

Submission to the UN Committee on Economic, Social, and Cultural Rights (CESCR) for Consideration on the Report on China Concerning the Rights of the Uyghur and other Turkic and Muslim Peoples

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INTRODUCTION

1. The World Uyghur Congress (“WUC”) submits this report to the Committee on Economic, Social, and Cultural Rights (“CESCR”) for its 2023 review of China as part of the WUC’s mission of protecting the interests of the Uyghur and other Turkic and Muslim communities in the Xinjiang Uyghur Autonomous Region (“XUAR” or “Uyghur Region”). China’s policies of arbitrary detention and forced labour, coercive mass birth control, discriminatory mass surveillance and invasion of privacy target the Uyghur and other Turkic and Muslim peoples in violation of the International Covenant on Economic, Social, and Cultural Rights (“ICESCR”) and China’s domestic law. This submission sets out the illegal nature and extent of these violations and provides recommendations to ensure that China fulfils its obligations to protect the rights of the Uyghur and other Turkic and Muslim peoples in compliance with the ICESCR.

ARTICLE 1: THE RIGHT TO SELF-DETERMINATION

China’s Claims of Compliance with Article 1

2. China claims to have adopted a legal system that recognises the “regional national (ethnic) autonomy” of “minority nationalities.”¹ Its Constitution provides “minority nationalities” with the right to self-govern and to implement their own economic, social, and cultural policies. Specifically, “minority nationalities” can maintain their own language, educational system, cultural traditions, and religious freedom. Explicitly distinguishing between these so-called “minority nationalities” and the “majority Han nationality,” the core document explains that “management of national and local affairs” is a responsibility equally shared between each group. Despite such purportedly “broad autonomy,” China places explicit limits on self-governance and requires “each autonomous national-minority area”² to “freely pursue [its] economic, social, and cultural development.”³ The XUAR, comprising a majority Uyghur and Turkic population, is one such region entitled to regional national autonomy under China’s legal system.

China’s Actual Compliance with Article 1

3. China has failed to ensure that the Uyghur people are “fully enjoying the right of self-determination.”⁴ The Chinese government has criminalised actions that it perceives promote the right to self-determination and prosecutes Uyghurs on false charges of “splittism”, frequently linked to charges of “terrorism.” The current political framework in the XUAR prohibits Uyghurs from calling for or exercising their right to self-determination.⁵ In general, freedom of expression, movement and assembly are extremely restricted for Uyghurs.⁶ Chinese authorities exercise broad powers to suppress peaceful assembly and often label any such actions by the Uyghur community as terrorist activity.⁷

4. Uyghur human rights defenders and activists are often targeted and face harassment, intimidation, and prosecution. Renowned Uyghur economist and activist Ilham Tohti was arrested in January 2014, and the Working Group on Arbitrary Detention concluded that his deprivation of liberty was arbitrary.⁸ He was tried and convicted of “inciting separatism” and sentenced to life in prison. Tohti’s lawyers could not meet with him for six months after he was detained. They were neither provided

¹ Int’l Human Rights Instruments, *Core document forming part of the reports of State parties*, U.N. Doc. HRI/CORE/CHN/2010, (Mar. 10, 2011) [hereinafter *Int’l Human Rights Instruments*].

² *Id.*

³ International Covenant on Economic, Social, and Cultural Rights, Dec. 19, 1966, 993 U.N.T.S. 3 [hereinafter *ICESCR*].

⁴ Committee on Economic, Social and Cultural Rights (CESCR), *Third periodic report submitted by China under articles 16 and 17 of the Covenant, due in 2019*, U.N. Doc. E/C.12/CHN/3, (Aug. 5, 2020) [hereinafter *Third Periodic Report Submitted by China*].

⁵ *China and the Principle of Self-Determination of Peoples*, 6 ST ANTONY’S INT’L REV., May 2010, at 79.

⁶ See HRIC Special Report, *Devastating Blows: Religious Repression of Uyghurs in Xinjiang*, HUM. RTS. WATCH (Apr. 12, 2005), <https://www.hrw.org/reports/china0405.pdf>.

⁷ *Id.*

⁸ Human Rights Council, Working Group on Arbitrary Detention, U.N. Doc. A/HRC/WGAD/2014/3 (Jul. 21, 2014).

with complete evidence by the prosecutor nor were his witnesses allowed to testify.⁹ Seven of Tohti's students were also sentenced to three to eight years in 2014 on separatism charges.

ARTICLE 2: THE RIGHT TO NON-DISCRIMINATION

China's Claims of Compliance with Article 2

5. China's Constitution guarantees "protection of the rights of women, the elderly, minors, the disabled, minority nationalities, foreigners and other special groups."¹⁰ Responding to concerns raised by the CESCR in 2014 regarding Chinese discrimination towards ethnic minorities,¹¹ China claimed that Chinese "[c]itizens enjoy equal rights in accordance with the law."¹² In its State Party report, China claimed that "the 2017 formulation of the General Provisions of the Civil Law stipulates that 'all civil subjects have equal legal status in civil activities.'"¹³ China emphasised that the Constitution and the international human rights conventions it has ratified "all stipulate that discrimination is prohibited."¹⁴

China's Actual Compliance with Article 2

6. Despite China's claim that its laws and policies are non-discriminatory, China's treatment of the Uyghur people illustrates its perception that the Uyghur people pose a threat to the unity of China. This explains China's focus on eradicating the unique Uyghur cultural identity through systemic discriminatory practices—eradication that China sees as necessary for the unity of the State. The Chinese government employs discriminatory practices against Uyghurs in every aspect of life. Article 2.2 of the ICESCR proscribes "discrimination of any kind" with regard to economic, social, and cultural rights.¹⁵ Such "discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds . . . and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights."¹⁶ The ICESCR precludes laws and policies that overtly discriminate and those practices that indirectly lead to discrimination.¹⁷ Just as self-determination is required to ensure the protection of enumerated rights for distinct peoples under the ICESCR, non-discrimination is a necessary condition for the fulfilment of any people's economic, social, and cultural development.¹⁸

7. China has instituted a range of laws and policies to coerce, control, and restrict the expression of Uyghur identity by prohibiting acts or speech that appear to undermine the government's authority. In the past decade, China has introduced repressive legislation that formalised the discrimination and marginalisation of the Uyghur people.¹⁹ After China launched the "Strike Hard Campaign against Violent Terrorism" in 2014, the government targeted religious practices by claiming that they reflect extremism or encourage separatism. International human rights organisations and UN human rights bodies have particularly challenged China's recent laws for their broad and vague language that discriminatorily targets Uyghur people.²⁰ Behaviour that is not in any way unlawful, such as having a

⁹ *Lawyers Cite Procedural Violations, Await Decision on Appeal in Ilham Tohti Case*, CONG. EXEC. COMM'N ON CHINA (Nov. 17, 2014).

¹⁰ *Int'l Human Rights Instruments*, *supra* note 1.

¹¹ Committee on Economic, Social and Cultural Rights (CESCR), *Concluding observations on the second periodic report of China*, U.N. Doc. E/C.12/CHN/CO/2, (Jun. 13, 2014).

¹² Committee on Economic, Social and Cultural Rights (CESCR), *Replies of China to the list of issues in relation to its third periodic report*, U.N. Doc. E/C.12/CHN/RQ/3, (May 11, 2022) at 2 [hereinafter *China's Reply to Third Periodic Report*].

¹³ *Third Periodic Report Submitted by China*, *supra* note 4, at ¶ 14.

¹⁴ *China's Reply to Third Periodic Report*, *supra* note 12, at 2.

¹⁵ ICESCR, *supra* note 3, art. 2.2.

¹⁶ Econ. and Soc. Council, *CESCR 42d Sess., May 4-22, 2009, General Comment No. 20*, U.N. Doc. E/C.12/GC/20, (July 2, 2009) at ¶¶ 6-7.

¹⁷ *Id.* at ¶¶ 8-10.

¹⁸ *See id.* at ¶¶ 1-2.

¹⁹ *See, e.g.*, XUAR Religious Affairs Regulation (as amended in 2014); National Security Law of 2015; Counterterrorism Law of 2015; XUAR Implementing Measures for the PRC Counterterrorism Law of 2016 (amended in 2018); Religious Affairs Regulation (as amended in 2017); XUAR Regulation on De-extremification of 2017 (amended in 2018). Off. of the High Comm'r for Hum. Rts., *Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China*, ¶ 35, (Aug. 31, 2022), <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assessment.pdf> [hereinafter *OHCHR Report*].

²⁰ *See OHCHR Report*, *supra* note 19 (providing further explanation on how and which laws and policies formalize discrimination).

long beard or declining to use a television, may be considered a "sign of extremism" under these laws. China's broadly written laws are regularly applied arbitrarily, inconsistently, and subjectively to target Uyghur communities.

8. The most blatant discriminatory practice is the internment of an estimated 1 – 3 million Uyghurs and other Turkic peoples in political indoctrination camps (also called 're-education' centres) since 2017.²¹ Credible reports provide evidence of individuals in the camps detained indefinitely without charge, forced to undergo indoctrination classes, and tortured.²² Arbitrary detentions and harsh conditions in the camps are part of a systematic policy targeting the Uyghur people.²³

9. China implements mass surveillance systems across the Uyghur Region. The Government conducts mass collection of biometric data to monitor, control, and repress Uyghur people. The authorities employ high-tech mass surveillance systems, including the Integrated Joint Operations Platform (IJOP), to record massive amounts of data on individuals. Data collected through such platforms include personal physical and biological data, and reports have confirmed that these tools help identify "Uyghur traits" and send out "Uyghur alarms."²⁴ The use of this technology in mass surveillance systems perpetuates racial bias and prejudice against Uyghur individuals.²⁵

10. China enforces birth policies in a discriminatory manner that violates Article 2 of ICESCR and Article 4 of China's Constitution. They reveal a systematic mass birth prevention strategy targeting Uyghur and other Turkic and Muslim people.²⁶ China changed its national birth control policy to allow all citizens to have three children.²⁷ Despite the ostensible national change, China has increased prosecution of birth policy 'violations' in the Uyghur Region, allowing extrajudicial internment as punishment for such violations.²⁸ Violations of the birth control policy occur when a woman has more than the permitted number of children, fails to pay a fine for having more than the permitted number of children, or fails to accept a state-ordered form of permanent or long-lasting birth control. Leaked government documents reveal that "violation of birth control regulations" was "the most frequently cited internment reason" in Karakax County in the Uyghur Region.²⁹ Moreover, fines—the traditional punishment for these violations—were increased, some up to "3-8 times the average annual disposable income".³⁰ Those unable to pay face more "coercive measures", including internment.³¹

11. Despite China's assertions that birth control policies are voluntary, the 'XUAR Regulation on De-extremification' prohibits "deliberately interfering with or undermining the implementation of

²¹ A. Zenz, *The Karakax List: Dissecting the Anatomy of Beijing's Internment Drive in Xinjiang*, 8 J. POL. RISK, Feb. 2020, at 2 [hereinafter Zenz, *The Karakax List*]; *Uyghur Tribunal Judgment*, Uyghur Tribunal, (Dec. 9, 2021), <https://uyghurtribunal.com/wp-content/uploads/2022/01/Uyghur-Tribunal-Judgment-9th-Dec-21.pdf>.

²² *OHCHR Report*, supra note 19, at ¶ 50; *Uyghur Tribunal Judgment*, supra note 21, at 10; See A. Zenz, *Thoroughly Reforming them Toward a Healthy Heart Attitude: China's Political Re-Education Campaign in Xinjiang*, 38 CENTRAL ASIAN SURVEY, May 15, 2018; see also, C. Maza, *China's Muslim Minority Sent to Political Education Camps Amid Allegations of Gross Human Rights Violations*, NEWSWEEK (Feb. 5, 2018); "According to the 'Xinjiang Police Files', internal spreadsheets from Konasheher show the personal information of approx. 286,000 individuals (almost the entire county population in 2018), indicating that approx. 12.3 to 12.7 per cent of the county's ethnic adults were allegedly in some form of detention in 2018." *OHCHR Report*, supra note 19, at 18.

²³ UN Working Group on Arbitrary Detention, U.N. Doc A/HRC/WGAD/2022/6, (May 23, 2022) at ¶¶ 28-29.

²⁴ R. Zhong, *As China tracked Muslims, Alibaba showed Customers How They Could Too*, N.Y. TIMES (Dec. 16, 2020),

<https://www.nytimes.com/2020/12/16/technology/alibaba-china-facial-recognition-uyghurs.html>; *China's Algorithms of Repression: Reverse Engineering a Xinjiang Police Mass Surveillance App*, HUM. RTS. WATCH (May 2019) [hereinafter "China's Algorithms"].

²⁵ See A. Ramzy & C. Buckley, *'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims*, N.Y. TIMES (Nov. 19, 2019); see also, Speech by Minister for Public Security Zhao Kezhi, "Xinjiang Police Files" (Jun. 15, 2018); *China's Algorithms*, supra note 24; *Like We Were Enemies in a War*, AMNESTY INT'L (Jun. 10, 2021) at 35-36 [hereinafter "Like We Were Enemies in a War"].

²⁶ G.A. Res. 2200A (XXI), Int'l Covenant on Econ., Soc. and Cultural Rts., art. 2, (Dec. 16, 1966) [hereinafter *G.A. Res. 2200A*]; Constitution of the People's Republic of China, Dec. 4, 1982, art. 4.

²⁷ *OHCHR Report*, supra note 19, at ¶ 106.

²⁸ A. Zenz, *Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang*, THE JAMESTOWN FOUND., Jul. 21, 2020, at 10-12 [hereinafter "Zenz, *Sterilizations*"].

²⁹ *Id.* at 11.

³⁰ *Id.* at 12.

³¹ *Id.*

family planning policies” and subjects violators to “education” and criminal punishments.³² Since anyone violating the birth control law faces threat of extrajudicial internment and exorbitant fees, it is evident that birth control practices are not ‘voluntary.’ The law also highlights the discriminatory nature of the policy, as it targets the region where Uyghur and other Turkic and Muslim peoples are in the majority.

12. China has also implemented mass birth prevention strategies in the Uyghur Region.³³ The State’s policies include forced sterilisation, coerced intrauterine device placements, and forced abortions.³⁴ Government statistics show that population growth in the Uyghur Region started to decline in 2015, the same year the government began defining population growth as a sign of “religious extremism”.³⁵ In 2018, the population of Uyghur and other Turkic and Muslim peoples continued to decline, while the Han population in the region increased. In 2019, in areas where Uyghur and other Turkic and Muslim people are majorities, statistics showed declining birth rates of up to 56%.³⁶ The statistics are corroborated by individual testimonies from Uyghur and other Turkic and Muslim peoples who escaped China.³⁷ The evidence is so substantial that an independent tribunal conducted in 2021 determined, *beyond a reasonable doubt*, that China has established “a systematic programme of birth control measures” targeted at Uyghur and other Turkic and Muslim women in the Uyghur Region.³⁸

13. Other Government documents also make the direct connection between frequent births in the region and extremism, which is punishable by extrajudicial internment in ‘training camps’, confirming evidence from the leaked “Karakax List”.³⁹ The discriminatory enforcement of the State’s birth control policies is a significant element of establishing genocide and crimes against humanity. The Convention on the Prevention and Punishment of the Crime of Genocide specifically lists “imposing measures intended to prevent births within the group” as an indicator of genocide.⁴⁰ Similarly, the Rome Statute of the International Criminal Court includes “enforced sterilisation or any other form of sexual violence of comparable gravity” in the definition of crimes against humanity.⁴¹ China’s discriminatory birth control policies, along with forced abortion and forced sterilisation practices targeted at Uyghur and other Turkic and Muslim women, indicate the world’s gravest crimes are being committed in the Uyghur Region.

ARTICLES 6 & 7: THE RIGHT TO WORK

China’s Claims of Compliance with Articles 6 & 7

14. Article 12 of China’s Labour Law and Article 3 of the Law on Promotion of Employment prohibit discrimination against employees and persons seeking employment based on race, sex, and religion. Forced labour is penalised in Article 244 of the Criminal Law. On 20 April 2022, China ratified the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No.

³² *Third Periodic Report Submitted by China*, *supra* note 4, at 15-16; *Xinjiang Uyghur Autonomous Region Regulation on De-extremification* (adopted at the 28th Meeting of the Standing Committee of the 12th People’s Congress for the Xinjiang Uyghur Autonomous Region, Mar. 29, 2017), ch. II, art. 9 (14); Zenz, *Sterilizations*, *supra* note 28, at 7.

³³ *OHCHR Report*, *supra* note 19.

³⁴ *The Uyghur Genocide: An Examination of China’s Breaches of the 1948 Genocide Convention*, NEWLINES INST. FOR STRATEGY & POL’Y WITH RAOUL WALLENBERG CTR. FOR HUM. RTS., (Mar. 2021) at 31-32, <https://newlinesinstitute.org/wp-content/uploads/Chinas-Breaches-of-the-GC3-2.pdf> (last visited Jan. 8, 2023) [hereinafter “*The Uyghur Genocide*”].

³⁵ Zenz, *Sterilizations*, *supra* note 28, at 8.

³⁶ *Id.* at 9.

³⁷ *Uyghur Tribunal Judgment*, *supra* note 21, at 10; Zumret Dawut was detained after having a third child in 2018. In detention, she was subject to physical and psychological abuse that caused significant damage to her uterus. She fled China and had to leave her children behind. Zumret Dawut, *Uyghur Tribunal Witness Statement*, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Zumret-Dawut.pdf>; Guzhanuer Rouzi was pregnant with her third child in 2015, the government coerced her into having an abortion. The State told her she would never work again if she had the child. Two Community Officers “were sent to accompany” her to the Urumqi Public Hospital where she received the abortion. Before she left, the Hospital made her choose between an IUD insertion or sterilisation. Guzhanuer Rouzi, *Uyghur Tribunal Witness Statement*, 3-4, <https://uyghurtribunal.com/wp-content/uploads/2022/02/UTFW2-001-Guzhanuer-Rouzi.pdf>

³⁸ *Uyghur Tribunal Judgment*, *supra* note 21, at 10, 32-37, 54-57.

³⁹ *OHCHR Report*, *supra* note 19, at ¶ 109; Zenz, *The Karakax List*, *supra* note 21.

⁴⁰ G.A. Res. 260 A (III), Convention on the Prevention and Punishment of the Crime of Genocide, art. 2 (Dec. 9, 1948).

⁴¹ UN General Assembly, *Rome Statute of the International Criminal Court*, art. 7 (Jul. 17, 1998).

105). China published a white paper on 17 September 2020 entitled "Employment and Labour Rights in Xinjiang".⁴² In the paper, China claimed that employment policies in the XUAR are "committed to respecting citizens' right to work, safeguarding their legitimate labour rights and interests, and ensuring them a decent job." In its 2019 report, China stated that "As of 24:00 on 28 December 2013, all persons in re-education through labour installations throughout the country had been released."⁴³

China's Actual Compliance with Articles 6 & 7

15. Article 6.1 requires that China respect, protect, and ensure the right of all people to make a living on their own through freely chosen activities.⁴⁴ Individuals have a right to freely choose their line of work and not be unfairly deprived of work.⁴⁵ This right is not an unconditional right to obtain employment but the right to choose one's livelihood.⁴⁶ Violations include forced labour, the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to work, and denial of access to work to particular individuals or groups--whether that discrimination is based on legislation or practice.⁴⁷ "Forced labour" is "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."⁴⁸ This Committee has previously noted that China should make every effort to abolish, forbid, and counter all forms of forced labour.⁴⁹

16. Despite China's claims to the contrary, evidence suggests that the Government continues to maintain forced labour camps.⁵⁰ China's use of forced labour camps is part of the Government's more extensive campaign to exert social control over the Uyghur people.⁵¹ In November 2020, the Committee on the Elimination of Racial Discrimination expressed grave concern over reports of arbitrary detention in extrajudicial detention facilities operating as forced labour camps.⁵² More recently, on November 2022, the Committee again called on China to investigate allegations of human rights violations in XUAR, including forced labour and torture.⁵³

17. In its 2022 Report on the Application of International Standards,⁵⁴ the International Labour Organisation ("ILO") Committee of Experts expressed its deep concern regarding the policies implemented by the Government and urged it to review its national and regional policies with the aim of eliminating 'any distinction, exclusion or preference' which has the "effect of nullifying or impairing equality of opportunity and treatment in employment and occupation".⁵⁵ The CESCR expressed deep concerns about alleged discriminatory practices and coercive measures indicative of

⁴² *Employment and Labor Rights in China*, The State Council Information Office of the People's Republic of China, (Sep. 2020), http://www.xinhuanet.com/english/2020-09/17/c_139373591.htm (last visited Jan. 8, 2023).

⁴³ *Third Periodic Report Submitted by China*, *supra* note 4, at ¶ 14.

⁴⁴ ICESCR, *supra* note 3, art. 6.1.

⁴⁵ Econ. and Soc. Council, *General Comment No. 18, CESCR 35th Sess., Nov. 7-25, 2005*, U.N. Doc. E/C.12/GC/18, (Nov. 24, 2005) at ¶ 4 [hereinafter *General Comment No. 18*]; Int'l Labour Org., *Convention No. 122, Employment Policy Convention, 1964 (No. 122)* (entry into force: Jul. 15, 1966).

⁴⁶ *General Comment No. 18, supra* note 45, at ¶ 6.

⁴⁷ ICESCR, *supra* note 3, art. 6.2.

⁴⁸ *General Comment No. 18, supra* note 45, at ¶ 23 (2005); Int'l Labour Org., *Forced Labour Convention, 1930 (No. 29)* (defining "forced labour").

⁴⁹ *General Comment No. 18, supra* note 45, at ¶ 9.

⁵⁰ See, e.g., E. Feng, *Forced labour being used in China's "re-education camps"*, FIN. TIMES (Dec. 15, 2018),

<https://www.ft.com/content/eb2239aa-fc4f-11e8-aebf-99e208d3e521> (last visited Jan. 8, 2023).

⁵¹ A. Lehr, *Addressing Forced Labour in the Xinjiang Uyghur Autonomous Region: Toward a Shared Agenda*, CTR. FOR STRATEGIC & INT'L STUDIES (Jul. 30, 2020), <https://www.csis.org/analysis/addressing-forced-labour-xinjiang-uyghur-autonomous-region-toward-shared-agenda>.

⁵² Marc Bossuyt, *Follow-up letter sent to the State party*, U.N. Doc. INT_CERD_FUL_CHN_43684_E, (Nov. 24, 2020), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FFUL%2FCHN%2F43684&Lang=en.

⁵³ Press Release, *China: UN Committee on the Elimination of Racial Discrimination calls for probe into Xinjiang rights violations*, OHCHR (Nov. 24, 2022),

<https://www.ohchr.org/en/press-releases/2022/11/china-un-committee-elimination-racial-discrimination-calls-probe-xinjiang>.

⁵⁴ Report of the Committee of Experts on the Application of Conventions and Recommendations, *Application of International Labour Standards 2022*, International Labour Conference 110th Session (2022),

https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_836653.pdf.

⁵⁵ *Id.* at 518.

forced labour in the Uyghur Region, including in ‘vocational and educational training centres’ (VETCs).⁵⁶

18. Uyghur forced labour has been documented in the garment industry at all stages of the production process, including in cotton picking and processing. China maintains this forced labour through extensive digital and personal surveillance systems. Although the exact number of Uyghurs detained and forced to work is unknown, it is estimated that it involves as many as 1.8 million people.⁵⁷ The Chinese government plans to have at least 1 million workers in the textile and garment sectors by 2023, with at least 650,000 from the Uyghur Region.⁵⁸ Individuals must undergo training to ensure they have the skills required for factory jobs. The Chinese government has created centralised training centres to train workers on legal regulations and to instil work discipline and Chinese education. Resistance to attending these centres is considered a sign of “extremism,” and individuals risk being sent to a re-education camp.⁵⁹ Ex-detainees revealed they were threatened with internment if they refused to work in a factory.⁶⁰

19. Beyond textile and apparel manufacturing, forced labour is also widespread in the solar industry⁶¹ and the automotive industry. According to a new report, the US purchased \$11.5 billion of the \$45 billion worth of Chinese auto parts produced in 2021.⁶² This report identified “more than 50 international automotive parts or car manufacturers (or their joint ventures) that are sourcing directly from companies” operating in the Uyghur Region or from companies that have accepted Uyghur labour transfers across China.⁶³ Uyghurs have been forcibly transferred out of their home areas and coerced to work in factories across China. “Manufacturers for some of the world’s most famous electronics brands have benefited from state-sponsored labour transfers of Uyghurs.”⁶⁴ Recent reports have also found the presence of Uyghur forced labour in the production of polyvinyl chloride (PVC) through state-sponsored labour transfers.⁶⁵

20. The Chinese government has also enacted a public re-education policy involving internment. China refers to vocational training and camp indoctrination as “vocational training internment camps” or “vocational skills education training centres.”⁶⁶ The Government has stated that “after they [the detainees] leave [the camps] . . . every effort should be made to get them jobs.”⁶⁷ Other government documents state that “reeducated” minorities must assist the Government in meeting its quota requirements as part of the new manufacturing workforce.⁶⁸ Camp detainees are forced to participate in Chinese language courses and military-style drills and are indoctrinated to renounce their culture. Forced labour and indoctrination contribute to the overall government strategy of regulating every aspect of Uyghur life and culture.⁶⁹

⁵⁶ *Id.* at 514-521.

⁵⁷ A. Zenz, *Wash Brains, Cleanse Hearts: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang’s Extrajudicial Internment Campaign*, 7 J. POL. RISK, Nov. 24, 2019, at ¶ 7.

⁵⁸ A. Lehr & M. Bechrakis, *Connecting the Dots in Xinjiang: Forced Labour, Forced Assimilation, and Western Supply Chains*, CTR. FOR STRATEGIC & INT’L STUDIES (Oct. 2019), at 5 [hereinafter “Lehr, *Connecting the Dots*”].

⁵⁹ A. Zenz, *Beyond the Camps: Beijing’s Grand Scheme of Forced Labour, Poverty Alleviation and Social Control in Xinjiang*, CONG. EXEC. COMM’N ON CHINA, (Oct. 17, 2019), at 13, 14 [hereinafter “Zenz, *Beyond the Camps*”].

⁶⁰ Lehr, *Connecting the Dots*, *supra* note 58.

⁶¹ M. Rajagopalan and A. Killing, *US Solar Companies Rely on Materials from Xinjiang, Where Forced Labour is Rampant*, BUZZFEED NEWS (Jan. 14, 2021), <https://www.buzzfeednews.com/article/meghara/forced-labor-xinjiang-solar>.

⁶² L. Murphy et al., *Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region*, HELENA KENNEDY CTR. FOR INT’L JUST. AT SHEFFIELD HALLAM UNIV. (Dec. 2022),

<https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/driving-force>.

⁶³ *Id.* at 1.

⁶⁴ *Id.* at 3.

⁶⁵ See, e.g., L. Murphy et al., *Built on Repression: PVC Building Materials’ Reliance on Labor and Environmental Abuses in the Uyghur Region*, SHEFFIELD HALLAM UNIV. (Jun. 2022), <https://www.shu.ac.uk/news/all-articles/latest-news/forced-labor-building-industry>.

⁶⁶ Zenz, *Beyond the Camps*, *supra* note 59.

⁶⁷ *Secret documents reveal how China mass detention camps work*, ASSOCIATED PRESS (Nov. 25, 2019), <https://apnews.com/article/4ab0b341a4ec4e648423f2ec47ea5c47> (last visited Jan. 8, 2023).

⁶⁸ Lehr, *Connecting the Dots*, *supra* note 58.

⁶⁹ C. Buckley & A. Ramzy, *Inside China’s Push to Turn Muslim Minorities Into an Army of Workers*, N.Y. TIMES (Feb. 17, 2020), <https://www.nytimes.com/2019/12/30/world/asia/china-xinjiang-muslims-labour.html>.

ARTICLE 10: THE RIGHT TO PROTECTION OF THE FAMILY AND CHILDREN

China's Claims of Compliance with Article 10

21. China denies all allegations of forced marriage, coercive mass birth prevention strategies and state-sponsored separation of families.⁷⁰ The State asserts that its domestic law protects the freedom to marry and that the “Uyghur-Han Marriage and Family Incentive Strategy” was designed with the “opinions of local people” in mind.⁷¹ China claims that the population in the Uyghur Region “including that of ethnic minorities has continued to grow both in size and quality”.⁷² China also insists that it prohibits “mandatory sterilisation” and “forced insertions of IUDs” targeted at Uyghur and other Turkic and Muslim women and that domestic law provides an avenue for redress of any infringement of reproductive rights.⁷³ China claims that state-run boarding schools, where students live at school, ensure that students “with schooling difficulties” can exercise their right to education and that parents can regularly visit their children and take them home.⁷⁴ Under Chinese domestic law, the State has broad powers to take guardianship over a minor, with minimal rights of a parent or other family to maintain guardianship.⁷⁵

China's Actual Compliance with Article 10

22. China fails to comply with Article 10 of the ICESCR by forcing Uyghur women to marry Han men; instituting a mass birth prevention strategy targeted at Uyghur and other Turkic and Muslim peoples; arbitrarily detaining Uyghur and other Turkic and Muslim peoples; and requiring their children to attend State-run boarding schools.

23. Despite China's guarantees of the freedom to marry, there have been increased efforts by authorities in the Uyghur Region to coerce marriages between Han men and Uyghur and other Turkic and Muslim women.⁷⁶ One such policy in the Uyghur Region is the Uyghur-Han Marriage Strategy, which offers 10,000 yuan per year for up to 5 years for inter-ethnic couples to marry, provided the marriage “remains harmonious”.⁷⁷ That amount is about “2,600 yuan more than the average annual income of rural residents” in the Uyghur Region--an amount so significant it cannot be considered a choice for economically deprived individuals.⁷⁸ Other policies “help with housing, medical care, government jobs, and tuition waivers and subsidies.”⁷⁹ In addition to “incentives” for inter-ethnic couples and their children, the State also detains family members of individuals who refuse an inter-ethnic marriage.⁸⁰

⁷⁰ *Third Periodic Report Submitted by China*, *supra* note 4; *China's Reply to Third Periodic Report*, *supra* note 12, at 15-16.

⁷¹ *Third Periodic Report Submitted by China*, *supra* note 4; Civil Code of the People's Republic of China (adopted at the 3rd Session of the 13th National People's Congress on May 28, 2020), ch. V, art. 110; Constitution of the People's Republic of China, Dec. 4, 1982, art. 49; *Xinjiang Authorities Push Uyghurs to Marry Han Chinese*, RADIO FREE ASIA (last visited Dec. 4, 2022), <https://www.rfa.org/english/news/special/uyghur-oppression/ChenPolicy2.html>.

⁷² Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organisations in Switzerland, *Response to the OHCHR's Assessment of the Human Rights Situation in the Xinjiang Autonomous Region, China*, 110, https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/ANNEX_A.pdf [hereinafter “*China's Response to OHCHR's Report*”].

⁷³ *Id.* at 111.; Population and Family Planning Law of the People's Republic of China (adopted at the 25th Meeting of the Standing Committee of the 9th National People's Congress on Dec. 29, 2001), art. 40.

⁷⁴ *China's Reply to Third Periodic Report*, *supra* note 12, at 15-16.

⁷⁵ Law of the People's Republic of China on Protection of Minors (adopted at the 22nd Meeting of the Standing Committee of the 13th National People's Congress of the People's Republic of China on Oct. 17, 2020) art. 92, 94.

⁷⁶ *Break Their Lineage, Break Their Roots*, HUM. RTS. WATCH (Apr. 19, 2021), <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting> [hereinafter “*Break Their Lineage*”]; D. Byler, *Uyghur love in a time of interethnic marriage*, THE CHINA PROJECT (Aug. 17, 2019), <https://thechinaproject.com/2019/08/07/uyghur-love-in-a-time-of-interethnic-marriage>; *The Uyghur Genocide*, *supra* note 34, at 18-20.

⁷⁷ *Forced Marriage of the Uyghur Women: State Policies for Interethnic Marriages in East Turkistan*, UYGHUR HUM. RTS. PROJECT (Nov. 16, 2022), <https://uhrp.org/report/forced-marriage-of-uyghur-women/> [hereinafter “*Forced Marriage*”].

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Break Their Lineage*, *supra* note 76; R. Turdus & M. Fiskesjo, *Dossier: Uyghur Women in China's Genocide*, GENOCIDE STUDIES AND PREVENTION: AN INT'L J., 2021 at 25, <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1834&context=gsp> [hereinafter “*Turdus, Uyghur Women*”]; *The Uyghur Genocide*, *supra* note 34, at 18-20; *Forced Marriage*, *supra* note 77.

24. In 2000, interracial marriages between Han and Uyghur people accounted for only 1.05% of all marriages.⁸¹ Since 2017, reports show greatly increased numbers of such marriages, with the majority occurring between Han men and Uyghur and other Turkic and Muslim women. This is significant because China has a patriarchal system, and as a result, the children from these coercive marriages will be considered Han, not Uyghur. The mass detention of Uyghur and other Turkic and Muslim peoples, particularly men, leaves many Uyghur and other Turkic and Muslim women separated from their husbands and partners, and it limits their choice of potential partners.⁸² This effect is exacerbated by the Becoming Family policy, a program aimed at “ethnic unity”, where “cadres” are paired to live with families of different ethnicity.⁸³ The Marriage Strategy and the “Becoming Family” policy, which places Han men in the homes of Uyghur and other Turkic and Muslim families, work together to coerce Uyghur and other Turkic and Muslim women to marry Han men and “build ethnic unity”.⁸⁴ These coercive policies violate the international and Chinese constitutional freedom of marriage and undermine Uyghur and other Turkic and Muslim cultures and identities in the Uyghur Region.⁸⁵

25. As mentioned, China has also targeted the Uyghur Region with birth control policies, including forced sterilisation, forced IUD placement, and other birth prevention measures.⁸⁶ Such measures violate Article 10 of the ICESCR, as well as Articles 39 and 40 of China’s Population and Family Planning Law, which prohibits infringement on personal rights such as the international “right to control reproductive capabilities free of coercion, violence, and discrimination by governments and non-state actors.”⁸⁷ Testimony from many women reveals that Chinese authorities have enforced IUD placements, forced sterilisations, and punished Uyghur and other Turkic and Muslim peoples with “internment” or “imprisonment” for violating family planning policies.⁸⁸ According to testimonies, Uyghur and other Turkic and Muslim women have also been forced to have abortions if their child’s birth violate the family planning policy by surpassing the number of permitted children per family.⁸⁹

26. Government documents from two Uyghur counties reveal plans for mass female sterilisations that target between 14% to 34% of “married women of childbearing age,” and evidence suggests those plans are being carried out successfully.⁹⁰ Research shows that between 2015 to 2018 in the Uyghur

⁸¹ Turdish, *Uyghur Women*, supra note 80, at 25.

⁸² *Id*; *Break Their Lineage*, supra note 76; *The Uyghur Genocide*, supra note 34, at 18-20.

⁸³ *OHCHR Report*, supra note 19, at ¶¶ 100-101.

⁸⁴ *Break Their Lineage*, supra note 76; Turdish, *Uyghur Women*, supra note 80, at 25; *The Uyghur Genocide*, supra note 34, at 18-20; *Forced Marriage*, supra note 65.

⁸⁵ Turdish, *Uyghur Women*, supra note 68, at 25; *Break Their Lineage*, supra note 64; *The Uyghur Genocide*, supra note 32, at 18-20.

⁸⁶ *The Uyghur Genocide*, supra note 32, at 18-20, 28-29. *Break Their Lineage*, supra note 64; Turdish, *Uyghur Women*, supra note 68, at 25; *Forced Marriage*, supra note 77.

⁸⁷ Population and Family Planning Law of the People’s Republic of China (adopted at the 25th Meeting of the Standing Committee of the 9th National People’s Congress on Dec. 29, 2001), art. 39-40; *OHCHR Report*, supra note 19, at ¶¶ 104-14; *The Uyghur Genocide*, supra note 34, at 31-33; *Uyghur Tribunal Judgment*, supra note 21; *G.A. Res. 2200A*, supra note 26, art. 10; Population and Family Planning Law of the People’s Republic of China (adopted at the 25th Meeting of the Standing Committee of the Ninth National People’s Congress on Dec. 29, 2001), art. 39-40; Paige Whaley Eager, *Global Population Policy: From Population Control to Reproductive Rights*, 1 (Routledge, 2004).

⁸⁸ *OHCHR Report*, supra note 19, at ¶ 111; The Autonomous Regional Government forced Zumret Dawut to undergo a sterilization procedure in addition to paying a fine for her third child and after serving time in detention in part for giving birth to a third child. Dawut, *Uyghur Tribunal Witness Statement*, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Zumret-Dawut.pdf>; During Ziyawudun’s detention, she witnessed all women under 50 being forced to undergo sterilization procedures or have IUDs inserted. Tursunay Ziyawudun, *Uyghur Tribunal Witness Statement*, 12,

<https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Tursunay-Ziyawudun.pdf>. Rouzi also had to choose between undergoing a sterilization procedure or an IUD insertion in 2015. Guzhauer Rouzi, *Uyghur Tribunal Witness Statement*, 3-4, <https://uyghurtribunal.com/wp-content/uploads/2022/02/UTFW2-001-Guzhanuer-Rouzi.pdf>

⁸⁹ *OHCHR Report*, supra note 19, at ¶¶ 106, 111; Before the Chinese government forced Guzhauer Rouzi to have an IUD inserted, she was pregnant with her third child, which was not permitted at the time. She was told she must have an abortion and if she didn’t, she would not be able to work again. She underwent the abortion and had the IUD inserted while accompanied by two government Community Officers. Rouzi testified that if she did not go with the Community Officers to have an abortion and IUD insertion, she and her family “would have been punished and the family could have been separated. We did not dare.” Guzhauer Rouzi, *Uyghur Tribunal Witness Statement*, 3-4, <https://uyghurtribunal.com/wp-content/uploads/2022/02/UTFW2-001-Guzhanuer-Rouzi.pdf>; Nursiman Abdureshid testified that her sister-in-law faced similar pressure when she became pregnant with twins after already having two children. Abdureshid’s sister-in-law also had the abortion “because she was scared of punishment”, despite not wanting to end the pregnancy. Nurisam Abdureshid, *Uyghur Tribunal Witness Statement*, 3, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211117-Nursiman-Abdureshid.pdf>.

⁹⁰ *The Uyghur Genocide*, supra note 34, at 31-33.

Region, women had “7.8 times more net added IUDs per capita than the national average.”⁹¹ In 2018, the Uyghur Region had the “highest net IUD placements of any region in China”, despite comprising only 1.8% of the population.⁹² Enforcement of birth control policies in the Uyghur Region is deeply discriminatory compared to the rest of the country, and that China uses internment as punishment for violating such policies creates doubt that the birth prevention measures are voluntary.⁹³

27. Convention Article 10 also protects the rights of dependent children. China is forcibly separating families through forced labour programs, “education” centres, and boarding school policies targeting Uyghur and other Turkic and Muslim people.⁹⁴ These policies violate domestic law, which clearly does not authorise the government to remove children from their families arbitrarily.⁹⁵ However, with around 1 to 3 million Uyghur and other Turkic and Muslim people in detention in the Uyghur Region, there are serious concerns about the effects on the children of detained parents.⁹⁶ Beginning in 2017, the Chinese government has utilised “state-run, highly securitised ‘child welfare guidance centres’, boarding schools, or de facto orphanages to confine Uyghur children full-time”.⁹⁷ According to first-hand testimony, children cannot leave the boarding facilities and have been taken from family members who should be their legal guardians.⁹⁸ These “purported counter-terrorism and ‘extremism’ policies” undermine China’s own domestic law, and the consequences of these policies on children in the Uyghur Region violate China’s obligations to protect families under Article 10.⁹⁹

ARTICLE 12: THE RIGHT TO HEALTH

China’s Claims of Compliance with Article 12

28. China guarantees that “vocational education” centres in the Uyghur Region provide “24-hour free medical facilities.”¹⁰⁰ Chinese domestic law prohibits officers from beating or mistreating prisoners in detention centres.¹⁰¹ China asserts that it allows for detainees with nutritious food for free.¹⁰² China claims its laws prohibit domestic violence, and the State denies that sexual violence occurs at the “vocational education” centres in the Uyghur Region or as a result of the allegedly voluntary “Becoming Family” policy.¹⁰³ China continues to deny the existence of mass birth prevention policies targeting the Uyghur and other Turkic and Muslim peoples in the Uyghur Region.¹⁰⁴ Additionally, under China’s Constitution, the right to medical and healthcare services includes mental health.¹⁰⁵

⁹¹ Zenz, *Sterilizations*, *supra* note 28, at 14.

⁹² *The Uyghur Genocide*, *supra* note 34, at 32.

⁹³ OHCHR Report, *supra* note 19, at ¶¶ 109-11; Zenz, *Sterilizations*, *supra* note 28, at 14; *The Uyghur Genocide*, *supra* note 34, at 31-33.

⁹⁴ *Xinjiang Children separated from families*, HUM. RTS. WATCH (Sept. 5, 2019),

<https://www.hrw.org/news/2019/09/15/china-xinjiang-children-separated-families> [hereinafter *Children Separated*].

⁹⁵ Law of the People’s Republic of China on Protection of Minors (adopted at the 22nd Meeting of the Standing Committee of the 13th National People’s Congress of the People’s Republic of China on Oct. 17, 2020) art. 92, 94.

⁹⁶ Kirby, *Concentration Camps and Forced Labor: China’s Repression of the Uighurs*, explained, Vox (Last updated Sep. 25, 2020), <https://www.vox.com/2020/7/28/21333345/uighurs-china-internment-camps-forced-labor-xinjiang> [hereinafter Kirby, *Concentration Camps*]; *Break Their Lineage*, *supra* note 76; *Children Separated*, *supra* note 94; Sigal, *China’s Jaw-Dropping Family Separation Policy*, THE ATLANTIC (Sep. 4, 2018),

<https://www.theatlantic.com/international/archive/2018/09/china-internment-camps-uighur-muslim-children/569062/>.

⁹⁷ *The Uyghur Genocide*, *supra* note 34, at 34-35.

⁹⁸ A former police officer in China, Wang Leizhan, testified that the conditions in the state-run schools in the Uyghur Region were “extremely bad” and the children “had no summer or winter holidays as they live in those schools”. Leizhan, *Uyghur Tribunal Witness Statement*, 10-11, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT211116-Wang-Leizhan.pdf>. Tursun shared that when escaping to Turkey while pregnant with her 6th child, she had to leave 4 of her children behind with her parents and her husband in Kashgar. Her husband was arrested, and the children were taken from their grandparents and separated. Tursun has since seen a video of her daughter at the Hoten orphanage camp, but she does not know what has happened to her other children. Turdich, *Uyghur Women*, *supra* note 80, at 23.

⁹⁹ OHCHR Report, *supra* note 19, at ¶¶ 129-42.

¹⁰⁰ *China’s Reply to Third Periodic Report*, *supra* note 12, at 17-18; *China’s Response to OHCHR’s Report*, *supra* note 72, at 63.

¹⁰¹ Criminal Law of the People’s Republic of China (adopted at the Second Session of the Fifth National People’s Congress on Jul. 1, 1979), art. 248.

¹⁰² *China’s Response to OHCHR’s Report*, *supra* note 72, at 62.

¹⁰³ *Third Periodic Report Submitted by China*, *supra* note 3; *China’s Response to OHCHR’s Report*, *supra* note 72, at 61-69, 96.

¹⁰⁴ *Third Periodic Report Submitted by China*, *supra* note 3; *China’s Response to OHCHR’s Report*, *supra* note 72, at 109.

¹⁰⁵ Law of the People’s Republic of China on Basic Medical and Health Care and the Promotion of Health (adopted at the 15th Meeting of the Standing Committee of the 13th National People’s Congress of the People’s Republic of China on Dec. 8, 2019) art. 1.

China asserts that Uyghur and other Turkic and Muslim people in detention receive mental health services while denying that physical and sexual violence occurs against detainees.¹⁰⁶

China's Actual Compliance with Article 12

29. China's policies resulting in arbitrary detention and gender-based violence violate Chinese domestic law and the ICESCR.¹⁰⁷ Specifically, the credible reports of torture, inadequate and insufficient food, and sexual violence in detention facilities indicate that China fails to satisfy Article 12's guarantee of the highest attainable standard of health.¹⁰⁸ Reports of sexual violence in homes as a result of the Becoming Family policy and mass birth prevention in detention and in homes also fail to comply with Article 12.¹⁰⁹

30. China's forced labour programmes and "re-education" policies have resulted in the arbitrary detention of around 1 to 3 million Uyghur and other Turkic and Muslim individuals in "political education" camps, pretrial detention centres, and prisons.¹¹⁰ Many formerly detained people have reported experiencing physical abuse from officers at detention centres.¹¹¹ Allegations of maltreatment include the use of a "tiger chair" to restrain and torture detainees, beatings for helping one another or for practising Islam, and physical methods of humiliation such as urinating on detainees.¹¹² Torture violates the ICESCR's Article 12 and is a *jus cogens* prohibition. Torture and ill-treatment cause immediate damage to human health and have long-term health effects that continue to plague many Uyghurs and other Turkic and Muslim peoples throughout their lives.¹¹³

31. In addition, Uyghur and other Turkic and Muslim detainees are not provided adequate food, a vital component of the right to health.¹¹⁴ Former detainees report being served inadequate and mouldy food and faced food-withholding as punishment.¹¹⁵ Testimony explained that detainees had to beg and sing a Chinese propaganda song on their knees for food, while others reported that they had to bring or pay for the food of detained family members, or else their relative would not be fed.¹¹⁶ Chinese

¹⁰⁶ *China's Response to OHCHR's Report*, supra note 72, at 63, 65-70, 96.

¹⁰⁷ Law of the People's Republic of China on Basic Medical and Health Care and the Promotion of Health (adopted at the 15th Meeting of the Standing Committee of the 13th National People's Congress of the People's Republic of China on Dec. 8, 2019) art. 1, 32.

¹⁰⁸ *G.A. Res. 2200A*, supra note 26; *OHCHR Report*, supra note 19, at ¶¶ 76-77, 100-102; *Break Their Lineage*, supra note 76; *The Uyghur Genocide*, supra note 34, at 18-20, 21-22, 27-29; *Uyghur Tribunal Judgment*, supra note 21.

¹⁰⁹ *G.A. Res. 2200A*, supra note 26, art. 12; *OHCHR Report*, supra note 19, at ¶¶ 76-77, 100-02; *Break Their Lineage*, supra note 76; *The Uyghur Genocide*, supra note 34, at 18-20, 21-22, 27-29; *Uyghur Tribunal Judgment*, supra note 21.

¹¹⁰ Kirby, *Concentration Camps*, supra note 96; *Break Their Lineage*, supra note 76.

¹¹¹ *G.A. Res. 2200A*, supra note 26, art. 12; *OHCHR Report*, supra note 19, at ¶¶ 69-77; *Break Their Lineage*, supra note 76; *The Uyghur Genocide*, supra note 34, at 26, 27; *Uyghur Tribunal Judgment*, supra note 21; Criminal Law of the People's Republic of China (adopted at the 2nd Session of the 5th National People's Congress on July 1, 1979) art. 248.

¹¹² Aqulqanqizi was tied to a tiger chair during multiple interrogations as well as once for 24 hours after helping an older detainee up after she was kicked down by officers. Aqulqanqizi, *Uyghur Tribunal Witness Statement*, 18, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211206-Gulzire-Aulhan.pdf>; Mezensof on behalf of her husband, Haitiwaji, and Dawut shared experiences being restrained on the tiger chair during detention. Mezensof, *Uyghur Tribunal Witness Statement*, 5, 7, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211122-Mehray-Mezensof.pdf>; Haitiwaji, *Uyghur Tribunal Witness Statement*, 13, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211116-Gulbahar-Haitiwaji.pdf>; Dawut also reported that after sharing some of her bread with another detainee she was beaten by camp guards. During the beating, she accidentally said "Allah" to which the guards responded by beating her harder and dislocating her ankles. Dawut also reported that "sisters were taken and made to take their clothes off. Then the police urinated on them, saying, 'you say you are Muslim? Well, you must clean yourself'". Dawut, *Uyghur Tribunal Witness Statement*, 15, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Zumret-Dawut.pdf>.

¹¹³ *G.A. Res. 2200A*, supra note 26, art. 12; *OHCHR Report*, supra note 19, at ¶¶ 69-77.

¹¹⁴ *OHCHR Report*, supra note 19, at ¶ 76; *Uyghur Tribunal Judgment*, supra note 21.

¹¹⁵ *Break Their Lineage*, supra note 76; Mezensof, *Uyghur Tribunal Witness Statement*, 12, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211122-Mehray-Mezensof.pdf>; Muhammad, *Uyghur Tribunal Witness Statement*, 5-6, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211201-Abdusalam-Muhammad.pdf>; Leizhan, *Uyghur Tribunal Witness Statement*, 4-5, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT211116-Wang-Leizhan.pdf>; Haitiwaji, *Uyghur Tribunal Witness Statement*, 13, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211116-Gulbahar-Haitiwaji.pdf>; Ziyawudun, *Uyghur Tribunal Witness Statement*, 8-9, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Tursunay-Ziyawudun.pdf>; Dawut, *Uyghur Tribunal Witness Statement*, 4-5, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Zumret-Dawut.pdf>.

¹¹⁶ Mezensof reported that during her husband's detention, detainees had to kneel on the ground and sing in praise of China to obtain food, "they were refused the food for the day. They were given that three times a day so had to sing three times a day." When asked if the detainees must "Kneel and praise China or Starve?", she replied yes. She also reports having to bring money and clothes to her husband regularly during his detention. Mezensof, *Uyghur Tribunal Witness Statement*, 8, 24-25, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211122-Mehray-Mezensof.pdf>. Muhammad reported that detainees had to pay for food and clothing. Muhammad, *Uyghur Tribunal Witness Statement*, 12, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211201-Abdusalam-Muhammad.pdf>.

domestic law and the ICESCR both guarantee the right to food sufficient to sustain life, and as such, these “vocational education” centre practices are clear violations of Article 12.¹¹⁷

32. Uyghur and other Turkic and Muslim peoples have also reported facing sexual violence from officers working at the detention centres and from other men who were given access to the centres at night.¹¹⁸ One such report described how the wardens of the detention centre accepted money from men to come into the centre and rape detainees.¹¹⁹ State-organised sexual violence against Uyghur and other Turkic and Muslim detainees violates their right to the highest attainable standard of health.¹²⁰

33. China claims that the Becoming Family campaign promotes “ethnic unity” and that “cadres” are willingly accepted into the homes of families of different ethnicity.¹²¹ However, OHCHR found that these homestays are “involuntary in nature,” and women, in particular, have reported incidents of sexual harassment by Han men posted with their families.¹²² Other reports indicate that the family pairing program consists of “one Han individual for one Uyghur individual” and “they allocate men to women and women to men”.¹²³ The placement of Han officials in Uyghur and other Turkic and Muslim households, especially those affected by arbitrary detention, creates a coercive environment that risks sexual violence against women. Enacting policies that put citizens at an increased risk of sexual violence violates the right to health guaranteed by Article 12.¹²⁴

34. China is engaged in a systematic mass birth prevention strategy targeted at Uyghur and other Turkic and Muslim families.¹²⁵ Policies of forced sterilisations, forced abortions, forced birth control, extrajudicial internment, and exorbitant fees as punishment not only discriminate against Uyghur and other Turkic and Muslim women, they also violate Article 12’s guarantee of the highest attainable standard of health.¹²⁶ The OCHCR report states, “the right to the highest attainable standard of health comprises sexual and reproductive freedom, which includes the rights of individuals and couples ‘to decide freely and responsibly the number, spacing and timing of their children.’”¹²⁷

35. Further, China’s treatment of Uyghur and other Turkic and Muslim people in detention and policies that place Uyghur and other Turkic and Muslim people at high risk for sexual violence all cause damage to their mental health in violation of Chinese domestic law and Article 12.¹²⁸ Those suffering psychological torture while in detention report long-lasting mental health problems.¹²⁹ Testimony about psychological torture in detention centres includes threats from officers that individuals would never see their families again or would only leave the centre in a body bag.¹³⁰ A

¹¹⁷ *G.A. Res. 2200A*, *supra* note 26, art. 12; Criminal Law of the People’s Republic of China (adopted at the 2nd Session of the 5th National People’s Congress on July 1, 1979) art. 248; *OHCHR Report*, *supra* note 19, at ¶ 76.

¹¹⁸ *Break Their Lineage*, *supra* note 76; *The Uyghur Genocide*, *supra* note 34, at 28-29; *Uyghur Tribunal Judgment*, *supra* note 21; *OHCHR Report*, *supra* note 19, at ¶ 73; Tursunay Ziyawudun was gang raped by three officers at the detention centre. Tursunay Ziyawudun, *Uyghur Tribunal Witness Statement*, 8, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Tursunay-Ziyawudun.pdf>.

¹¹⁹ Aqulqanqizi witnessed many women taken at night to rooms where their clothing was removed, their hands were chained, and Han men would enter. She waited outside and when the men left, she took the women to shower. She was threatened if she refused to help. On one occasion, while she was cleaning the room, a man had not left yet and told her he paid to be there. She said the men were “very frank and open about what was going on there: they would tell those women that they had nobody who could help or rescue them”. Aqulqanqizi, *Uyghur Tribunal Witness Statement*, 3-4, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211206-Gulzire-Aulhan.pdf>.

¹²⁰ *G.A. Res. 2200A*, *supra* note 26, art. 12; *OHCHR Report*, *supra* note 19, at ¶¶ 73-74.

¹²¹ *OHCHR Report*, *supra* note 19, at ¶¶ 100-101.

¹²² *Id.*

¹²³ Dawut testified about her family’s experience with the Becoming Family program, detention, and that she was forced to undergo an abortion and IUD insertion. She also shared photos of her 10-year-old daughter with her 19-year-old male Han relative. Dawut, *Uyghur Tribunal Witness Statement*, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Zumret-Dawut.pdf>.

¹²⁴ *G.A. Res. 2200A*, *supra* note 26, art. 12.

¹²⁵ *The Uyghur Genocide*, *supra* note 34, at 28-29.

¹²⁶ *G.A. Res. 2200A*, *supra* note 26, art. 12.

¹²⁷ *OHCHR Report*, *supra* note 19, at ¶ 112.

¹²⁸ *G.A. Res. 2200A*, *supra* note 26, art. 12; Law of the People’s Republic of China on Basic Medical and Health Care and the Promotion of Health (adopted at 15th Meeting of the Standing Committee of the 13th National People’s Congress of the People’s Republic of China on Dec. 8, 2019) art. 1, 32; *The Uyghur Genocide*, *supra* note 34, at 18-30; *Uyghur Tribunal Judgment*, *supra* note 21; Boyd, *supra* note 128.

¹²⁹ *OHCHR Report*, *supra* note 19, at ¶¶ 69-71; *The Uyghur Genocide*, *supra* note 34; *Uyghur Tribunal Judgment*, *supra* note 21, at 51.

¹³⁰ Mehray Mezensof, *Uyghur Tribunal Witness Statement*, 12, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211122-Mehray-Mezensof.pdf>; Abdusalam Muhammad, *Uyghur Tribunal Witness Statement*, 20, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211201-Abdusalam-Muhammad.pdf>.

former PRC police officer testified that starving prisoners would be taunted with food or forced to fight for food while being stripped naked and doused in cold water.¹³¹ The treatment of Uyghur and other Turkic and Muslim people in detention has led to severe emotional disturbance, often resulting in detainees harming themselves.¹³² The psychological torture of Uyghur and other Turkic and Muslim people in detention clearly violates the ICESCR right to health.¹³³

36. Psychological torture, physical torture, sexual violence, and violations of bodily reproductive autonomy all contribute to lasting physical and mental health issues.¹³⁴ Testimony from Uyghur and other Turkic and Muslim people corroborates this claim. As a result of forced abortions, forced IUD insertions, interrogation, and “re-education”, many have faced long-term mental impacts, including depression.¹³⁵ Uyghur and other Turkic and Muslim individuals have claimed that their experiences in detention led them to contemplate suicide.¹³⁶ Testimony demonstrates that policies targeting Uyghur and other Turkic and Muslim peoples have lasting health impacts that violate Article 12.¹³⁷

ARTICLE 13: THE RIGHT TO EDUCATION

China’s Claims of Compliance with Article 13

37. China guarantees the right to education for all, asserting that State-run schools offer “minority language courses” and “bilingual teaching.”¹³⁸ China claims native languages have been used to create curricula for primary and secondary schools.¹³⁹ Chinese domestic law guarantees the right of Uyghur, Turkic and other Muslim peoples to speak their native languages during their education.¹⁴⁰

China’s Actual Compliance with Article 13

38. China prevents the use and instruction of the native languages of Uyghurs and other Turkic and Muslim peoples in violation of Convention Article 13 and China’s Education Law Article 12, which requires that education allows for the use and teaching of native languages in state-run schools.¹⁴¹ These are exacerbated by China’s policies placing children in state-run boarding schools and the mass

¹³¹ Leizhan, *Uyghur Tribunal Witness Statement*, 5, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT211116-Wang-Leizhan.pdf>.

¹³² Ziyawudun witnessed a young girl hitting herself over and over until she was taken away. Ziyawudun, *Uyghur Tribunal Witness Statement*, 6, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Tursunay-Ziyawudun.pdf>. Dawut witnessed girls biting their hands and arms after facing physical and psychological torture. Zumret Dawut, *Uyghur Tribunal Witness Statement*, 15, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Zumret-Dawut.pdf>.

¹³³ *G.A. Res. 2200A*, *supra* note 26, art. 12; *OHCHR Report*, *supra* note 19, at ¶¶ 69-78.

¹³⁴ *G.A. Res. 2200A*, *supra* note 26; Boyd, *supra* note 128; *Break Their Lineage*, *supra* note 76; *OHCHR Report*, *supra* note 19, at ¶¶ 69-78.

¹³⁵ Rouzi testified that the forced abortion and IUD insertion she suffered “had an immense physical and mental impact on [her]” and upon leaving China, she was diagnosed with depression that she continues to treat with anti-depressants. Rouzi, *Uyghur Tribunal Witness Statement*, 4, <https://uyghurtribunal.com/wp-content/uploads/2022/02/UTFW2-001-Guzhanuer-Rouzi.pdf>. Ziyawudun reported suffering “a mental breakdown” while facing interrogation. Ziyawudun, *Uyghur Tribunal Witness Statement*, 7,

<https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Tursunay-Ziyawudun.pdf>. Haitiwaji testified about the “mental torture and anguish” she felt after being forced to record a video over and over denouncing her family and praising the Chinese government.

Haitiwaji, *Uyghur Tribunal Witness Statement*, 9-10, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211116-Gulbahar-Haitiwaji.pdf>.

¹³⁶ Muhammad heard a fellow inmate say “I wish I was the one who died” after witnessing detention officers torture other detainees in front of them. Muhammad, *Uyghur Tribunal Witness Statement*, 6,

<https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211201-Abdusalam-Muhammad.pdf>. Mezensof testified that her said he would rather die than have to go back to the detention centre and “spoke about killing himself numerous times whilst he was in the hospital.”

Mezensof, *Uyghur Tribunal Witness Statement*, 7, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211122-Mehray-Mezensof.pdf>.

¹³⁷ *G.A. Res. 2200A*, *supra* note 26, art. 12; *OHCHR Report*, *supra* note 19, at ¶¶ 69-78.

¹³⁸ *Third Periodic Report Submitted by China*, *supra* note 4.

¹³⁹ *China’s Response to OHCHR’s Report*, *supra* note 72, at 101.

¹⁴⁰ Education Law of the People’s Republic of China (adopted at the 3rd Session of the 8th National People’s Congress on Mar. 18, 1995) art. 12; Regional Ethnic Autonomy Law of the People’s Republic of China (issued by the 2nd Session of the 6th National People’s Congress on May 31, 1984) art. 10, 37; Constitution of the People’s Republic of China, Dec. 4, 1982, art. 4.

¹⁴¹ UN ESCOR, Committee on Economic, Social, and Cultural Rights, *General Comment No. 13: The Right to Education*, E/C.12/1999/10, (Dec. 8, 1999); Statement by the Special Rapporteur on the Right to Education at the Commission on Human Rights (April 8, 1999), <https://www.ohchr.org/en/statements/2009/10/statement-special-rapporteur-right-education>; *Children Separated*, *supra* note 94; Education Law of the People’s Republic of China (adopted at the 3rd Session of the 8th National People’s Congress on Mar. 18, 1995), art. 12; *The Uyghur Genocide*, *supra* note 34, at 34-35; Regional Ethnic Autonomy Law of the People’s Republic of China (issued by the 2nd Session of the 6th National People’s Congress on May 31, 1984) art. 10, 37; Constitution of the People’s Republic of China, Dec. 4, 1982, art. 4; Aurora Elizabeth Bewicke, *Silencing the Silk Road: China’s Language Policy in the XUAR*, 11 SAN DIEGO INT’L L. J. 135, 145 (2009).

detention of Uyghur and other Turkic and Muslim adults in forced labour programs and in “vocational education” centres, as described earlier.¹⁴²

39. China’s policies in the state-run boarding schools in the Uyghur Region deprive children of the freedom to learn and practise their native languages and instil fear that they will be punished for speaking their native language.¹⁴³ Due to China’s branding of Uyghur culture as “extremist,” the Uyghur Region lacks private schools teaching the Uyghur language and Islam.¹⁴⁴ These claims have been corroborated by the testimonies of Uyghur and other Turkic and Muslim peoples who have spoken out about China’s efforts to keep them and their children from teaching, learning, and using their native languages.¹⁴⁵

40. In the List of Issues of April 2021, this Committee asked China to address the State’s failure to allow the teaching or use of native languages in the classroom as well as how to ensure children would not have to leave school as a result of that failure.¹⁴⁶ This Committee requested that China “comment on reports that the State party has: (a) attempted to eradicate the culture, religion and language of Uyghur and Tibetan languages in schools; and (b) suppressed individuals and institutions promoting education in minority languages in school.”¹⁴⁷ These concerns are still valid as China’s policies continue to prevent the teaching and use of the native languages of Uyghur and other Turkic and Muslim peoples.

ARTICLE 15: THE RIGHT TO CULTURAL LIFE

China’s Claims of Compliance with Article 15

41. China maintains that all nationalities are equal and implements a system of regional ethnic autonomy. Minority populations are entitled to establish autonomous official organs, exercise autonomous rights, enact their own legislation, and manage affairs in the areas of culture, among others.¹⁴⁸ China asserts that national minorities enjoy broad cultural autonomy, and that China ensures the freedom to use and develop languages, customs, faith, and religion. China’s Constitution and the Regional Ethnic Autonomy Law enshrine the right of minority groups to be protected from discrimination.¹⁴⁹

China’s Actual Compliance with Article 15

42. Article 15.1 gives every individual the right to take part in cultural life.¹⁵⁰ This means that the state must abstain from interfering with cultural practices and take affirmative action to ensure all preconditions for full “participation, facilitation, and promotion” of cultural life are met.¹⁵¹ This right is “intrinsicly linked” to the right to education, as this is the medium through which people can pass on values, religion, customs, language, and other cultural practices.¹⁵² The right to engage freely in

¹⁴² *Children Separated*, *supra* note 94; Law of the People’s Republic of China on Protection of Minors (adopted at the 22nd Meeting of the Standing Committee of the 13th National People’s Congress of the People’s Republic of China on Oct. 17, 2020) art. 92, 94.

¹⁴³ *Uyghur Tribunal Judgment*, *supra* note 21.

¹⁴⁴ *The Uyghur Genocide*, *supra* note 34; Xinjiang Uyghur Autonomous Region Regulation on De-extremification (Adopted at the 28th Meeting of the Standing Committee of the 12th People’s Congress for the XUAR, Mar. 29, 2017), ch. II, art. 9(10), 9(13).

¹⁴⁵ Isa tried to start a school in Aksu, in the Uyghur Region, where he hoped to teach foreign languages, including Arabic, but his application was rejected, and he was prevented from starting the school. Isa, *Uyghur Tribunal Witness Statement*, 5,

<https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211109-Dolkun-Isa.pdf>. Sayragul Sauytbay testified that in 2016, the Chinese Government began a campaign calling “for termination of all mother language schoolings (whether Uyghur or Kazakh)”. Sayragul Sauytbay, *Uyghur Tribunal Witness Statement*, 3, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211109-Sayragul-Sauytbay.pdf>; Dawut shared that her children were forced to speak only Chinese in school and that even she was forced to speak Chinese in public. Dawut, *Uyghur Tribunal Witness Statement*, 8, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211111-Zumret-Dawut.pdf>.

¹⁴⁶ Committee on Economic, Social and Cultural Rights (CESCR), *List of issues in relation to the third periodic report of China*, U.N. Doc. E/C.12/CHN/Q/3, (Apr. 7, 2021) [hereinafter *CESCR LOI Third Periodic Report of China*].

¹⁴⁷ *Id.*

¹⁴⁸ *Int’l Human Rights Instruments*, *supra* note 1.

¹⁴⁹ *OHCHR Report*, *supra* note 19.

¹⁵⁰ *ICESCR*, *supra* note 3.

¹⁵¹ Committee on Economic, Social and Cultural Rights, *General Comment No. 21*, U.N. Doc. E/C.12/GC/21, (Dec. 21, 2009).

¹⁵² *Id.*

cultural life depends on other rights, such as the right to self-determination and the right to an adequate standard of living.

43. Despite China's claims,¹⁵³ the government has undertaken efforts to destroy Uyghur landmarks.¹⁵⁴ Large-scale Mosque destruction began under the "Mosque Rectification" programme, by which Chinese authorities conducted a systemic campaign to demolish or desecrate places of worship. The Chinese government has demolished over 8,500 mosques across the Uyghur Region since 2017.¹⁵⁵ Sites of cultural importance, like the old town of Kashgar, were nearly completely destroyed between 2009 and 2011 to "facilitate maximum security and surveillance of the local population."¹⁵⁶ The destruction of the Old City displaced thousands of residents and resulted in the loss of sites linked to traditional Uyghur life.¹⁵⁷

44. Beyond large public structures and sites, the government's campaign has extended to Uyghur homes, building on more invasive programmes to infiltrate personal lives and private freedoms. Just as mosques in the Uyghur Region have been forced to remove Islamic architecture and symbols,¹⁵⁸ Uyghur people have been ordered to remove architectural features called mihrabs, which are ornate dome niches built into a wall to indicate the direction to pray to Mecca in their homes. The measure was justified as a means of fighting "religious extremism."¹⁵⁹ The Chinese government has also been promoting a campaign known as "Three News" in an effort to force Uyghurs to abandon traditional décor inside their homes, including mihrabs.¹⁶⁰ This campaign is part of the government's broader efforts to "sinicise" the Uyghur way of life and assimilate other cultures into mainstream Han Chinese culture. This Committee has expressed concern about these efforts, requesting more information on measures taken to ensure that the cultural, religious, and linguistic identity of ethnic communities is not undermined by "sinicisation."¹⁶¹

45. The Chinese government has attempted to alter and control the traditional practices and customs of the Uyghur culture, as exemplified by the transformation of meshrep, a festive tradition involving the transmission of cultural or moral knowledge through music and storytelling.¹⁶² Despite being recognised as an intangible cultural heritage by UNESCO, grassroots meshrep gatherings have been banned by the Chinese authorities, who have also prohibited "illicit" or "unhealthy" versions of the practice.¹⁶³ Instead, Uyghurs are forced to attend reinterpreted versions with religious lyrics rewritten as expressions of revolutionary patriotism.¹⁶⁴ These government actions demonstrate an attempt to manipulate and control Uyghur culture and traditions.

46. Assertions of Uyghur cultural identity and social critique from writers, artists, and intellectuals are often perceived by China as a threat to the state. China has interned, imprisoned, and disappeared

¹⁵³ *Third Periodic Report Submitted by China, supra* note 3.

¹⁵⁴ *Demolishing Faith: The Destruction and Desecration of Uyghur Mosques and Shrines*, UYGHUR HUM. RTS. PROJECT (Oct. 28, 2019).

¹⁵⁵ Chao Deng, *China Razed Thousands of Xinjiang Mosques in Assimilation Push*, WALL STREET J. (Sep. 25, 2020), <https://www.wsj.com/articles/china-razed-thousands-of-xinjiang-mosques-in-assimilation-push-report-says-11601049531>.

¹⁵⁶ R. Harris, *Bulldozing mosques: the latest tactic in China's war against Uighur culture*, THE GUARDIAN (Apr. 7, 2019), <https://www.theguardian.com/commentisfree/2019/apr/07/bulldozing-mosques-china-war-uighur-culture-xinjiang>.

¹⁵⁷ Ishaan Tharoor, *Tearing Down Old Kashgar: Another Blow to the Uighurs*, TIME (Jul. 29, 2009), <https://content.time.com/time/world/article/0,8599,1913166,00.html>.

¹⁵⁸ C. Buckley & A. Ramzy, *China is Erasing Mosques and Precious Shrines in Xinjiang*, N.Y. TIMES (Sep. 2020), <https://www.nytimes.com/interactive/2020/09/25/world/asia/xinjiang-china-religious-site.html>.

¹⁵⁹ S. Hoshur, *Uyghurs Ordered to Destroy Muslim Architecture Deemed 'Extremist' by Authorities*, RADIO FREE ASIA (Jul. 10, 2019), <https://www.rfa.org/english/news/uyghur/architecture-07102019140830.html>.

¹⁶⁰ S. Hoshur, *Uyghurs in Xinjiang Ordered to Replace Traditional Décor with Sinicized Furniture*, ASS'N FOR DEF. HUM. RTS. & RELIGIOUS FREEDOM (Jan. 10, 2020), <https://en.adhrrf.org/uyghurs-in-xinjiang-ordered-to-replace-traditional-decor-with-sinicized-furniture.html>.

¹⁶¹ *CESCR LOI Third Periodic Report of China, supra* note 146.

¹⁶² D.B. Sawa, *'This is our voice': The Uyghur traditions being erased by China's cultural crackdown*, THE GUARDIAN (Dec. 10, 2021), <https://www.theguardian.com/artanddesign/2021/dec/10/this-is-our-voice-the-uyghur-traditions-being-erased-by-chinas-cultural-crackdown>.

¹⁶³ *The Uyghur Meshrep: A traditional community gathering censored in China*, UYGHUR MESHREP PROJECT (Jul. 9, 2020), <http://www.meshrep.uk/the-uyghur-meshrep-a-traditional-community-gathering-censored-in-china/>.

¹⁶⁴ Sawa, *supra* note 162.

Uyghur intellectuals as part of an intensified campaign to suppress Uyghur cultural expression.¹⁶⁵ China has even used travel restrictions to punish those who wish to participate in cultural or religious life.¹⁶⁶ Chinese authorities have not only prohibited or severely restricted culturally oriented teaching but also mere participation in religious activities in the Uyghur Region. China has prohibited Muslim religious instruction and imposed age restrictions on entering mosques.¹⁶⁷ Even in the “reeducation camps,” Uyghur individuals have been prohibited from practising their religion and forced to do activities that violate their religious beliefs.¹⁶⁸ China’s violations of Article 15 and the right to cultural life are systemic, chronic, and acute. China fails to provide the Uyghur people with the full realisation of the right to participate in their unique cultural life.

RECOMMENDATIONS

- Allow immediate and unfettered visits of the UN High Commissioner, Special Rapporteurs, and Independent experts to the Uyghur Region and other areas where Uyghur and other Turkic and Muslim communities live.
- Sign and ratify the Optional Protocol to the ICESCR.
- Stop subjecting Uyghurs to arbitrary interference with their right to privacy and freedom of movement.
- Repeal forced sterilisation policies in the Uyghur Region and release all individuals interned for violating birth control violations under the legal framework of combating extremism.
- Allow a UN special rapporteur to conduct an investigation into allegations of forced marriage in the Uyghur Region.
- Return Uyghur and other Turkic and Muslim children to their parents or other family members that could serve as legal guardians.
- Repeal the counter-terrorism laws to ensure that the definitions of “extremism” or “terrorism” are not vague or broad and are in line with international norms.
- Release detainees from “vocational education” camps and forced labour programs
- Allow for a UN special rapporteur to investigate claims of a state-run program allowing men to pay to rape women detained at “vocational education” camps
- Eliminate the “Becoming Family” program or allow for a UN special rapporteur to investigate allegations of sexual assault and rape associated with these programs.
- Ask that China provide proof that Uyghur and other Turkic and Muslim students are able to speak their native languages at school without facing punishment and that there is an adequate opportunity to learn these languages outside of state-run schools.
- Allow for a UN special rapporteur to investigate the state-run boarding schools in the Uyghur region to ensure children are not punished for speaking their native languages.
- Stop the arbitrary detention and arrests of Uyghurs and allow them to freely exercise their right to freedom of opinion and expression and the right to practise one’s culture.
- Allow Uyghurs to practise their freedom of religion or belief and stop state interference in religious affairs.
- Re-establish communication between Uyghurs in the diaspora and their relatives in the Uyghur Region, with no reprisals.

¹⁶⁵ B.K. Sintash, *Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland*, UHRP (Mar. 2019), <https://docs.uhrp.org/pdf/Detained-and-Disappeared-Intellectuals-Under-Assault-in-the-Uyghur-Homeland.pdf>.

¹⁶⁶ *Like We Were Enemies in a War*, *supra* note 25.

¹⁶⁷ G. Hoja, *China Bans Officials, State Employees, Children from Mosques*, RADIO FREE ASIA UYGHUR SERVICE (Feb. 6, 2006), https://www.rfa.org/english/uyghur/uyghur_religion-20060206.html.

¹⁶⁸ *Break Their Lineage*, *supra* note 76, at 25-28.