

World Uyghur Congress Submission 3rd Universal Periodic Review (UPR) of the People's Republic of China (PRC)

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The WUC, established in April 2004 with the merger of the World Uyghur Youth Congress and the East Turkestan National Congress, is an international organization that represents the collective interests of the Uyghur people in both China and abroad. The principle objective of the WUC is to promote democracy, human rights and freedom for the Uyghur people and to use peaceful, nonviolent and democratic means to determine their future.

SUMMARY:

1. Official policy in the Xinjiang Uyghur Autonomous Region (XUAR) and towards the Uyghur population, within the current UPR reporting period, has had the effect of substantially eroding Uyghur cultural identity and criminalises basic expression, assembly and movement through various legislative measures.
2. In this report, we attempt to link the PRC's officially accepted recommendations from its 2nd Cycle UPR Review in 2013 with current policy, with the intention of highlighting significant gaps in compliance and implementation.

FREEDOM OF ASSEMBLY & ASSOCIATION:

Accepted Recommendation (2013) – “Refrain from impeding civil society and respect its international obligations on the right to freedom of peaceful assembly.” (Germany)

3. Authorities in the XUAR exercise broad powers to suppress peaceful assembly, often labelling actions as terrorist activity. Police and security forces have indiscriminately fired into crowds of Uyghurs in recent years leaving many killed in Awat,¹ Kucha² and Luntai County.³
4. Strong limitations on freedom of assembly exist, particularly in light of state security laws. Criminal Law of the PRC provides authorities broad powers to arrest and sentence protest organizers. Article 291 provides for criminal sanctions that include up to five years in prison for the main organizer of crowds that “disturb order in a public place.”⁴
5. A Uyghur student, Abdulbasit Ablimit, was shot dead and two others wounded after he drove through a security checkpoint on his motorcycle in Aksu prefecture.⁵ Around 400 Uyghurs marched to the county office to protest and 70 of them were arrested and 17 were sentenced to between six months and seven years.
6. On July 28, 2014, Uyghurs protested in Elishku Township in reaction to the killing of eleven people in a dispute during a house to house search by police in Bashkent Township.⁶ According to Chinese media, 96 civilians were killed and hundreds injured when security forces clashed with protestors, though reports from the ground suggest the number is much higher.⁷

FREEDOM OF EXPRESSION:

Accepted Recommendation (2013) – “Reform legislation and law enforcement in order to ensure freedom of opinion and expression, including on the internet.” (Germany)

7. Freedom of expression for Uyghurs is effectively non-existent. Many Uyghur websites have been shut down and their administrators imprisoned on charges of “harming ethnic unity” or “endangering state security.”⁸
8. Ilham Tohti, Uyghur economist, writer and professor, founded the website “Uighurbiz.net” to promote conciliation between Uyghurs and Chinese. Tohti was arrested in January 2014 and WGAD found his deprivation of liberty to be arbitrary in April.⁹ He was tried from September 23-24, 2014, and convicted of “inciting separatism” and sentenced to life in prison. Tohti’s lawyers could not meet him for six months after detention, the defense team was not provided with complete evidence by the prosecutor, nor were their requested witnesses allowed to testify.¹⁰ Seven of Tohti’s students were sentenced from three to eight years in 2014 on separatism charges. Tohti’s access to family members has been severely limited.¹¹
9. Uyghur journalist, Gheyret Niyaz was sentenced to 15 years in 2010 for “threatening national security” after criticising government policy towards Uyghurs.¹² Nureli Obul, Dilshat Perhat and webmaster Nijat Azat were given three, five and ten year prison sentences respectively for “endangering state security” for online posts in 2010 as well as webmasters Obulkasim and Muhemmet.¹³

10. Internet access in the region is routinely shut down following violent incidents, as it was for six months following violence in Yarkand County.¹⁴ Reporters Without Borders found in October 2009 that more than 85 per cent of the surveyed sites focusing on Uyghur content were “blocked, censored or otherwise unreachable.”¹⁵
11. Additional cases include: Gulmira Imin, Ahmet Tursun, Muhter, Memetjan Abdulla, Tursun Mehmet, and Gulnisa Memet who were sentenced following violence in July 2009 in Urumqi on charges of “endangering state security”;¹⁶ Tursunjan Memet, Omerjan Hesén, Ababekri Muhtar, Akbarjan Eset and one additional writer were detained between March and May 2016 to prevent them from criticizing Chinese policy during Ramadan.¹⁷ Tursunjan Muhemmet Marshal, Tursunjan Hezim, Memet Turghun Abdulla, Memetjan (Muhemmetjan) Abdulla, Ekbar Eset have also been sentenced for expression.¹⁸

RELIGIOUS FREEDOM:

Accepted Recommendation (2013) – “Strengthen protection of ethnic minorities' religious, socio-economic and political rights, ensuring reports of violations are promptly and transparently investigated.” (Australia)

12. In June 2017, China passed a revised version of its Regulations on Religious Affairs (RRA) which codifies even greater state control over religious practice. The amendments give greater control to the government to monitor religious practice, control religious activities, and contains restrictions designed to “curb extremism” and “resist infiltration”. A much greater focus on the role of religious practice, national security and online expression is included.¹⁹
13. The regional government in the XUAR also passed a Regulation on ‘De-extremification’ – legislation that targets Islam in particular. Under the Regulation, signs of “extremification” include: Wearing clothing with face coverings; growing “irregular beards”; bearing symbols of “extremification”; and publishing or possessing information with “extremist content”. Parents have been prohibited from choosing 28 baby names for their children.²⁰
14. Uyghurs under the age of 18 are not able to enter mosques to pray or take part in religious activity,²¹ religious activity has been confined only to “officially approved religious premises”, imams are selected by the government and heavily scrutinized, many mosques have been demolished,²² Ramadan practices are restricted,²³ religious sites are monitored²⁴ as well as religious ceremonies,²⁵ and Uyghurs are often detained for quotidian religious practice.²⁶
15. China has convicted and imprisoned Abdukiram Abduveli,²⁷ Qamber Amber,²⁸ Eli Yasin,²⁹ Eziz Emet,³⁰ and Horigul Nasir,³¹ Abdusemet Qarihaji,³² and Memet Réhim and Memet Sidiq,³³ for their religious beliefs and practices.

COUNTER-TERRORISM:

16. China has enacted national and regional legislation supporting practices including extra-judicial killings, torture and imprisonment, and crackdowns on even mild expressions of religious identity and culture. China’s counter terrorism strategy has led to substantial militarization of the region with terrorism convictions increasing rapidly.
17. The Counter–Terrorism Law of the PRC was passed on December 27, 2015,³⁴ and includes an excessively broad definition of “terrorism” and “terrorist activities” in Article 3.³⁵
18. Regional implementation guidelines for the XUAR were passed by the regional government on July 29, 2016. The guidelines refine the scope of the national legislation and make direct connections between what is broadly defined as “extremism” and terrorism. The legislation makes a direct link between religious practice, extremism and terrorism in Article 7.³⁶

SECURITY & SURVEILLANCE:

Accepted Recommendation (2013) – “Adjust and specify the applicable conditions and stipulations for the adoption of compulsory measures such as arrest, release on bail pending trial and residential surveillance.” (Timor-Leste)

19. China’s security and surveillance apparatus has substantially increased in scope and influence particularly since the appointment of Chen Quanguo to Party Secretary of the region, former Party Secretary for Tibet.
20. Chen has pioneered a ‘grid-style social management’³⁷ approach to security, in which urban areas are divided into a grid with increased police presence and surveillance. Each zone is equipped with a dense network of security cameras, check-points, and ‘convenience police stations’.³⁸ In Kashgar these stations are present at almost every intersection.³⁹ From August 2016 to July 2017, 90,866 jobs for police and security positions were advertised in the XUAR, nearly twelve times the number advertised in 2009.⁴⁰
21. Mass-collection of personal data from CCTV scanners, facial recognition software, public databases, police checkpoints and from DNA and blood samples is analysed using artificial intelligence in large data hubs.⁴¹ Artificial intelligence analyses the data and predicts who is likely to be involved in criminal activity. Since August 2016, the Xinjiang Bureau of Public Security acknowledged the creation of the ‘Integrated Joint Operations Platform (IJOP), which receives data from surveillance networks and issues predictive warnings to police in real time.’⁴²
22. DNA samples, fingerprints, iris scans, and blood types of all residents in the region between the ages of 12 and 65 were collected from 18.8 million people in 2017 and adds to a database of 40 million nationwide.⁴³ Samples collected have no connection with criminality, with only 1.5 million samples being related to physical evidence related to a crime.⁴⁴
23. In 2014, 200,000 CCP cadres were dispatched to the countryside to monitor Uyghur households.⁴⁵ This has been replicated on two occasions in 2017, during Ramadan⁴⁶ and again in December 2017 as part of a so-called ‘ethnic unity campaign’.⁴⁷ The tourism industry is also being used to monitor and control any visitors to the region.⁴⁸
24. China incentivizes Uyghurs and others to report on their neighbors.⁴⁹ Liu Huijun, Party Secretary of the Kizilsu Kirghiz Autonomous Prefecture published an open letter to the Kyrgyz herders urging them to spy on Uyghurs on its news portal on March 31, 2017, offering financial incentives.⁵⁰

FREEDOM OF MOVEMENT:

Accepted Recommendation (2013) – “Permanently lift restrictions on access to minority areas.” (Australia)

25. Uyghurs are ethnically profiled at checkpoints and are routinely stopped to have cell phones inspected.⁵¹ Chinese officials search the devices for unauthorized religious material or communication with anyone living abroad. In June 2017, all vehicles in the Bayingol Mongol Autonomous Prefecture were required to install GPS devices that allow officials to track movements.⁵²
26. The Chinese government has heavily restricted Uyghurs’ rights to travel. On October 19, 2016 it was announced by the Shihezi Public Security Bureau that all Uyghurs living in the XUAR must hand in their passports to police or risk punishment.⁵³ In 2017, these measures were applied to all Uyghurs living in China, and Uyghurs living abroad faced difficulties when trying to renew passports at Chinese embassies.⁵⁴ In April and May 2017, the Chinese government ordered all Uyghur students studying abroad to return. Many who voluntarily returned were arrested and detained on their arrival, with at least five dying in custody.⁵⁵
27. The Chinese government has also made use of the INTERPOL Red Notice system to limit the movements of dissidents and activists.⁵⁶ WUC President Dolkun Isa was issued a Red Notice in the late 1990s that severely restricted his travel, though it was deleted in February 2018.

‘RE-EDUCATION’ CAMPS:

Accepted Recommendation (2013) – “Ensure that any reformed prison or compulsory care system meets international human rights standards, and abolish system of arbitrary detention, including Re-Education Through Labour.” (Sweden)

28. China began using ‘re-education’ camps, reminiscent of Re-Education Through Labour, in the XUAR in 2017 which hold hundreds of thousands of Uyghurs in early 2018. In Kashgar prefecture, it is reported that 120,000 Uyghurs are being held.⁵⁷ Estimates for the entire region put the number at around 900,000.⁵⁸
29. The camps function as prisons, where detainees are forced to undergo political indoctrination classes that aim to erode aspects of the Uyghur identity. Uyghurs are not officially charged with a crime or provided explanations for detention, though Uyghurs with religious affiliations, students who have studied abroad or have ties to anyone living abroad have been targeted. Most recently, the relatives of Gulchehra Hoja, a journalist working for Radio Free Asia, disappeared and were presumably sent to the camps.⁵⁹
30. Conditions in the camps are very poor, with overcrowding and squalid living spaces.⁶⁰ In December 2017, two young Uyghurs died in custody under uncertain circumstances.⁶¹ A prominent Uyghur scholar and religious figure Muhammad Salih Hajim died in a camp in January 2018,⁶² another was driven to suicide in February 2018,⁶³ and a teenager died under mysterious circumstances in March 2018.⁶⁴

ARBITRARY DETENTION:

Noted Recommendation (2013) – “Abolish all forms of arbitrary and extra-judicial detention.” (United Kingdom of Great Britain and Northern Ireland)

31. Uyghur human rights activists, academics and religious leaders remain imprisoned after being charged with ‘separatism’, ‘state subversion’ and ‘illegal religious activities’. These charges are intentionally ambiguous, allowing Chinese police to arrest Uyghurs for free expression.
32. Basic legal rights, including the right to legal representation, a fair and prompt trial and due process are non-existent for Uyghurs. Prominent cases of arbitrary detention include Gulmira Imin,⁶⁵ Huseyin Celil⁶⁶ and Bizainafu Abudouexit.⁶⁷

ENFORCED DISAPPEARANCES:

Noted Recommendation (2013) – “End the use of harassment, detention, arrest, and extralegal measures such as enforced disappearance to control and silence human rights activists as well as their family members and friends.” (United States of America)

33. States hosting Uyghur refugees and asylum seekers have been pressured to return them, often to be disappeared afterwards. Since 1997, at least 300 Uyghur asylum seekers have been forcibly returned from 16 countries including 109 from Thailand in 2014,⁶⁸ and 22 students from Egypt in 2017.⁶⁹ No information has been released about their whereabouts.
34. In 2018, several ongoing cases illustrate China’s pressure. In Bulgaria, five Uyghur asylum seekers are at significant risk of being deported to China.⁷⁰ In another case, 11 Uyghurs who were arrested in Malaysia, after escaping from an immigration detention centre in Thailand where they had been arbitrarily detained since 2014, are at immediate risk of extradition.⁷¹

TORTURE:

Accepted Recommendation (2013) – “Effectively implement and establish the necessary institutional mechanisms to ensure the enforcement of existing laws prohibiting torture and dismissing illegally obtained evidence.” (Denmark)

35. China has not amended its Criminal Procedure and Criminal Law (CPL) to conform to the Convention Against Torture to recognize a broader range of abuses that constitute torture under the Convention.⁷²
36. Police are legally entitled to deny access to lawyers for suspects charged with terrorism and state security offenses, expanding opportunities for the use of torture without legal supervision.⁷³ China also continues to allow use of evidence collected (including forced confessions) to be used at trial.⁷⁴
37. Recent reports of torture include Ilham Tohti,⁷⁵ Shohret Tursun,⁷⁶ Abdukiram Abduweli,⁷⁷ Noor-Ul-Islam Sherbaz,⁷⁸ Mirzahid Amanullah Shahyari.⁷⁹

ECONOMIC & LABOUR RIGHTS:

Accepted Recommendation (2013) – “Include a prohibition of discrimination of any kind, including discrimination based on sexual orientation and gender identity, ethnicity, religion and infection with HIV, in labour and employment law in line with international standards.” (Netherlands)

38. Uyghurs suffer from significantly higher unemployment rates than Chinese.⁸⁰ Rapidly developing industries including the energy service sector, construction resource extraction and government positions are dominated by Chinese, and Uyghurs are largely excluded from benefits and employment opportunities.
39. Employment opportunities require applicants to speak Mandarin Chinese and indirectly exclude Uyghurs from many positions. Uyghurs are disproportionately excluded from development because they reside in greater concentration in the south and in rural areas, whereas Chinese are more heavily concentrated in northern, rural areas, which sees the benefits of regional development.⁸¹

CULTURAL RIGHTS:

Accepted Recommendation (2013) – “Continue its efforts to further ensure ethnic minorities the full range of human rights including cultural rights.” (Japan)

40. A directive was issued by the Education Department of Hotan prefecture in late June 2017 outlawing the use of the Uyghur language for students at all education levels from primary to secondary school.⁸² China has built of a system of ‘bilingual education’ that has substantially eroded the use of the Uyghur language in schools and in public life.⁸³
41. Nearly 85 percent of the old town of Kashgar, a 2000 year-old city, was largely demolished by the Chinese government between 2009 and 2017, displacing hundreds of thousands of residents and into the city’s outskirts.⁸⁴ The local and regional government failed to engage in meaningful consultation with Uyghurs on how they wished to transform their own communities.⁸⁵ The demolitions resulted in the loss of physical structures including homes, shops and religious sites, as well as patterns of traditional Uyghur life.⁸⁶
42. Adurahim Heyit, a prominent Uyghur musician, was arrested in March 2017,⁸⁷ as well as the poet Abdurehim Abdulla, who wrote his lyrics, was also arrested around the same time.⁸⁸

ENVIRONMENT:

Accepted Recommendation (2013) – “Continue efforts in environmental protection and in improving living conditions.” (Belarus)

43. Extractive industries and industrial-scale farming have led to significant environmental degradation. Many Uyghurs work in smaller-scale agriculture, and degradation of the land, pollution and desertification have significant impacts on health and livelihoods.
44. Radiation from nuclear tests conducted at Lop Nor from 1964-1996 has affected at least 1.2-1.43 million people.⁸⁹ Researchers note a significant increase in the cancer rate and related afflictions in the Uyghur population. The likelihood of contracting cancer is 30% higher in the region compared to the

rest of China.⁹⁰ Estimates of number of deaths caused by the nuclear tests range from 194,000⁹¹ to 750,000.⁹²

RECOMMENDATIONS:

- Grant genuine autonomy to Uyghurs in governance of the XUAR.
- Immediately reverse Uyghur language ban in Hotan prefecture and amend 'bilingual education' program to ensure Uyghur language stands on equal footing with Mandarin.
- Immediately dismantle 're-education' camps across the XUAR and begin transparent investigation.
- End restrictions on free movement for Uyghurs.
- Amend counter-terror legislation so that it respects international human rights standards.
- Amend legislation making direct links between religious practice and extremism.
- Stop persecution and criminalization of Uyghurs for exercising freedom of religion and belief.
- Reveal whereabouts of numerous Uyghur victims of enforced disappearance.
- Immediately release Ilham Tohti and other political prisoners.
- Eliminate discrimination against Uyghurs in hiring practices across the XUAR.
- Cooperate with UN Special Procedures and respond to outstanding requests for official visits.

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