

**Alternative Report submitted to the
UN Committee on the Economic, Social and Cultural Rights for the
consideration of the Second Report of the People’s Republic of China
during the 51st Pre -Sessional Working Group**



Unrepresented Nations and Peoples Organization

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Section A: Introduction to the Report

This alternative report was submitted by the Unrepresented Nations and Peoples Organization (UNPO) on the occasion of the 51st Pre-Sessional Working Group of the Committee on Economic, Social and Cultural Rights (henceforth, “the Committee”).

The framework of this report will comment upon relevant articles of the International Covenant on Economic, Social and Cultural Rights sequentially. The final section of the report raises questions that should be posed and recommendations regarding concerns which are intended to inform the discussions taking place within the International Covenant on Economic, Social and Cultural Rights (henceforth, “ICESCR” or “the Covenant”) and between the Committee and the Chinese delegation at the 51st Session.

This alternative report will focus on the situation of the Tibetans, Inner Mongolians and Uyghurs in the People’s Republic of China and the Government’s compliance with and implementation of the provisions in the International Covenant as it affects these particular groups.

The major issue dealt with in this report is the poverty and marginalization of the Tibetans, Uyghurs and Mongols in China, caused mainly by social and political discrimination and exclusion. This led to the Tibetans, Uyghurs and Mongolians becoming victims of forced evictions from their ancestral lands, destruction of their houses, as well as lack of access to healthcare, education and work.

Tibet and East Turkestan were founding Members of UNPO in February 1991. They are represented respectively by the Tibetan government in Exile, headed by Lobsang Sangay and based in Dharamsala, and by the World Uyghur Congress, headed by Rebiya Kadeer and based in Munich.

Inner Mongolia has been a Member of UNPO since February 2007. It is represented within UNPO by the Inner Mongolian People’s Party (IMPP). The organization upholds the principles of democracy and peace in fighting to end the Chinese Communist Party’s colonial rule in Inner Mongolia. Its goal is to achieve a greater level of self-determination for Inner Mongolia through peaceful means.

The Hague, April 2013

Section B: Introduction to the Uyghurs, Inner Mongolians and Tibetans

1. East Turkestan is a large territory to the west of China claimed by the People's Republic of China (PRC) as the Xinjiang Uyghur Autonomous Region (XUAR). It is the home of the Uyghur people, a Turkic ethnic group, most of whom are Sufi Muslims. For centuries, the Uyghurs have enjoyed different degrees of independence, but were eventually absorbed by the PRC in 1949. As of today, their situation remains critical. The government's crackdown on anyone supporting the Uyghurs' call for meaningful autonomy has led China to falsely link Uyghur political activists to terrorist organizations, diverting international attention from what is truly happening in the region.

2. Inner Mongolia is a territory to the north of China claimed which was integrated to the PRC in 1947, and is now known as the Inner Mongolia Autonomous Region (IMAR). Inner Mongolians represent approximately 17% of the population in the region and enjoy very little to no political autonomy. Traditionally pastoral and nomadic, these native communities have had to gradually change their lifestyle in order to adapt to the influx of Han Chinese immigrants, the increase of mining operations in their region in recent years, and the environment degradation that ensued.

3. The Tibetan Plateau, on the highlands of southern China, is the homeland of the Tibetan people. While the "Government of Tibet in Exile" remains in Dharamsala, India, the Tibet Autonomous Region (TAR) is controlled by the PRC. The situation in the Autonomous region remains abysmal with reports leaking out of continued repression and deep concerns over the unprecedented wave of self-immolations.

Section C: Compliance with the ICESCR

Article 1 – Right to Self-determination

- 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*
- 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.*

Article 4 of the People's Republic of China Constitution (after amendment on March 14, 2004) provides that *"Regional autonomy is practiced in areas where people of minority nationalities live in concentrated communities; in these areas organs of self-government are established to exercise the power of autonomy."* Furthermore, the PRC Regional Ethnic Autonomy Law allows for regional autonomy in designated areas with ethnic minority populations, but limits it in both the substance and implementation of the law and various related policies have prevented meaningful autonomy in practice. The Congressional-Executive Commission on China in its 2012 Annual Report emphasizes that *"Government controls were the harshest over groups deemed to challenge State authority, including those in the Tibet Autonomous Region and other Tibetan autonomous areas, the Xinjiang Uyghur Autonomous Region, and the Inner Mongolia Autonomous Region"*. The CECC further states that *"the acceleration of top-down development policies has undercut the promotion of regional autonomy and limited the rights of ethnic minorities to maintain their unique cultures, languages, and livelihoods, while bringing some economic improvement to minority areas"*. All the articles dealing with administering the autonomy and finances (Article 117), independent administration of education, scientific, cultural, public health and physical culture affairs (Article 119), and the right to employ the spoken and written language of the area when performing the functions of government (Article 121), are only applicable within the *"limits of their authority as prescribed by the Constitution, the Regional Ethnic Autonomy Laws and other laws"* (Article 16), which illustrates the subordinate nature of Autonomy to the central powers of government.

Tibetan people's right to self-determination was explicitly endorsed in several United Nations General Assembly Resolutions¹ that called on China to respect this right. The Tibet Autonomous Region, under the unified leadership of the State², is one of the five autonomous areas in China at the provincial level where regional ethnic autonomy is exercised. However, the existing situation lacks the semblance of self-determination. While the *"Government of Tibet in Exile"* remains in

¹ 1353 (XIV) in 1959, 1723 (XVI) in 1961, and 2079 (XX) in 1965

² The Preamble of the PRC Constitution states that *"The People's Republic of China is a unitary multi-national State created jointly by the people of all its nationalities. <...> In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and to combat local national chauvinism. The State will do its utmost to promote the common prosperity of all the nationalities."*

Dharamsala (India), the Tibet Autonomous Region (TAR) is controlled by the People’s Republic of China. Tension over the respect of the right to self-determination in the region has increased over the past few years, due to harsh policies severely restricting all aspects of self-determination, including culture, distribution of wealth and political determination. The wave of self-immolations has infamously become the symbol of the despair over Chinese rule.³ A white paper titled *“Why Tibet Is Burning”* released on January 2013 by an institute affiliated with the Tibetan government-in-exile in Dharamsala, India, indicates that “[t]his deepening crisis in Tibet is fuelled by China’s total disregard for the religious beliefs, cultural values and reasonable political aspirations of the Tibetan people. The crisis grows out of China’s political repression, cultural assimilation, economic marginalisation, social discrimination and environmental destruction in Tibet”⁴. Self-immolations are considered by the Chinese government as “reactionary and terrorist activities”⁵. It has responded to the self-immolations by intensifying repression and trying to stamp out resistance. International media are banned from the region, making verifying the self-immolation cases difficult. The Chinese government never broadcasts news about the self-immolations in Tibet, but routinely air propaganda programs alleging that the self-immolations are incited by His Holiness the Dalai Lama. However, Tibetans living inside Tibet, attest to the fact that His Holiness the Dalai Lama or any other Tibetan or organizations have called Tibetans to put a halt to self-immolations.⁶ Authorities have also started detaining and jailing Tibetans they accuse of helping, inciting others self-immolate⁷, an act that Beijing now considers a crime.⁸ In an effort to curb self-immolations, local governments in Tibetan areas have also instituted a heavy security crackdown and intensified propaganda efforts aimed at demonizing protesters and the “black hands” who allegedly incite them.⁹ The article *“Those Who Incite Self-Immolations Must be Severely Punished Under the Law”* [December 3, 2012] in the *Gannan*

³ Ishaan Tiharoor, How Many Self-Immolating Tibetans Does It Take to Make a Difference. Available at: <http://world.time.com/2013/02/13/how-many-self-immolating-tibetans-does-it-take-to-make-a-difference/#ixzz2NPXOsO4H>

⁴ White paper “Why Tibet is Burning”, TPI Publications, First Edition, 2013. Available at : <http://www.google.it/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&ved=0CD4QFjAB&url=http%3A%2F%2Ftibet.net%2Fwp-content%2Fuploads%2F2013%2F02%2FWhitepaper-Final-PDF.pdf&ei=G05AUYnPEYOh0QXquIDAAw&usg=AFQjCNHcZ8eVQkApRUx7twbWSdK7hwYQQQ&sig2=6oOJxpMD6ARRk4qNUcv69w&bvm=bv.43287494,d.d2k>

⁵ “China alienates, angers Tibetan students with political education”, 29 November 2012, Tibetan Centre for Human Rights and Democracy. Available at: <http://www.tchrd.org/2012/11/china-alienates-angers-tibetan-students-with-political-education/>

⁶ “Monk’s testimony gives insight into causes behind self-immolations in Tibet”, December 24, 2012 , Central Tibetan Administration. Available at: <http://tibet.net/2012/12/24/monks-testimony-gives-insight-into-causes-behind-self-immolations-in-tibet/>

⁷ “A Tibetan monk has received a suspended death sentence and his nephew 10 years in jail for inciting eight people to self-immolate, Chinese state media say”. Tibetans Guilty of Murder for “inciting” immolations, BBC NEWS CHINA. Available at: <http://www.bbc.co.uk/news/world-asia-china-21271854>

⁸ China Outlines Criminal Punishments for Tibetan Self-Immolations, December 5, 2012. Dui Hua, Human Rights Journal: Current Issues in China’s Criminal Justice System. Available at: <http://www.duihuahrjournal.org/2012/12/china-outlines-criminal-punishments-for.html> .

⁹ China Outlines Criminal Punishments for Tibetan Self-Immolations, December 5, 2012. Dui Hua, Human Rights Journal: Current Issues in China’s Criminal Justice System. Available at: <http://www.duihuahrjournal.org/2012/12/china-outlines-criminal-punishments-for.html>

*Daily*¹⁰, the newspaper published by the local party committee in Gannan [Kanlho] Tibetan Autonomous Prefecture, Gansu Province, contains the language that emphasizes the treachery of “splittist” forces inside and outside China who “cloak their illegal criminal acts in religion” while “bewitching” protesters to go against the interests of the “broad masses” and undermine ethnic unity, split the nation as well as create disturbances in the society. Instead of addressing the underlying issue that lead to these self-immolations, i.e. the lack of basic respect for the right to self-determination, the Chinese government has chosen to respond by even harsher policies. Tibetans suspected of being critical of political, religious, cultural, or economic state policies are systematically targeted on charges of “separatism.”

In western China, the Chinese government gave the population the status of autonomy and renamed the region “Xinjiang Uyghur Autonomous Region” in 1955. Although people were promised to be able to determine their own political future, practice their religion, preserve the traditions and culture, the government did not fulfill its promises. The authorities trample fundamental freedoms and violate the rights enshrined in their own Constitution. China has special interest in keeping strict control over the XUAR, which covers 1/6 of the country’s territory, because it is rich in natural resources and minerals. For China to continue its economic development and political expansion, the country is dependent on having direct access to natural resources, such as the ones of the XUAR. The World Uyghur Congress, the global umbrella organization, is working to “promote the right of the Uyghur people to use peaceful, nonviolent, and democratic means to determine the political future of East Turkestan (Xinjiang).”¹¹ However, it is considered to be a terrorist organization by China’s Ministry of Public Security. Peaceful protests against current Chinese policies are being met with imprisonment, torture and disappearances, according to Arne Linjedahl Lynngård, Rafto Foundation Advisor on Uyghur issues.¹² The Advisor says that “China is executing a fierce assimilation policy (...) The government is trying to erase the Uyghurs’ cultural identity: their language, traditions, religion and architecture”¹³. The increase of Han Chinese in XUAR also puts the Uyghur self-determination under pressure.

The continued population transfer of Hans to Tibet, XUAR and IMAR in recent years has seen the Tibetan, Uyghur and Mongols minorities becoming a minority in their own land. They are vastly outnumbered by Chinese immigrants, who are given preferential treatment in education, jobs and private enterprises. Members of three ethnic minorities groups, on the other hand, are treated as second-class citizens in their own country. Under the guise of economic and social development, Beijing encourages the migration of Chinese population to Tibet, XUAR and IMAR, marginalizing these ethnic minorities in economic, educational, political and social spheres. The diminishing of Tibetans, Uyghurs and Mongols majority in their respective regions due to Han Chinese migration

¹⁰ Translation into English by Dui Hua, available at: <http://www.duihuahrjournal.org/2012/12/china-outlines-criminal-punishments-for.html>

¹¹ Mission Statement, World Uyghur Congress. Available at: <http://www.uyghurcongress.org/en/?cat=150>

¹² “Natural resources - a “curse” for the Uyghur people”, 15 February 2013, Rafto. Available at: http://www.rafto.no/article/602/Natural_resources_a_curse_for_the_Uyghur_people

¹³ *Ibid.*

pressures them into cultural assimilation. The influx of migrants also places the strain on limited resources like land and water. The railway line between Gormo and Lhasa, which was officially opened in July 2006, has given further impetus to this vicious policy of flooding Tibet with Chinese migrants. According to the Congressional-Executive Commission on China (CECC), the Chinese government "provides incentives for migration to the region from elsewhere in China, in the name of recruiting talent and promoting stability".¹⁴ Ethnic tension is fanned by economic disparity: because of the prevailing discriminatory approach the Han Chinese tend to be wealthier than non-Han groups.

Article 2 – Non-discrimination

- 1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.*
- 2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*
- 3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.*

Under the guise of counterterrorism and “anti-separatism” efforts, the government maintains a pervasive system of ethnic discrimination against ethnic minorities, in particular the Uyghurs, and sharply curbs religious and cultural expression. Politically motivated arrests are common. The PRC pursues discriminatory law practices, including denial of basic provisions of fair trial under the Chinese law, denying protesting monks the right to choose a lawyer, threatening lawyers representing members of ethnic minorities.

The recent amendments to the Chinese Criminal Procedure Laws are of particular concern in this regard. Amendments to Articles 73, 83 and 91 have given the power to security forces to detain suspects of 'Endangering State Secrets' crimes for up to 6 months of incommunicado detention at the discretion of the authorities. A staggering 50% of the application of ESS crimes is undertaken in the XUAR, whilst the XUAR accounts for 2% of the PRC's overall. Uyghurs who profess their culture, language, ethnic identity and religion - either on the internet, in journals, vocally or by other means - in a way that can be interpreted as against the widely-condemned and vaguely-defined ESS crimes run a heightened risk of being detained on these charges. The pattern of discrimination that can be observed in the application of the law goes against Chinese obligations under the ICESCR.

¹⁴ Congressional – Executive Commission on China, Annual Report 2007. Available at: <http://www.cecc.gov/pages/annualRpt/annualRpt07/CECCannRpt2007.pdf>

In addition, recently the Uyghur American Association (UAA) called on the Chinese government to immediately halt all discriminatory practices regarding the issuance of passports to Uyghurs and abide the 2007 Passport Law of the People's Republic of China, as well as return all passports confiscated from Uyghurs without due process and reasonable cause.¹⁵ Documented refusals of passports to Uyghurs and confiscations of passports held by Uyghurs date back to 2006. The main objective of such a confiscation is to prevent Uyghur Muslims from making an annual Hajj pilgrimage to Mecca. Tibetans and Inner Mongolians faced the same problem of obtaining a passport.¹⁶ Hardly any Tibetans have been issued international passports since the Chinese authorities introduced stricter travel rules in April 2012 in the Tibet Autonomous Region after many Tibetans attended the "Kalachakra" religious gathering in India in January 2012, presided over by exiled Tibetan spiritual leader the Dalai Lama, who is reviled by Chinese leaders as a separatist. Just a few Tibetan officials received the passports for official purpose but they had to hand the passports back upon the return.

With no official connection, it is almost impossible to get the passports at all. Unlike the Chinese nationals, members of ethnic minority communities have to wait for years for their applications to be processed and may have to pay bribes along the way. Even if obtained, passports have to be surrendered in a few days after return. The targeting of ethnic minorities in this manner reinforces the notion of "second-class citizens" among their populations and limits their freedom of movement through a discriminatory practice.

Article 6 – Right to Work

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Ethnic minorities are often discriminated against, especially when trying to get employment. Some job announcements reserved positions exclusively for Han Chinese in civil servant posts and private-

¹⁵ "Briefing: Refusals of passports to Uyghurs and confiscations of passports held by Uyghurs indicator of second-class status in China", 7 February 2013, Uyghur Human Rights Project. Available at: <http://uhrp.org/press-release/briefing-refusals-passports-uyghurs-and-confiscations-passports-held-uyghurs-indicator>

¹⁶ See "Mongolian Dissident's Passport Application Denied for Possible Harm to State Security and National Interests", 8 August 2007, Southern Mongolia Human Rights Information Center. Available at: http://www.smhric.org/news_179.htm; "Tibetans Face Passport Dilemma", 20 January 2013, Radio Free Asia. Available at: <http://www.rfa.org/english/news/tibet/passports-01202013213254.html>

sector jobs, in contravention of provisions in Chinese law that forbid discrimination¹⁷. The 2011 CECC says both government and private sectors had discriminatory hiring practices against the Uyghurs.¹⁸ There is also a wide gap between wages of Han Chinese and non-Han groups.

With an increased presence of Han Chinese settlers, Tibetans, Uyghurs and Mongols often find themselves at a disadvantage in the competition for economic resources. It is especially the case in finding meaningful employment. The central government continues to encourage Han migration to Tibet, XUAR and IMAR through economic incentives such as employment opportunities and housing¹⁹, hereby exacerbating economic discrimination against ethnic minorities.

The XUAR authorities continued programs to “transfer the excess rural labor force” to jobs in other parts of the XUAR and other provinces, a practice that has focused on young non-Han men and women. In March 2012, the central government published statistics indicating that, in 2011, more than 2.58 million people had been transferred to jobs outside of their home area or outside of the region. Some participants and their family members have reported coercion to participate in these programs, the use of underage workers, and exploitative working conditions. In 2012, XUAR authorities described the programs as a way for XUAR workers to gain income, build job skills, and “liberate” participants’ “thinking.”

Few Uyghurs benefit from the economic growth in the region. "There is a clear tendency for Uyghurs to hold low-status and low-paying positions and so they are generally enduring lower employment rates and wages than their Han counterparts. Where Han Chinese are over-represented in high status and high paying jobs such as in education, health and public management, Uyghurs are over-represented in agriculture, where over 80 per cent of the group's working population is present."²⁰ This is partly because of the language differences between Han and Uyghurs.

In 2009 IMAR became China’s largest producer of coal. It is also the biggest source of rare earths in the world.²¹ But all this is bringing few obvious benefits to Mongols, who find it hard to get jobs in the prospering cities. Their mother tongue, Mongolian, is unintelligible to most Hans. As a consequence they face higher rates of unemployment in their own regions.

¹⁷ See e.g. PRC Labor Law, issued 5 July 94, effective 1 January 95, art. 12. Available at: http://www.china.org.cn/living_in_china/abc/2009-07/15/content_18140508.htm ; PRC Constitution, Art. 4. Available at: http://www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content_1372963.htm

¹⁸ Congressional-Executive Commission on China, Annual Report 2011. Available at: <http://www.cecc.gov/pages/annualRpt/annualRpt11/AR2011final.pdf>

¹⁹ “Living on the Margins: The Chinese State’s Demolition of Uyghur Communities”, A Report by the Uyghur Human Rights Project, p.7 Available at: <http://docs.uyghuramerican.org/3-30-Living-on-the-Margins.pdf>

²⁰ “Lack of better jobs for China's ethnic minorities a worsening problem”, November 22, 2012, Phys. Available at: <http://phys.org/news/2012-11-lack-jobs-china-ethnic-minorities.html> In a recently published paper for the *International Journal of Sociology*, Dr Reza Hasmath stated that the problem is an unequal distribution of job opportunities and wealth.

²¹ “A Mongol miracle”, 13 July 2012, The Economist. Available at: <http://www.economist.com/blogs/graphicdetail/2012/07/daily-chart-9>

Article 11 – Right to an Adequate Standard of Living

1. *The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.*

2. *The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:*

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

In Tibet, as well as in IMAR and the XUAR, nomads and herders who have lived successfully with their herds using their centuries-old traditional knowledge, and keeping a mobile life style are forced to relocate from their ancestral lands in the next three years²² into purpose- built concrete houses often in remote locations without adequate schools or health clinics and with few if any employment opportunities, under the guise of different programs named ecological migration or comfortable housings projects. On May 30th 2012, a statement posted on the official website of the Central People’s Government of the People’s Republic of China, outlines the bare essentials of the “12th Five-Year Plan for the Project on Resettling Nomadic People within China”.²³ The Chinese authorities state that the nomadic herders were resettled to improve the sustainable economic and social development in the region and has been widely supported by farmers and herders.²⁴ “The Party Central Committee and the State Council have especially emphasized the socio-economic development of pastoral areas, bringing a remarkable improvement to the herders’ living conditions and mode of production, causing the majority of herders to be resettled in static locations,” the government announcement said. Indeed, the 12th five-year Plan attempts to disguise its violation of nomadic autonomy.

Authorities point to some sign of degradation and ‘overgrazing’, perpetrated by nomadic herders as one of the reasons justifying the Plan, but make way for mining as Tibet, XUAR and IMAR have been found to contain extremely valuable and vast mineral deposits. Non-state sponsored science has

²² “China Plans to End Nomadic Life in Tibet, Uyghur and Inner Mongolia”, June 26, 2012, International Cry. Available at: <http://intercontinentalcry.org/china-plans-end-nomadic-life-occupied-tibet-uyghur-inner-mongolia/>

²³ “Plans to Resettle China’s Remaining Nomadic Population”, Published June 26, 2012 in China Plans to End Nomadic Life in Tibet, Uyghur and Inner Mongolia, Intercontinental Cry. Available at: <http://intercontinentalcry.org/china-plans-end-nomadic-life-occupied-tibet-uyghur-inner-mongolia/plans-to-resettle-chinas-remaining-nomadic-population/>

²⁴ “UN Special Rapporteur challenges China’s forced resettlement policy in Tibet”, March 7, 2012, Central Tibetan Administration. Available at: <http://tibet.net/2012/03/07/un-special-rapporteur-challenges-chinas-forced-resettlement-policy-in-tibet/>

found that traditional, unconstrained grazing activities actually significantly improves the quality of range lands.²⁵

The numbers involved in implementing this policy are huge. Within the five-year period, the State intends to settle over 1.5 million nomads into more than 240,000 new homes.²⁶ However, the extensive protests, as well as the high rate of urban poverty found in forcibly settled nomadic groups, have challenged the plausibility of State claims that the new plan has popular nomadic support. In each concerned region nomadic people have persistently responded to plans to end their way of life by offering not compliance, but defiance. Ethnic minorities perceive these policies as being aggressive attempts at enforced assimilation, and not well-meant facilitations of nomadic wishes.

Experts also say that deep-seated cultural ties to the grasslands and traditional nomadic ways of life lay behind a wave of protests that swept across IMAR in May 2011.²⁷ Mongolian commentators said the protests reflect a deep and widespread anger over continuing exploitation of the region's grasslands, the heartland of Mongol culture.

The PRC's current different grassland and land-use policies restrict the mobility of nomads and transform a mobile pastoral livelihood to sedentary, town-based lives. Nomads are often not appropriately consulted prior to resettlement, provided no feasible alternatives, and are left without livestock - their main means to make a living - and without the services promised to them by the Chinese government. They are forced to seek other sources of income for which they either lack skills or opportunities. The project or policy also did nothing to provide either alternative employment or short job oriented training to earn livelihood. China also cancels nomads' land leases, leaving them little prospect of ever returning to their land. The cumulative effect of displacement and dispossession leaves many forcibly resettled nomads living in poverty with some resorting to alcohol or drug use. In some cases those who have protested official policy have been arrested and sentenced to long jail terms.

Therefore, the ecological benefits of these policies are questionable, while the social costs for nomads are notably extraordinarily high. In a detailed testimony a Tibetan monk who recently escaped from Rebgong , where over 12 self-immolations took place, said that "[u]nder the policy of settling nomads, the Tibetan nomads are given a sum of 20 to 30 thousand yuan in the initial phase of resettlement and are forced to sell off their livestock. However, once they have moved to the

²⁵ "Inconvenient Truths: De-bunking China's Plan To Settle Nomadic Populations", September 19, 2012, Intercontinental Cry. Available at: <http://intercontinentalcry.org/inconvenient-truths-de-bunking-chinas-plan-to-settle-nomadic-populations/> . See also Tenzin Norbu "A Culture Endangered: Depopulating the Grasslands of the Tibetan Plateau", July 2012, Human Rights in China. Available at: <http://www.hrichina.org/crf/article/6136> ; Julia A. Klein, John Harte and Xin-Quan Zhao "Experimental Warming, Not Grazing, Decreases Rangeland Quality on the Tibetan Plateau", *Ecological Applications*, 17(2), 2007, pp. 541–557. Available at: <http://www.case.edu/affil/tibet/documents/JuliaKleinpaper.pdf>

²⁶ "Inconvenient Truths: De-bunking China's Plan To Settle Nomadic Populations", September 19, 2012, Intercontinental Cry. Available at: <http://intercontinentalcry.org/inconvenient-truths-de-bunking-chinas-plan-to-settle-nomadic-populations/>

²⁷ "China Plans to End Nomadic Life in Tibet, Uyghur and Inner Mongolia", June 26, 2012, Intercontinental Cry. Available at: <http://intercontinentalcry.org/china-plans-end-nomadic-life-occupied-tibet-uyghur-inner-mongolia/>

town, they are not offered any monetary help by the government. With several Chinese having migrated to Tibet, the situation is such that Tibetans need to learn Chinese even to be in the monasteries. The reason behind resettling Tibetan nomads is to implement the various policies of the Chinese government to undermine Tibetan language and culture as it is unfeasible for the government to exercise these policies in the remote nomadic regions".²⁸

The relocation of nomads into urban settlement promotes the political control of the Tibetan Plateau, IMAR and XUAR. Displacements are also taking place to facilitate the implementation of large-scale infrastructure projects such as dams, mining and other resource extraction, and infrastructure construction. Nomads and herders are not participating in decision-making process and have no voice against infrastructural projects that are displacing them from their ancestral lands.

Article 12 – Right to health

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Rural areas in Tibet lack hospitals and doctors, and the fees are too high for the common Tibetan to afford. The Tibet Justice Centers reports that only Tibetan children whose parents have the 'right' background - a government position or some connection within the CCP - receive subsidized healthcare."²⁹ In an emergency, nomads or farmers who live in remote areas of Tibet may well be unable to reach a hospital in time to avert death. Often hospitals are too distant and most facilities which are outside of the cities do not have modern medical equipment.

Nuclear Testing facilities were established in XUAR and the region further continues to serve as a toxic waste dumping ground. 46 nuclear explosions were conducted from 1964 to 1996. The three biggest of these 46 tests generated much more radioactivity than the Chernobyl disaster. Beijing has

²⁸ Monk's testimony gives insight into causes behind self-immolations in Tibet", December 24, 2012 , Central Tibetan Administration. Available at: <http://tibet.net/2012/12/24/monks-testimony-gives-insight-into-causes-behind-self-immolations-in-tibet/>

²⁹ "A Generation in Peril: The Lives of Tibetan Children Under Chinese Rule", Tibet Justice Center. Available at: <http://www.tibetjustice.org/reports/children/healthcare/b.html>

so far prohibited any form of independent investigation into the effects of the testing.³⁰ Many Uyghurs continue to suffer from health complications such as cancer, birth defects, and radiation-related illnesses as a result of the toxins now pervading the XUAR. The likelihood of getting cancer is 30% higher in XUAR than the rest of China according to Chinese records.³¹ What raises the concern of the international community is not just the consequences but also the target of these tests. They were conducted in the region that has been historically mistreated by the Chinese regime. Uyghur themselves believe the testing place was chosen deliberately.³²

The exposure of IMAR to arsenic in groundwater is still significant. It is a critical public health issue, especially given the rapid mining development in this region. As surveys show, the highest arsenic contamination in drinking water was found in the northern part including IMAR, XUAR and Ningxia provinces.³³ The toxicity of arsenic to human health ranges from skin lesions to cancer of the brain, liver, kidney, and stomach. Arsenic can also be passed from a pregnant woman to her unborn child.³⁴

Finally, the Committee on Economic, Social and Cultural Rights in its General Comment No.14 emphasized that “development-related activities that lead to the displacement of indigenous peoples against their will from their traditional territories and environment, denying them their sources of nutrition and breaking their symbiotic relationship with their lands, has a deleterious effect on their health”³⁵. The resettlement program of nomadic people in China discussed earlier falls exactly in this category, and has led to the social, cultural and economic impoverishment of ethnic minorities in their own regions, which has had repercussions on their health.

Article 13 – Right to Education

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

³⁰ “50 Years After Test 596: China’s Nuclear Programme In East Turkestan And Its Impact Today”, Conference Report, 29 February 2012. Available at: <http://www.unpo.org/downloads/448.pdf>

³¹ “Violation of Uyghurs’ right to health: Nuclear testing in Xinjiang”, 13 February 2012, Radical Party. Available at: <http://www.radicalparty.org/it/node/5163356>

³² See “European Parliament Assessing the Impact of Nuclear Testing in Xinjiang”, World Uyghur Congress. Available at: <http://www.youtube.com/watch?v=X-cPzUHkN90&list=PLFB7D6A1FCAA7930D&index=3>

³³ Purevdorj B. Olkhanud “Survey of Arsenic in Drinking Water in the Southern Gobi region of Mongolia”, May 2012. Available at: http://londonminingnetwork.org/docs/Purevdorj_B_Olkhanud_Capstone.pdf

³⁴ Roman Shrestha “Arsenic Contamination of Groundwater in Nepal: Good Public Health Intention Gone Bad”, 2012, Student Pulse. Available at: <http://www.studentpulse.com/articles/701/arsenic-contamination-of-groundwater-in-nepal-good-public-health-intention-gone-bad>

³⁵ The right to the highest attainable standard of health, General Comment No. 14 (2000), para. 27, CESCR Committee. Available at: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.2000.4.En](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/E.C.12.2000.4.En)

- (a) Primary education shall be compulsory and available free to all;*
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;*
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;*
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;*
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.*

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 46 of PRC Constitution states that the “Citizens of the People’s Republic of China have the duty as well as the right to receive education. The state promotes the all-round moral, intellectual and physical development of children and young people.” Although article 4 of the Chinese Constitution states that “people of all nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own ways and customs”, article 19 outlines the state’s role in the development of “socialist educational undertakings”, as the Constitution further proclaims that “The state promotes the nationwide use of Putonghua (common speech based on Beijing pronunciation).”

The Tibetan language is under threat as Mandarin has replaced Tibetan as the official language in the autonomous region. Under Chinese compulsion, most teachers have now abandoned teaching Tibetan. Moreover, there are also cases where students attending schools in Tibetan autonomous areas are not allowed to speak in their native tongue. The medium of instruction in Tibetan schools is the Chinese language, and to graduate to higher classes, students are almost entirely dependent on how they perform in Chinese.³⁶ Secondary education is taught exclusively in Mandarin and entrance exams to universities are in Chinese. That is to say, Mandarin Chinese, as the primary language of instruction, becomes the language that determines academic and professional success. More and

³⁶ Tibetan Pursuit of Freedom: A Letter from the Land of Snows, 13 December 2012, Tibetan Centre for Human Rights and Democracy. Available at: <http://www.tchrd.org/2012/12/tibetan-pursuit-of-freedom-a-letter-from-the-land-of-snows/>

more Tibetan parents are sending their children to Chinese language primary schools, hoping it will lead to improved employment opportunities. Those children often end up not being able to read, write or even speak Tibetan. Tibetan students also suffer from prohibitive and discriminatory fees and inadequate facilities in rural areas.³⁷

Tibetan run schools aimed to teach and develop young Tibetans with Tibetan cultural knowledge, faced a severe restriction from the authorities. In April 2012, Chinese authorities in Kardze County, Sichuan Province, have forcibly closed a school that taught young people in the Tibetan language. The principal and a teacher were arrested and taken to an undisclosed location. According to Beijing, the teaching of Tibetan - the language but also culture, music and history - is a crime comparable to separatism.³⁸

Furthermore, the “patriotic re-education”, first used to “re-educate” monks and nuns in their political and religious beliefs, was expanded to encompass the wider population in Tibet, including schools. The main thrust of this campaign is to re-orient the Tibetan people’s religious faith and belief by requiring to pledge their opposition to His Holiness the Dalai Lama.

The People’s Republic of China in its 2012–2015 National Human Rights Action Plan also calls for the promotion of the bilingual education policy. The Chinese authorities often present their concept of bilingual education as a progressive educational policy that confirms their commitment to ‘protect’ minority culture and languages.³⁹ However, Tibetan, Uyghur and Mongols strongly criticize bilingual education because it gives priority to Mandarin in schools in minority areas and remove minority languages from the instruction. Bilingual education policy has sparked popular protests particularly those led by middle and high school students in Tibet.⁴⁰ The protests were sparked particularly by a government-issued booklet containing allegations against the so-called “Dalai clique” and offensive denunciation of His Holiness the Dalai Lama and complimenting the benefits of bilingual education policy. Tibetan students called for equality for nationalities and equality for languages.

In addition to the “bilingual education” policy, the XUAR authorities have implemented a program, known as “Xinjiang classes”, of sending top Uyghur and other non-Han students from the region to high schools in eastern Chinese cities, where they attend classes taught exclusively in Mandarin Chinese and in the course of time immerse in Chinese culture.

³⁷ “Issues facing Tibet today”, Central Tibetan Administration. Available at: <http://tibet.net/about-tibet/issues-facing-tibet-today/>

³⁸ “Sichuan, school that taught Tibetan forcibly closed”, 04/21/2012, AsiaNews. Available at: <http://www.asianews.it/news-en/Sichuan,-school-that-taught-Tibetan-forcibly-closed-24559.html>

³⁹ Article 4 of PRC Constitution: “All nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs”. In addition, the Regional Ethnic Autonomy Law stipulates that ethnic minorities’ languages should be protected and allowed to be freely used and developed.

⁴⁰ “China alienates, angers Tibetan students with political education”, 29 November 2012, Tibetan Centre for Human Rights and Democracy. Available at: <http://www.tchrd.org/2012/11/china-alienates-angers-tibetan-students-with-political-education/>

There is a general attitude of contempt towards minority languages in the PRC. They are regarded as backwards, unfit for the modern world or linked to separatist activities. For instance In 2002, former XUAR Party Secretary Wang Lequan commented that “[t]he languages of the minority nationalities have very small capacities and do not contain many of the expressions in modern science and technology, which makes education in these concepts impossible. This is out of step with the 21st Century”⁴¹. Several scholars have responded to this by stating that since XUAR had had close links to Russia and its technology before China, their language had incorporated technical words for a long time already. This widespread attitude exemplifies the perception of minority languages in the PRC’s decision-making bodies.

Article 15 - Cultural Rights

1. *The States Parties to the present Covenant recognize the right of everyone:*

(a) *To take part in cultural life;*

(b) *To enjoy the benefits of scientific progress and its applications;*

(c) *To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.*

2. *The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.*

The full promotion of and respect for cultural rights is essential for the maintenance of human dignity. The right to take part in cultural life encompasses, *inter alia*, the right to free exercise of the religion of one’s choice.⁴²

Tibetan culture is inseparably linked to Tibetan Buddhism. Over the last 1,000 years, Tibet has developed a unique, spiritual and peaceful culture with Buddhism at its heart. Article 36 of China’s Constitution recognizes this right and states that “[c]itizens of the People’s Republic of China enjoy freedom of religious belief”. However, despite this constitutional guarantee of freedom of religion, the Chinese government limits protection for religious practices to “normal religious activities.” It does not, however, define what “normal” is. Only religious groups belonging to one of the five government-approved religions (Buddhism, Daoism, Catholicism, Protestantism, and Islam) are permitted to register with the government and legally hold worship services. While a growing number of Chinese citizens are allowed to practice their religion legally, religious groups and individuals considered to threaten national security or social harmony, or whose practices are deemed superstitious, cult-like, or beyond the vague legal definition of normal religious activities face severe restrictions, harassment, detention, imprisonment, and other abuses. Religious freedom conditions for Tibetan Buddhists remain particularly acute, as the government broadened its efforts

⁴¹ “Living on the Margins: The Chinese State’s Demolition of Uyghur Communities”, A Report by the Uyghur Human Rights Project, p.8 Available at: <http://docs.uyghuramerican.org/3-30-Living-on-the-Margins.pdf>

⁴² CESCR General Comment No.21, The Right of everyone to take part in cultural life (art. 15, para. 1 (a)), para.13, E/C.12/GC/21 (43rd Sess. Dec. 2-20, 2009).

to discredit and imprison religious leaders, control the selection of clergy, ban certain religious gatherings, and control the distribution of religious literature by members of these groups.⁴³ They are considered as “separatist forces or religious extremists, overseas or inside China”.⁴⁴ Monks and nuns are regularly subjected to ‘patriotic re-education programs’, for weeks at a time, in the name of maintaining stability, enhancing unity, and promoting harmony in Tibet. The campaign is used as a tool to stabilize and to exert control over what the Chinese authorities term “the hotbed of dissent activities,” referring to the monastic institutions.⁴⁵ During these programs, monks and nuns are forced to read ‘patriotic’ literature denouncing the Dalai Lama. Those who refuse to take part, or fail the program, often face arrest or expulsion or have their rights to practice as monks and nuns taken away; minor monks below the age of 18 had to discontinue their education after they were ordered to leave their monasteries. Restrictions on religious activity cause deep resentment in Tibetan and Uyghur communities.

Islam has always been an integral part of Uyghur daily life and cannot be separated from their customs and traditions. The PRC officials have increasingly used the Uyghurs’ belief in Islam to describe them as fundamentalists and terrorists, allowing them to suppress peaceful Uyghur dissent not only without international condemnation but even with support.⁴⁶ “Religious extremism” has been placed alongside “separatism” and “terrorism” as one of the so-called “three evil forces”⁴⁷ that threaten stability in the region. The Chinese government has taken steps to impose harsh legal restrictions on religious freedom in XUAR. 8000 police officers were deployed in XUAR villages in order to, among other things, crack down on “illegal religious activities”.⁴⁸ Central government officials in charge of religious affairs emphasized the need to strengthen the “management” of Hajj pilgrimages and “train” religious figures and cadres doing religious work.⁴⁹ Uyghur Muslims are also often sent to prison as a result of exercising their faith. Authorities in XUAR have jailed nine ethnic Uyghurs for “inciting separatism” and “disturbing social order” over their participation in “illegal” religious activities.⁵⁰ At least 200 places of worship were closed and 129 Muslim Uyghurs detained in conjunction with a campaign against “illegal religious activities.”⁵¹

⁴³ U.S. Commission on International Religious Freedom, Annual Report 2012. Available at: <http://www.uscifr.gov/reports-and-briefs/annual-report/3706-2012-annual-report.html>

⁴⁴ “Leaders focus on stability”, October 23, 2012, Global Times. Available at: www.globaltimes.cn/content/739820.shtml

⁴⁵ “Tibet : China Re-launches 'patriotic re-education' campaign”, 17th May, 2012, Dossier Tibet

⁴⁶ Pakistan has assured China of “full cooperation” against the separatist East Turkestan Islamic Movement (ETIM). The ETIM, which is demanding independence for China’s Muslim Uyghur minority, is said to have links with Al Qaeda camps in Pakistan and Afghanistan along the borders of Xinjiang. See “Xinjiang separatists trained in Pak: China”, 2 August 2011, Hindustan Times. Available at: <http://www.hindustantimes.com/world-news/RestOfAsia/Xinjiang-separatists-trained-in-Pak-China/Article1-728270.aspx>

⁴⁷ Preeti Bhattacharji “Uighurs and China’s Xinjiang Region”, 29 May 2012, Council on Foreign Relations. Available at: <http://www.cfr.org/china/uighurs-chinas-xinjiang-region/p16870#p5>

⁴⁸ “Xinjiang to recruit 8,000 police officers to boost security in rural areas”, 30 January 2012, English.news.cn. Available at: http://news.xinhuanet.com/english/china/2012-01/30/c_131382807.htm

⁴⁹ Congressional – Executive Committee on China, Annual Report 2012. Available at: <http://www.gpo.gov/fdsys/pkg/CHRG-112shrg76190/pdf/CHRG-112shrg76190.pdf>

⁵⁰ “Nine Uyghurs Jailed Over Religious Activities”, 6 June 2012, Radio Free Asia. Available at: <http://www.rfa.org/english/news/uyghur/jailings-06192012151626.html>

⁵¹ “Uyghurs Detained in Hotan”, 21 February 2012, Radio Free Asia. Available at: <http://www.rfa.org/english/news/uyghur/detained-02212012105215.html>

Only officially-approved versions of religious texts, including Koran, are permitted. Unapproved texts are treated as illegal publications liable to confiscation, and those possessing such texts may face criminal prosecution. Any outward expression of faith in government workplaces, such as men wearing “large beards” or women wearing headscarves or clothing perceived to have religious connotations, is forbidden.

Women religious specialists known as *buwi*, who traditionally perform funeral rites, recite the Koran, and pray for the dead, is under the strict government control. Local governments in the region have publicized measures to politically train or regulate the activities of Uyghur female religious figures and use their social status to spread the CCP’s religious and ethnic policies among Muslim women.

Persons under the age of 18 are not permitted to attend mosques nor study religion in any capacity in accordance with Article 14 of the XUAR law for 'Implementing Measures for the Law on the Protection of Minors' still specifies, “parents or other guardians may not permit minors to be engaged in religious activities.” This law is not found elsewhere in the PRC. The Chinese authorities are particularly steadfast in implementing this restriction. Only state sanctioned religious schools are legal, which have very limited places and notoriously difficult entry requirements, thus hindering access for many Uyghurs. Both students and teachers at unsanctioned “home” schools take enormous risks by engaging in religious study, which is likely to result in imprisonment if discovered by authorities.

Local governments throughout the XUAR continued to place controls over the observance of the Islamic holiday of Ramadan, forbidding some people from fasting, ordering restaurants to stay open, and emphasizing the need for Islamic clergy to promote ethnic unity and combat separatism. People are detained for “illegal religious activities”, “incitement to illegal gathering and illegal recitations of the Quran”.⁵² The aim of this is to prevent “criminal elements from harming national security and stability”.⁵³

Tension has even increased following recent China’s ruling making it mandatory that Chinese flags be hung at the mosques of the Uyghur minority.⁵⁴ When unidentified persons burnt a Chinese flag that was hung at the neighborhood mosque, the Chinese occupation forces blockaded entry into and exit from the village and questioned everyone who resided there. It is reported that the perpetrator was not found but close to 50 people were taken into custody and arrested, starting with the imam of the mosque.⁵⁵

Chinese government development policies continued to prevent Uyghurs from preserving their cultural heritage. Authorities continued to demolish and rebuild the Old City section of Kashgar city, as part of a five-year project launched in 2009 that has drawn opposition from Uyghur residents and

⁵² “No Respite in Ramadans Control”, 8 August 2012, Radio Free Asia. Available at: <http://www.rfa.org/english/news/uyghur/uyghur-08082012140933.html>

⁵³ *Ibid.*

⁵⁴ “China orders Uyghur mosques hang Chinese flag”, 20 March 2013, World Bulletin. Available at: <http://www.worldbulletin.net/?aType=haber&ArticleID=105012>

⁵⁵ “China orders Uyghur mosques hang Chinese flag”, 20 March 2013, World Bulletin. Available at: <http://www.worldbulletin.net/?aType=haber&ArticleID=105012>

other observers for requiring the resettlement of the Old City's 220,000 residents and for undermining cultural heritage protection.⁵⁶

Uyghurs view Kashgar, as the spiritual heart of their culture, a cradle of Uyghur civilization that is fundamental to their Uyghur identity. As the architect and historian George Michell wrote in the book "Kashgar: Oasis City on China's Old Silk Road", Kashgar's Old City is "the best-preserved example of a traditional Islamic city to be found anywhere in central Asia".⁵⁷ The transformation of Kashgar's Old City represents an irreplaceable loss of heritage to Uyghurs and to the international community as a whole. Because of a lack of transparency, sincere consultations and incorporation into the decision-making process, many Uyghurs view the transformation of Kashgar and its recreation into a Chinese city as another official step aimed at removing Uyghurs' identity and integrating the region into China. "The demolitions carried out by the Chinese government represent a loss of Uyghur culture and heritage, and the disappearance of living Uyghur communities," said UHRP director Alim Seytoff.⁵⁸ These "mirror cities" will attract even more Han Chinese to the XUAR. The campaign of replacing Uyghur neighborhood in XUAR with spaces resonant of eastern China, labeled as development, have been implemented by Chinese officials alongside assimilative programs that remove Uyghurs' rights to use their own language, practice their own religion, and express themselves through art, literature and the media.

⁵⁶ Congressional – Executive Commission on China, Annual Report 2012. Available at: <http://www.gpo.gov/fdsys/pkg/CHRG-112shrg76190/pdf/CHRG-112shrg76190.pdf>

⁵⁷ Michael Wines, "To Protect an Ancient City, China Moves to Raze It", 27 May 2009, The New York Times. Available at : http://www.nytimes.com/2009/05/28/world/asia/28kashgar.html?pagewanted=all&_r=0

⁵⁸ "Living on the Margins: The Chinese State's Demolition of Uyghur Communities", 2 April 2012, Uyghur Human Rights Project. Available at: <http://uhrp.org/press-release/new-report-uhrp-living-margins-chinese-state%E2%80%99s-demolition-uyghur-communities.html>

Section D: Recommendations

We call the Committee on Economic, Social and Cultural Rights to urge the People's Republic of China to:

- 1. Provide meaningful autonomy in the ethnic autonomous regions of the PRC, including through amendments to the autonomy laws;*
- 2. Ensure that the economic benefits derived from the exploitation of natural resources from the autonomous regions are fairly redistributed among the local population;*
- 3. Eliminate administrative and criminal penalties for exercising the right to freedom of religion;*
- 4. Take fully into account the views and preferences and include ethnic minority communities into decision-making process with regard to activities affecting their traditional way of life, including by obtaining free, prior and informed consent before launching projects that have a disproportionate impact on their traditional livelihoods;*
- 5. End non-voluntary resettlement of nomadic herders and ensure that any relocation is conducted consistently with international human rights law;*
- 6. Ensure that neither public nor private employers discriminate on the basis of ethnicity and cease hiring practices that reserve positions exclusively for Han Chinese;*
- 7. Engage in the consultations with the members of minority groups in order to assess the impact of past and current policies affecting their communities;*
- 8. Provide for full education in minority languages, and take positive steps to reassert the worth of these languages;*
- 9. Take the necessary steps to guarantee that economic and social development is translated into political, economic and social improvement for minorities;*
- 10. Adopt measures to address the poverty of concerned ethnic minorities, including the provision of vocational training and micro-finance schemes.*