

THE REPRESSIVE FRAMEWORK OF RELIGIOUS REGULATION IN XINJIANG

BY HUMAN RIGHTS WATCH AND HUMAN RIGHTS IN CHINA

In this excerpt from a recent joint report,¹ HRW and HRIC examine a range of official instructions and regulations—many withheld from public access—through which the Chinese government restricts religious freedom in Xinjiang.

At its heart, the control of religious activities in Xinjiang is a way of opposing “ethnic splittism” (*minzu fenlie*). Xinjiang’s Party Secretary Wang Lequan stressed in 1991 that the “major task” facing the authorities in Xinjiang was to “manage religion and guide it in being subordinate to . . . the central task of economic construction, the unification of the motherland, and the objective of national unity,” a vision of subordination that has hardly changed since.²

Although China has increasingly faced international criticism for its religious policies in Xinjiang,³ it has persistently rejected such criticism. In May 2003, the Information Office of the State Council released a White Paper⁴ on the “History and Development of Xinjiang.”⁵ The White Paper is the government’s most recent and comprehensive statement on the situation of ethnic minorities in Xinjiang. It marshals various facts and statistics to make the case that ethnic minorities are thriving in Xinjiang. These include the existence of some 24,000 religious venues in Xinjiang; the role played by ethnic minorities in the administration of religion and religious policies; the allocation of “specialized funds for the maintenance and repair of the key mosques”; the establishment of “an Islamic college specializing in training senior clergymen”; “guaranteed access to scriptures and other religious publications”; and, above all, the fact that “all religious bodies independently carry out religious activities within the scope prescribed by law.”⁶

The White Paper states that, “The right to freedom of religious belief for various ethnic groups is fully respected, and all normal religious activities are protected by law,” specifically citing the enactment by the Xinjiang government of the Provisional Regulations for the Administration of Religious Activity Venues in the Xinjiang Uighur Autonomous Region—a regulation that was abruptly rescinded in May 2004⁷—and “other regulations in accordance with the constitution and the law.”

However, there is a significant discrepancy between official materials published for international and public consumption and those intended for internal circulation. These secret regulations and policy statements—documents that are used as immediate guides to the implementation of laws and policies—are not publicly available and provide a much stricter framework for religious activity. They are summarized below.

Policies hidden from the public

While white papers, the constitution, national legislation, and certain national and provincial policy statements are available to the public and reported in newspapers, there is a large and growing category of Chinese regulations and policies that the government and Party deliberately keep hidden.

Two specific regulations establish a draconian ban against unauthorized disclosure of information regarding almost any national minority or religious matter or policy, even if unrelated to national security. One regulation was jointly promulgated in 1995 by the State Secrets Protection Bureau (*Guojia mimi baoshou ju*) and the State Council Ethnic Affairs Commission.⁸ The other regulation was promulgated at the same time by the State Secrets Protection Bureau and the State Administration of Religious Affairs (formerly the Religious Affairs Bureau).⁹

The regulations also list matters that must be treated as “internal” (*neibu*), that is not to be publicized or announced without authorization. These include most documents relating to religious and ethnic policies which would routinely be public information in other countries.

Among them are drafts of religious laws and regulations; reports, opinions and suggestions by religious representatives regarding religious affairs; “analyses of developments with overseas religious organizations and their personnel”; “information and statistics unsuitable for the public regarding religious organizations, institutions and activities”; and the “content of state organ meetings unsuitable for the public.”

Regulation in 1994–2001:

“Keeping a handle on” the imams and party cadres Until their revision in 2001, religious activities in Xinjiang were governed by a set of regulations issued in 1994, which echoed the national regulations.¹⁰ In the intervening years, a series of Communist Party directives indicated that Xinjiang

would be targeted for special, effectively discriminatory treatment. For example, in 1996, Document Number 7 from the Political Bureau of the Central Committee, while still operating within the framework of the 1994 Regulations, laid the outline for a considerable toughening of regulations concerning religion and for the curbing of religious freedom that continues to this day.¹¹

In October 1998, less than two months after an inspection tour of Xinjiang by President Jiang Zemin, local authorities created a new and comprehensive set of instructions on control of religion. These were based on directives originating from the central government.¹² The “October 1998 Instructions” called for a tightening of regulations governing the management of religious personnel, religious places, the content of religious teachings, and the “fight” against all non-governmental religious activities.

In 2000, the “Interim Provisions on Disciplinary Punishments for Party Members and Organs that Violate Political Discipline in Fighting Separatism and Safeguarding Unity” [the “2000 Interim Provisions”] provided a wide range of sanctions against Party members involved in religious activities.

The 2001 draft amendments to the 1994 Regulations: narrowing the scope of “normal” religious activities

In July 2001, a series of comprehensive amendments to the 1994 Regulations was adopted by the Chairmen’s Committee of the Xinjiang People’s Regional Congress¹³ and submitted for deliberation to the Standing Committee (hereafter the “2001 Amendments”).¹⁴ These amendments, yet to be made public, represented a new regulatory regime extraordinarily hostile to religious activity in Xinjiang,¹⁵ and severely tightened the already restrictive provisions of the 1994 Regulations on Religious Activities.

A Manual for Urumqi Municipality Ethnic Religious Work

The repressive framework imposed by the 2001 Amendments most probably derives from practical experience, and incorporates provisions already codified in the guidelines of religious affairs bureaus at various levels of government and of CCP religious affairs committees that supervise their work. A 2000 handbook entitled *A Manual for Urumqi Municipality Ethnic Religious Work*, edited by the Ethnic Religious Work Committee of the Urumqi Nationalities Religious Affairs Bureau Work Committee (Manual), is “to be used to conduct education and serve cadres for nationalities religious affairs in their work.”¹⁶

The Manual is structured as responses to 146 different questions, ranging from Party doctrinal topics (“What are the four fundamental principles and guiding principles on religious work set forth by Comrade Jiang Zemin?”) to specific issues that religious affairs cadres have to deal with (“What qualifications must religious personnel possess?”), and government policies (“What measures has the Urumqi Municipality Committee taken in the recent years to protect social stability?”).

The close correspondence between the Manual’s guidelines and the 2001 revised amendments tends to support the conclusion that the latter were designed to integrate and rational-

ize stipulations that were developed by the religious affairs bureaus.

The Manual defines illegal religious activities as “any religious activity that violates the country’s constitution, laws and regulations or the Autonomous Region’s management of religious affairs’ regulations, dispositions or rules.” The list is more extensive than even the already-extensive list set out in either the 1994 Regulations or the 2001 Amendments, particularly in the supervision of places of worship, and the publication of any material related to religion or “sensitive” questions.

In addition, many of the prohibitions represent blatant and substantial curtailment of basic civil and political rights beyond those relating to the right to freedom of religious belief. For example, “inciting the masses to illegally rally and demonstrate” implicates freedom of assembly; “distorting history” or “using religion to meddle in ... cultural activities” violates free expression; the injunction on “going abroad to study religion” or engaging in religious activities that “span different localities” tramples on freedom of movement. The list also contains catch-all “offenses” that allow the authorities to deny religious freedom under virtually any pretext, as for example using religion “to carry out other activities that are harmful to the good order of society,” or “to breed separatist elements and reactionary backbone elements.”

Implementation:

Restrictions on Freedom of Religion in Practice

This section surveys three critical areas where the implementation of Xinjiang’s religious regulations and policies violate the basic political and religious rights of believers: the registration of religious organizations, the training or “reeducation” of religious personnel, and the ban on the construction of new mosques.

Registration of religious organizations: a no-win situation

The requirement that any type of religious organization be registered is one of the most effective means by which the authorities restrict most forms of religious activity.

By law, any association of believers has to register with the authorities, even if their activities are not strictly or exclusively religious, as in the case of traditional community gatherings or charitable groups. The registration and operation of religious organizations require approval by both the religious affairs bureaus and the civil affairs bureaus above the county level.¹⁷

Any religious body may apply to register. However, Xinjiang authorities routinely deny registration to independent religious bodies on the grounds that no religious activity is allowed without state control. This opens the door for individual believers to be persecuted on the grounds that they belong to or participate in an illegal religious organization.

Most Uighurs interviewed for this report said that they would not dare to try to register a non-profit organization because they were certain that their application would be rejected and that the attempt would put them under suspicion with the authorities. Asked whether they would try to register an organization, a small group of college students in Kashgar gave this response:

No way! This is impossible! The government would immediately accuse you of being a separatist, of encouraging illegal religious activities. This is too dangerous. You can bring a lot of problems on your head if you do that. They can expel you from school. The cadre in your native village will go and ask your parents why you are “making trouble” (*naoshi*), that sort of thing.¹⁸

Independent religious practitioners are thus in a no-win situation. If they ask to register they are denied registration but draw attention to themselves; if they congregate without having registered they can be charged with participating in or forming an “illegal organization.”

This is not merely a theoretical dilemma, judging by the high number of people detained in Xinjiang for political or religious offenses. Many are detained in Xinjiang’s Reeducation Through Labor camps for belonging to an “illegal organization.” An article co-signed by the vice-director of the Xinjiang Reeducation through Labor Bureau reveals that as of 2001 almost half of the detainees serving time for separatism and religion linked offenses were detained on charges of “[belonging to] illegal organizations and [engaging in] illegal religious activities.”¹⁹

In August 1999, for example, a group of eighteen young adult Uighurs were sentenced by a Xinjiang court for alleged separatist activities. The charges included: “inciting [others] to split China, organizing meetings, taking oaths, accepting membership, and possessing illegal publications and counter-revolutionary videos for propaganda purposes,” according to the Chinese-language newspaper *WenWei Po*, based in Hong Kong.²⁰ There is no mention in the report of any evidence that the defendants had engaged in violent acts. Shirmehemet Abdurishit, the alleged leader of the group, was sentenced to a fifteen-year jail term, while the other seventeen defendants, whose names were never released, were sentenced to jail terms of up to fourteen years.²¹ The verdict was upheld by a higher court in December 2003.²²

The “reeducation” of imams in 2001 and 2002

Religious work “should be regarded as an important, radical measure to oppose ethnic splittism and preserve social and political stability.”²³

Xinjiang Party Secretary Wang Lequan, October 2002

In furtherance of the government’s objective of “keeping a handle on the ideological state of the imam at all times,”²⁴ the Chinese authorities in Xinjiang conduct “religious training campaigns” and “political reeducation campaigns.” These are similar to the notorious “patriotic education campaign” waged in Tibet against Buddhist monks and nuns since 1996.²⁵ The sessions, led and monitored by Party and government officials, are designed to compel religious personnel to openly express their opposition to “hostile forces”—in Tibet, the “Dalai Lama clique,” and in Xinjiang, “separatist forces.”

The provincial, municipal, and district religious affairs bureaus regularly conduct training of clerics. The training of

religious personnel (as well as the evaluation of the clerics) is carried out by the Third Bureau (*Zongjiao sanchu*) of the Xinjiang Ethnic Religious Affairs Committee [*Minzu shiwu weiyuanhui (zongjiao shiwuju)*].²⁶ The Third Bureau “plans the training of religious personnel,” “reinforces the management of religious institutes and scriptures classes,” and “is responsible for the political education of religious personnel.”²⁷ The United Front Work Department²⁸ and the China Islamic Association at the provincial and prefectural levels also contribute to the training sessions.²⁹

Since 2001, the frequency of these trainings apparently has increased from once every few years to once a year for the 8,000 registered imams above the township level.³⁰ The campaigns in 2001 and 2002 systematized the ideological control imposed on clerics.

The 2001 campaign was officially “the largest-scale religious training” since the founding of the People’s Republic of China, with 8,000 imams above the village level undergoing “political reeducation” between March 15 and December 23, 2001.³¹ The twenty-day “reeducation” sessions were aimed at “reestablishing correct ideological understanding and improving the political qualities of the religious leaders.”³² In March 2002, it was announced that Islamic scripture schools would train 8,000 “patriotic religious personalities,” “2,000 of them to be trained by the region and 6,000 by the localities.”³³

“Reeducation” and training sessions are obligatory and involve clerics from different areas of Xinjiang, who are divided into ethnically homogeneous working groups (Uighurs, Huis, Kazakh, etc.).³⁴ Clerics are forced to listen to speeches by Party and government officials and must answer questions, orally and in writing, concerning the regulations pertaining to religious activities, Party doctrine, and positions on separatism. Each participant must submit a “study report” at the end of the training.³⁵

During “exchange of experience” sessions (*huxiang jingyan huiyi*), clerics are asked to address the other participants with precise accounts of “difficulties” or “incidents” they have encountered in their work. For instance, an imam will describe how “illegal” religious classes were held, or how the mosque used some “illegal” religious book. They may also relate how they failed to warn the authorities about “elements” that were “agitating,” or about inviting a cleric from another area without prior authorization. Clerics also have to admit personal errors and how they have nurtured “incorrect” ideas. They also have to point out examples of such erroneous actions on the part of other members of the group.³⁶

These sessions are purposely designed as loyalty tests. If clerics do not offer precise accounts, they are viewed as being insincere about opposing separatism. But if they admit mistakes, they are considered guilty of violating regulations. This serves to put continuous pressure on the clerics. The imam’s “attitude” (*taidu*—in this context a euphemism for political loyalty) is monitored by instructors during the training. Final evaluations are recorded in the imam’s personal file, which is kept by the religious affairs bureaus.

Clerics who do not fulfill the ideological criteria can be put through further “education session(s)” and have their accredi-

tation suspended or removed. Local sources pointed out that these sessions were particularly taxing for old clerics from the countryside, who are forced to travel and are suddenly plunged into arcane testing of their ideological loyalty to the Party.³⁷

The *Xinjiang Daily*, the official organ of the Xinjiang CCP Committee, portrays these sessions in a positive light, suggesting clerical appreciation for the “training”:

During the study, imam-students were very enthusiastic and listened attentively to lectures. Some of them were aged and weak but persevered in attending classes, actively took part in discussions, and wrote study reports.³⁸

The same article reported that after the 2001 campaign clerics declared: “Now we have set our mind at rest and seen the light as if we had just walked out of a dense fog.”

According to secondary accounts given to Human Rights Watch,³⁹ the climate of the training sessions is similar to accounts given by people forced to write self-criticisms during the Maoist era. Each session is a cat-and-mouse game, where the safest way to be left off the hook is to admit to relatively minor mistakes, if need be by inventing them. Such sessions are a core component of the political “reeducation” campaigns conducted for clerics since 2001.

The content of the courses, in which “political studies are combined with training in religious knowledge,” was “scien-

tifically determined” by an ad hoc small group set up with leaders from the Regional Party Committee, the XUAR government, the State Administration of Religious Affairs, and the China Islamic Association:

The leading group deeply explored and scientifically determined the contents of courses by proceeding from the perspective of guiding religion in adapting to the socialist society and maintaining the lasting political stability of Xinjiang,” reported the *Xinjiang Daily* . . . Imam students systematically studied General Secretary Jiang Zemin’s important speeches on religious issues, the Party’s ethnic and religious policies, relevant state laws and regulations, the history of Xinjiang, and the history of Xinjiang religions.⁴⁰

The authorities also propagated selections of text from the Koran that were deemed suitable. “New Edition of Selections from the Koran” (*Xinbian Kuerlan bian*) was published by the Xinjiang Religious Affairs Bureau in August 2001. Religious bureaus of all districts, prefectures, and cities organized in a planned manner the work of testing, explaining, training, and diffusing the book, “obtaining great results,” according to official reports.⁴¹

In October 2002, a Party- and government-sponsored regional conference on religious work was called in Urumqi to sum up the work of 2002 and lay out the plan for 2003. The



Xinjiang Uighurs in front of a billboard proclaiming, “The Chinese people are all one family.” Photo: AP Wide World Photos

Xinjiang Party Secretary, Wang Lequan, gave clear instructions to ensure that religious public figures were “politically qualified” and ordered his subordinates to further “monitor” and “expunge” religious publications:

We must strengthen the management of religious public figures, and be sure that they are politically qualified. This is a demand of the first order.

Political qualifications are the following: an ardent love for the motherland, support for Communist Party leaders and the socialist system, opposition to national splittism and illegal religious activities, the defense of national unity and the unification of the motherland, and a conscious compliance with the nation's laws and policies ... We must implement a reinforcement of the management of the places of religious activity and the content of the texts, actively explore methods to effectively monitor the content of the texts expounded by religious figures, and unify a standardized expounding and explanation of the texts.⁴²

Control and conformity: supervision of mosques in 2001

Alongside efforts to step up ideological indoctrination of clerics, since 2001 the authorities have radically stepped up the monitoring and inspection of mosques. Among other things, inspections verify the accreditation of imams, ascertain that no “illegal” teaching is taking place, and ensure that government regulations are posted and available.

In line with instructions from the Central Party Committee in Beijing and the annual inspection regime prescribed in the Manual, the Xinjiang authorities initiated a campaign in 2001 to increase supervision of Uighur mosques. In August 2001, the Xinjiang Party Committee and the Xinjiang government convened a conference to discuss annual inspections of places of religious activities. This led to the design of a five-year-plan under an ad hoc “small leading group.” The group was set up the following November, and two teams, one for northern Xinjiang and one for southern Xinjiang, were charged with “coordinating and reinforcing the work of annual inspection of conformity.”⁴³

According to the Xinjiang Religious Affairs Bureau, Xinjiang's 23,909 mosques were inspected in 2001. One hundred forty-one mosques were found to be “non-conforming” and targeted for “rectification.” No figures are available for the following years.

In addition to the annual inspection of mosques, the authorities in 2001 established a “three-level religious control network” (*sanji zongjiao guanli wangge*), combining village, township, and district levels. The system establishes permanent monitoring of Uighur mosques by “leading cadres of ethnic minorities” who “maintain contacts with mosques and dialogue with religious personalities” and who control the mosque's inspection log in which details about the clerics in charge, dates, results and recommendations of inspections, and other relevant information is recorded. The following account of the work to “strengthen the management of religious affairs” in Aksu prefecture of Xinjiang gives a picture of how the system works:

The City Religious Affairs Bureau issued an evaluation handbook to each of the liaison personnel for recording their work truthfully. The handbooks are examined and archived periodically . . . Aksu prefecture appointed ten ethnic minority leading cadres at the deputy county level as liaison personnel as well as 657 leading minority cadres . . . to establish contacts with 416 mosques ... The liaison personnel visited mosques once a week to talk and befriend religious personalities, to propagate the party's policies toward ethnic nationalities and religions, and to provide education and guidance on patriotism.⁴⁴

The persecution of clerics and the demolition of mosques

Chinese authorities are careful not to appear to be targeting Islam specifically, and they keep closures of mosques and the non-reaccreditation of imams secret. It is difficult to assess the number and scale of such actions. However, information found in scattered official sources suggests that retaliation against non-conforming mosques and clerics is prevalent and has gained new vigor since late 2001. At that time, authorities in Xinjiang imposed even more control on mosques, effectively banning any new construction work on mosques in Xinjiang. Although Uighur exile organizations have long claimed that such a ban was implemented after the 1997 Yining uprising, the measure was never officially confirmed and is not found in material issued by the Religious Affairs Bureau. However, in October 2002 the Xinjiang Party Secretary appeared to confirm the existence of the ban in a speech relayed by the *Xinjiang Daily*:

At this time, the places for religious activities throughout the Autonomous Region are adequate to meet the needs of the normal religious activities of religious believers. In principle we should not have to build new places for religious activities.⁴⁵

The Party Secretary also underscored limitations imposed on the preservation of existing mosques. He declared that, “any maintenance and repair of places for religious activities must reflect real needs and be concrete, safe and practical” and he stressed the ban on sharing costs of repairs with independent, non-governmental sources, such as private businessmen, without permission from the relevant authorities.⁴⁶

The destruction of a mosque by the authorities was reported in Hetian prefecture in southern Xinjiang in October 2001. Local worshippers demonstrated against the action; the demonstration was immediately put down by security forces. According to media reports, an official of Hetian Nationalities and Religious Affairs Bureau declared that about five people had opposed the conversion of a mosque into a carpet factory and appealed to regional and Beijing authorities when the project began, but eventually agreed to the factory conversion, which took place “because the mosque was located beside a school and considered too loud and a bad influence.”⁴⁷

The persecution of clerics did not start only after September 11, 2001. Official media sources reported in May 2001 that seven imams were arrested and two “underground mosques”

destroyed in the provincial capital Urumqi. The charges against the men were not made public.⁴⁸ According to official documents, Yusaiyin Wubulibei, former Imam of the Shayibake Mosque in Urumqi, was demoted and put under investigation by the Public Security Bureau in April 1999 for having “preached against the religious policies of the Party” and “exacerbated contradictions within the patriotic clergy.” No further information regarding the charges against him was available at the time of writing.⁴⁹

In Yili prefecture alone, local government sources state that seventy “illegal constructions or renovations of religious sites” were demolished and forty-four imams stripped of their “credentials” (zige) between 1995 and 1999.⁵⁰ The official *Urumqi Yearbook* of 1999 cites the closure of “twenty-one illegal religious sites” and the arrest of a group of reactionary religious students in the regional capital Urumqi in 1998.⁵¹ It recounts that the authorities “smashed up” numerous illegal preaching spots, confiscated two hundred volumes of reactionary books, and two hundred reactionary tapes and reactionary propaganda materials.⁵²

The government has been careful to maintain a few showcase mosques that have undergone extensive renovation, such as the Id-Kah Mosque in Kashgar. Local residents complain that the ban on renovations and extensions is particularly stringent for Uighur mosques and more lax for mosques attended by Hui Muslims, who are ethnically distinct from Uighurs.

A case of “extremism”

China typically justifies the detention or defrocking of clerics as a response either to “illegal activities”—often activities integral to the free exercise of religion—or to “religious extremism,”⁵³ a code term for terrorism. The general repression of religion in Xinjiang casts doubts on the legitimacy of many of these punishments, but very few independent and reliable accounts have surfaced.

The case presented here is particularly significant because it is found in a high-level document issued by the Study Group of the Xinjiang CCP Committee, the highest political authority in Xinjiang, as an example of what constitutes “extremism.”⁵³ It thus carries the full weight of the Party leadership and sets a political line that all Party members, including prosecutors, judges, and government cadres, should refer to in deciding on a case or carrying out decisions.

The report depicts the following incident as an example of what is termed “narrow-minded nationalist thinking” (*xiazhai minzuzhuyi sixiang*):

In the country, a few dangerous people with narrow-minded nationalist thinking are pushing national-ethnic self-respect and self-belief to extremism, inciting scorn and discrimination of other national-ethnic cultures . . . They one-sidedly debate a hot social issue, and fan feelings of dissatisfaction (*buman qingxu*) among the masses.

In July and August 1999, the imam of the Sidituwei mosque in Hetian prefecture said in front of three or four thousand people during the Friday prayer: “Because they are

unemployed, Uighur women and youngsters have turned into prostitutes and vagrants. Pray Allah to save their souls, to give them jobs. Let the sound of our tears move Allah. A crowd of one thousand were thus led to cry loudly.”

This speech by the imam would normally be understood to be a piece of everyday social commentary, the expression of

Response to *Devastating Blows: Religious Repression of Uighurs in Xinjiang*

The publication of the joint HRW-HRIC report on April 12, and subsequent coverage in the international press, prompted an unusual official rebuttal by the Chinese government.

During a news conference in Beijing on April 12, a spokesman for China’s Foreign Ministry delivered a blanket denial of religious freedom violations, stating that “all ethnic peoples in Xinjiang have full civil rights, including the freedom to worship.”¹ Evading response to the specific and documented violations cited in the report, he evoked international counter-terrorism efforts to justify repression: “Cracking down on the East Turkestan movement is an important part of the global war against terrorism,” the spokesman said. “We should not confuse it with other religious or ethnic issues.”

Two days later, the report was the object of a specific refutation published in *People’s Daily Online*. Citing the report’s statement that China was “smothering Islam under the guise of an anti-terror campaign,” the article quoted Dong Yunhu of the China Society for Human Rights Studies (an official body under the Ministry of Foreign Affairs) as saying that China “has never infringed any kinds of human rights under the name of anti-terrorism.” Dong added, “The terrorists that the Chinese government fought were blacklisted by the entire international community and all China’s anti-terror campaigns were justifiable.”² It is unclear what “international community blacklist” Dong was referring to. Interpol rejected demands by the Chinese government to issue international warrants against a number of alleged “East Turkestan” organizations and individuals last year.

Notwithstanding the government’s refutation, subsequent news coverage from Xinjiang itself by AFP and CNN.com provided strong confirmation of the report’s key findings. In an April 21 dispatch from Urumqi entitled “Uighurs living in fear as Beijing cracks down,” AFP reported that local residents, both Uighur and Chinese, acknowledged a “more severe” crackdown after Sept. 11, 2001, “further sharpening racial tensions amid a huge influx of Han

which would be covered by the rights to free expression and peaceful assembly. The choice of this speech as an example thus sends an unambiguous signal to all Party and government cadres that raising “hot social issues” (*shehui redian wenti*), and spurring “feelings of dissatisfaction” is equivalent to separatism.

Chinese entering the region as part of the government’s effort to revitalize its west through economic development.”³ The AFP report went on to say, “An atmosphere of fear pervades China’s largely Muslim Xinjiang region, where strangers shy away from open discussion, and religious and civil rights are curbed.”

On April 27, CNN.com reported similar fears and disenfranchisement in the southern city of Kashgar under the headline “It’s what the Xinjiang resident couldn’t say that said the most.”⁴ The article reported, “For the native Muslim Uighur population in the city of Kashgar, talking about ‘bad things’ to foreign visitors can be dangerous.” It continued, “Uighurs in Kashgar and across the vast province of Xinjiang say they are being squeezed culturally and economically by a steady influx of migrants from China’s overcrowded east. It is part, they say, of a deliberate effort by the Beijing government to dilute and repress their society—a program that involves tight controls on their religion, widespread surveillance, detention and executions.”

Increased international attention to the situation in Xinjiang can bring the pressure necessary to hold the Chinese government accountable for its widespread human rights violations in the region. At a briefing session of the U.S. Congressional Human Rights Caucus (CHRC) on April 27, Human Rights Watch urged caucus members to “directly contact the Chinese Ambassador and in other ways communicate [their] concern to Chinese authorities.”⁵

1. “China: Rights Groups Accuse Beijing of Suppressing Uyghurs, Smothering Islam,” Radio Free Europe, April 12, 2005 (<http://www.rferl.org/featuresarticle/2005/4/A3857708-6FD0-4DE1-843B-B3010171AE5E.html>).
2. “White paper on human rights rebuts U.S. criticism,” *People’s Daily Online*, April 14, 2005 (http://english.people.com.cn/200504/14/eng20050414_180928.html).
3. “Uighurs living in fear as Beijing cracks down,” AFP, April 21, 2005 (<http://www.taipetimes.com/News/world/archives/2005/04/21/2003251345>).
4. “Xinjiang: On the new frontier,” CNN.com, April 27, 2005 (http://www.cnn.com/2005/WORLD/asiapcf/04/20/eyeonchina.xinjiang/?section=cnn_latest).
5. Human Rights Watch, “Congressional Human Rights Caucus (CHRC) Members’ Briefing: The Human Rights Situation of Uighurs in the People’s Republic of China (PRC),” (<http://hrw.org/english/docs/2005/04/27/china10550.htm>)

Controlling Religion in the Education System

Minors barred from “participating in religious activities” in Xinjiang

Although China prohibits religion within the state educational system nationwide,⁵⁴ there is no law prohibiting children from participating in public or private state-sanctioned religious activities.⁵⁵

The situation is markedly different in Xinjiang, where article 14 of the XUAR regulation entitled *Implementation Measures of the Law on the Protection of Minors* states that “parents and legal guardians may not allow minors to participate in religious activities.”⁵⁶ The implementation of the ban seems to vary from place to place, but some mosques display signs prohibiting the entry of anyone under eighteen years of age.⁵⁷ Uighur Muslims report that the ban is implemented against them more harshly than against members of other ethnic or religious groups, but it applies to all religions in the region.⁵⁸ This ban on religious activity among children has no basis in Chinese law and is not known to exist anywhere else in China. The national Law on the Protection of Minors⁵⁹ does not include this clause. Neither do similar implementation measures adopted by other provinces. Even Tibet does not have such stringent regulations. The Chinese government has always denied the existence of such a prohibition, which contradicts both China’s own constitution⁶⁰ and international legal obligations.⁶¹

In Kashgar, people complained that even talking about religion to their children was fraught with risks. One Kashgar educator put it this way:

This is a Uighur school and we are mostly Uighurs working here. But neither at home nor at work are you supposed to talk to the children about religion. You just talk about it and it is illegal. Even with my own son, I am not supposed to tell him about Islam. How can this be possible?⁶²

Parents cannot avoid these strictures by sending their children abroad to study. In addition to barring private religious education in Xinjiang, the 1996 directives also imposed strict controls on exchanges with the outside world, stressing that “elementary and high school students from the border regions are not allowed to attend the elementary and high schools of foreign countries.”⁶³ The directives instruct relevant authorities to “severely restrict elementary and high schools from developing cultural exchange programs with schools in foreign countries” and to “tightly limit cultural exchange activities such as foreign teachers teaching at Xinjiang schools.”⁶⁴ Instead, the directives establish political loyalty as the principal criterion for allowing students to study abroad.⁶⁵

Purging the schools of religion

In Xinjiang, restrictions on religion in state educational institutions go far beyond prohibiting the teaching of religion. Xinjiang authorities are actively hostile to any action that may encourage religious interest among the young. The Urumqi Manual (discussed above) details the following “policy restric-

tions” on religion in the educational system at all levels, including the university level:

1. no religious activities to be carried out at schools;
2. no religious classes or preaching of religious beliefs, no obstruction to education on morality and scientific culture;
3. no coercing or seducing students to take up religious beliefs; no activities that would enhance the development of religious followers;
4. no school at the secondary level or below may adopt teaching materials that promote religious belief; all teaching materials on religion adopted by the university must be examined by the administrative department responsible for education above the province level [in Beijing];
5. no teacher may violate the rules by leading the students to participate in religious activities; foreign teachers are forbidden to engage in the preaching of religion at school.⁶⁶

The political sensitivity of religion, and particularly religion as it contributes to Uighur social and cultural identity, is evident from the case of a Uighur professor at a higher education institution in Xinjiang who was banned from teaching local musical traditions. He described these events:

That is how it has gone with me, and mind you I am not what you would call a fervent Muslim. Only during class I would often talk about religious songs. They are widespread; it is absurd that you are not allowed to speak about it. It is an important part of our musical history and tradition, which is what I was supposed to teach. But then, the next term they [the school authorities] tell me not enough students enrolled in my course, which is not true. So I have not taught for a year now. They have not dismissed me and I should not complain too much because I still eat the bread of the Communist Party, but I just walk around campus or sit at my desk. It is a total waste, but it is better not to talk about it.⁶⁷

Beginning in 2001, schools in numerous localities across Xinjiang underwent “cleanups.” Books which had “separatist content” were removed from libraries, teachers were investigated and reportedly fired, and students were warned that they were monitored and would be expelled if they did not conform to the new ideological requirements.

A report issued by the Hetian CCP Committee on January 5, 2002, ordered educational authorities to “clean up and reorganize the schools, their leaders, and the teaching body so as to turn schools into a stronghold against separatism and infiltration.”⁶⁸

Do not allow religion to corrupt the schools; do not allow anyone to teach school children ethnic separatism or to publicize religious ideas. Remove textbook contents which inspire ethnic separatism and publicize religious ideas. . . . Since we launched our battle against Eastern Turkestan separatist forces, we found that religion, illegal religious activities and extremist religious thought have severely influenced, disturbed and infiltrated society and villages, and in particular education.⁶⁹

Virtually any dissent or outward expression of religious belief is banned in schools. Forms of dress or outward appearance deemed too closely associated with traditional practices of Islam, such as men with beards or women with headscarves, are banned from schools. In Kashgar, for instance, a female teacher in a public education institution told Human Rights Watch how this ban affected practicing Muslim women teachers:

My husband allows me to work here, even if he is upset that now all state jobs forbid you to wear even a little scarf over your head, or something as small as a handkerchief. I am lucky: many colleagues of mine were told by their husbands that they could not go out in the street and into work with their heads uncovered, and simply had to quit their jobs.⁷⁰

Even performing the most basic requirements of the Islamic faith, such as reading the Koran, engaging in daily prayer, and fasting during the holy month of Ramadan, have been prohibited. In November 2001, a female student was reportedly expelled for disobeying school orders to stop performing five daily prayers. She was praying in her dormitory room when discovered.⁷¹ The same report quoted a member of the staff of the Kashgar Teachers’ College as saying, “Teachers and administrators have been asked to sign statements saying they will accept responsibility if any student in their class is caught fasting.”⁷²

Uighur students at Xinjiang University, Kashgar Teachers’ College, and Yining Teacher’s College all told Human Rights Watch that all religious attitudes and practices are forbidden, praying is impossible for fear of reprisals, and the mere fact of having a Koran or any religious publication is considered grounds for expulsion.

Non-teaching personnel in schools also have had to discard religious practices. A relative of a Uighur working in an office in a Kashgar school interviewed by Human Rights Watch recounted that simply sporting a beard was too much:

I managed to set up some business with other relatives, and that is my pride. I was working before in an office, dealing with food supplies for schools, but then they said: “No beards allowed in here. Not even mustaches.” I thought how can they tell me what I do with myself? This is our tradition, nobody’s business. So I had an opportunity to leave, and I left. But if you cannot find another job, in the private sector, you either shave or starve.⁷³

Such anecdotal accounts about interference with even the private exercise of religious freedom by students and teachers were confirmed by an official document obtained by Human Rights Watch. A letter was sent by the authorities of the Xinjiang School of Forestry to some parents on July 15, 1999, quoting regulations from the Autonomous Region Education Commission. The letter warned the parents that their children “have been praying and keeping fast, [and have been] involved in some religious activities” and that “if this behavior is seen again the students will be expelled.” The document states that

“praying, keeping fasts and other religious activities” are explicitly banned by an official directive, “Document No. 5 (1996) of the Autonomous Region Education Commission,” and by “our school rules.”

These restrictions are still in place. In November 2004, an official from a county-level Chinese Communist Party religious affairs committee told Radio Free Asia that they had been ordered to report anyone fasting during the month of Ramadan:

“We have an agreement with the Chinese government that I am responsible for preventing students from fasting during Ramadan,” said the official, who declined to be identified. “If I find out that any of them have been fasting I have to report it.”⁷⁴

Enforcement through surveillance

“Education branches should pay special attention to the investigation and organization of teaching in schools.”⁷⁵

Political Bureau of the Chinese Communist Party

In Xinjiang today, both students and teachers are subjected to surveillance by school authorities, the CCP, and Party-affiliated organizations. In addition, there is an elaborate network of section directors, class heads, and others who are held responsible if any case of dissident behavior appears. The denunciation of any “suspect” act is strongly encouraged, resulting in a general climate of fear and mutual suspicion.

For example, in Kashgar Teacher’s College, students complained that there were random searches in the dormitories at least twice a year, and that anyone caught possessing religious or politically sensitive materials risked expulsion from the college. The students expressed a constant fear that they might be overheard and mentioned cases of fellow students having been expelled for expressing political opinions, criticisms of the Party or government policies, or because they had “talked about religion.” Uighur sources allege that a schoolteacher in Kashgar’s Mush district, Abdhurahman, was dismissed on the grounds of “possession of incorrect books” and “religious activities.”⁷⁶

Political “witch-hunts” within schools in Xinjiang are confirmed by the authorities themselves, who acknowledge having set up “information networks” (*xinxi wang*) in schools linked to the Public Security Bureau. In 2001, Liu Baojian, the Party’s Deputy-Secretary of Kizilsu Tadjik Autonomous Prefecture, stated:

In every school we have established an information network integrated with the local police station, with the teachers in charge of a class acting as the basis [of a network] comprised of classroom heads, section heads, teaching offices and school directors.⁷⁷

He added candidly that the objective was to “control (*zhangwo*) the evolution of the thinking of the pupils . . . in order to teach and ‘guide’ them.”⁷⁸



Worshippers at a Uighur mosque. Photo: AP Wide World Photos

Special campaigns

As a complement to the structural elements of political control described above, the authorities have launched periodic campaigns to enforce patriotic education and indoctrinate students against separatist ideology and illegal religious activities. The May 2001 campaign illustrates this approach. In an article entitled “Closely Monitor the Education of Youngsters” published in the *Xinjiang Daily* on May 15, 2001, the Xinjiang Propaganda Department emphasized that “education is the most important front in the fight against separatism.” The article continued:

The stability of schools is not only related to the stability of the whole society, but also to the long-term stability of Xinjiang. Strengthening the educational training of youngsters and the political thinking of the teachers is a very important part of the work of preserving the social stability of Xinjiang and opposing on a daily basis the battle against separatism.⁷⁹

Two days later, the authorities declared that an anti-crime “Strike Hard” campaign—periodic drives against serious crime conducted throughout China—was to be extended to the education system. “Strike Hard Rectification Does Not Forget to Educate Youngsters about the Legal System,”⁸⁰ read a headline in the *Xinjiang Daily*, announcing that institutes of higher learning throughout the region were to be subjected to a “three rectification” drive.⁸¹ Speaking at a “reeducation” mobilization meeting in February 2002, Xinjiang Party Secretary Wang Lequan stressed again the fact that political loyalty was to be placed above anything else.⁸²

According to parents, students, and teachers across Xinjiang with whom Human Rights Watch spoke, the political climate deteriorated sharply in 2001–2002, with the authorities organizing numerous rallies against separatism which teachers and students were forced to attend. One Uighur teacher in Kashgar interviewed for this report described this process of ongoing indoctrination:

I have had no holidays for three years, because when we do have holidays we are supposed to go and study anti-separatism, anti-this and anti-that. I cannot tell you the stuff we have to study. Still, if you want to work, or need the pay, what else can you do? You go and read that stuff as if it made sense.⁸³

These propaganda campaigns against separatism often converged with anti-crime sweeps of putative “separatists.” The CCP frequently claims that “separatists and anti-China forces use the cloak of religion to fan national separatism.”⁸⁴

Freedom of Religion and China’s Responsibility under International Law

China’s stance towards freedom of religion remains equivocal. The political ideology of the CCP has traditionally been hostile to religion, but its policy since the late 1970s has been to tolerate religious belief and expression among non-Party members so long as it does not threaten the CCP’s monopoly of authority or the functions of the state.

This ambivalence is expressed in the constitution, which

protects “freedom to believe in, or not believe in, any religion” and “normal” (*zhengchang*) religious activities, but which also prohibits religious activities that impair public order, health, or education and proscribes “foreign domination” of religious bodies and religious affairs.⁸⁵ The freedom to express one’s religion through activities is not, however, guaranteed by the constitution. This has been noted by international bodies such as the U.N. Working Group on Arbitrary Detention, which in its 2004 report reiterated its recommendation that the constitution be revised to include such a guarantee.

The international legal obligations that China has assumed towards freedom of religion are unequivocal, and China’s policies and practices are in direct violation of these norms. The Universal Declaration of Human Rights (UDHR), an international instrument all U.N. member states accept, and which has attained the status of customary international law, guarantees persons the right to manifest their religion “either alone or in community with others and in public or private,”⁸⁶ the right to be free from discrimination based upon religion,⁸⁷ and the right to be free from unnecessary and arbitrary government regulation in exercising religious beliefs.⁸⁸

China is a signatory to the International Covenant for Civil and Political Rights (ICCPR) and although it has not yet ratified the Covenant, it is already bound not to act in such a way as to defeat the objects and purposes of the Covenant.⁸⁹ The ICCPR protects the right of the individual to “have . . . a religion or belief of his choice, and [the] freedom, either individually or in community with others and in public or in private to manifest” it.⁹⁰ It not only commits signatories to ensuring freedom of religion, but also commits them not to practice discrimination on the basis of religion.⁹¹ This obligation is violated by China’s practice of subjecting Uighur Muslims, much as it does Tibetan Buddhists, to regulation of their religion in far more severe terms than that those imposed on other faiths or ethnic groups within China.

The right to educate children “in conformity with their own convictions”⁹² is also violated by the prohibition on Uighurs teaching their religion to their own children. The Covenant does allow exceptions where it is “necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others,”⁹³ but the restrictions China imposes on Uighur religious practice far exceed anything that could reasonably be justified under the treaty.

The ICCPR additionally guarantees that the individual “shall not be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”⁹⁴ By mandating that imams include state propaganda in their messages, the Chinese government coerces religious leaders and worshipers into adopting religious beliefs that are no longer of their own choosing.⁹⁵ When the Chinese government trains and selects Uighur imams, it sets itself up as arbiter of “the correctness of what are essentially the theological decisions of religious groups,” and effectively prevents groups from organizing and operating according to their own religious principles.⁹⁶

Finally, the ICCPR recognizes the right of religious minorities “in community with the other members of their group

to . . . profess and practice their own religion.”⁹⁷ Significantly, this article of the ICCPR does not include any provision for limitation or exception. By retaining the right to select, certify, and review Uighur imams and to mandate their religious messages, China, rather than respecting the rights of religious minorities, actually subverts Uighur religion, to the extent that it appears to be attempting to refashion it to a state version of Islam.⁹⁸

The Convention on the Rights of the Child (CRC), to which China is a party, protects the right of a child to freedom of religion, the right of parents to educate their children, and the right of minorities to educate their children when religious belief and practice is an integral part of their culture. Article 14(1) provides that “States Parties shall respect the right of the child to freedom of thought, conscience and religion. The right is not derogable, but is subject to the same limits as above.”⁹⁹ Article 14(2) provides that “States Parties shall respect the rights and duties of the parents . . . to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.”¹⁰⁰ Article 30 states that: “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origins exist, a child . . . shall not be denied the right . . . to enjoy his/her own culture, to profess and practice his or her own religion, or to use his or her own language.”¹⁰¹

The Convention against Discrimination in Education also provides for “the liberty of parents . . . to ensure . . .” the religious and moral education of the children in conformity with their own convictions . . .¹⁰²

China has assented to other international instruments that protect freedom of religion and belief. In 1991, China voted in support of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,¹⁰³ which reiterates the rights to freedom of religion and non-discrimination in terms more or less identical to those of the UDHR and the ICCPR. The Declaration in Article 6 elaborates on the right to religious freedom, noting that it includes the following rights:

- a) to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- b) to establish and maintain appropriate charitable or humanitarian institutions;
- c) to make, acquire, and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- d) to write, issue and disseminate relevant publications in these areas;
- e) to teach a religion or belief in places suitable for these purposes;
- f) to solicit and receive voluntary financial and other contributions from individuals and institutions;
- g) to train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- h) to observe days of rest and to celebrate holidays and cere-

monies in accordance with the precepts of one's religion or belief;

- i) to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Each of these components of religious autonomy and freedom is actively denied to Uighurs living in China except where they specifically have obtained authorization from the CPP and the state apparatus. This conflicts with a widely understood notion in international law, whereby a right exists previous to state legislation and not as a privilege to be accorded at the discretion of the state. Thus to meet any standard commitment to religious freedom, the provisions must begin not with the presumption of illegality, but with a presumption that every one of these activities is protected from state interference.

Thorough legal reform is an urgent requirement if China is to fulfill its obligations to respect freedom of religion, association, expression, and assembly; the right of minorities to their own culture; the right of parents to educate their children; and the right of all to liberty and freedom against its arbitrary deprivation. To this end, we recommend that Chinese authorities:

1. Repeal the Xinjiang Provisional Regulations on Religion and bring national regulations on religion and freedom of association into conformity with international law and standards.
2. Amend guidelines for religious freedom, such as the 2000 Manual, to conform with China's obligations under international law. Guidelines such as those found in the Manual are problematic because they go far beyond what the regulations require, reflect the primacy of political criteria over law, and do not take into account international law.
3. Publicly disclose all laws and regulations applicable to religious practice in the Xinjiang Uighur Autonomous region.
4. Ensure that peaceful religious observance and practice is neither equated with nor incurs liability for state security offenses.
5. Amend article 36 of the constitution to explicitly protect the right to manifest one's religious beliefs without state interference.

NOTES:

1. The full report, *Devastating Blows: Religious Repression of Uighurs in Xinjiang*, can be accessed at: http://www.hrichina.org/fs/downloadables/pdf/downloadable-resources/Xinjiang%20Report?revision_id=21519.
2. “Xinjiang Party Secretary Economic Development, Separatism,” *Outlook* [Liaowang], June 25, 2001, no. 26, pp. 52–53, FBIS, July 25, 2001 [CHI-2001-0710]. Wang Lequan reiterated these views in October 2002 while presiding over a regional party and government conference on religious work, to wit: “Our proposal of letting religions and the socialist society adapt to each other (. . .) ask religious personnel (. . .) to subordinate themselves to and serve the highest state interests and overall national interest in the religious activities they undertake (. . .) oppose all illegal activities that use religion to harm the socialist motherland and the people's interests.” Editorial, *Xinjiang Daily* [Xinjiang Ribao], October 13, 2002, FBIS, November 5, 2002 [CHI-2002-1029].

3. The former United Nation High Commissioner for Human Rights, Mary Robinson, raised concerns on Xinjiang on her two visits to China, in November 2001 and August 2002. ("Robinson warns China on repression," BBC News Online, November 8, 2001; "U.N. slams China 'anti-terror' crackdown," CNN.com, August 20, 2002). The European Parliament called in 2003 and 2004 for the adoption of a resolution on China at the U.N. Commission on Human Rights, citing the situation in Xinjiang (European Parliament, "European Parliament resolution on the EU's rights, priorities and recommendations for the 59th Session of the U.N. Commission on Human Rights," January 30, 2003; European Parliament, "European Parliament resolution on the EU's rights, priorities and recommendations for the 60th Session of the U.N. Commission on Human Rights in Geneva," January 19, 2004).
The United States Congressional-Executive Commission on China has noted "harsh repression and restrictions on religious activity" in Xinjiang in its 2003 annual report to the Congress. (Congressional-Executive Commission on China, Annual Report 2003, October 2, 2003). Similar concerns are found in its previous report (Congressional-Executive Commission on China, Annual Report 2002, October 2, 2002). Human Rights Watch, Human Rights in China, and Amnesty International have published a number of reports on the situation in Xinjiang. See "U.S.: Don't Send Detainees Back to China," Human Rights Watch, November 26, 2003, [online] <http://www.hrw.org/press/2003/11/us112603.htm>; Human Rights Watch, "China: Human Rights Concerns in Xinjiang," October 2001, [online], <http://www.hrw.org/background/asia/china-bck1017.htm>; Human Rights Watch, "China: State Control of Religion: Update #1," March 1998; Human Rights in China, "Criminalizing Ethnicity: Political Repression in Xinjiang," China Rights Forum, January 2004; Amnesty International, "People's Republic of China: Uighurs fleeing persecution as China wages its 'war on terror'," July 7, 2004 [AI Index: ASA 17/021/2004]; Amnesty International, "China: International community must oppose attempt to brand peaceful political activists as 'terrorists'," December 19, 2003 [AI Index: ASA 17/040/2003]; Amnesty International, "People's Republic of China: No justice for the victims of the 1997 crackdown in Ghulja (Yining)," February 4, 2003 [AI Index: ASA 17/011/2003]; Amnesty International, "People's Republic of China: China's anti-terrorism legislation and repression in the Xinjiang Uighur Autonomous Region," March 2002 [AI Index: ASA 17/10/2002].
4. The "White Papers" of the Chinese government summarize the official view of human rights and explicitly aim to refute foreign criticism. The first paper was published two years after the 1989 Tiananmen massacre, in November 1991, soon followed by other white papers on specific issues, such as religious freedom, ethnic minorities, Tibet, and so on. As reputed scholars have pointed out, "One explicit aim of the White Paper was to refute foreign criticism and present an alternative and more rosy picture of the situation in China." Steven C. Angle and Marina Svensson, *The Chinese Human Rights Reader: Documents and Commentary, 1900-2000*, (London and Armonk: M.E. Sharpe, 1991), p.356.
5. Information Office of the State Council Of the People's Republic of China, *White Paper: History and Development of Xinjiang*, May, 2003, Beijing, [online] <http://www.china.org.cn/e-white/20030526/> [Xinjiang de lishi yu fajian (baipishu)] http://news.xinhuanet.com/zhengfu/2003-06/12/content_916235.htm.
6. White Paper, Section VIII "Upholding Equality and Unity Among Ethnic Groups, and Freedom of Religious Belief."
7. The "Provisional Regulations for the Administration of Religious Activity Venues in the Xinjiang Uighur Autonomous Region" [Xinjiang weiwuer zizhiqu zongjiao huodong changsuo guanli zanzing guiding] were repealed in May 2004. It is unclear whether newer regulations were adopted to replace them. ("The government of the Xinjiang Uygur Autonomous Region repeals 10 governmental regulations in administrative clean-up," *Xinjiang Economic Daily* (Xinjiang Jingzhibao), May 24, 2004 ["Xinjiang weiwuer zizhiqu qingli xingzheng shenpi feizhi 10 zhong zhengfu guizhang"].
8. "Regulations on State Secrets and Specific Classification Limits in Religious Affairs Work," Promulgated by the State Administration of Religious Affairs and the State Secrets Protection Bureau, October 12, 1995 [Guowuyuan Zongjiao Shiwuju, Guojia Baomiju: Zongjiao gongzuo zhong guojia mimi ji miji juti fanweide guiding].
9. "Regulations on the Specific Scope of State Secrets and Classification of Ethnic Work," Promulgated by the State Ethnic Affairs Commission and the State Secrets Protection Bureau, March 17, 1995.
10. Xinjiang Uighur Autonomous Region People's Congress, "Xinjiang Uighur Autonomous Region Regulations on Religious Affairs," July 16, 1994, effective October 10, 1994. [Xinjiang weiwuer zizhiqu renda changweihui: Xinjiang weiwuer zizhiqu zongjiao shiwu guanli tiaoli]. On national regulations see Human Rights Watch, China: State Control of Religion.
11. Document No. 7 urged authorities to "[l]egally strengthen the leadership and control over religion," "[t]ake strong measures to prevent and fight against the infiltration and sabotaging activities of foreign religious forces," "[r]estrict all illegal religious activities," and "[s]everely control the building of new mosques." "Record of the Meeting of the Standing Committee of the Political Bureau of the Chinese Communist Party concerning the maintenance of Stability in Xinjiang (Document 7)," reproduced in Human Rights Watch, "China: State Control of Religion: Update #1."
12. "Unequivocally Oppose National Separatism, Illegal Religious Activities," *Xinjiang Daily* [Xinjiang Ribao], August 16, 1998, in "Xinjiang Official on Opposing Separatism," FBIS, October 18, 1998 [CHI-98-291].
13. This ad hoc Committee comprised the Chairmen of the nationalities, religious, foreign affairs and overseas Chinese Committees of the Standing Committee of the Xinjiang Uighur Autonomous Region Congress.
14. "Draft Amendments to the Xinjiang Uighur Autonomous Region Regulations on the Management of Religious Affairs Adopted by the 23rd Session of the Standing Committee of the 9th People's Congress of Xinjiang Uighur Autonomous Region," submitted on July 16, 2001 [Xinjiang weiwuer zizhiqu zongjiao guanli tiaoli xiuzheng an (cao an)].
15. The 2001 Amendments represent a codification of practice in Xinjiang's religious affairs bureaus and committees. When submitting the 2001 Amendments for ratification in July 2001, the Conference of Chairmen reported it had conducted investigations and studies for nearly six months, and "extensively solicited opinions, held seven discussion meetings with the relevant departments, retired leading cadres, experts and scholars, religious groups and well-known patriotic religious personages . . . members of the Standing Committee," as well as hearing "the opinions and suggestions of nineteen relevant units."
16. Urumqi Municipality Ethnic Religious Affairs Committee, "A Manual for Urumqi Municipality Ethnic Religious Work," June 2001. [Wulumuji minzu zongjiao gongzuo pufa duben]. Quote taken from the afterword, p. 73.
17. The precise registration procedure is detailed in National Bureau of Religious Affairs, "Measures regarding the registration of places of religious activities," April 13, 1994 [Guojia zongjiao shiwuju: zongjiao huodong changsuo dengji banfa]. The regulations specify that registration can be downgraded to a one or two year "temporary registration" if problems are found, or suspended for "rectification."
18. Human Rights Watch interviews in Kashgar, July 1999.
19. Ren Jieliang, Li Yulin, "A Cursory Discussion of the Characteristics of "Three Categories of Persons" Undergoing Rehabilitation Through Labor and How to Manage Them [Qiantan "sanlei laojiao ren yuan" biaoxian

- tezheng ji guanli de duice], "Crime and reform studies [Fanzui yu gaizao yanjiu], 2001, No. 4.
20. Quoted in "Bingtuan Supreme Court Affirms Jail Terms for Uighur Youths," *Radio Free Asia*, December 23, 2003.
 21. "Bingtuan Supreme Court Affirms Jail Terms for Uighur Youths," *Radio Free Asia*, December 23, 2003.
 22. Ibid.
 23. Editorial, *Xinjiang Daily* [Xinjiang Ribao], October 13, 2002, FBIS, November 5, 2002 [CHI-2002-1029].
 24. "Unequivocally Oppose National Separatism, Illegal Religious Activities," *Xinjiang Daily* [Xinjiang Ribao], August 16, 1998, in "Xinjiang Official on Opposing Separatism," FBIS, October 18, 1998 [CHI-98-291].
 25. See Tibetan Information Network and Human Rights Watch (joint report), *Cutting Off the Serpent's Head: Tightening Control in Tibet* (New York: Human Rights Watch, 1996).
 26. Website of the Xinjiang Uighur Autonomous Region People's Government: <http://www.xj.gov.cn/zfjg/mzz.php> (retrieved May 26, 2004).
 27. Ibid.
 28. The United Front Work Department is responsible for the elaboration of policies and plans regarding ethnic and religious affairs, as well as "coordinating the relevant departments to carry out the fight against the activities of domestic and overseas separatist enemy forces such as the Dalai clique." (Source: Official Website of the United Front Department, <http://www.zytzb.cn/zytzbwz/index.htm> (in Chinese)).
 29. The sessions lasted 10 days on average in 2001. *Xinjiang Daily*, December 21, 2001 [Xinjiang Ribao].
 30. "Mosque Leaders' Reeducation Campaign Stepped Up," *South China Morning Post*, November 14, 2001; *Xinjiang Daily* [Xinjiang Ribao], December 21, 2001, FBIS, January 23, 2002 [CHI-2002-0117].
 31. *Xinjiang Daily* [Xinjiang Ribao], December 21, 2001, FBIS, January 23, 2002 [CHI-2002-0117].
 32. "Mosque Leaders' Reeducation Campaign Stepped Up," *South China Morning Post*, November 14, 2001.
 33. *Xinjiang Daily* [Xinjiang Ribao], March 12, 2002, FBIS, March 14, 2002 [CHI-2002-0329].
 34. "Mosque Leaders' Reeducation Campaign Stepped Up," *South China Morning Post*, November 14, 2001; *Xinjiang Daily* [Xinjiang Ribao], December 21, 2001, FBIS, January 23, 2002 [CHI-2002-0117].
 35. Ibid.
 36. Human Rights Watch interviews with relatives of two clerics, Kashgar, July 2000.
 37. Ibid.
 38. *Xinjiang Daily* [Xinjiang Ribao], December 21, 2001, FBIS, January 23, 2002 [CHI-2002-0117].
 39. Human Rights Watch interviews with relatives of two clerics, Kashgar, July 2000.
 40. *Xinjiang Daily* [Xinjiang Ribao], December 21, 2001, FBIS, January 23, 2002 [CHI-2002-0117].
 41. *Xinjiang Annals 2002* (Urumqi: Xinjiang Yearbook Publishing House), 2003, p. 333. [Xinjiang nianjian 2002, Xinjiang nianjian chubanshe].
 42. *Xinjiang Daily* [Xinjiang Ribao], October 13, 2002, FBIS, November 5, 2002 [CHI-2002-1029].
 43. *Xinjiang Annals 2002*, p. 334.
 44. *Xinjiang Daily* [Xinjiang Ribao], March 13, 2002, FBIS, March 14, 2002 [CHI-2002-0329].
 45. *Xinjiang Daily* [Xinjiang Ribao], October 13, 2002, FBIS, November 5, 2002 [CHI-2002-1029].
 46. Ibid.
 47. The mosque was apparently turned into a carpet factory. "Mosque razed, 180 arrested," *South China Morning Post*, October 14, 2001; "Arrests of mosque protesters denied," *South China Morning Post*, October 16, 2001.
 48. Human Rights Watch, "China: Human Rights Concerns in Xinjiang," October 2001, [online], <http://www.hrw.org/background/asia/china-bck1017.htm>.
 49. *Yining Municipality Annals* [Yining shizhi], Urumqi: Xinjiang People's Press [Xinjiang renmin chubanshe], 2002.
 50. *Urumqi Yearbook 2000* [Xinjiang nianjian 2000] (Urumqi: Xinjiang People's Press [Xinjiang minjian chubanshe]), 2001, pp.250-251.
 51. *Urumqi Yearbook 1999* [Xinjiang nianjian 1999] (Urumqi: Xinjiang People's Press [Xinjiang minjian chubanshe]), 2000.
 52. Ibid.
 53. Study Group of the Xinjiang Party Committee, "Investigative report on correctly apprehending and resolving Xinjiang's nationality problem under the new situation," February 2001 [Xinjiang weiwuer zizhiqweii zuzhibu ketizu: Guanyu zhengjue renshi he quli xingshixia Xinjiang renmin wenti de diaocha baogao].
 54. The constitution stipulates that religion should not "interfere with the educational system of the State" (art. 36), while the Education Law states that "No organization or individual may make use of religion to conduct activities that interfere with the educational system of the State." (art. 8).
 55. The U.N. Convention on the Rights of the Child states: "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." Convention on the Rights of the Child, art. 1, adopted November 20, 1989 (entered into force, September 2, 1990). In the report, the terms child or children is sometimes used to acknowledge the relationship between two or more persons.
 56. Standing Committee of the Xinjiang Uighur Autonomous Regional People's Congress, Implementation Measures of the Law on the Protection of Minors, September 25, 1993 [Xinjiang weiwuer zizhiq renmin daibiao dahui changwu weiyuanhui: Xinjiang weiwuer zizhiq shishi 'weichengnianren baohufa' banfa].
 57. Statement by Dr. Jacqueline Armijo (Acting Assistant Professor, Religious Studies, Stanford University) to the United States Congressional-Executive Commission on China, July 24, 2003 (http://www.cecc.gov/pages/hearings/072403/armijo.php#_edn1).
 58. Implementation of the ban for Xinjiang Catholics has been reported as recently as September 2003. A Catholic priest in Yining city, Father Song Zunsheng, reported to UCA News in September 2003 that government officials had banned people younger than eighteen, as well as all students, teachers, soldiers, and government officials from practicing any religion and taking part in any religious activity. He reported that two government officials guarded the entrance of the city's only church from April to June 2003 and drove away any children who may have wanted to enter it. "Government Restrictions Hamper Church Development in Remote Muslim Area," UCA News, September 22, 2003.
 59. Standing Committee of the National People's Congress, Law of the People's Republic of China on the Protection of Minors [Weichengnianren baohufa], September 9, 1991.
 60. Constitution of the People's Republic of China, Art. 36.
 61. The International Covenant on Economic, Social and Cultural Rights (ICESCR), which China ratified in March 2001, enshrines the rights of the parents to provide religious education: "States parties undertake to have respect for the liberty of parents (. . .) to ensure the religious and moral education of their children in conformity with their own convictions." (art. 13). The Convention on the Rights of the Child (CRC), to which China is also a party, stipulates that "States Parties shall respect the right of the child to freedom of thought, conscience and religion." (art. 14). See also the Convention against Discrimination in Education (CDE) which prohibits "any distinction, exclusion,

- limitation or preference which, being based on . . . religion . . . has the purpose or effect of nullifying or impairing equality of treatment in . . .” (art. 1). China ratified the CDE on February 12, 1965.
62. Human Rights Watch interview with informant B, Kashgar, June 2002.
 63. “Record of the Meeting of the Standing Committee of the Political Bureau of the Chinese Communist Party concerning the maintenance of Stability in Xinjiang (Document 7),” reproduced in Human Rights Watch, “China: State Control of Religion: Update #1,” March 1998.
 64. Ibid.
 65. “When choosing students for study abroad, pay great attention to their attitude and their actual behavior. Do not send those without a good attitude. Concerned branches should tightly control their criteria in this respect when investigating and permitting students with political backgrounds to go abroad for study with their own money.” Ibid.
 66. Manual, p. 31.
 67. Human Rights Watch interview with informant C, Urumqi, June 2002.
 68. “Separatists Alleged to have infiltrated Xinjiang Schools,” Agence France-Presse, January 31, 2002.
 69. Ibid.
 70. Human Rights Watch interview with informant B, Kashgar, June 2002.
 71. “China cracks down on its Muslims,” Agence France-Presse, November 23, 2001.
 72. Ibid.
 73. Human Rights Watch interview with informant D, Kashgar, June 2002.
 74. “China Steps Up Religious Controls Over Muslim Uighurs,” Radio Free Asia, November 17, 2004.
 75. “Record of the Meeting of the Standing Committee of the Political Bureau of the Chinese Communist Party concerning the maintenance of Stability in Xinjiang (Document 7),” reproduced in Human Rights Watch, “China: State Control of Religion: Update #1,” March 1998.
 76. World Uighur Network News (WUNN), April 4, 2002. The information was not corroborated by other media.
 77. “Comprehensive Public Order: Urging Stability from the Small to the Large, [Zongzhi: yao xiao dao da cu wending]” *Xinjiang Legal Daily* [Xinjiang fazhibao], May 17, 2001.
 78. Ibid.
 79. “Highly monitor the education training of young pupils, [Gaodu Zhongshi dui qingnian de peiyang gaooyu]” *Xinjiang Daily* [Xinjiang Ribao], May 15, 2001.
 80. “Strike Hard Rectification Does Not Forget to Educate Youngsters about the Legal System [yanda zhengdun bu wang qingnian fazhi jiaoyu],” *Xinjiang Legal Daily*, May 17, 2001.
 81. Ibid.
 82. *Xinjiang Daily* [Xinjiang Ribao], February 9, 2002, FBIS, March 25, 2002.
 83. Human Rights Watch interview with informant B, Kashgar, June 2002.
 84. *Protect the Unity of the Motherland: a Handbook* [Weiher zuguo tongyi: jianming duben] (Urumqi: Xinjiang People’s Publishing House [Xinjiang renmin chubanshe], 1996), p. 162.
 85. Constitution of the Peoples Republic of China, art. 36.
 86. Universal Declaration of Human Rights, art. 18 (1948).
 87. Ibid, art. 2.
 88. Ibid, art. 29. Article 29 states: “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”
 89. China signed the ICCPR on October 5, 1998, but has yet to ratify it. See Ratification of International Human Rights Treaties—China, University of Minnesota Human Rights Library, available at <http://www1.umn.edu/humanrts/research/ratification-china.html> (retrieved June 9, 2004). While China has not ratified the Covenant, it is still “obliged to refrain from acts which would defeat the object and purpose of the treaty” because it has signed the ICCPR and has not expressed an official intention to not become a party to it. See Vienna Convention on the Law of Treaties, art. 18; Peter Malanczuk, ed., *Akehurst’s Modern Introduction to International Law* (London: Routledge, 7th ed 1997), p. 135.
 90. Ibid, art. 18(1).
 91. International Covenant on Civil and Political Rights, arts. 2 and 26 (1976).
 92. Ibid, 18(4) (emphasis added).
 93. Ibid, 18(3).
 94. Ibid, 18(2).
 95. See Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary* (Strasbourg, Arlington: N.P. Engel, 1993), p. 315. (“Influencing is, in any event, impermissible when it is performed by way of coercion, threat or some other unallowed means against the will of the person concerned or without at least his implicit approval”).
 96. See “Recommendations for U.S. Policy on China,” U.S. Commission on International Religious Freedom, February 13, 2002, p. 8, [online] <http://www.uscirf.gov/reports/13Feb02/chinaRecommendations.pdf>.
 97. ICCPR, art. 27 (emphasis added).
 98. “It is clear from the report of the Secretary-General on the historical background on art. 27 that the [Human Rights Committee] expressly sought to set down privileged treatment for minorities in order to achieve real equality. This means that members of minorities are provided with more rights than the rest of the population. . . . In summary, it may be stated that persons belonging to minorities are guaranteed, as against the remainder of the population, a privileged, unrestricted right to common enjoyment of their . . . religion. As a negative right, art. 27 obligates the States Parties to refrain from interference and to practice tolerance.” Nowak, *CCPR Commentary*, pp. 500, 502. See also Eric Kolodner, “Religious Rights in China: A Comparison of International Human Rights Law and Chinese Domestic Legislation,” 12 *UCLA Pac. Basin L.J.* 407, 412–13 (1994) (“Article 27 compels two important conclusions. First, minority religions enjoy a particularly protected status—assuming that art. 27 is more than just a redundant enunciation of the individual religious liberties protected under art. 18 and the principles of nondiscrimination in art. 26. The absence of permissible derogations further suggests this elevated status. . . . Second, by explicitly proclaiming the right of minorities to have and practice ‘their own religion,’ art. 27 prohibits governments from establishing officially recognized religious organizations while banning all others which conflict with government-sponsored belief systems”).
 99. Convention on the Rights of the Child, art. 14(1).
 100. Ibid, art. 24(2).
 101. Ibid, art. 30.
 102. Convention against Discrimination in Education, art. 5(b).
 103. U.N. GA Resolution 36/55, Nov. 25, 1991. While General Assembly resolutions are not binding, they “may be evidence of customary law because it reflects the views of the states voting for it.” Malanczuk, *Akehurst’s Modern Introduction to International Law*, p. 54. In this case, the vote was unanimous. Additionally, a resolution entitled Elimination of All Forms of Religious Intolerance passed without a vote on December 17, 1991.