced in the Elishku Township. Local residents, mostly farmers, are required to be show up for every *hashar* shift without exception. Any shift that is missed can result in a fine of 100 Yuan (USD 15) and a 15-day

**Uyghur farmers in Elishku are diverted from their work on a daily basis to attend to political indoctrination classes or are forced to contribute unpaid labour to government projects.**

“away-from-home” course on “political education.”<sup>92</sup> In this case, the violator is responsible to pay for room and board while taking the course. One local farmer said “we all realize that hashar is illegal both on the national level and under the laws of the autonomous region, but there is nothing we can do because every day we are being bullied by uneducated and corrupt local officials.

### *Qarghilik County*



Qarghilik County, under the administration of Kashgar Prefecture has an area of 28,600 km<sup>2</sup>, with Uyghurs accounting for about 94 percent of the population. Echoing tragedies of the surrounding prefectures, cultural and religious restrictions have led to a number of incidents of police brutality towards Uyghurs as well as violent clashes between Uyghurs and Chinese security forces. In August 2012, Chinese police shot and killed 22 Uyghurs suspected of terrorism while praying.<sup>93</sup> House-to-house searches have also become a common practice as well as policies forcing Uyghur shopkeepers to stock alcohol and cigarettes.<sup>94</sup>

Uyghur residents informed RFA in December 2012 that they were forced to work on road construction (e.g. laying gravel on dirt roads) without pay as part of a new infrastructure project beginning in early 2012. While Qarghilik County government officials spoke of progress made on the policy’s goals, a resident revealed to RFA that

Uyghur farmers had been conscripted into forced labour for two to four days each week. Farmers were required to travel four or five kilometers a day (using their own mode of transportation) to reach the work site – no transportation or food reimbursements were provided. According to the source, the number of hours required to work each day varied based on the workload assigned to the farmers.

Farmers who did not participate in the road work faced fines between 30 and 40 Yuan (USD 5-7) or were required to perform unpaid labour for additional projects. In 2012, a local government official in Qarghilik County spoke to RFA about the motivations behind the unpaid labour system in Qarghilik. The official confirmed that the farmers were required to provide unpaid labour during the winter months (December – February) when they were not busy with the farming season.

The government explained that the policy was implemented because the government was worried that Uyghur farmers would “make trouble” if they were left without farm work during winter months. When asked about the government funds allocated for the road construction project, the official emphasized that the Chinese government’s primary concern was controlling the people, not promoting efficiency.<sup>95</sup>

**The government explained that the policy was implemented because the government was worried that Uyghur farmers would “make trouble” if they were left without farm work during winter months.**

## International Agreements & Chinese Laws On Forced Labour

Principles embodied in the International Labour Organization (ILO) Forced Labour Conventions No. 29 and 105 have found widespread acceptance among states. These foundational Conventions aim at guaranteeing all human beings freedom from forced labour, regardless of the nature of the work or the sector of activity in which it may be performed. In spite of these international conventions,

Uyghurs living in East Turkestan continue to suffer silently as victims of forced labour. Compulsory labour in East Turkestan is enforced directly by Chinese authorities and the practice is becoming increasingly common, particularly in the south.

China has been an ILO member state since 1990 and has ratified four out of eight ILO core conventions – namely Convention 100 and 111 relating to nondiscrimination in employment and occupation and Convention 138 and 182 relating to child labour. The Chinese government has yet to ratify the core ILO conventions concerning forced labour, namely Conventions 29 and 105, however, ILO's Declaration of Fundamental Principles and Rights at Work in 1998 requires all member states to respect and promote principles and rights of workers in four categories: freedom of association, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of employment discrimination. The ILO clearly emphasizes that these rights are universal, and that they apply to all people in Member States, whether or not they have ratified the relevant Conventions.

Of the ILO's 186 member states, China is currently one of eight countries that have not yet ratified ILO Convention 29 and one of twelve countries that have not ratified ILO convention 105. China has, however, agreed to receive technical assistance under the 1998 Declaration, which includes technical seminars, workshops and overseas study tours. The acceptance technical assistance by the Chinese government may reflect a minor change in attitude towards the Convention, reflected elsewhere in China's acceptance of Human Rights Treaties. The problem of forced labour continues to exist in East Turkestan, despite these ratifications. Only Uyghurs are required to provide unpaid labour and local government officials have openly admitted that it has served as a means by which the state can monitor and regulate the Uyghur community.

As a member of the ILO, the Chinese government has failed to respect and promote the principles embodied in the Forced Labour Convention as well as those expressed in The Abolition of Forced Labour Convention.

## Measures called for by the ILO Forced Labour Conventions

### *Forced Labour Convention, 1930 (No. 29):*

The Forced Labour Convention, 1920 (No. 29) is the original Convention by the International Labour Organization on the subject of forced labour. In this Convention, the ILO defines forced labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”<sup>96</sup> The States which ratify Convention No.29 are asked to “suppress the use of forced or compulsory labour in all its forms within the shortest possible period”.<sup>97</sup>

The ILO further notes that this obligation on the State to suppress the use of forced or compulsory labour includes both an obligation to abstain and an obligation to act. Furthermore, States are required to repeal any laws or regulations which provide for, or allow the exaction of, forced or compulsory labour, so that any such exaction, be it by public bodies or private persons, is rendered illegal under national law. Finally, the States parties to the Convention are required to ensure that the illegal exaction of forced labour is punishable as a penal offence and “that the penalties imposed by law are adequate and strictly enforced.”

### *Abolition of Forced Labour Convention, 1957 (No. 105):*

The Abolition of Forced Labour Convention, 1957 (No. 105) aimed to abolish the compulsory mobilization and use of labour for economic purposes and as a means to political coercion or punishment in various circumstances. This Convention utilizes the definition contained in

Convention No.29 and requires states ratifying the Convention to abolish any form of forced or compulsory labour in five specific cases as listed in its Article 1:

- As a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- As a method of mobilizing and using labour for purposes of economic development;
- As a means of labour discipline;
- As a punishment for having participated in strikes;
- As a means of racial, social, national or religious discrimination.

### *Additional ILO instruments addressing the issue of forced labour:*

In addition to the two primary Conventions, the ILO has the following instruments that address the issue of forced labour, either directly or indirectly:

The Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35): encourages governments to avoid taking measures resulting in indirect compulsion of labour through the imposition of excessively heavy taxation, through restrictions on the possession, occupation or use of land, through extension of the measuring of vagrancy, or through the adoption of pass laws. *Not yet ratified by China or any other state.*

The Employment Policy Convention, 1964 (No. 122): requires ratifying States to declare and pursue an active policy designed to promote full, productive and freely-chosen employment.<sup>98</sup> The said policy must aim at ensuring, among other things, that there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for a job for which the worker is well-suited.<sup>99</sup> *Ratified by China: Dec 17, 1997.*

The Indigenous and Tribal Peoples Convention, 1989 (No. 169): lays down a prohibition to exact compulsory personal services from members of the peoples concerned and provides that the exaction of such services shall be punishable by offence (Article 11). The Convention further requires ratifying States to take measures to ensure that workers belonging to those peoples are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude.<sup>100</sup> *Not yet ratified by China.*

### *United Nations instruments addressing the issue of forced labour:*

The United Nations has adopted a number of human rights instruments which contain standards and principles concerning forced labour:

The Universal Declaration of Human Rights (1948): lays down a prohibition of slavery and servitude: “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms” (Article 4).<sup>101</sup>

The International Covenant on Civil and Political Rights (1966): provides that “no one shall be required to perform forced or compulsory labour.”<sup>102</sup>

### *Chinese Domestic Laws Against Forced Labour:*

The Constitution of the People’s Republic Of China:

Although the words “forced labour” or “hashar” are not specifically mentioned in the China’s constitution, the rights to freedom, work and rest are listed in the following articles of the Chinese Constitution.<sup>103</sup> The practice of forced labour through the *hashar* system on Uyghur civilians in East Turkestan strictly violates the China’s domestic laws under the Constitution of the People’s Republic of China and the Labour Laws of the People’s Republic of China. Despite this legal framework

constructed by the Chinese government, state-sanctioned forced labour has been promoted and implemented in East Turkestan.

Article 35 - “Citizens of the People’s Republic of China enjoy freedom of speech, of the press, of assembly, of association, or procession and of demonstration.”

Article 37 - “Freedom of the person of citizens of the People’s Republic of China is inviolable.”

Article 42 - “Citizens of the People’s Republic of China have the right as well as the duty to work.”

Article 43 - “Working people in the People’s Republic of China have the right to rest.”

#### Labour Law of the People’s Republic of China:

Article 36, Chapter 4 - “The State shall practice a working hour system wherein labourers shall work for no more than eight hours a day and no more than 44 hours a week on the average.”

Article 38, Chapter 4 - “The employer shall guarantee that its labourers have at least one day off a week.”

Article 46, Chapter 5 - “Distribution of wages shall follow the principle of distribution according to work and equal pay for equal work.”

Article 48, Chapter 5 - “The State shall implement a system of guaranteed minimum wages...the employer shall pay labourers wages no lower than local standards on minimum wages.”

Article 50, Chapter 5 - “Wages shall be paid to labourers themselves in the form of currency on a monthly basis. The wages payable to labourers shall not be deducted or delayed without reason.”<sup>104</sup>

## Conclusion

While China’s “counter-terrorism” efforts have provided Chinese authorities with powers to carry out repressive security measures against Uyghurs, the CPC’s ambitious plans to “develop the west” have been used to disguise further violations of Uyghur’s intrinsic rights in East Turkestan. In some rural regions, particularly in the south, the practice of forced labour by local governments has never officially been prohibited.<sup>105</sup> However, the practice is now extending beyond rural areas, covering many localities in the southern prefectures of Aksu, Bayingolin, Hotan and Kashgar.

In particular, the spread of *hashar* accelerated following the Chinese President Xi Jinping’s most recent *Strike Hard* campaign, launched shortly after the knife attacks in Urumqi in 2014.<sup>106</sup> Within six months of the launch of Xi’s campaign, at least 238 alleged “illegal religious preachers” were detained, 171 venues for “illegal religious activities” had been quashed, and more than 18,000 documents, 2,600 DVDs and 777 computer memory sticks were seized for being “related to religious extremism.”<sup>107</sup> By the end of 2014, the number of criminal arrests in East Turkestan was 95 percent higher than the previous year.<sup>108</sup> This has also inspired the renewal of the new technique of forced labour as a means to monitor and control Uyghurs.

Increasing numbers of Uyghurs living in Aksu, Bayingolin, Hotan and Kashgar are being forced to provide unpaid labour to contribute towards public projects. The number of hours required from each worker varies depending on orders from local governments and ranges from four to eleven hours each day. The nature of work also varies depending on the season and on the geographical location. For example, winter *hashar* generally consists of work related to sand encroachment control, while in summer some are forced to clean up rivers and lakes or work on road improvement

projects. Penalties for missing *hashar* is typically 100 Yuan (USD 15) per day, and those who fail to show up to work may be subject to police investigation and detention of 15 to 30 days.<sup>109</sup>

The recent expansion of the *hashar* system has taken on the name of *hashar dolkun*, where the term “*dolkun*” is defined as “waves,” suggesting that it is a sweeping trend that has taken strong hold in the region. Based on the testimonies and evidence included in this report, only Uyghurs are forced to provide unpaid labour under the *hashar* system. In each of the four prefectures included (Aksu, Bayingolin, Hotan and Kashgar), forced labour is generally organized by village or county officials at the request of local governments, supported by the CPC. A number of local officials also spoke to RFA about the *hashar* system in their district and emphasized the political motivations behind the practice.<sup>110</sup>

Based on the findings included in this report, the spread of *hashar wave* has primarily affected prefectures with high concentrations of Uyghurs. These prefectures have also experienced the highest rates of deadly violence in recent years. According to Uyghur Human Rights Project (UHRP), Aksu, Hotan and Kashgar have witnessed the greatest amount of violence between 2013-2014 when compared to other prefectures.

The findings included in this report are indicative of the continued deterioration of human rights conditions in East Turkestan since Xi Jinping took power in 2013. The use of forced labour as a means of monitoring and controlling daily movement is not only a violation of international law, but also of China’s own Constitution and domestic law. Moreover, such exploitative and inhuman measures in addition to the already existing economic discrimination, political repression and restrictions on Uyghur culture will merely increase tension and resentment towards the state, particularly in the rural south.

The role that the Chinese government plays in maintaining these tensions should not be underestimated considering the forced labour system in particular and its increasingly repressive policies more generally over the last few years. China’s response to rising discontent has been further crackdowns which will ultimately do nothing to stem the violence that all sides wish to avoid.

## Recommendations

The following are recommendations to the Chinese government in regards to its continued use of the *hashar* system in East Turkestan:

- Immediately abolish the *hashar* system in East Turkestan and promote measures to eliminate all existing government-sanctioned forced labour to prevent its future use.
- Provide reasonable payments to Uyghurs who have performed work under the *hashar* system in recent years, payments should reflect the number of hours worked and the opportunity cost of providing unpaid labor (i.e. loss of household farming income).
- Ratify International Conventions on Forced Labour, specifically the International Labour Organization (ILO) Conventions Nos. 29 and 105.
- Work cooperatively with the United Nations and the International Labour Organization in eliminating all existing government forced labour systems in East Turkestan.
- Respect and protect the rights of Uyghurs to enjoy their own culture, to practice their religion, and to use their own language.
- Make a clear distinction between activities that involve the peaceful exercise of civil, political, economic, social and cultural rights and those that would be internationally recognized as criminal acts.

## Notes

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- 3-7 各地、州、市、县(市)分民族人口数
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<sup>76</sup> Congressional-Executive Commission on China (2015, October 8). 2015 Annual Report (Publication No. One Hundred and Fourteenth Congress - First Session), available at: <http://www.cecc.gov/publications/annual-reports/2015-annual-report>

<sup>77</sup> Police Raids Yield No Clues About Kidnapped Uyghur Village Police Chief," *Radio Free Asia*, 23 March 15; "Xinjiang Police Chief Kidnapped for Half a Month, Motive Unknown" [Xinjiang jingcha suozhang bei bangjia ban yue dongji weiming], *Radio Free Asia*, 24 March 15; "Xinjiang Hotan Uyghur Village Security Team Leader Kidnapped, Residents Reveal Details of Shache Attack Incident"

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<sup>83</sup> Statistical Yearbook 2014 Xinjiang : Population and Employment. (n.d.). Retrieved from: [http://www.xjtj.gov.cn/sjcx/tjnj\\_3415/2014xjtjnj/rkty\\_2014/201506/t20150630\\_471952.html](http://www.xjtj.gov.cn/sjcx/tjnj_3415/2014xjtjnj/rkty_2014/201506/t20150630_471952.html)

### 3-7 各地、州、市、县(市)分民族人口数

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<sup>85</sup> In August of 2014, when security forces shot dead three local Uyghur farmers after they allegedly resisted arrest in connection with suspected separatists activities. The three Uyghur farmers who were shot dead were Tuniyaz Qurban, 26, Omer Abla, 21, and Yasin Awut, 25. Local Uyghur leaders defended the innocence of the three men to Radio Free Asia and said that none of the men had committed any tangible crimes but were instead punished for possessing religious text books, knives, axes and fitness gear such as boxing gloves and sand bags. See Hoshur, S. (2013, August 15). Hundreds of Uyghurs Held After Violence Over Prayer Restrictions. Retrieved from: <http://www.rfa.org/english/news/uyghur/detained-08152013191244.html> & Hoshur, S. (2014, August 22). Three Uyghur Farmers Shot Dead in Xinjiang Police Operations, Radio Free Asia. Retrieved from: <http://www.rfa.org/english/news/uyghur/shootings-08222014182027.html>

<sup>86</sup> Hoshur, S. (2015, November 3). Authorities 'Ensure Stability' Through Forced Labour For Uyghurs in Xinjiang Township, Radio Free Asia. Retrieved from: <http://www.rfa.org/english/news/uyghur/hashar-11032015181544.html>

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Rebiya Kadeer that at least 2000 Uyghurs in the neighborhood of Elishku township were killed by the Chinese security forces on the first day. The evidence to support this claim includes a recorded voice message from the people in the neighborhood and written testimonies on the incident. Radio Free Asia's Mandarin Services indicated that the death toll was much higher than that reported by state media and one Han Chinese resident said that it was more than 1000. See Hoshur, S. (2014, August 5). 'At Least 2,000 Uyghurs Killed' in Yarkand Violence: Exile Leader. Retrieved from: <http://www.rfa.org/english/news/uyghur/yarkand-08052014150547.html>

<sup>90</sup> Hoshur, S. (2014, August 5). 'At Least 2,000 Uyghurs Killed' in Yarkand Violence: Exile Leader, *Radio Free Asia*. Retrieved from: <http://www.rfa.org/english/news/uyghur/yarkand-08052014150547.html>

<sup>91</sup> Hoja, G. (2015, November 2). Xinjiang Cotton Production Falls as Uyghur Farmers Are Diverted From Their Work, *Radio Free Asia*. Retrieved from: <http://www.rfa.org/english/news/uyghur/cotton-11022015150508.html>

<sup>92</sup> Erkin. (2015, August 08). D u q: Hashar uyghur déhqanlirini kontrol qilishning qoraligha aylinip qaldi [Hashar has become a tool for the Chinese Government to Control Uyghurs], *Radio Free Asia*. Retrieved from: <http://www.rfa.org/uyghur/xewerler/kishilik-hoquq/uyghurda-hashar-08172015145017.html?encoding=latin>

<sup>93</sup> Hoshur, S. (2013, May 26). Fresh Clashes Hit Kashgar, *Radio Free Asia*. Retrieved from: <http://www.rfa.org/english/news/uyghur/Qarghilik-05262013195458.html>

<sup>94</sup> Hoshur, S. (2015, August 28). China's Policy Forcing Uyghur Muslims to Sell Alcohol 'a Failure,' Sources Say, *Radio Free Asia*. Retrieved from: <http://www.rfa.org/english/news/uyghur/alcohol-08282015160013.html>

<sup>95</sup> Keyum, G. (2012, December 19). Farmers Pressed Into Road Work, *Radio Free Asia*. Retrieved from: <http://www.rfa.org/english/news/uyghur/roads-12192012174757.html>

<sup>96</sup> Art. 2, para 1, of the Forced Labour Convention, 1930 (No. 29), available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C029](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029)

<sup>97</sup> Art. 1, para 1, of the Forced Labour Convention, 1930 (No. 29), available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C029](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029)

<sup>98</sup> Art. 1, para 1, of The Employment Policy Convention, 1964 (No. 122), available at: [http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312267](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO:12100:P12100_INSTRUMENT_ID:312267)

<sup>99</sup> Art. 1, para 2, of The Employment Policy Convention, 1964 (No. 122), available at: [http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312267](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO:12100:P12100_INSTRUMENT_ID:312267)

<sup>100</sup> Art. 20, para 3, of The Indigenous and Tribal Peoples Convention, 1989 (No. 169), available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C169](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169)

<sup>101</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html>

<sup>102</sup> Art. 8, para. 3, The International Covenant on Civil and Political Rights (1966), available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C169](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169)

<sup>103</sup> Chapter II The Fundamental Rights and Duties of Citizens; Constitution of the People's Republic of China, available at: [http://www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content\\_1372964.htm](http://www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content_1372964.htm)

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<sup>104</sup> In 1994, the Chinese government passed the nation's first labour law, which became effective in 1995. Chapter four of the law is dedicated to rest, leave time and work hours. Chapter five of the law requires employers to pay workers at least the local minimum wage.

<sup>105</sup> For example, Uyghur residents in Cherchen County, Bayingolin Prefecture told RFA that the practice of forced and unpaid labour has existed under the hashar system for the last 17 years. See G. (2015, February 19). Cherchende bir tümen adem hashargha sélinmaqta. Retrieved from: <http://www.rfa.org/uyghur/xewerler/kishilik-hoquq/cherchen-hashar-02192015145837.html>

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<sup>107</sup> UCA News (2014, November 25). China announces net results of Xinjiang 'strike hard' campaign, *ucanews.com*. Retrieved from: <http://www.ucanews.com/news/china-announces-net-results-of-xinjiang-strike-hard-campaign/72479>

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<sup>110</sup> Ibid.