

November 29, 2020

UN Special Rapporteur on Freedom of Religion or Belief
Office of the High Commissioner for Human Rights
United Nations at Geneva
8-14 avenue de la Paix
CH-1211 Geneva 10
Switzerland

**Re: Anti-Muslim Hatred and Discrimination
France and China**

Dear Special Rapporteur:

My name is Engy Abdelkader, I am a scholar based at Rutgers University and I am writing in response to your office's request for input regarding intolerance, hatred and discrimination directed against Muslims in preparation for the report to the 46th Session of Human Rights Council. Specifically, this submission analyzes manifestations of anti-Muslim prejudice and discrimination in diverse geographical contexts including France and China.

FRANCE¹

Background

France is home to Europe's largest Muslim minority faith group, totaling approximately 5.7 million. Its laws, policies, and practices could be a precedent for the region, and beyond. In addition to grappling with social, economic, and political challenges, French Muslims have been largely securitized, criminalized, and marginalized. This is in no small part due to French colonial history but also a contemporary legal context that has normalized this outsider status. Particularly relevant here is the 2015 emergency declaration that eventually became a permanent legal fixture.

¹ This analysis is excerpted from three sources: (a) a forthcoming publication from Oxford University Press; (b) the essay, *The Coronavirus Crisis Exacerbated Police Abuses Among French Muslims*, from the German Marshall Fund; and (c) the law review article, *A Comparative Analysis of European Islamophobia*, from UCLA School of Law.

In the immediate aftermath of the 2015 Paris terrorist attack, President Francois Hollande declared a national state of emergency. It was continuously extended **six times** over the course of two years despite no reasonable justification and consistent human rights complaints. The law granted extraordinary powers to authorities to search homes and premises, as well as access private information on digital devices, without a judicial warrant. The police were then permitted to conduct raids with information secured from these warrantless searches. The emergency powers also permitted the house arrest of those deemed a threat to “public order and security” without appropriate judicial oversight.

While having a “limited impact” on improving security, these emergency powers created fertile ground for human rights abuses against Muslims. Indeed, the measures proved disproportionate and discriminatory, just like subsequent official practices during the coronavirus crisis as discussed below. For instance, Human Rights Watch found that during searches and house arrests, “police burst into homes, restaurants or mosques; broke people’s belongings, terrified children; and placed restrictions on people’s movements so severe that they lost income or suffered physically.” Additionally, Amnesty International determined that police subjected approximately 600 people to house arrests and conducted more than 4,000 warrantless raids. Further, UN human rights experts characterized the measures as excessive and disproportionate while urging for “prior judicial controls” such as judicial search warrants.

Eventually, in 2017, a new law made these extraordinary emergency powers permanent notwithstanding recurring complaints of human rights abuses. Among other measures, the 2017 law authorized police to conduct more stops that disproportionately affected the Muslim faith community, even amid a pandemic.

A Public Health Emergency

According to a recent report from Action Droits des Musulmans, a national legal advocacy organization, the coronavirus crisis exacerbated preexisting social, political, and economic inequalities for the Muslim minority community in France. While these findings mirror the experiences of other marginalized groups on both sides of the Atlantic, French Muslims also faced a unique form of institutionalized discrimination amid the public-health emergency: an increased incidence of police abuses. Significantly, this development is part of a broader legal landscape that contributes to this community’s stigmatization, marginalization, and alienation.

On March 23, 2020, France adopted a national health emergency law on account of the coronavirus crisis. This allows for official restrictions on the freedom of movement, mandatory confinement, temporary closures of all establishments not providing essential goods and services, and price controls, among other measures. Significantly, the emergency law permitted the authorities to enforce confinement by requiring

documentary evidence of official permission to go outside. Related legal violations could result in detention, monetary fines, and/or six months' imprisonment.

According to public international law, countries are permitted to derogate or suspend specific human rights standards—such as freedom of movement, right to liberty, and freedom of religion—in times of emergency where the life of the nation is threatened. Such suspensions should be temporary and designed to restore normalcy at which point all human rights standards are to be restored.

In *Lawless v. Ireland*, the European Court of Human Rights found that national authorities enjoy deference in declaring public emergencies where a “crisis or emergency affects the whole population and constitutes a threat to the organized life of the community of which the State is composed.” Still, it made clear that a state can only derogate from its human rights obligations where the response is proportional, consistent, non-discriminatory, and publicized.

In the case of the coronavirus health emergency, French practices were disproportionate and discriminatory. The Action Droits des Musulmans report reveals that during the public-health emergency, authorities disproportionately policed French neighborhoods heavily populated with Muslims. Representative is Seine-Saint-Denis, one of the country's poorest suburbs located outside of Paris, which has long been subject to racial, ethnic, and religious profiling. According to government data, officials conducted double the police stops there compared to the national average. In fact, the area was heavily policed with hundreds of thousands of such checks.

Additionally, 17 percent of those stopped in Seine-Saint-Denis were fined, a rate three times as high as the national average. For the sake of perspective, approximately 111,135 people reside in Seine-Saint-Denis whereas France has a population of approximately 66.9 million. According to my analysis, 0.001 percent of the national population—among the country's poorest—account for a disproportionate source of state revenue.

Moreover, some abuses have evidenced police brutality, amid a transatlantic reckoning with racism. In April, for example, Mohamed Gabsi was arrested for “non-compliance with the curfew” following a police stop in Béziers. According to his sister, an officer sat on him for nine minutes while he was handcuffed. He was filmed pleading, “Help, I can't breathe anymore, they want to kill me.” He died in police custody, and an autopsy subsequently revealed that this was from “asphyxiation” caused by “prolonged support in the cervical region.” Human Rights Watch has described the police stops discussed here as “abusive, violent, and discriminatory.”

“Islamic Separatism”

On October 2nd, in the midst of a global pandemic necessitating renewed restrictive measures, French President Emmanuel Macron gave public remarks focused on countering “radical Islam”. Stressing the importance of secularism while depicting the Islamic faith tradition as “in crisis all over the world”, he claimed not to be problematizing Muslims. Rather, he explained, “Islamic separatism” in the French Muslim community was rendering youth vulnerable to violent extremism. On the one hand, Macron conceded the state’s role in ghettoizing Muslim communities and essentially constructing this so-called separatism rendering them vulnerable to violent extremist narratives. On the other hand, Macron offered no correctives to the social, political and economic inequalities that are contributory factors.

In lieu of addressing radicalization’s root causes, Macron’s policy proposals focused on curbing Islamic faith practices arguably reflecting a desired cultural dominance rather than the advancement of security interests. Ultimately, these measures violate human rights norms, laws, and principles as set forth in Article 18 of the International Covenant on Civil and Political Rights. For instance, to confront “radical Islam” and cure “Islamic separatism”, Macron proposed a new prohibition on the traditional Islamic headscarf for private sector employees. He is also empowering the state to intervene where local officials make religious accommodations to Muslims such as “religious menus” in schools or segregated access to swimming pools. Additionally, homeschooling will be prohibited to prevent “indoctrination”. The French president also proposed state control of local imams vis-a-vis official government trainings. The conflation of religious attire, faith practices and cultural behaviors with violent extremism not only stigmatizes the Islamic faith but also alienated community partners in countering violent extremism.

To be sure, Macron’s remarks not only distracted public focus from an economic downturn and a persistent public health crisis, but reified anti-Muslim stereotypes, canards and tropes. For instance, the Orientalist stereotype depicting Muslims as “backwards,” “primitive,” and “violent” was both explicitly and implicitly referenced in his speech. Additionally, Macron’s focus on “Islamic separatism,” and proposed faux remedies centered on Muslim women, mosques and faith leaders, reinforces the public perception of Muslims as hapless subjects of radical indoctrination, mosques as bastions of violent extremism, and the headscarf as a symbol of militancy rather than a manifestation of spiritual belief and devotion. Moreover, Macron tacitly maligned French Muslims as lacking national loyalty while depicting Islamic faith practices as antithetical to French national values.

Significantly, according to the most recent Europol EU Terrorism Situation and Trend Report, there were 119 completed, failed or foiled terrorist attacks in 2019. Of those, 21 involved self-identifying Muslims while twice as many - 56 - involved ethno-nationalists and separatists. Indeed, as in previous years, ethno-nationalist and separatist attacks makeup the largest proportion of all terrorist attacks in the EU.

Laïcité

Since Macron framed his policy proposals as reinforcing secularism to challenge “Islamic separatism”, a closer examination of *laïcité* is warranted. Interestingly, as explored in *Alien Citizens: the state and religious minorities in Turkey and France*, the French conceptualism of secularism evolved in response to 9/11 and represents an outgrowth of global Islamophobia. Indeed, the French did not always view *laïcité* in its contemporary rendition necessitating the erasure of Muslim identity in public life. Rather, the far right political movement in France leveraged intensified anti-Muslim sentiment post-9/11 to realize its domestic policy agenda. This culminated in restrictive laws, policies and practices undermining religious freedom and Muslim women’s rights.

According to a systematic review of parliamentary proceedings, court decisions, newspaper archives and interviews as set forth in *Alien Citizens*, in the wake of September 11, 2001, right-wing proponents of the headscarf ban in France exploited the global rise of Islamophobia to depict such religious attire as symbolic of an existential threat in Europe. In fact, while Muslims have inhabited France for over a century, they have only recently experienced official restrictions on religious freedom. Between 2003 and 2010, the French increased state control over Muslim individuals with a 2004 headscarf ban in public schools and a subsequent 2010 ban on full face coverings in the public sphere. Significantly, prior to the global rise in Islamophobia post-9/11, France’s highest administrative court, the Council of State, upheld the right of female students to observe the headscarf in educational institutions on account of the girls’ right to express their religious convictions freely in school.

Significantly, the 2004 and 2010 official restrictions - and Macron’s new proposals - reflect the influence of a far right political movement that adopted xenophobic discourse depicting French Muslims as a threat to the national values of secularism and republicanism. Against a backdrop of global Islamophobia, conservatives and socialists who had previously supported religious minority rights now favored the bans. Further, the dominance of anti-Islamic, anti-immigrant political discourse drowned out liberal groups who defended Muslim constitutional rights. Others who had opposed banning the headscarf in public schools prior to the rise of global Islamophobia gradually changed their position. While French lawmakers justify these restrictions as a defense of secular values, a historical overview of secularism in France reveals otherwise.

Moreover, not only have human rights groups - like Human Rights Watch - condemned these French restrictions on religious attire, but the UN Human Rights Council found it violates religious freedom as enshrined in Article 18 of the ICCPR.

Counterterrorism and Human Rights

In addition to the misplaced secularism narrative, Macron also exploits a national security narrative to justify a regressive political agenda directed against Muslims. Significantly, in the decades following 9/11, intergovernmental organizations such as the UN, and regional entities such as the Organization for Security and Cooperation in Europe, have stressed the significance of protecting, promoting and advancing human rights while countering violent extremism. As former UN Secretary General Kofi Annan observed in 2005, upholding human rights is not only a matter of public international law but a critical component to any effective counter-terrorism project:

Human rights law makes ample provision for counter-terrorist action, even in the most exceptional circumstances. But compromising human rights cannot serve the struggle against terrorism. On the contrary, it facilitates achievement of the terrorist's objective — by ceding to him the moral high ground, and provoking tension, hatred and mistrust of government among precisely those parts of the population where he is most likely to find recruits. Upholding human rights is not merely compatible with successful counter-terrorism strategy. It is an essential element.

Still, Macron's remarks and proposed policies undermine human rights laws, norms and principles such as religious freedom.. Moreover, they weaken rather than advance an effective counter-terrorism strategy. Rather than focus on addressing root causes of violent extremism, Macron stigmatized Islamic faith practices and alienated Muslims around the world.

To be clear, there is no justification for terrorism no matter the identity of the victims or perpetrator. Yet, to prevent and better understand the root causes of violent extremism, it is significant to identify, analyze and address the social, political and economic factors that animate it in any particular country or region. In fact, extremist ideologies, and the groups that promote them, may attract individuals with real or perceived grievances in a country rife with human rights violations and challenged with poor governance and little economic opportunity. While the radicalization process is individualized, research has revealed a number of patterns noted here.

The trends driving individuals to embrace violent extremist ideologies include both "push factors" and "pull factors." Push factors refer to conditions that are conducive to violent extremism. Such factors that are structural within society include: lack of socio-economic opportunities; marginalization and discrimination; poor governance, violations of human rights and the Rule of Law; prolonged and unresolved conflicts; and radicalization in prisons.

In contrast, pull factors are individual reasons that transform grievances into acts of terrorism. Representative psychological factors that increase vulnerability include: individual backgrounds and motivations;

collective grievances and victimization stemming from domination, oppression, subjugation or foreign intervention; distortion and misuse of beliefs, political ideologies and ethnic and cultural differences; and leadership and social networks.

The UN has emphasized the significance of identifying, analyzing and addressing such “push” and “pull” factors to counter violent extremism in the 2015 Action Plan to Prevent Violent Extremism. The Plan discusses five primary drivers: lack of socio-economic opportunities; marginalization and discrimination; poor governance, violations of human rights and the rule of law; prolonged and unresolved conflicts; and radicalization in prisons. To be sure, a number of these factors are relevant in the French context. Rather than address them, however, Macron’s political rhetoric demonizing Muslims, and proposed policies singling them out, act as an accelerant. Instead, Macron should heed the 2015 UN Action Plan by respecting human rights while countering terrorism.

CHINA²

Background

The Uighers are a persecuted religious and ethnic minority community of Turkic descent who practice a moderate version of Sunni Islam in the Xinjiang Uigher Autonomous Region in northwest China. While Muslims have inhabited China for centuries, they presently number 22 to 23 million within China’s total population of 1.4 billion. More than one million Uighers are interned in “re-education camps” while the remainder is subject to the world’s most sophisticated mass surveillance system. Significantly, Beijing’s tactics reflect worsening human rights violations spanning decades rather than years.

Over the course of centuries, various powers have vied to govern Xinjiang, a region in modern-day northwest China, including the Mongols, Turks, Russians, Chinese and Uigher nationalists. This historical context is important to understand modern manifestations of Islamophobia - attributed to Han sentiments of ethnic supremacy - in the People’s Republic of China. Today, the Han Chinese constitute more than 90% of China’s population and represent the dominant (and official preferred) ethnic group.

Han supremacy, significantly, can be traced back centuries to the Qing Dynasty (1644-1911) when China was ruled by the Manchus. At that time, swaths of Han Chinese migrated westward into territories where Muslims traditionally constituted a majority. Vis-a-vis military conquests and political alliances, the Han Chinese established control in these Central Eurasian regions, and these regions became known as “Xin-

² This analysis is excerpted from the law review article, *China’s Repression of Uigher Muslims*, forthcoming from UCLA School of Law.

jiang.” This westward imperial expansion resulted in violent conflict with local Muslims as well as anti-Muslim sentiment, including a Han desire to eliminate Muslims and Islam. Muslims, whose Islamic religious and cultural practices were viewed as non-conforming with dominant Han standards, were regarded as “foreigners” and denied equal legal and political status.

More recently, in the 1950s, Xinjiang fell under the control of the Chinese Communist Party and became part of the People’s Republic of China. Still, it remained religiously, ethnically, culturally and linguistically distinct because it was predominantly inhabited by the Uigher minority population. Almost immediately, the communist government began persecuting the group. For instance, it repressed the Uigher’s Islamic faith practices. Specifically, it closed Islamic schools, destroyed religious texts and converted mosques into offices. Additionally, it stripped Uighers of official posts while facilitating the attainment of such positions for members of the majority Han ethnic group. Further, while Uighers comprised the majority in Xinjiang, the Han dismantled their social institutions and took control of the local economy. Indeed, the communist government successfully repressed Uigher cultural and religious expression.

Also in the 1950s, Beijing promoted Han migration to the Xinjiang Uigher Autonomous Region (“Xinjiang”) to establish control over the region, due to its economic and geographic strategic interests in the land. Economically, the region is rich with mineral, gas and oil reserves, and, geographically, it is located in proximity to Central Asia and closer to the West. In effect, Beijing’s migration policy not only established political control over the strategically significant region, but it would also help dilute its distinct Uigher cultural, religious and linguistic character. For the sake of perspective, the Han comprised approximately 6% of Xinjiang’s population at the time of policy implementation. Today, in stark contrast, the group constitutes 40% of the autonomous region. Moreover, while migration resulted in positive economic growth, it largely benefited the Han rather than indigenous Uighers who are economically marginalized.

According to Beijing, the Uighers experience confusion regarding their national identity. This is because they are more ethnically, religiously and culturally similar to the Turkic people in Central Asia than the Han majority in China. The government views national identity and unity as intimately intertwined with the Han majority. In fact, it perceives the Han cultural and linguistic identity as a source of geographic and demographic cohesion. It is against this backdrop that Islam and Muslims are viewed as obstructing “the China dream of national rejuvenation.”

Rather than accommodating differences, Beijing expects ethnic minorities to assimilate to achieve a unified China. As such, the government has commonly viewed Uigher distinctiveness as a threat to national unity. This is also true of Uigher Islamic faith practices. Uigher Muslims adhere to the Islamic faith which has influenced the population’s culture and day-to-day life. By contrast, the Communist Party adheres to atheism. Beijing regards religion as a means of social control rather than a matter of spirituality or ideol-

ogy; religion either reinforces or weakens state sovereignty. Insofar as Uigher Muslims are loyal to God, the government views their manifested piety as undermining the nation's atheist character.

In the 1990s, segments of the Uigher community responded to Beijing's attempts to displace them — ethnically, culturally, economically, religiously — with a separatist movement. The movement desired independence from Beijing. In reaction, the government adopted heavy-handed measures. The "Strike Hard" campaign instituted aggressive law enforcement tactics designed to stifle religious freedom and political dissent among the Uighers under the guise of addressing criminal activity.

Apart from this movement, some Uighers chose to flee China, sought safe haven elsewhere, and settled in other countries such as Pakistan and Afghanistan. In the aftermath of 9/11, Beijing began to adopt the discourse of the "war on terror." Whereas it previously characterized the Uighers as "separatists," the government now labelled them "terrorists." The Chinese government identified itself as a victim of international terrorism and viewed the Uigher population as the equivalent of Al-Qaeda. Over the years, China has attributed a number of terrorist plots to the Uighers. However, many in the international community believe the reports were pretextual in order to justify regressive policies. Significantly, in both the French and Chinese context, the national security narrative (as well as the concept of separatism) is pervasive.

Recent Human Rights Violations

Today, the Chinese government continues to prioritize the erasure of Uigher culture while conflating orthodox Islamic religious practices — such as fasting, prayer, hajj and religious attire — with evidence of violent extremism contributing to terrorism. To this end, it has adopted a spectrum of laws, policies and practices to achieve its vision of a more unified China. Representative measures include religious freedom restrictions, the "Strike Hard" campaign, the world's most sophisticated mass surveillance system, and internment camps. These trends are consistent with a 2016 policy known as "Sinicization," forcing religious and ethnic minorities to conform to Han ethnic culture, the socialist system, and communist party policies.

A. Sinicization

PRC President Xi Jinping first referenced the "Sinicization of religion" at a 2015 Central United Front Work Development (UFWD) Conference. The UFWD is the Communist Party of China (CPC)'s committee responsible for obtaining political support from broader society, such as faith communities. At the time of the 2015 conference, Xi emphasized the significance of exerting control over religious groups and ensuring that they conform to CPC policies. To that end, he depicted the CPC as a source of guidance to ensure faith community conformity with socialist society.

Indeed, in April of 2016, Beijing intensified its social control over faith communities. For the first time in fifteen years, it hosted the National Conference on Religious Work and subsequently enacted the Regulations on Religious Affairs in an attempt to “Sinicize” religious belief and practice. During the conference, President Xi Jinping announced that, “religious affairs carry special importance in the work of the CPC and the central government” while also referencing national security and Chinese unity. Xi Jinping emphasized that religions can “adhere to the direction of Sinicization” by “interpreting rules and dogmas in a way that corresponds to the needs attached to the progress and development of contemporary China.” According to Beijing, the “Sinicization of religion” is intended to address real or perceived national challenges such as “infiltration, subversion, and sabotage, as well as violent and terrorist activities, ethnic separatist activities, and religious extremist activities.” To this end, Xi Jinping insisted that the CPC would “lead” religious groups socially, culturally and politically. This official guidance has manifested as position papers, internal policies and legal opinions. It is designed to make faith traditions and doctrine conform with Chinese society and CPC objectives. Such conformity encompasses a spectrum of generally applicable initiatives, from altering religious buildings to embody Chinese characteristics and mandating the Chinese flag on religious venues to even changing faith doctrines.

While the Regulations on Religious Affairs reference the right to religious freedom, they prioritize “stopping illegitimacy, containing the extreme, resisting penetration and cracking down on criminals.” The regulations, published in September 2017 and operational since February 2018, also require individuals and groups to “maintain national integrity, ethnic solidarity, religious harmony, and social stability.” Such provisions demonstrate the tensions “Sinicization” has with religious freedom particularly where faith practices consistent with orthodox Islamic doctrine is conflated with terrorism. UFWD has explained that in conducting its affairs with faith communities, it intends to emphasize “adopting an attitude conducive to guidance, building a grassroots religious work management system, strengthening the education of religious figures, giving full play to patriotic religious groups, resolutely resisting outside forces using religion as a means of infiltration, guarding against and controlling illegal religious activities, and safeguarding national security and social harmony and stability.” As this writing will illuminate, while some of this language and subsequent practices - such as national flag raising ceremonies, speech contests and anthem singing at religious sites - may initially appear innocuous, it proves foreboding in ways relevant to the instant human rights related discussion.

In the context of the minority Uigher Muslim population in Xinjiang, Sinicization has translated into the de-Islamification of orthodox religious practices. In a confidential 2018 directive, titled “Reinforcing and Improving Islam Work in the New Situation,” Beijing warned against the “Arabization” of Islamic places, fashions and rituals in China, as well as Saudi Arabia’s influence. According to the directive, use of the Islamic financial system is prohibited, Islamic entities are barred from organizing kindergartens or after-

school programs, and Arabic-language schools cannot teach religion or engage in study abroad programs. Indeed, Beijing's campaign to "Sinicize religion" has forced halal restaurants to remove Arabic language and Islamic imagery from their signage. What is more, to dampen a "pan-halal tendency," officials have ceased distribution of halal certifications for food, dairy and wheat producers and restaurants. Further, religious activities are impermissible at schools and colleges. In addition, officials have destroyed Islamic cemeteries, demolished minarets and domes, banned the traditional call to prayer and shuttered mosques. Even more alarmingly, Sinicization has culminated in the mass internment of more than one million Uigher and other Muslims in "re-education camps."

Beijing wishes to ensure that no authority is higher than the Communist Party among China's faithful to ensure national unity. Thus, it has rationalized and characterized its efforts as a mechanism to counter the spread of ideologies it perceives as linked to foreign influence and religious extremism. In this way, Sinicization strives to produce "normal people" while ensuring conformity in all respects. To this end, and as discussed at greater length below, Beijing has prohibited the observance of Muslim religious attire, fasting for Ramadan and grooming long beards while also restricting hajj, a mandatory religious pilgrimage to Saudi Arabia (e.g. the Islamic faith's birthplace). Indeed, Xi Jinping's vision of China's rise views racial, ethnic, religious and ideological diversity as a source of national weakness and division, and this has exacerbated Islamophobia in China.

1. Religious Freedom Violations

As a direct result of "Sinicization," and under the guise of countering terrorism, undermining extremism and preventing secession, religious freedom violations against the Uigher Muslims have intensified. As discussed in greater detail below, authorities in Xinjiang have seized Islamic publications, arrested and detained religious figures and criminalized expressions of orthodox Islamic doctrine as evidence of violent extremism and a propensity to commit "terrorism."

In 2009, under the tutelage of the Chinese State Administration of Radio, Film and Television which oversees publishing in media, the local authorities in Xinjiang formed a parallel office, the "Eradicate Pornography and Illegal Publication Tianshan Project," to establish harsher policies toward Islam. Specifically, the project is focused on "illegal" publications that promote extremism, separatism and terrorism or what Beijing refers to as the "three evil forces" generally attributed to the Islamic faith. Officials have not only confiscated such materials, but also detained those disseminating these materials. For instance, Xinjiang authorities arrested a bookstore owner who sold publications on Islam, Muslims and the Middle East. He was charged with "terrorism" and subsequently detained in a re-education camp. In addition to seizing Islamic publications, authorities similarly seized religious figures perceived as threatening. In 2016, police arrested an Imam for lecturing on a college campus about Islam in a

neighboring province. Local authorities - conflating the Islamic faith tradition with criminality - believe that such an approach is necessary to ensuring peace, security and stability.

More recently, in March 2017, Beijing enacted “Regulations on De-extremification,” part and parcel of Sinicization. The regulations prohibit “expressions of extremism” which it conflates with Islamic orthodoxy. Specifically, authorities consider abstention from alcohol, refusal to consume pork, and fasting during Ramadan as evidence of extreme religious views contributing to terrorism. As such, Xinjiang authorities require Muslim-owned restaurants to serve intoxicants despite Islam’s prohibition of alcohol. Similarly, local authorities require Muslims to consume pork during Han Chinese festivals despite Islam’s prohibition of pork. Additionally, authorities require Muslim women to abandon religious or conservative attire despite Islam’s emphasis on modesty. Authorities have arrested and detained those who have performed the hajj pilgrimage to Saudi Arabia despite the Islamic requirement of performing the pilgrimage. Further, Uighers are prohibited from grooming beards, and parents are prohibited from naming children Islamic names such as Mohammed or Ahmed. As noted, authorities have also “Sinicized” mosques, removing domes and minarets from religious architecture. And, the government has criminalized teaching youth about the Islamic faith. In sum, performing Islam is now evidence of criminality in authoritarian China.

B. The Strike Hard Against Violent Extremism Campaign

Manipulating the discourse of counterterrorism to justify repressive policies, laws and practices, and in tandem with the “Sinicization” policy, Beijing has reconfigured “Strike Hard” campaigns from the 1980s and 1990s to eliminate a perceived threat to atheism, Han supremacy and CPC control. In the post 9/11 context, Beijing reoriented the campaigns to focus on Uighur religious conduct and alleged separatist activity. Strike Hard has culminated in egregious human rights violations that overlap and intersect with those noted above.

Beijing designed the new 2014 campaign to officially control the Uigher population and more specifically, to eliminate their religious, cultural and linguistic distinctiveness. It includes raids in Uigher neighborhoods to secure literature, music, religious texts and any materials teaching these subjects. The campaign also includes arrests, arbitrary detentions and torture. Since the campaign launched in 2014, the number of arrests in Xinjiang has more than tripled comprising 21% of all Chinese arrests nationally. For the sake of perspective, the Xinjiang region constitutes a mere 1.5% of the total Chinese population. As such, these figures highlight the campaign’s disproportionate impact on the minority Uigher population. Following arrest, Uighers are held in pretrial detention centers, prisons and re-education camps, stripped of due process rights and subjected to torture as discussed further below. Indeed, this law enforcement strategy not only violates civil and political rights - such as the right to liberty and to be

free from cruel, inhumane and degrading treatment - but it also violates the right to cultural and religious life because it has the effect of eliminating Uigher culture and criminalizing religion.

Again, the Strike Hard campaign borrows from the 'war on terror' discourse by citing to security interests in order to justify repression of a religious and ethnic minority population. In January 2016, for instance, the national Counterterrorism Law that came into effect described "distorted religious teachings" - in apparent reference to Islamic theology - as the ideological foundation for terrorism. Locally, within Xinjiang, authorities effectuated new counterterrorism laws that prohibited the dissemination of "terrorist ideas" vis-a-vis technology such as cellphones, the internet or electronic devices. Significantly, Xinjiang's focus on "ideas" underscores their conceptualization of the Islamic faith tradition as an "ideological virus." Authorities believe that Islamic religious dogmas - as well as any non-Han social identity - must be "eradicated" or "corrected." Such policies prioritizing the eradication of problematic ideas complement aforementioned regulations that prohibit long beards and religious attire. Additionally, the local authorities similarly criminalized ties to a list of twenty-six "sensitive countries" including Turkey, Malaysia and Indonesia. Those who have traveled to these countries - even for educational, work-related or familial purposes - or who communicate with those residing there are subject to interrogation, detention and imprisonment. Moreover, the Strike Hard campaign includes a sophisticated mass surveillance regime and internment camps.

1. Mass Surveillance

Xinjiang has been converted into a twenty-first century police state because the government employs repressive force to control all aspects of Uigher life. This includes cutting edge technology that constantly monitors the Uigher population; roadblocks and checkpoints; and pervasive police placement including in shops and restaurants. Data collection is not limited to individual addresses, phone numbers, places of employment and education - although such information gathering may undermine privacy rights. Rather, the authorities have compelled Uighers, between the ages of twelve and sixty-five, to submit DNA, voice and blood samples as well as iris scans and fingerprints. Indeed, officials have created Uigher DNA databases, employed facial and voice recognition software and seized phones and downloaded data for analysis. They have arrested Uighers who have not downloaded a required smart phone application. The authorities use the mobile application to aggregate even more data about Uighers, including personal information and activities regarded as suspicious and investigations. Notably, when data collected is perceived as revealing potentially threatening behavior, targets may be interned at re-education camps, as discussed in greater depth below. According to Human Rights Watch, "not socializing with neighbors [and] often avoiding using the front door" qualifies as suspicious conduct. Additionally, utilizing excessive amounts of electricity is similarly deemed suspicious.

In addition to using advanced technology - including facial recognition, genetic testing and data collection - Beijing also emphasizes traditional policing methods to guard against what it perceives as terrorism such as the deployment of local informants. Further, teams of police collect information from every household including the nature of their religious beliefs and extent of related practices. The biometric and other data is subsequently entered into a centralized database that allows authorities to form a corresponding portrait of each citizen.

To justify its campaign of mass surveillance and intelligence gathering, Beijing cites to concerns regarding “the three evil forces” including terrorism, violent extremism and ethnic separatism. In a 2019 White Paper on Xinjiang, Beijing alleged that approximately 13,000 terrorists had been arrested in Xinjiang in a five-year period. It further claims that authorities have disrupted 1500 terrorist entities, seized more than 2000 explosive devices and punished approximately 30,000 individuals for illegal religious activity. However, these figures have not been independently verified and questions regarding their accuracy and reliability remain. For instance, since Beijing defines terrorism and extremism in vague terms, the label frequently encompasses a broad swath of orthodox religious conduct, from women observing conspicuously Islamic religious attire to men grooming beards. Indeed, Beijing’s “terrorists” are not necessarily violent actors. Rather, many are Uigher Muslims engaged in religious, social, cultural and/or political activity protected by international human rights law. What is more, observers have concluded that the mass surveillance has no connection with countering violent extremism, preventing terrorism or upending separatism. Human rights groups argue that such measures violate rights to privacy, “mental autonomy,” presumption of innocence, religious freedom, and freedom of movement.

2. Mass Internment Camps

At the time of writing, approximately one million Uighers suspected of engaging in religious and ethnic cultural practices are currently interned in “re-education camps” without formal charges, due process or judicial oversight. Mass internment began shortly after the adoption of Beijing’s “Regulations on De-extremification” in March 2017. As noted, under the regulations, “extremist” activity includes grooming a long beard, donning religious attire, observing ritual prayer, engaging in fasting, abstaining from intoxicants, studying Arabic, frequenting mosques and/or possessing publications about the Islamic faith or Uigher cultural traditions. Additionally, as noted, foreign ties to majority Muslims nations, such as Turkey, Malaysia and Indonesia, are valid basis for official suspicion even if related to employment or educational purposes. Authorities accuse such individuals of engaging with foreign influences that promote “extremist” ideologies and activities. They warn of terrorist events abroad and the possibility of similar attacks in China. Such allegations are mere pretext, however, for official interference with the open flow of information about the human rights violations so pervasive in Xinjiang. Still, Uighers have been interned for these and other more mundane reasons, from owning a compass, which can be used to determine their direction for prayer, to eating breakfast prior to sunrise, in observance of fasting.

Beijing commonly refers to these mass internment camps as “vocational education and training program,” “transformation through education centers,” or “counter-extremism centers.” Chinese President Xi Jinping explained in relevant part, “there must be effective educational remolding and transformation of criminals. And even after these people are released, their education and transformation must continue.” He also insisted on displaying “absolutely no mercy” in response to extremism, terrorism and separatism, each of which is commonly linked to the Islamic faith. To realize official objectives of forced cultural assimilation and political indoctrination, internees have been tortured, neglected and mistreated, subjected to solitary confinement and sleep deprivation, and suffered loss of life, including suicide by those unable to bear these conditions. Further, they are required to sing political songs and study speeches praising the CPC and they are tested on their knowledge of Mandarin (e.g., the lingua franca of the majority Han). Prior to meals, detainees are required to chant, “Long live Xi Jinping.” Not only are they forced to denounce their own culture and religion, but all faith practices are prohibited. Additionally, inside the camps, internees are required to perform forced labor. Resistance is met with swift retribution, including food deprivation, solitary confinement, physical assaults and use of stress positions. Unable to challenge their detention and without access to legal counsel, internees are left to languish for months and even years until authorities believe they have been “transformed.” According to news reports, Beijing is constructing additional camps giving rise to international suspicions of possible genocidal intent.

Similar to its justifications of other pervasive human rights violations, authorities claim the internment camps are necessary to deter “extremism,” prevent “terrorist activities,” protect national security and guarantee “ethnic unity.” In fact, in response to questions regarding detained family members, authorities advise that detainees had been “infected” by the “virus” of Islamic radicalism and must be quarantined and treated. They further intone, “if they don’t undergo study and training, they’ll never thoroughly and fully understand the dangers of religious extremism,” while referencing the civil war in Syria and the rise of the Islamic State. When questioned whether detained relatives had committed a crime, authorities respond, “it is just that their thinking has been infected by unhealthy thoughts,” and “freedom is only possible when this ‘virus’ in their thinking is eradicated and they are in good health.” Still, human rights organizations counter that the mass internments of members of a specific religious and ethnic community are not sufficiently tethered to counterterrorism objectives.

C. Beijing's Response

In response to increased scrutiny, Beijing asserts defenses grounded in sovereignty, cultural relativism and national security. For instance, it claims that its policies are a domestic matter (sovereignty) designed to preserve Chinese culture, Han identity and stability (cultural relativism and national security). It is important to note that China uses its economic influence to silence state actors who benefit from bilateral trade agreements. In addition, China is a permanent member of the United Nations Security Council. As

such, it uses its political influence to deflect international responses to its actions, from sanctions and criminal prosecutions to its human rights abuses in Xinjiang.

Most recently, in April 2020, the Asia-Pacific Regional Group selected China as a member of the United Nations Human Rights Council Consultative Group. The Consultative Group consists of five member states tasked with screening initial applications and making recommendations for independent United Nations experts. Significantly, the United Nations Human Rights Council is responsible for reviewing state actions to ensure compliance with human rights obligations. In response to pervasive abuses, such as those arising in Xinjiang, the Council can establish a mechanism to investigate abuses. However, China's recent inclusion on the Council's Consultative Group not only enhances the authoritarian state's political influence, but it allows for the accommodation of its egregious human rights record. Indeed, the international community has been generally unable or unwilling to hold Beijing accountable. In contrast, from its congressional inquiries to targeted sanctions, the United States has arguably been the most consistent source of condemning these human rights abuses.

To be sure, Beijing's laws, policies and practices violate international human rights standards enshrined treaties including the International Covenant on Civil and Political Rights, Convention Against Torture, International Covenant on Economic, Social and Cultural Rights and Convention on the Elimination of all Forms of Racial Discrimination. Rights including religious freedom, right to take part in cultural life, prohibition on torture, forced labor, right to liberty and security of person, liberty of movement and the right to privacy have been denied to the Uighers. To date, however, Beijing's response has largely been denial. For instance, in response to criticism of its mass internment camps, government officials characterize internees as "trainees" studying Chinese, honing vocational skills, learning about national laws and undergoing "de-extremization." And, while officials claim that most "trainees" have "returned to society," many in the Uigher diaspora community abroad report that their relatives remain missing. As such, human rights violations persist unabated.

Please do not hesitate to contact me should you require additional information. Thank you so much for your time and consideration.

Respectfully,



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