

Geneva International Centre *for* Justice
Independent, non-profit, non-governmental organization

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Executive Summary

Mao Zedong established the People's Republic of China in 1949 under the rule of the Chinese Communist Party (CCP). The CCP completely controls the executive, legislative, and judicial branches of China's government, as well as the economy, educational system, and military. The ideology of the CCP is based on Marxism-Leninism, and consists of individuals who are primarily from the ethnic Han majority.

In the past several decades, the Chinese government has perpetrated some of the most serious human rights abuses. The CCP's crackdown on fundamental freedoms and its growing authoritarian influence worldwide are of major concern to foreign leaders, concerned global citizens, and international human rights advocates. Through repressive means, the CCP seeks to solidify its legitimacy as the ruler of Xinjiang, Tibet, and Hong Kong. In Xinjiang and Tibet, the Chinese government has adopted the rhetoric of the "global war on terror" and uses this as a pretext to justify its repression of ethnic minorities. The government claims that cultural and religious expressions are signs of "terrorism, extremism, and separatism," which are otherwise known as the "Three Evils". The government also claims that there are issues of "national security" in Hong Kong, which are used as grounds to crack down on civil society and dissent against the regime. The circumstances in Tibet, Xinjiang, and Hong Kong are emblematic of the worsening human rights situation in China. They are emblematic of the regime's widespread and systematic crackdown on anyone who opposes the government and its ideologies. Despite the fact that the CCP relies on dangerous

rhetoric that slightly varies relative to each focus region, its goal remains the same: to shut down any dissenting voices and “threats” to the regime.

In order to gain a comprehensive understanding of the CCP’s ambitions, it is pertinent to analyse both the historical and current injustices perpetrated by the Chinese government. This is especially true in Hong Kong, Xinjiang, and Tibet, the three regions where the CCP’s state-sanctioned policies appear to be the most widespread and concerning.



Hong Kong

Hong Kong was occupied by the UK after the failure of the Qing dynasty in the First Opium War in 1842.¹ The UK expanded to the Kowloon Peninsula in 1860 after the Second Opium War and was further extended when Britain obtained a 99-year lease of the New Territories in 1898. In 1984, negotiations took place between the UK and the People's Republic of China (PRC) regarding Hong Kong's future. The Sino-British Joint Declaration was issued to allow the PRC to regain sovereignty over Hong Kong.

However, as a mini-constitution, the Basic Law, created from the joint declaration, is meant to last for 50 years, so as to guarantee the highest autonomy from the state. The Basic Law was formalised on April 4 1990 and promulgated on July 1 1997.² Specifically, Article 2 states that Hong Kong shall exercise a high degree of autonomy

and enjoy executive, legislative, and independent judicial powers, including final adjudication in accordance with this law.³ In response to the Yellow Umbrella Movement (2019), however, the governments of Hong Kong Special Administrative Region (HKSAR) and of China have weaponized laws, such as the 2019 Prohibition on Face Covering Regulation (PFCR)⁴ and 2020 National Security Law (NSL)⁵, in order to crack down on civil society groups as well as to invoke basic freedom rights in Hong Kong.

Yellow Umbrella Movement

It is in the context of repeated disappointments and growing frustrations within Hong Kong's pro-democracy movement that Benny Tai, a Law



Professor at the University of Hong Kong, first proposed the idea for the OCLP movement in an article for the Hong Kong Economic Journal on the 16th of January 2013.⁶ Tai suggested that previous strategies employed by Hong Kong's pro-democracy movement had failed in providing sufficient leverage to pressure the Central Government to live up to the democratic aspirations of Hong Kong's citizens.⁷ In consequence, he proposed that 10,000 protesters block the Central Business District as a last resort to push for genuine democratic reform. He believed that this type of civil obedience campaign could be the movement's 'lethal weapon', 'paralysing

Hong Kong's political and economic centre, thereby forcing Beijing to change its position' [author's translation].⁸



Numerous students and others were dissatisfied with the Hong Kong government's lack of response to the referendum and denied the OCLP's leadership. After a huge protest, about 500 students held a sit-in

in a busy section of the city. The 831 report by the government in August 2014 basically rejected any change in the electoral system. The Chinese National People's Congress Standing Committee released a decision on electoral reform on the 31st of August 2014, which was more restrictive than even a number of suggestions made by conservative groups. The opposition group announced that on the 1st of October, protests would begin. Civil disobedience was advocated.⁹

In the early days of the Yellow Umbrella Movement, the class boycotts, the occupations, the student arrests, and the accusations of police brutality combined to trigger a mass movement. The movement's magnitude, intensity, and speed exceeded everyone's expectations. But midway through the movement, the number of protesters

stationed in Admiralty's "Harcourt Village" dropped sharply to 400,500 people and more than 80 percent of Hong Kong citizens demanded an end to the Occupy Movement.¹⁰ A reversal of public opinion was obvious, and this was also the main reason for the increasing divergence of views among the groups involved in the movement.¹¹ The students also requested four demands: (1) Establish the right of citizens to make nominations in the Chief Executive election; (2) Abolish functional constituencies in the Legislative Council; (3) An apology from the Hong Kong government to its citizens and retraction by the Standing Committee of the National People's Congress of its decision; (4) Resignation of the Chief Executive and related officials.¹²

In the early stages of the movement, students gave a 48-hour ultimatum to the Chief Executive Leung Chun-ying to meet them and discuss universal suffrage by Thursday 25 September.¹³ Because there was no willingness to engage in dialogue from the Hong Kong government, students decided to increase the pressure by climbing over the fence to recover Civic Square, which had been blocked off following another protest. After a month, there was a televised 90-minute dialogue on the 21st of October between five leaders of the Hong Kong Federation of Students and five government officials which only highlighted the huge gulf between the two sides; however, they did not reach any compromise regarding electoral reform.¹⁴ The government highlighted that the only thing they could offer was to send a letter to the Central government, which the students rejected as insufficient.

In October and November 2014, many students remained in the tents and behind the barricades. The government's approach to creating fatigue among protesters was successful as public support for the movement dwindled. For this reason, student leaders were motivated to send a delegation of three students to Beijing to negotiate with the Chinese government directly, which failed as they were denied permission to board a plane on the 15th of November.¹⁵ Instead, only 11 days later, two prominent student leaders were arrested when the government, following a court order, cleared the Mong Kok protest site. This again led to an increase in the number of protesters. The protest lasted for 79 days before the police moved in with tear gas to remove the crowds without achieving any result from the government. OCLP was ended by the founders when they surrendered to the police in December 2014.¹⁶

Impacts of the Yellow Umbrella Movement

In 2016, the group Youngspiration was established to educate more people about the issues involved. Another newly formed party, Hong Kong Resurgence, is led by one of those who helped to create the philosophy behind the movement. A third group, Civic Passion, has also mounted a campaign based on local issues. Domisisto is a party formed from members of Scholarism and the Hong Kong Student Federation, the two main student-led groups during Occupy.¹⁷ Some of these parties advocate complete independence from China. One problem is fragmentation among the opposition groups. After the protests in the fall, there was no real dialogue with the government which has continued to block pro-democratic reforms. Perhaps as a result of the more repressive atmosphere in Hong Kong, the protesters may have lacked the experience

of their Taiwanese colleagues. Much of the public may have been uninterested in achieving democratic goals. While the Hong Kong protest gained a great deal of international support, at home, the population was more divided, although there is increased dissatisfaction and low support for the Basic Law as well as the concept of “one country, two systems”. Additional protests were carried out by vendors whose stalls were cleared by the government in 2016 - they may have been galvanised by the student protests two years earlier. Booksellers who were detained in China also brought attention to the suppression of free speech and ideas.¹⁸

The Yellow Umbrella Movement undoubtedly exerted a low structural impact in Hong Kong. The pan-democratic legislators are likely to veto any constitutional reform proposal based on the National People’s Congress (NPC). As such, there would be no changes in the chief executive election method in 2017 and the composition of the Legislative Council in 2020. At the moment, Carrie Lam does not enjoy a popular mandate or legitimacy as the chief executive.¹⁹ Also, the relationship between the executive and legislative branches will remain adversarial, causing ineffective and inefficient operation of the government. The pan-democratic legislators continue to pursue their “uncooperative strategy” in an attempt to paralyse the Lam administration until they are satisfied with the legitimacy of their proposal. Contrastingly to the post Sunflower movement period, the society of Hong Kong society has become more divisive after the Occupy Central movement. In fact, the Movement did not result in any consensus but instead has made the general public more divided, especially between the young and the old as well between the

moderates and the radicals. Jermain Lam said, “Political and social unity has been weakened, and the society is further fragmented. The government would find it difficult to unite the general public and to promote the spirit of harmony”.²⁰ It is clear from the above that the most significant structural impact is that the Chinese government has found ways to exert more control over Hong Kong in order to suppress “independent movements” like Yellow Umbrella and prevent the city-state from becoming a counter-revolutionary base against the Communist regime.²¹ Hence, the degree of autonomy given to the Hong Kong government might be further tightened. Consequently, the political development of the Hong Kong government will deteriorate if the government is incapable of coping with social changes.

In the aftermath of the Yellow Umbrella Movement, student activists returned to their pre-occupation lives and continued to fight for freedom on campus. The student activists were unable to gain access to decision-making bodies immediately. They were excluded from the government and the decision-making process of the political reform.²² However, many of these student leaders later entered the political arena. Some of them joined the legislative branch.²³ For example, Nathan Law, who was one of the leaders of the movement - from the Demosisto political party, which he co-founded with Joshua Wong, was one of those elected. Eddie Chu Hoi-Dick, a radical pro-independence candidate, received a record 84,000 votes in the elections.

Since then, the space for political participation has shrunk even further. In 2016, candidates for the LegCo election were screened by a government commission for

their political loyalty, creating an environment preventing meaningful electoral competition. Multiple candidates who declined to sign a statement affirming Hong Kong was an inalienable part of China were disqualified.²⁴ Later, six elected lawmakers were removed from office after allegedly failing to take proper oaths.²⁵ In 2019, following the decentralised anti-extradition pro-democracy movement, the PRC's National People's Congress further imposed restrictions on LegCo candidates, stating that candidates would be disqualified if they did not respect China's rule of Hong Kong, or if they engaged with "foreign powers" to jeopardise national security.²⁶ Four pro-democracy lawmakers were subsequently disqualified and barred from the 2020 LegCo election, including Nathan Law, Lau Siu-lai, Edward Yiu and Leung Kwok-hung because they did not take the oath of office in 2016.²⁷ This disqualification means that the pro-democracy party has lost its veto power over major legislation affecting the Chinese government.

China's Response to Yellow Umbrella Movement

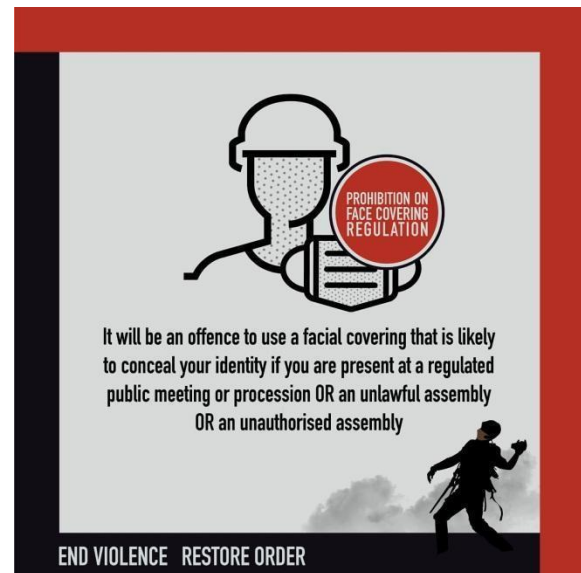
Recently, as the world was distracted by the COVID-19 pandemic, the Standing Committee of the National People's Congress (NPC) unilaterally approved a



controversial national security law in May 2020. Drafted in secret, the proposed law bypassed Hong Kong's legislative process and came into effect on June 30, 2020, an hour before the 23rd anniversary of Hong Kong's handover from Britain to China. The legislation gravely endangers the remaining civil liberties in Hong Kong given that any action that falls under the vague and broadly-defined terms "secession, subversion, terrorism, or foreign interference" is likely to be in violation of the law. "Offenders" can be sentenced to life in prison for nonviolent crimes, including speech-related offences, which is in contravention of international norms.²⁸

Prohibition on Face Covering Regulation

The HKSAR banned face covering in public assembly from the 5th of October 2019 by issuing regulation in accordance with Emergency Regulation Ordinance (Cap 241). The regulation was challenged by judicial review for which the Court of Final Appeal found it constitutional since it prohibits the wearing of facial coverings at unauthorised



assemblies, public meetings, and public processions.²⁹ It is designed to prevent and deter violence before a peaceful public gathering degenerates into violence.

According to the regulation, the maximum penalty is \$25,000 HK dollars and one year of imprisonment.³⁰ Now the Police have been able to use different strategies, including

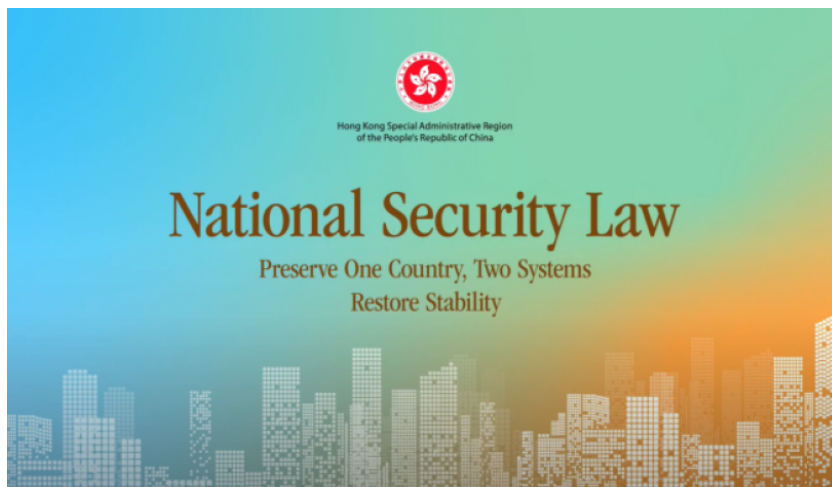
violent methods, to punish citizens who would like to exercise their right to hold assemblies or make political expression in publicly accessible places. They intentionally exercise their power arbitrarily and indiscriminately in order to stop or deter peaceful public gatherings and spontaneous collective actions.³¹ Several strategies have been employed:

- Deploy a large number of police officers to conduct stop and search at the exits of the Mass Transit Railway (“MTR”) stations and on the street nearby and at a place of protests (even there was no protest at that time);
- Cordon off a block of street or a large area to stop and search, frisk and question every citizen who was trapped in the containment. The whole process could be last for hours;
- Arbitrarily and indiscriminately issue fixed penalty for violation of gathering ban to citizens who are in the area that a public assembly was happening, regardless of whether such person is a particular, bystander or just passing-by;
- Human rights observers and journalists were being dispersed from the place of protests, and faced search and arrest by police. Journalists were fined by fixed penalty notice for violation of the gathering ban.³²

Further, the Police have used Covid-19 as a reason to justify their refusal of applications for peaceful assemblies.³³ They are determined to suppress protests rather than promote social distance. After protesting outside the government headquarters for Labour rights in May 2020, eight Labour Party activists and the League of Social Democrats received fixed penalty notices. Despite keeping 1.5 metres

apart as required by Cap.599G, the judge found that they had a “common purpose” for the gathering.³⁴ Therefore, they were jailed for two weeks. The HKSAR acted further by banning both the annual 4 June Tiananmen vigil and the 1 July protest rally owing to pandemic concerns in 2020 and 2021 although the infection rate in Hong Kong remained low at that time.³⁵

National Security Law



The NSL came into effect on the 30th of June 2020.³⁶ The next day, 10 individuals were taken into custody owing to violations of the NSL.

The Police emphasised that these people were involved in protests marking the 23rd anniversary of Hong Kong’s reversion to Chinese sovereignty. Until now, 86 individuals have been arrested for crimes under the NSL, including 14 individuals who have been charged with a combination of NSL and non-NSL crimes. An additional 19 individuals have been arrested by the Department of Safeguarding National Security (NSD) for other non-NSL crimes, for a total of 105 cases.³⁷ The arrests included leading pro-democracy figures like activist Agnes Chow and media tycoon Jimmy Lai. A

number of dissidents who fled into exile are now wanted in Hong Kong, like Nathan Law, Sunny Cheung, and former British consulate staffer Simon Cheng.³⁸

The NSL has created four major criminal offences that may lead to a maximum penalty of life imprisonment, including Subversion (Article 22); Collusion with a Foreign Country or with External Elements to Endanger National Security (Article 29); Secession (Article 20); and Terrorist Activities (Article 24).³⁹ The NSL has created one of the most serious impacts on human rights and the rule of law in Hong Kong since 1997. The creation of hybrid Mainland-Hong Kong national security bodies also directly threatens the Basic Law's One Country, Two Systems model and the oft-cited mantra of Hong Kong people ruling Hong Kong.⁴⁰ The NSL is being used to terminate and punish basic political rights expressed by peaceful political opponents. Prosecution of individuals for exercising their rights to free expression, association, or assembly would violate Hong Kong and Beijing's commitments under international human rights law. At the moment, more than 100 individuals, including students, have been arrested by the NSD.⁴¹ Among them are journalists, scholars, barristers, activists, and members of opposition organisations, especially the local pro-democracy media platform Apple Daily. All electronic devices of journalists were seized by the police after top executives were arrested.⁴²

It is important to note that there is no clear definition of national security in Hong Kong's Societies Ordinance. It is only defined as "the safeguarding of the territorial integrity and the interdependence of the People's Republic of China".⁴³ Consequently,

the lack of clear definition in the NSL, together with the state's overbroad narratives of national security, give room for the Chinese authorities to enforce the NSL arbitrarily and indiscriminately.⁴⁴

Articles 20 and 22 include acts not by force or not by threat of force. This includes altering by unlawful means the legal status of the HKSAR or disrupting or undermining the performance of duties and functions.⁴⁵ Experts in Hong Kong are concerned that these articles have been used to target peaceful protesters who took part in protests that turned violent.⁴⁶ Article 24 covers terrorist activities and targets the use or threat of violent acts as part of an effort to “coerce” the central government and the HKSAR.⁴⁷ Finally, Article 29 employs broad language to criminalise peaceful protests organised by civil society organisations and contacts between human rights groups in Hong Kong and international non-governmental organisations in Western countries, such as the United States, Europe and elsewhere.⁴⁸ In 2020, 47 pro-democracy activists were charged with conspiracy to subversion by hosting a city-wide pro-democracy primary before the legislative council election in 2020.⁴⁹ Three members of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China were charged with inciting subversion for their advocacy of “ending one-party dictatorship”.⁵⁰ Further, between October 2020 and April 2022, the Police had arrested at least 33 individuals for sedition, including acts of seditious intent, publishing seditious publications, and uttering seditious words.⁵¹

Judicial Independence and The Rule of Law

In 1997, the PRC resumed the exercise of sovereignty over Hong Kong.⁵² The Court of Final Appeal was established to replace the Privy Council. Section 16 of the Hong Kong Final Appeal Ordinance provides that the Court of Final Appeal must have five judges, including one Hong Kong or overseas non-permanent judge.⁵³ Andrew Li, the Chief Justice of Hong Kong, established the Convention and stated that in most appeals, the bench would include a visiting foreign judge. On the 9th of September 1997, Lord Chancellor Irwin and the Chief Justice of Hong Kong agreed that the House of Lords (HoL) would provide two serving law Lords to sit on the Court of Final Appeal in Hong Kong.⁵⁴ The main purpose is to maintain Hong Kong's rule of law.

After 20 years, Lord Neuberger, the former President of the UK Supreme Court, is currently a sitting judge on the Court of Final Appeal in Hong Kong.⁵⁵ A



2017 speech at Hong Kong University raised a question about the situation of all foreign judges in Hong Kong.⁵⁶ He asked whether all foreign judges should quit the Hong Kong bench. As long as the judges were willing to serve and the NSL guaranteed impartiality and an independent judiciary in Hong Kong, the judges were like canaries in a coal mine. The PRC law allegedly breached Article 23 of the Basic Law which

states to provide Hong Kong with the rights to bring forward its own national security legislation.⁵⁷ Interpreting from the National Security Law, foreign judges are not permitted to hear cases while judges chosen by the executive for national security cases can be removed from the list if their words or conduct endanger national security.

On the 17th of July 2020, Lord Reed, the current President of the UK Supreme Court, emphasised that there were several provisions which concerned its effect would depend upon how it was applied in practice.⁵⁸ Judges sitting in the Court of Final Appeal would do their utmost to uphold the Basic Law. Thus, the Hong Kong authority must ensure that judicial power is exercised independently and free from any interference from the PRC. Geoffrey Ma, Chief Justice of Hong Kong, noted that the independence of the judiciary and the rule of law were cornerstones of the Hong Kong community and were guaranteed under the Basic Law.⁵⁹ Lord Reed endorsed the commitment to allow UK judges to sit in the Hong Kong Court of Final Appeal, since it would significantly promote the independence of the judiciary and the rule of law in Hong Kong. Accordingly, James Spigelman, former Chief Justice of New South Wales, decided to resign from the foreign judge position in Hong Kong that he had served since 2013.⁶⁰

It was revealed that on November 12, 2020, the Minister for Foreign Affairs of the UK declared that a decision by the National People's Congress (PRC) breached the joint declaration that was signed in April 1984.⁶¹ On the 11th of March 2021, Lisa Nandy,

the Shadow Foreign Secretary, called for the UK to withdraw all judges from Hong Kong because the rule of law has been deteriorated by Beijing.⁶² In March 2021, Lord Neuberger joined Lord Walker and Murray Gleason (Chief Justice of Australia) to sit on the Hong Kong Court of Final Appeal. There are now a total of five non-permanent judges from overseas including Lord Reed, Lord Hodge, three former Presidents of the UK Supreme Court, namely Lady Hale, Neuberger, and Phillips, and four judges from Australia and one from Canada.

Nathan Law, a young activist in the Yellow Umbrella Movement, called all foreign judges to quit because the rule of law was destroyed by the Beijing regime.⁶³ In contrast, Paul Harris, the Chairman of the Hong Kong Bar Association, supported the stay of the UK judges in the Court of Final Appeal. In his view, if foreign judges left, the rule of law would deteriorate.⁶⁴ In the past, foreign judges have significantly contributed to the development of the Hong Kong jurisdiction and provided solidarity to Hong Kong judges under pressure from time to time. However, there is a gaping hole in the rule of law in Hong Kong. It is evident that the Chinese government has started to attack Hong Kong's sovereignty. Now the National Security Law (NSL) has the clearest and most glaring hole. It creates several offences to restrict people's freedom of expression and freedom of protest.

The courts will deal with those because they have been compelled to issue these draconian laws that would never be accepted in the last few months. However, Article 55 of the NSL is more significant than the oppressive nature of the proposed criminal

offences.⁶⁵ In order to safeguard its own security over Hong Kong, China has established the Hong Kong Security Bureau.⁶⁶ The office is controlled by the central government in Beijing. Accordingly, China now has its own jurisdiction over national security issues, while the Hong Kong government cannot deal with these cases. By circumventing the PRC, Hong Kong's judges have taken it upon themselves to decide what should be investigated and where they should be tried. For instance, under this law, convictions are not obtained or investigations are not pursued, so the PRC can in effect choose who to investigate or how they are tried or where they are tried and what happens.⁶⁷ Similarly, the PRC government has treated lawyers in England who have expressed concerns about human rights issues in China. As a result, they were sanctioned by the PRC, which was utterly disrespectful of the law.

International Responses toward Human Rights Violations in Hong Kong

European Parliament's Resolution "Violations of Fundamental Freedoms in Hong Kong".⁶⁸ It condemns the recent forced closure of the Apple Daily newspaper in Hong Kong, the continued freezing of its assets and the arrests of its journalists.⁶⁹ The resolution also calls on the Hong Kong authorities to stop harassing and intimidating journalists, release arbitrarily detained prisoners, and denounces any attempts to muzzle pro-democracy activists and their activities. While urging the Chinese authorities to repeal the draconian national security law introduced last year, MEPs encourage EU countries to impose sanctions against individuals and entities responsible for serious violations of human rights and international law in Hong Kong

under the EU human rights sanctions regime. They also call on the Commission, the Council and EU countries to decline invitations to government representatives and diplomats to attend the Beijing 2022 Winter Olympics unless the Chinese Government demonstrates a verifiable improvement in the human rights situation in Hong Kong, the Xinjiang Uyghur Region, Tibet, Inner Mongolia and elsewhere in China.

The UN Human Rights Committee was deeply concerned about the overly broad interpretation of Hong Kong's National Security Law (NSL), which was passed by the National People's Congress of China without consultation with the Hong Kong public.⁷⁰ Since its enactment in 2020, the NSL has reportedly led to the arrests of over 200 people, including 12 children. The Committee underscored the shortcomings of the NSL, including the lack of clarity of "national security" and the possibility of transferring cases from Hong Kong to mainland China, which is not a State party to the Covenant, for investigation, prosecution, trial and execution of penalties. The Committee urged Hong Kong to take action to repeal the National Security Law and, in the meantime, refrain from applying it.

The Committee also raised concern about the excessive number of civil society organisations, such as trade unions and student unions, which have relocated or ceased to operate since the enactment of the NSL. It regretted that the Hong Kong government had not provided explicit assurances that civil society and their representatives engaging with the Committee in this review would be protected from charges under the NSL. The Committee requested that Hong Kong refrain from taking

any action that could curb the freedom of association and ensure that members of civil society will not be prosecuted under the NSL for their participation in the current review.

For the U.S., it issued the P.L. 116-76: Hong Kong Human Rights and Democracy Act in 2019.⁷¹ The Act seems to be a measured response allowing the United States to signal disapproval to Beijing and the International community without risking real reprisal from China. It sets out several aims, including annual reports to Congress by the Departments of State and Commerce; specialised treatment for Hong Kong visa applicants; the protection of U.S. citizens and others from rendition to China; and the imposition of sanctions. The act also puts forward two non-binding “sense of Congress” resolutions: one regards the actions of Chinese state-controlled media, and the other calls for administrative reconsideration of export controls with respect to Hong Kong.⁷²



Xinjiang

Xinjiang is the largest province of China located on its northwest borders with eight countries namely Russia, Mongolia, Kazakhstan, Kyrgyzstan, Tajikistan, Afghanistan, India, and Pakistan.⁷³ Similar to Hong Kong, the province can be seen as a bridge linking China with the Central Asian republics and other countries in the Caucasus region.⁷⁴ Further, it is a strategic location for China because it is rich in oil and gas reserves. Nearly 240 billion cubic metres of natural gas and 11 tons of crude oil are found in the area.⁷⁵ It has also become increasingly significant as it is located on the route of the “Belt and Road Initiative” project proposed by Xi Jinping, General Secretary of the Chinese Communist Party who has determined to make China the most powerful power in the world.⁷⁶

People in Xinjiang can be divided into two types of ethnic minorities, including the Turkics-natives of Xinjiang and the non-Turkic people. The Turkics are further divided into the Uyghurs, Kazakhs, Kirghizs, Uzbeks and Tajiks with the majority of them being Muslims. The Uyghurs make up 45.2% of the population, making them the largest ethnic group in Xinjiang.⁷⁷ In the past, the Uyghurs viewed the Hans as colonists who threatened their own culture.⁷⁸ In contrast, the Hans considered the Uygurs as an inferior people who should be part of the Greater Han, so they should be subdued and controlled.⁷⁹ According to the Chinese government, Terrorism, Extremism, and Separatism are the “Three Evils”⁸⁰ of Xinjiang. As a result, the Chinese Communist Party had employed hard-line tactics against Xinjiang because it was determined to stop separatist movements, strengthen control of ethnic and religious affairs, and mobilise all levels of the security apparatus to combat social unrest in the region.

The Separatist Movement



It is significant to note that the separatist movement of the Uyghur against the Chinese authorities is nothing revolutionary in Xinjiang, but their struggle

has changed over time. The early struggle was led by chieftains like Yakub Beg, who were determined to regain control of East Turkestan from the Qing Dynasty.⁸¹ With the fall of the monarchic regime and the implementation of the Republic government, the

nature of the struggle in this region has shifted from feudalistic to ideological.⁸² At that time, the Uyghurs received education in Russia and other Western nations, including Britain. Their nationalism has been shaped by Western values, such as democracy and the principle of self-determination.⁸³ The Kulja Declaration of the East Turkestan Republic was written in 1944 to call for the creation of a democratic government backed by a number of basic liberties: religious freedom, the right to education, and the right to public health.⁸⁴ The Chinese authorities employed both direct and indirect control over the Uyghurs in order to suppress the movement.

After that, the movement became complicated when it received support from other pan-Turkic nationalists and religious extremists in neighbouring states. The



Cultural Revolution led by Mao Jedong weakened their own culture and religion, which contributed to their violent method of separation from China during the 1990s. The Uyghur established their own political parties and organisations in order to self-rule, including the Eastern Turkestan Islamic Party, the Eastern Turkestan Gray Wolf party, the Eastern Turkestan Independence Organisation, the Eastern Turkestan People's Party, and the Eastern Turkestan Liberation Front.⁸⁵ However, all were banned by the Chinese government and the members of these parties were jailed without cause.

After Sino-Soviet rivalry and border clashes, China agreed to assist Afghanistan in its fight against the Soviet occupation by recruiting Uyghurs and deploying them in the battle. They were chosen owing to their cultural and religious empathy for the Afghans.⁸⁶ They were trained to use modern weapons, such as surface-to-air missiles and light portable weapons. After the withdrawal of the Soviet military from Afghanistan, the Uyghur continued to employ their experiences to fight against the Communist ideology in Xinjiang. In the late 1980s and 1990s, their resistance became more violent, including bombings, burning down of government buildings, and killings of government officials.⁸⁷ As a result, the CCP decided to use more stringent policies against the Uyghurs. One such policy was the “strike hard” policy that neglected the basic human rights of the Uyghurs.⁸⁸

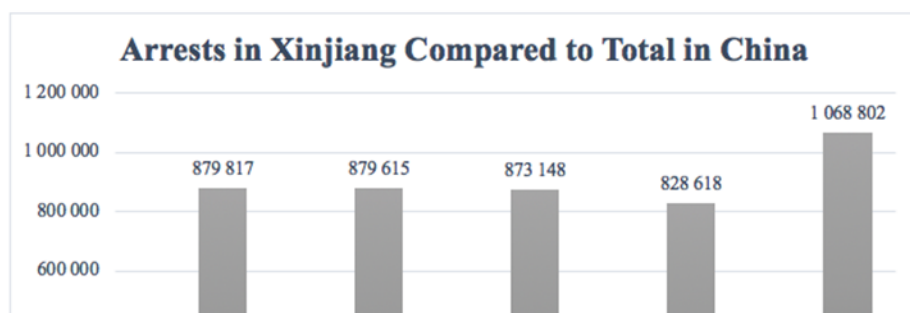
However, the policy has only made matters worse. In 1991, several explosions occurred in Urumqi that killed three people and injured 15 others.⁸⁹ The purpose was to create fear among the Han people living in the region. On the 22nd of April 1995, a protest occurred in the district of Ili, northwestern Xinjiang. They shouted anti-Chinese slogans, such as “Long Live Uyghur Xinjiang” and “End Communist Rule in Xinjiang”.⁹⁰ Around 100,000 protesters, including workers, teachers, and shopkeepers, attended the demonstration to protest the Han presence in the region. The demonstration soon turned violent as some rioters were armed with light machine guns and many government officials were attacked. The military sent 20,000 troops from the 33rd and 41st divisions to subdue the civil unrest.⁹¹ A martial law was imposed in the district, but it did not deter the Uyghur from other districts to protest

against the government. Therefore, the CCP's main concern was to protect the interests and safety of the Han people in the region at all costs.

In July 2009, another major riot broke out in Urumqi.⁹² The riot was triggered by the death of two Uyghur workers in Guangdong and the way the Chinese authorities handled the case. The Uyghurs allege that Han employers discriminated against them and treated them poorly. As a result, at least 1,000 Uyghur people protested and attacked the Han people.⁹³ The police attempted to quell the rioters with tear gas, water hoses, armoured vehicles, and roadblocks. The government imposed a curfew in most urban areas. The authorities reported that there were 197 people killed and 1,721 injured.⁹⁴ However, the Uyghur rejected the number provided by the government because the death toll was higher.

In May 2014, the government launched a “Strike Hard” campaign to combat threats in Xinjiang that may link to religious extremism and separatism.⁹⁵ In a 2019 White Paper, the Chinese Government stated, “since 2014, Xinjiang has destroyed 1,588 violent and terrorist gangs, arrested 12,995 terrorists, seized 2,052 explosive devices, punished 30,645 people for 4,858 illegal religious activities, and confiscated 345,229 copies of illegal religious materials”.⁹⁶ The authorities pointed out that there have been no terrorist incidents in Xinjiang since 2016.

Mass Arbitrary Detention and Arrest



The detention of Turkic Muslims in extralegal detention centres has been documented since at least 2016, well before the start of the wave of detentions that began in 2017.⁹⁷ The number of Turkic Muslims detained since the crackdown began is also unknown, but it is widely accepted that between several hundred thousand and one million Turkic Muslims have been detained in so-called political education camps.⁹⁸ Many Turkic Muslims report that over half of their family members have been interned in political education camps, pretrial detention centres, or prisons. The US State Department estimates that, in total, as many as two million people passed through the political education camps alone between April 2017 and December 2018, and a leaked internal memo by Chinese authorities states that 15,683 “suspicious persons” were taken into custody in a single week in June 2017.⁹⁹ In 2017, Xinjiang Party Secretary Chen Quanguo encouraged officials to “round up everyone who should be rounded up”.¹⁰⁰ Most of those detained in political education camps are never charged with any crime. Chinese officials have directed local authorities to acknowledge to detainees’ relatives that their loved ones are not criminals, but instead

are being held for their own good because they have been “infected by unhealthy thoughts”.¹⁰¹

At the same time, although the CCP has claimed that the political education camps are merely “Vocational Skills Education Training Centers,” police officers have targeted many prominent Turkic Muslim academics, writers, journalists, doctors, and entertainers-people who are already clearly highly educated-as well as older persons.¹⁰² A leaked internal official document adds to these conflicting narratives, repeatedly referring to the detainees as being “punished”.¹⁰³ And Chen Quanguo has been quoted as saying that the centres “teach like a school, be managed like the military, and be defended like a prison”.¹⁰⁴ To this end, in accordance with Party directives, these facilities are surrounded by perimeter walls, guard watchtowers, and armed guards in order to “prevent escapes”.¹⁰⁵

The justifications officials have used to detain Turkic Muslim individuals in the camps have often been trivial. The “Qaraqash Document”- an internal official document leaked in February 2020 by the Uyghur Human Rights Project-detailed the reasons for which internees in a district of Qaraqash county were incarcerated.¹⁰⁶ Overseas connections featured prominently, including overseas travel, especially to any of 26 “sensitive” countries,¹⁰⁷ voyaging on an unofficial Hajj pilgrimage, applying for a passport, communicating with someone abroad, and even engaging in conduct such as “accidentally clicking on an overseas website on their phone”.¹⁰⁸ Domestic travel and contact have also raised suspicions, with several Turkic Muslims in Qaraqash being

detained for movements within China or for communications with people outside the country.¹⁰⁹

Officials also detained Turkic Muslims in Qaraqash for innocuous religious practices-including any unofficial religious activities such as fasting, prayer, or attendance at religious events and ceremonies; studying religion; having a household with a “dense religious atmosphere”; wearing a headscarf or having a wife who wears a headscarf; or having a beard.¹¹⁰ Turkic Muslims have also been detained for failing to perform community work such as flag raising or carrying out patrol duty, or for violating the state’s birth planning policies.¹¹¹ Officials often target relatives of Turkic Muslim journalists and activists-especially those working abroad-in apparent retaliation for their work. To this end, authorities kept detailed records of the personal information and behavioural records of internees’ “Three Circles”-their immediate and extended family, their friends and neighbours, and their religious circles-as shown in the Qaraqash Document.¹¹²

Internees appear to be categorised and subjected to different levels of security and durations of detention. A confidential internal document approved by Zhu Hailun-Xinjiang’s deputy party secretary, Chen Quanguo’s right-hand man, and the region’s top security chief-states that detainees are placed based on initial screening in either general management, strict, or very strict zones-which vary in “education and training methods”-and some are managed according to a scoring system that measures their behaviour.¹¹³ These scores determine potential transfers of detainees

between zones, the treatment of detainees within their respective zones, as well as “rewards, punishments, and family visits”. In order to be released, detainees must have maintained a high score, be categorised at the “general management” level, and have served at least one year, although there have been cases of the camps releasing detainees sooner.

Besides the political education camps, the Strike Hard Campaign has also seen a spike in the arbitrary detention and formal arrest of Turkic Muslims in the criminal justice system. Detention in the camps has led to trial and imprisonment, but data also strongly suggest that Turkic Muslims have been targeted for prosecution solely on the basis of their ethnic identity and religious beliefs. Indictments, and ensuing convictions, in Xinjiang accounted for approximately 13 percent of all indictments in China in 2017.¹¹⁴ The number of arrests and criminal indictments in Xinjiang increased by 306 percent and 237 percent, respectively, in the past five years compared to the previous five-year period.¹¹⁵ Using official figures combined with their own documentation, data from the Xinjiang Victims Database indicate that about 300,000 people have been sentenced since the Strike Hard Campaign escalated in late 2016.¹¹⁶ These increases are the result of the Strike Hard Campaign and harsh policies and practices adopted by Chen Quanguo, who is believed to be at least in part responsible for a 92 percent increase in “security spending” in Xinjiang in 2016 and 2017, as well as for a significant expansion in police recruitment.¹¹⁷

Torture and Other Ill-Treatment in Custody

Numerous deaths in detention or shortly after release from custody have been reported since 2018. The Xinjiang Victims Database has recorded 177 deaths of detainees in various parts of Xinjiang, most of them while in custody and some after release. These deaths were as a result of complications from injuries suffered in custody or from illnesses, including mental disabilities, that developed in these facilities or were not appropriately treated.¹¹⁸ Radio Free Asia reported 150 deaths in one camp in Aksu Prefecture during the latter half of 2018 and 4 other deaths in separate political education camps in 2018.¹¹⁹ The Chinese authorities have rarely acknowledged these deaths.¹²⁰



Human Rights Watch and others have reported on torture and other cruel, inhuman, and degrading treatment of detainees by the authorities in both political education camps and police detention facilities. In a 2018

report, Human Rights Watch documented that in Xinjiang, police detention facility staff beat detainees, hung them from ceilings and walls, forcibly deprived them of sleep, and subjected them to prolonged shackling. Some former detainees reported

having been strapped to metal chairs, known as “tiger chairs,” during police interrogations.¹²¹

Former detainees from political education camps and police detention facilities told Human Rights Watch about the use of physical and psychological punishments, ill-treatment of or lack of medical care for people particularly vulnerable to harsh detention conditions, and suicide attempts. Former Uyghur detainee Mihrigul Tursun said she witnessed nine deaths in three months of detention.¹²² Another man said that his father died in the camp and that his body showed signs of torture. Mihrigul Tursun also told of being stripped naked, forced to undergo a medical examination, and being electroshocked and beaten while interrogated. She described how 40 to 68 women, chained at the wrists and ankles, were put in the same 420-square-foot underground cell in which they were expected to urinate and defecate. The cell had just one small hole in the ceiling for ventilation.¹²³

In the camps, in some cases, detainees were not permitted to talk; any utterance in Turkic languages was punished. Some reported being continuously observed through video cameras and microphones.¹²⁴ A leaked CCP directive corroborates these allegations, ordering “full video surveillance coverage of dormitories and classrooms free of blind spots, ensuring that guards on duty can monitor in real time, record things in detail, and report suspicious circumstances immediately”.¹²⁵

Some former detainees described overcrowding, having to share beds with others, and taking turns sleeping. They emphasised the emotional distress stemming from deplorable living conditions and the prospect of indefinite detention. Detainees said the food was poor and inadequate. A typical meal involves steamed buns and thin soup. While basic medical care was available, people remained detained even when they had serious illnesses or were elderly.¹²⁶ Detainees were forced to sing songs hailing the CCP and Xi Jinping. They were punished harshly for minor infractions of the camps' arbitrary rules; for example, authorities would deny food to those who resisted speaking Chinese.¹²⁷ One former detainee recounted how, after resisting political education efforts, he was placed in solitary confinement in a two-by-two metre cell where he was handcuffed, deprived of food and water, and forced to stand for 24 hours without sleep.¹²⁸ A leaked internal document instructs officials to deal with detainees who have "a vague understanding, negative attitudes or even show resistance" through "assault-style transformation through education," in order to "ensure that results are achieved".¹²⁹

Mass Surveillance

Although the Chinese government uses mass surveillance throughout the country, its monitoring and tracking of Turkic Muslims is particularly invasive in Xinjiang.¹³⁰ The government encourages people to inform each other and deploys government officials to monitor Turkic Muslims. For example, under the "ten households, one unit" policy, groups of 10 households are held responsible for monitoring one another, facing collective punishment for infractions by any one household.¹³¹



One major feature of the Strike Hard Campaign is the deployment of Fanghuiju teams in Xinjiang, in which hundreds of thousands of government cadres are stationed in villages,

regularly visit and surveil people, and subject them to political propaganda.¹⁰⁶ In October 2016, authorities initiated a related effort, called the “Becoming Family” campaign, where more than a million cadres spend at least five days every two months in the homes of Xinjiang residents, primarily in the countryside.¹³² Street corner police stations, known as “convenience police stations,” form a dense control complex, carefully organised in a grid system that divides populations into geometric units for tighter and more focused surveillance.¹³³

Another facet of this mass surveillance of the Turkic Muslims is the extensive and compulsory collection of their biometric data.¹³⁴ Chinese authorities collect DNA samples, fingerprints, iris scans, and blood types from all Xinjiang residents between the ages of 12 and 65, in part through a medical examination program, “Physicals for All.” Turkic Muslims’ biometrics are collected without choice or informed consent. The biometric data of “focus personnel”—that is, those considered threatening regime stability—and their family members are taken regardless of age.¹³⁵ In addition,

Chinese authorities have also collected voice samples from Turkic Muslims during passport application processes and at police checkpoints. Much of this data is entered into searchable databases.¹³⁶ The collection of these biometrics is part of the government's drive to form a "multi-modal" biometric portrait of individuals and to gather ever more data about its citizens. All of this data can be linked in police databases to the person's identification number. This number is linked to any of their additional biometric and personal information on file.

The Xinjiang authorities have also put in place networks of automated sensory systems throughout the region, which include CCTV cameras with facial recognition, automated licence plate recognition, and infrared capabilities; WiFi sniffers that collect the identifying addresses of networked devices; and security checkpoints and visitors' management systems that gather identifying information. Kitchen knives in Xinjiang are tracked by QR codes that include the owner's ID number, photo, ethnicity, and address, and vehicles are subject to mandatory location trackers.¹³⁷

Sexual Violence and Violations of Reproductive Rights

There are disturbing reports of sexual violence against Turkic Muslim women in detention. Tursunay Ziawudun was held in a camp for nine months in 2018. She reported that masked men gang-raped her on three occasions, that these same men used electroshock on and inside her genitals, and that camp authorities took women in her cell to be raped "every night".¹³⁸



In addition to Tursunay Ziawudun's first-person account, a number of other former detainees and camp teachers have claimed they witnessed, or heard of, inmates being raped. A political education camp teacher, Qulbinur

Sedik, a Uyghur, said police officers told her women were being raped, including with electric batons.¹³⁹ A former detainee, an ethnic Kazakh woman, said a police officer threatened her with rape if she was not honest.¹⁴⁰

Emerging reports also reveal violations of the reproductive rights of Turkic Muslim women in Xinjiang. Several former detainees and Xinjiang residents have described being subjected to procedures without consent. Rakhima Senbay, a mother of four and a former detainee, said she was forcibly implanted with an intrauterine contraceptive device (IUD). Gulzir Mogdyn, Zumrat Dawut, and an unnamed Kazakh woman (whose case is being advocated for by Kazakh rights advocate Aiman Umarova) said they were subjected to forced abortions while in Xinjiang.¹⁴¹

Forced Labour

There have been numerous credible reports that Chinese authorities are



subjecting Turkic Muslims to forced labour under the government's "idle labour transfer programs". Under this program, ethnic minorities are placed in jobs, including in factories, in Xinjiang and elsewhere in China. These labour transfer programs predated the Strike Hard Campaign. They started in 2006 but dipped around 2014 following the Kunming train station attack.¹⁴² The programs saw a revival in 2017 and 2018 as part of the Chinese government's nationwide "poverty alleviation" efforts.¹⁴³

The levels of coercion involved in these programs appear to have dramatically increased with the Strike Hard Campaign. Evidence indicates that detainees have been sent to perform forced labour after they were released from Xinjiang's political education camps. Satellite images also show the recent emergence of new factories, connected to or near the camps, where inmates allegedly provide low-cost or unpaid labour.¹⁴⁴ In at least one instance, such a factory purportedly became an extension of a political education camp; labourers live in dormitories, may be prohibited from returning home on a regular basis, and receive no pay for their work until they "complete their training".¹⁴⁵

The crackdown on Turkic Muslims since 2014 also coincides with the Chinese government's encouragement of the vertical integration of China's garment manufacturing sector by moving textile and garment factories closer to cotton production centred in Xinjiang, hinting at a textile and apparel expansion plan that depends heavily on the forced labour of inmates at the various detention facilities.¹⁴⁶

Additionally, authorities have assembled Turkic Muslims and sent them to factories in various Chinese provinces. The conditions strongly suggest coercion, including the use of binders and political indoctrination of exported workers.¹⁴⁷ A 2017 state television report showed how officials pressured one young woman into participating in such schemes, even though she did not wish to be away from home.¹⁴⁸ A leaked Nankai University study of these schemes described how “some [exported] workers are unwilling to leave and have been seriously homesick”.¹⁴⁹ Organised labour transfer programs exist in other parts of China, such as Shanxi province. However, these workers do not appear to be subjected to the same coercive conditions as those from Xinjiang.¹⁵⁰

Official plans published online detail how the program will transform ethnic minorities into a disciplined, patriotic, Chinese-speaking industrial workforce.¹⁵¹ As of 2018, the Chinese government has documented the employment of 450,00 newly hired Turkic Muslim workers including impoverished household members, struggling relatives of prisoners and detainees, and political education camp detainees in the cotton and textiles industry.¹⁵²

International Responses toward Human Rights Violation in Xinjiang

- *European Response*

The European Parliament adopted a negative resolution entitled “The Human Rights Situations in Xinjiang” related to China's Xinjiang region, which viciously attacks the

human rights situation in the region.¹⁵³ It alleges that China's relevant measures amount to crimes against humanity and represent a serious risk of “genocide”.

On the 6th of October 2022, a draft resolution entitled “holding a debate on the situation of human rights in the Xinjiang Uyghur Autonomous Region of China” was proposed by the United Nations Human Rights Council. The resolution was a follow-up to a recent report by the UN Office of the High Commissioner, which cited “serious human rights violations” and possible “crimes against humanity” committed by the Chinese government in the region.¹⁵⁴ The vote in the 47-member UNHRC was tight: 17 voted for, 19 against, with 11 abstaining. The resolution failed.

- *The U.S. Response*

The American Government also issued several acts in order to raise voice against the human rights violations in Xinjiang, caused by the Chinese regime.

P.L. 116-64: Uyghur Forced Labor Disclosure Act of 2020. It demands U.S. traded companies that do business in mainland China’s Xinjiang Uyghur Autonomous Region to review and disclose information about their supply chains. This includes the goods made in or sourced from internment camps or factories implicated in forced labour practices. If companies are importing goods produced via forced labour they would additionally be required to disclose the nature and extent to which forced labour was related to the product. This would include the gross revenue and net profits attributable to those goods were, and whether the company intends to continue the importation of those goods.

P.L. 116-145: Uyghur Human Rights Policy Act of 2020.¹⁵⁵ This is the first law in history dedicated to promoting the rights of Uyghurs and other Muslims in China, who have faced systematic persecution as a result of their religious beliefs. It will ensure U.S. policy toward China takes into account the Chinese government's violations of religious freedom. The enacted law also directs the U.S. government to impose financial sanctions and visa bans against Chinese government officials responsible for the persecution of Muslims. It requires an FBI report to Congress on efforts to protect Uyghurs from Chinese government intimidation and harassment on American soil. Additionally, it would require the Administration to report on human rights abuses in the Uyghur region, including formal estimates of the number of individuals detained in concentration camps.

P.L. 117-78: Uyghur Forced Labor Prevention Act of 2021.¹⁵⁶ It requires the administration to take significant and immediate action to prevent goods produced in the Xinjiang Uyghur Autonomous Region (XUAR) of China, where state-sponsored forced labour is widespread, from entering U.S. markets



Tibet

Tibet is located on a plateau, and neighbours India, Burma, and Bhutan. It is the homeland of the Tibetan people, a civilization established in the region as early as the 7th century. They have their own religious heritage, unique culture, language, and nomadic way of life. The region is often referred to as the world's "Third Pole" due to its abundant natural resources, including rivers, mountains, glaciers, and forests.¹⁵⁷ The Dalai Lama and the Panchen Lama are two of the most revered figures in Tibetan Buddhism. They are both believed to be reincarnations of the Buddha of Compassion and the Buddha of Boundless Light, respectively.¹⁵⁸

By late 1949, the People's Liberation Army (PLA) had invaded Tibet. Under the leadership of Mao Zedong, the Chinese government's objective was to achieve the "liberation of Tibet" by 1950.¹⁵⁹ Mao and his troops aggressively sought to coerce the Dalai Lama into accepting China's rule. In 1951, the Tibetan delegation had to sign the Seventeen Point Plan for the Peaceful Liberation of Tibet with the central government

under duress as “the Chinese made it clear to the Tibetan delegation that they had no choice but to sign it”.¹⁶⁰ The Plan stated that Tibet would maintain “regional autonomy”¹⁶¹ and that “the existing political system ... the established status, functions and powers of the Dalai Lama”¹⁶² would not be impacted. However, in the years following the ratification of the treaty, the Chinese government gradually — and violently — enforced reforms and enacted policies that were antithetical to the agreement in order to transform Tibetan society to fit China’s ideal vision of a “new multiethnic Communist state”.¹⁶³

Clashes often occurred between the Tibetans and the Chinese military. The Chinese government knew they would need to have the Dalai Lama on their side - even kill or kidnap him to silence him - if they wished to successfully reign in Tibet.¹⁶⁴ In March 1959, millions of Tibetans gathered in front of Potala Palace, where the Dalai Lama lived, determined to provide him with protection.¹⁶⁵ In what later became known as Tibetan Uprising Day, the Chinese military violently suppressed the gathering and indiscriminately killed thousands. Shortly after the uprising, the 14th Dalai Lama - only in his early twenties at the time - secretly fled to India where he established the Tibetan government-in-exile.¹⁶⁶

Demonstrations for Independence

In 1980, Hu Yaobang, General Secretary of the Chinese Communist Party, visited Tibet and conducted a survey of the effects of 20 years of communist rule.¹⁶⁷ He found that forced collectivism had reduced the economy to nothing. The inadequate

infrastructure and total dependency on China reminded him of colonisation. His six-point reform policies suggested that the TAR should exercise its autonomy, Tibetan farmers must be exempted from taxation, tailored economic policies for Tibet must be drafted, the central government should provide more subsidies for the improvement of the local economy, all efforts should be made to develop and preserve Tibetan culture, education and science and the participation of Tibetans in local administration should increase and Han cadres must be withdrawn.¹⁶⁸

War propaganda has been an integral part of the covert operations carried out by the authorities.¹⁶⁹ From the beginning, the CCP claimed that the PLA had liberated Tibetan nomads from



abusive monks who ill-treated them like feudal serfs. The authorities have accused the Dalai clique of inciting the immolations caused by more than 140 Tibetans resisting Chinese repression. All aspects of Tibetan identity, including Tibetan Buddhism, language, history, and heritage, are considered a threat and highly sensitive to the Chinese government because it differs from the CCP's grand vision of achieving the "Chinese Dream" and "national rejuvenation". The Chinese government has continued to enforce repressive measures to crack down on all dissent through a series of state-sponsored campaigns, such as the aptly titled "Strike Hard" campaigns, "Go West

Strategy,” and “Patriotic Re-education” campaign — to sinicise Tibetan culture and language, to silence support for the Dalai Lama, and to smother calls for Tibetan freedom and independence.¹⁷⁰ The Chinese government refers to “liberation” and promises of “ethnic regional autonomy” as a way to mask their true intentions vis-a-vis Tibet in the international arena.

Since late 1987, especially after the proclamation of martial law in Lhasa, the capital of TAR, thousands of Tibetans have been detained under administrative procedures. While many have been released after several weeks, hundreds of others, including prisoners of conscience, remain in detention without trial, serving terms of “re-education through labour” imposed by the authorities. In early 1992, over 200 political prisoners and prisoners of conscience were known to be detained in such circumstances.¹⁷¹

Arbitrary Detention and Torture of Religious Individuals



The Chinese government has arbitrarily detained and tortured countless Tibetan Buddhist monks and nuns. Within Tibetan society, it is common for families to send at least one child to the monasteries to receive an education and embrace the Tibetan Buddhist monastic lifestyle. As such, the Chinese government's targeting of religious figures has reverberated throughout society, impacting virtually each and every family.

Monks and nuns are highly respected leadership figures due to their involvement in both religious and community affairs. They also play an instrumental role in delivering speeches, distributing pamphlets, documenting experiences, and organising events dedicated to advocating for the Dalai Lama, and opposing the Chinese government's authoritarian rule in their homeland.¹⁷² Therefore, the Chinese government views nuns and monks as "splittists"¹⁷³ and threats due to their influential role in society and ongoing commitment to religion.

Former prisoner of conscience and Tibetan Buddhist monk Palden Gyatso (1933-2018) was the first to publicly reveal the Chinese regime's tools of torture and campaign of political indoctrination and forced labor to the United Nations in 1995.¹⁷⁴ According to his testimonies, the Chinese government relied on various tools such as iron bars, electric shocks, leather belts, and cattle prods to torture detainees.¹⁷⁵ Gyatso was arbitrarily detained for 33 years in Chinese labour camps and prisons due to his commitment to the Dalai Lama. In addition, Gyatso had a desire to safeguard an independent Tibet, and his participation in the 1959 Tibetan Uprising.¹⁷⁶

The Chinese government's ongoing authoritarian rule has resulted in the continued arbitrary imprisonment and torture of Tibetan Buddhist monks and nuns, regardless of their age. In March 2008, for example, on the 49th anniversary of the 1959 Tibetan Uprising Day, hundreds of monks, nuns, and residents peacefully gathered across the region to protest the Chinese government's encroachment on their lifestyle, heritage and culture. There were roughly 344 protests. Participants carried pamphlets, Tibetan flags, and photographs of the Dalai Lama - all of which are banned. They peacefully chanted "Free Tibet," "We want freedom," and "Long live His Holiness the Dalai Lama," to which the Chinese police responded with tear gas, brute force, and gunfire. Dozens of people were arrested for threatening China's definition of the country's sovereignty, and "incitement to separatism".¹⁷⁷ Of the people arrested, monks and nuns were subjected to increased torture and abuse.¹⁷⁸ The timing of these protests was closely linked with the timing of the then-upcoming Beijing 2008 Summer Olympics, when the Olympic torch was to pass through the capital of Tibet, Lhasa. Following the March 2008 protests, the Chinese government enforced sweeping measures to further crack down on civil society in Tibet, including increasing military presence, amplifying its propaganda, expanding its re-education campaigns, and locking down all access to the region.¹⁷⁹

To date, monks, nuns, and other individuals are virtually unable to freely express their religious beliefs and political ideas. Their severe repression, coupled with the fear of arrest, torture, and execution, has grown so intense that many monks, former monks, and civilians have self-immolated to non-violently voice their deep frustration with

the Chinese government's actions, to publicly call for freedom, and to encourage the international community to pay more attention to the issues in the region.¹⁸⁰ More than 150 Tibetans have self-immolated since 2009, following the March 2008 protests.¹⁸¹

Religious Suppression



After the decade-long Cultural Revolution, the Chinese government became slightly more accepting of religion under Deng Xiaoping's leadership in order to align with his vision for achieving opening and reform. In stark contrast to Mao's efforts to prohibit and eradicate religion, Deng encouraged "greater tolerance... and even state support for temple reconstruction".¹⁸² These reforms, however, did not last and the Chinese government once again clamped down on Tibetans after a series of pro-independence protests in 1987.

Since then, the Chinese government's control over monasteries has intensified, including through an uptick in forced patriotic indoctrination, extreme surveillance, and a heavy police presence within these institutions.¹⁸³ The United Front Work Department (UFWD) of the Chinese government spearheaded many of these

initiatives, claiming that monasteries were “breeding grounds for activism”.¹⁸⁴ They imposed strict regulations, allowing the government to have complete oversight and control over the management and records of Tibetan Buddhist monasteries and other places of worship. These restrictions include limiting the number of monks and nuns to perform rituals,¹⁸⁵ and requiring large events that are held in monasteries to first seek approval from the UFWD.¹⁸⁶ Under the 1996 “Strike Hard” campaign, the Chinese government doubled down on removing and prohibiting the possession of photographs of the Dalai Lama in monasteries and even in private homes.¹⁸⁷ Until this day, those found in possession of a photo of the Dalai Lama, or any text in relation to him, are subject to severe punishment, including arbitrary arrest and torture.¹⁸⁸

In 2007, the Chinese government’s State Administration of Religious Affairs (SARA) passed a comprehensive law called “Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism”.¹⁸⁹ The legislation makes clear that all reincarnations must adhere to the principles of “unification of the state,” and undergo several approval processes.¹⁹⁰ In essence, the CCP uses the law to exert complete control over the reincarnation process which, in turn, helps them to tighten their grip on Tibetans. The current Dalai Lama has publicly denounced this legislation and the regime’s authoritarian interference with Tibetan religious affairs, highlighting how the Chinese government’s efforts are aimed “to eradicate our Tibetan cultural traditions”.¹⁹¹

Tampering with Tibetan Buddhist reincarnations is a reflection of how the Chinese government perceives the role of religion in society. This is more specifically about the Dalai Lama as a leadership figure. The Dalai Lama's positive influence among the Tibetan people is viewed as a threat to the party, which has - on multiple occasions - referred to him as a "wolf in monk's robes" and "a secessionist chief".¹⁹² The Chinese government's disruption of the reincarnation process, as well as its refusal to reveal the whereabouts of the 11th Panchen Lama have sparked international outcry from foreign governments.

Mass Surveillance

For decades, the Chinese government has continuously intensified their presence in TAR and Tibetan communities throughout China in order to keep a close eye on the Tibetan people. Their surveillance intensified after the 1959 Tibetan Uprising Day and the March 2008 demonstrations, and continues at the whim of the Chinese government. The intensification - which includes heavier police and military presence in the streets, both in uniform or undercover as plainclothes officers - is largely due to the government's desire to tightly put a lid on freedoms, dissent, and protests. There are also many checkpoints, where people are forced to share government documents, including certificates of residence, identity cards, vehicle registrations, and even documentation indicating whether or not they have a criminal record¹⁹³, and where officers ensure that travellers are not carrying items that are considered to be dangerous to the government, such as pictures of the Dalai Lama, Tibetan flags, or books about Tibetan freedom and independence. Similar to the Cultural Revolution,

people are encouraged to spy on one another, and to report to the police if they suspect anyone of “separatism” or “religious extremism”.¹⁹⁴



Surveillance is heightened especially in monasteries and nunneries. In line with the Chinese government’s religious oppression, police and military personnel have been embedded in these institutions to ensure that events, publications,

speeches, and other texts that are studied “serve the goals of the CCP and Chinese government”.¹⁹⁵ The increased physical presence of the military and police has added another layer of fear and is used as a tactic of intimidation to coerce people to align strictly with the party’s goals and ideologies.

Tibet has often been referred to as “China’s laboratory for repression,” because the Chinese government has tried a variety of surveillance methods in the region. As a result of the creation of the “grid system of social management” spearheaded by then-Party Secretary of TAR Chen Quanguo, offline surveillance escalated dramatically in 2011.¹⁹⁶ Under this system, entire neighbourhoods were divided into smaller segments, allowing for more micro-level monitoring and even home searches. It introduced “convenience police stations,” which are disguised as community centres

and volunteer groups called the “Red Armband Patrols”, which were reminiscent of the Cultural Revolution’s “Red Guards.” The “grid system of social management” was so successful that the CCP subsequently refined the system and implemented it in the Uyghur Region.¹⁹⁷

Freedom of Movement

When Tibetans apply for passports, they are faced with a number of hurdles that are intentionally set up by the Chinese government which include time-intensive paperwork



and often-delayed approval procedures to essentially prohibit and block Tibetans from travelling internationally. These hurdles also aim to instil fear, and to monitor Tibetans who travel.¹⁹⁸ The required paperwork reportedly includes waivers that indicate that they will not partake in “illegal activity” or “activities harmful to the nation” while overseas.¹⁹⁹ Oftentimes, even after waiting for months and even years, Tibetan passport applications have been denied, with no clear and justifiable explanation from the government.

Those who have been able to receive passports and travel abroad are frequently faced with interrogations, and even imprisonment, when they return back to Tibet. In

particular, because of the Chinese government's hostility toward religion and their ongoing desire to silence rhetoric that falls outside of the party's narrative, Tibetans who have travelled abroad for religious pilgrimages, such as to India to receive the Dalai Lama's blessing or to Nepal to visit holy sites, have reportedly been arrested or subjected to heavy fines, physical harm, and strict government monitoring upon returning.

Many Tibetans-in-exile overseas are unable to freely return to Tibet because they must face lengthy protocols, interrogations about their personal lives and religious beliefs, and discriminatory practices in Chinese consulates abroad while applying for a visa. Additionally, Tibetans in the diaspora who are outspoken against the Chinese government fear for themselves. They also fear for the safety of their relatives should they be able to return to the region. Not only is this an example of severe restrictions on freedom of movement and overseas intimidation, but it is also a well-calculated strategy conducted by the Chinese government for breaking down cultural, and social ties among Tibetans by limiting access to their ancestral lands and relatives.²⁰⁰

International Responses against Human Rights Violations in Tibet

- *The UN Response*

The UN General Assembly (UNGA) passed three resolutions about Tibet, in 1959, 1961 and 1965 respectively, following several appeals by Tibet's then spiritual and political

leader the Dalai Lama.²⁰¹ UN member states used the resolutions to challenge China's claim that Tibet is part of China and to speak out against China's invasion of Tibet.

*1959 UNGA Resolution 1353 (XIV) on Tibet*²⁰²

Affirms its belief that respect for the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights is essential for the evolution of a peaceful world order based on the rule of law;

Calls for respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life.

*1961 UNGA Resolution 1723 (XVI) on Tibet*²⁰³

Reaffirms its conviction that respect for the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights is essential for the evolution of a peaceful world order based on the rule of law;

Solemnly renews its call for the cessation of practices which deprive the Tibetan people of their fundamental human rights and freedoms, including their right to self-determination;

Expresses the hope that Member States will make all possible efforts, as appropriate, towards achieving the purposes of the present resolution.

*1965 UNGA Resolution 2079 (XX) on Tibet*²⁰⁴

Deplores the continued violation of the fundamental rights and freedoms of the people of Tibet;

Reaffirms that respect for the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights is essential for the evolution of a peaceful world order based on the rule of law;

Declares its conviction that the violation of human rights and fundamental freedoms in Tibet and the suppression of the distinctive cultural and religious life of its people increase international tension and embitter relations between peoples;

Solemnly renews its call for the cessation of all practices which deprive the Tibetan people of the human rights and fundamental freedoms which they have always enjoyed;

Appeal to all States to use their most effective efforts to achieve the purposes of the present resolution.

On the 23rd of August 1991, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted Resolution No 1991/10 entitled “The Situation in Tibet”, showing its concern over “continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religious, and national identity of the Tibetan people”.²⁰⁵ The resolution demanded the Chinese government to “respect the fundamental rights and freedoms of the Tibetan people” and requested the UN Secretary-General to transmit to the Commission on Human Rights information about the situation in Tibet. In response, the PRC rejected the resolution as “entirely illegal, null, and void, and absolutely unacceptable to the Chinese government”. In the next year, the UN Commission on Human Rights decided not to put to the vote a draft resolution about human rights violations in Tibet.

- *The U.S. Response*

Human rights violations in Tibet remain a major concern for the American government. It has issued several laws in order to call on the Chinese government to respect democratic values and basic human rights and freedom, including:

P.L. 107-228: Tibetan Policy Act of 2002 (Foreign Relations Authorization Act, FY2003, Title VI, Sections 611-621).²⁰⁶ It is a core legislative measure guiding U.S. policy toward Tibet. Its stated purpose is “to support the aspirations of the Tibetan people to safeguard their distinct identity”.²⁰⁷ Among other provisions, the TPA establishes in statute the State Department position of Special Coordinator for Tibetan Issues and defines the Special Coordinator’s “central objective” as being “to promote substantive dialogue” between the government of the People’s Republic of China and Tibet’s exiled spiritual leader, the Dalai Lama, or his representatives.²⁰⁸ The Special Coordinator is also required, among other duties, to “coordinate United States Government policies, programs, and projects concerning Tibet”; “vigorously promote the policy of seeking to protect the distinct religious, cultural, linguistic, and national identity of Tibet”; and press for “improved respect for human rights”.²⁰⁹

P.L. 109-287: The Fourteenth Dalai Lama Congressional Gold Medal Act.²¹⁰ Under this legislation, the United States Congress awards this honour “in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding”.²¹¹ The Congressional Gold Medal is the highest civilian honour bestowed by the United States.

P.L. 115-330: Reciprocal Access to Tibet Act of 2018.²¹² This law essentially brings the concept of reciprocity back to the table, when it comes to access to Tibet.²¹³ China restricts foreigners from travelling to Tibetan areas – in some cases, by regulation, and in others, by intimidation. Foreign tourists can travel to Tibet with a tour group at various times. Journalists and diplomats can only visit Tibet at the invitation of the Tibetan government. However, the amended law stipulates that any individual

“substantially involved” in the formulation or execution of these restrictions in Tibet cannot visit the United States, as long as these restrictions remain in place. The Act will not change the plight of millions of Tibetans or relax the restrictions on foreigners travelling to the region. However, there are some signs that outside pressure can move Beijing in the right direction.

P.L. 116-260: The Tibetan Policy and Support Act of 2020.²¹⁴ The succession or reincarnation of the Dalai Lama should be made by appropriate Tibetan Buddhist religious authorities, and the U.S. will “take all appropriate measures”, including targeted sanctions against PRC officials who interfere with this process. The law also reauthorized TPA-related appropriations through 2025, expanded the scope of a required report, and prohibited the Secretary of State from authorising new PRC consulates in the U.S. until a consulate in Lhasa is established.²¹⁵

GICJ Position

Geneva International Centre for Justice (GICJ) is particularly concerned about the human rights violations caused by the Chinese government toward the people in Hong Kong, Xinjiang and Tibet. The authorities are continuously employing brutal and violent campaigns to crush all dissidents and protesters. Through its imposition of extreme human rights abuses, including religious suppression in Tibet, re-education camps in Xinjiang, and the National Security Law in Hong Kong, the Chinese government has imposed a widespread climate of fear in all three regions. GICJ condemns the CCP’s campaign of repression and the Chinese government’s abuses that undermine basic freedom rights, democratic values, and rule of law.

We call on the PRC to respect the International Covenant on Civil and Political Rights and Universal Declaration of Human Rights for the people in the three regions. We encourage the Chinese government to establish platforms which provide a safe space for grassroots activists to raise their voice about their basic freedom rights. We support international civil society organisations to build cross-border and multi-generational coalitions as well as work together to form alliances to make the Chinese government accountable.

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