**EAST ASIA: CHINA, INDONESIA, MYANMAR**

**Anti-Muslim hatred and discrimination and the right to freedom of thought, conscience religion or belief – a submission from Christian Solidarity Worldwide (CSW)**

**CHINA**

The realisation of the right to freedom of religion or belief (FoRB) in China remains a mixed picture with conditions varying according to religion, location, ethnicity, attitudes of local officials, and other factors. However, overall, the level of FoRB is rapidly and significantly decreasing, and is characteristic of the critical deterioration in the broader protection of human rights in the country since 2013.

**State-sanctioned religion**

Under Article 36 of the constitution, the state protects all ‘normal’ religious activities. The five officially-recognised religious traditions – Buddhism, Taoism, Islam, Protestantism and Catholicism – are overseen by seven state-sanctioned associations. In reality, ‘normal’ religious activities refers to those carried out by religious communities registered with these associations. There is no space afforded to independent religious activities. Furthermore, registered religious communities are also subject to increasingly severe restrictions.

On 1 February 2018 China’s State Council revisions to the 2005 Regulations on Religious Affairs came into effect, further restricting religious practice and heralding a further deterioration in the level of freedom of religion or belief in the country At the same time, there has been fresh emphasis put on the requirement that all religious communities in China ‘sinicise’ by becoming ‘Chinese in orientation’ and adapting to ‘socialist society’. CSW’s sources believe the intent behind ‘sinicisation’ of religions or beliefs is to eradicate independent religion and bring all religious activities under state control.

This includes Islam. Despite having a long history in China, Islam is perceived as a potential tool for foreign infiltration and a threat to national security. This is especially true in the Xinjiang Uyghur Autonomous Region (XUAR).

**Xinjiang Uyghur Autonomous Region (XUAR)**

In XUAR, also known as East Turkestan by many Uyghurs, over one million Uyghurs, Kazakhs and members of other ethnic groups have been detained in ‘re-education camps’ since 2017 without charge. Information on the camps has been well-documented by human rights organisations, including CSW, drawing on information from interviews with witnesses and family members of victims as well as public recruitment notices, government procurement and construction bids, Chinese state media, testimony from legal proceedings (Kazakhstan), academic research, international media reports and Google Maps images. The strength of the evidence leaves no doubt that mass detentions are taking place in XUAR which violate domestic and international law.

Most of the detainees are Muslim and there is a strong religious element to the detentions. Numerous reports of torture, sexual violence and ill-treatment have emerged from the camps; the conditions are dangerously unsanitary and overcrowded.

Individuals have been detained for acts as basic as having the WhatsApp application on their mobile phones, having relatives abroad, accessing religious material and engaging in peaceful religious activities, including praying or wearing ‘Islamic’ clothing. Witnesses have reported that detainees inside the camps are required to renounce Islam and promise not to follow religion. Detainees have also been forced to eat pork or drink alcohol against their religious beliefs.

Outside the camps, authorities have demolished thousands of mosques in what the Uyghur Human Rights Project’s Zubayra Shamseden describes as ‘a wholesale attack on Uyghur religion, culture and ethnic identity.’[[1]](#footnote-1) Even small-scale, peaceful everyday religious activities and expressions of religious identity are viewed as suspicious by the authorities.

**Rights of the child and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region**

The government’s actions in the Uyghur Region are an attack on Uyghur identity, culture, and religion. They are breaking up families and leaving children and elderly people alone and vulnerable. The devastating and long-term impact of these actions cannot be overstated.

Civil servants are being placed in Uyghur homes to monitor their behaviour day and night. Uyghurs are not allowed to practise their religion, play traditional instruments, or use their language freely. Children whose parents are detained are being taken from their families and placed in state facilities. A Uyghur worker at a regional orphanage told RFA that his facility was seriously overcrowded, with children as young as six months ‘locked up like farm animals in a shed.’[[2]](#footnote-2)

Teenagers have been reportedly held in re-education camps alongside adults.[[3]](#footnote-3) According to Radio Free Asia, in March 2018 a 17-year-old Uyghur boy, Naman, died of unknown causes, in detention at a political re-education camp in Kashgar. His family was forced to bury him under police supervision, according to sources interviewed by Radio Free Asia. Naman had been detained after travelling to Turkey as a tourist with friends.[[4]](#footnote-4)

Ethnic minority schools in the Uyghur Region have reportedly been closed, and in some cases transformed into re-education camps. According to China Aid, from March 2018, the authorities have only permitted schools with a ‘Han Chinese background’ to operate, closing down schools that specifically cater to Uyghur, Kazakh, and Mongolian children. Authorities closed down the Fourth Uyghur Secondary School of Xinyuan on 2 March and confirmed that it had been reopened as a ‘political training center.’[[5]](#footnote-5)

Under-18s are prohibited from attending religious services, in violation of their right to freedom of religion or belief under Article 18 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), as well as Article 14 of the United Nations Convention on the Rights of the Child (CRC), which China has ratified. Furthermore, the child’s right to education without discrimination is guaranteed by Article 26 of the UDHR and Articles 28 and 29 of the CRC. The right to education is guaranteed in Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which China has also ratified.

**Rights of older persons and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region**

There is mounting evidence, based on information provided in witness testimonies, that older persons are among those detained in camps the Uyghur Region and are at particular risk of serious health problems.

CSW has collated several reports of older persons dying apparently in connection with the poor conditions and abusive treatment in the camps. In other cases, older persons’ health needs suffer as family members are detained and unable to provide care. In one first-hand testimony a Uyghur woman living outside the country shared that her 75-year-old mother-in-law, who is in ill-health, blind and deaf, has been left uncared for and unsupported because all her other relatives are in camps.

The UN Independent Expert on the rights of older persons’ country visit report to China states that older persons, including those from religious minority groups, continue to experience multiple and intersecting forms of discrimination, affecting their full enjoyment and exercise of human rights, including access to health.[[6]](#footnote-6)

**Forced Labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region**

In 2019 and 2020 reports by think tanks, NGOs and academics, including the Australian Strategic Policy Institute (APSI), Initiatives for China, the Center for Strategic and International Studies, and Adrian Zenz, Ph.D., revealed evidence of forced labour occurring in the Uyghur Region and beyond on a massive scale. This mass labour project not only involves Uyghurs detained in the camps and in the prison population, but also those remaining behind in their villages, where Uyghurs are coerced and pressured into taking manufacturing and other jobs under the banner of ‘poverty alleviation’.

According to Chloe Cranston at Anti-Slavery International, “Systematic forced labour, affecting factories and cotton farms across the Uyghur Region and China, makes up a key part of the Chinese government’s system of control.”[[7]](#footnote-7)

According to Zumretay Arkin, of the World Uyghur Congress, ‘between 1.8 to 3 million Uyghurs and other Turkic peoples have been put in camps in China. Many of these camps are connected to cotton and clothing production facilities where Uyghur detainees are forced to work, which are major global sources of both cotton and clothing production…Virtually the entire clothing industry is potentially implicated’.[[8]](#footnote-8)

In some cases, forced labour involves Uyghurs being transported to other parts of the region and even outside XUAR, where they are housed in factory dormitories. Although it is difficult to verify reports of what life is like in these factory compounds, individual accounts together paint a picture of strict control over all aspects of workers’ lives, including the food they eat, the language they speak, their communication with their families and their religious practice. Normal religious observance is impossible in these conditions.

**Recommendations**

* Protect the rights of all people in China to freedom of thought, conscience and religion, in accordance with Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR)
* Abolish and end the use of re-education camps, and all forms of extra-legal detention, enforced disappearance and arbitrary detention.
* Abolish and the use of forced labour, including in the XUAR, including ensuring no part of cotton and clothing production exploits workers through forced labour.
* Remove security measures which place restrictions on cultural and religious rights in contradiction of Article 18 of the ICCPR, including in Tibet and Xinjiang Uyghur Autonomous Region (XUAR; also referred to by many Uyghurs as East Turkestan), and ensure the rights of all ethnic groups are fully protected.
* Protect the rights of children in XUAR by ceasing the practice of forcibly removing children from their homes and families, and ensuring minors are not detained in adult facilities.
* Grant access to all parts of China, including XUAR and Tibet, to United Nations Special Procedures and other international human rights bodies and experts.
* Immediately release all prisoners of conscience detained in connection with their religion or belief and impartially investigate cases of wrongful imprisonment.
* End the demolition of religious buildings as a means of limiting religious practice, and establish a complaints mechanism for religious groups affected.
* Ensure that no citizen is detained incommunicado and that family members of detainees are informed of their whereabouts and the charges against them in good time, in accordance with international standards.
* Protect the rights of detainees and prisoners and immediately cease all forms of torture and ill-treatment, and impartially investigate allegations and reports of torture and deaths in detention.
* Ensure that any form of registration system is optional, not mandatory, and is not used as a tool to control religious activities.

**INDONESIA**

Indonesia, the world’s largest Muslim-majority nation, has a long tradition of ‘Pancasila’, pluralism, freedom of religion or belief and inter-religious harmony, and is widely respected around the world for its successful transition from authoritarian rule to democracy. Rising religious intolerance, however, threatens these achievements. Incidents of violence against religious minorities, particularly Christians, Ahmadiyyas, Shi’as and adherents of religions or beliefs not recognised by the state, including indigenous traditional beliefs, continue periodically within a climate of impunity.

Moreover, blasphemy laws in Indonesia are a cause of injustice and division, as they contain a very low threshold of requirements for evidence or proof of intent. The laws are misused for political reasons as well as religious intolerance to silence dissent, criticism or debate.

In 2019 proposals were made for revisions to Indonesia’s Criminal Code, which would include an expansion of blasphemy laws. This legislation was postponed in September 2019 on the instructions of the President, following popular protests against it, but it is likely to return in due course once the worst of the COVID-19 pandemic is over and the legislature has the capacity to consider it.

**Ahmadiyya Muslim Community**

The Ahmadiyya Muslim community has existed in Indonesia since 1925, and claims a population of approximately 500,000, across 330 branches throughout the country. Since 2005 the community has periodically experienced serious violations of FoRB, including incidents of violence.

A Joint Ministerial Decree regarding the ‘Admonition and Instruction to the Disciples, Members and/or Members of the Organising Board of the Jemaat Ahmadiyah Indonesia (JAI) and the Members of the Public’ was introduced in 2008 by the Minister of Religious Affairs, the Attorney General and the Minister of Home Affairs and effectively prohibited promulgation of Ahmadiyya teachings. The Joint Decree stopped short of an outright ban but orders all Ahmadis “to discontinue the promulgation of interpretations and activities that are deviant from the principle teachings of Islam, that is the promulgation of beliefs that recognise a prophet with all the teachings who comes after the Prophet Mohammad.”[[9]](#footnote-9) In its opening paragraphs it also sets out the activities which are to be prohibited, including “speeches, lecturing, preaching, religious discussion, taking an oath of allegiance, seminars, workshops, and other activities either oral or written, in the form of books, organisation documents, printed media, and electronic media, containing and aimed at disseminating belief to acknowledge that there is a prophet with all his teachings after Prophet Mohammad.”

Since the introduction of the 2008 Joint Decree, provincial and local level authorities across Indonesia have published their own anti-Ahmadiyah regulations, creating an atmosphere of increased religious intolerance towards Ahmadis and the conditions for further violence, harassment and discrimination.

In practice, with some exceptions, the laws are mostly used by Muslims against fellow Muslims, adherents of other recognised religions, or adherents of unrecognised beliefs. According to the US Commission on International Religious Freedom, since 2003 over 150 individuals have been arrested or detained under Article 156 and 156(a).[[10]](#footnote-10)

On 28 October 2009 four prominent Islamic scholars, together with at least seven Indonesian civil society and human rights organisations, submitted a 59-page appeal to the Constitutional Court proposing the repeal of the blasphemy and heresy laws. One source claims that at least forty organisations formed an alliance for the repeal of the laws.

On 19 April 2010 the Constitutional Court ruled by a majority of eight to one to uphold the blasphemy and heresy laws and reject the request for repeal. Opposition to repealing the laws was extremely strong and well organised. The Ministry of Religious Affairs and the two major Indonesian Muslim organisations, Nahdlatul Ulama (NU) and Muhammadiyah, opposed the repeal despite the prominent leadership given to the repeal campaign by former President Abdurrahman Wahid, a respected Islamic scholar, cleric and leader of NU.

In 2011 the then-Minister of Religious Affairs repeatedly called for an outright ban on the Ahmadiyya, and in 2013 the governor of West Java said that there would be no violence against the Ahmadiyya if there were no Ahmadiyya teachings or practices, describing Ahmadiyya Islam as ‘a deviant belief’. The ‘problem’, he added, ‘will disappear if the belief disappears.’[[11]](#footnote-11)

**Small positive developments**

CSW visited Medan, the capital of North Sumatra, for two days, from 12 to 14 April 2019. At that time, according to the leader of the Ahmadiyya community, there had been no serious violations of freedom of religion or belief affecting them for the past five years in Medan. He believes this is a direct result of President Widodo’s clear emphasis on protection of the rights of minorities and law enforcement.

In addition, the Ahmadiyya in Medan say they have built good relationships with their neighbours and greater understanding exists through interfaith initiatives, social and community activities. Another encouraging initiative is the Abu Thalib Foundation, a Sunni-Shi’a foundation established in 2006 to introduce the major schools of Islam, from Sunni and Shi’a, and to counter misunderstandings about Shi’a Islam. The organisation has held an international dialogue between Islamic scholars of different Muslim traditions.

However, despite these positive developments, significant attacks against Ahmadis have occurred in Lombok and in several locations in West Java, notably incidents in Cisalada, Cikeusik and Tasikmalaya. CSW has visited Ahmadi communities across Indonesia, including those living in displacement camps in Lombok, survivors of the attack in Cikeusik, and Ahmadis in Bekasi, Tasikmalaya, Cisalada, Bandung, Medan, Padang and Surabaya. In addition to violence and closure of mosques, Ahmadi representatives have told CSW that some Ahmadis have had to stop their university education because of discrimination on campus, and Ahmadi teachers in schools have also faced discrimination.[[12]](#footnote-12)

**Violence against Shia Muslims**

In the past decade, Indonesia’s small Shi’a Muslim population has come under increasing pressure. In Sampang, Madura Island, in East Java, Sunni clerics began to preach against the Shi’a in 2004, and since then the Shi’a have been subjected to a campaign of discrimination and violence.

It is also worth highlighting a new phenomenon now emerging of the ‘criminalisation’ of victims of FoRB violations. A growing number of Christian church leaders, Ahmadis and Shi’a have been arrested, charged and in some cases jailed on fabricated charges - even after they themselves have been attacked, while the perpetrators of the attacks have not been brought to justice.

**Recommendations:**

* Review existing laws and policies to ensure their compatibility with international protections for freedom of religion or belief, and to bring them in line with Indonesia’s own constitution.
* Ensure that crimes against religious minorities cannot be committed with impunity, that perpetrators are arrested and investigations properly carried out, and that justice is done.
* Repeal or amend the blasphemy laws to ensure that they are not misused to settle personal scores or target religious minorities.
* Immediately review the 2008 anti-Ahmadiyya decree and work towards its repeal.
* Extend human rights education, including principles of freedom of religion or belief, in the security forces.
* Invest further in initiatives to protect and promote the principles of freedom of religion or belief and to promote interfaith harmony and dialogue.
* Invite the UN Special Rapporteur on freedom of religion or belief to visit the country with unhindered access.

**MYANMAR/BURMA**

There are four principle drivers of religious intolerance in Myanmar (Burma) today.

1. A rise in Burman Buddhist nationalism, based on the concept that to be Burmese is to be Buddhist, and fuelled by a visceral hatred of Muslims and Christians. This is driven principally by certain Buddhist monks and their preaching and is very influential in parts of society.
2. The military has long-used ethnic and religious identity to stoke conflict and strengthen their power.
3. Commercial interests have led to a resentment of Muslim businesses and a call for people to boycott them.
4. Civilian politicians – of various political parties – some of whom share the Buddhist nationalist agenda, and others who may be more moderate but lack the political will or courage to confront it.

Legislation also contributes to religious intolerance. In 2015 the previous government introduced a package of four laws aimed at the ‘protection of race and religion’, which were passed despite significant human rights concerns and opposition. The legislation restricts religious conversions and interfaith marriage, and furthers discrimination against women and religious and ethnic minorities. Furthermore, the penal code has been used to prosecute those deemed to have ‘insulted’ religion.

Sporadic violence against Muslims has occurred throughout the country since 2012. This is separate from, although related to, the crisis facing the Rohingyas in Rakhine state. Violations include the closure of mosques, demolition of homes and schools, discrimination in the judicial system and elsewhere, and mob violence.

**Rohingya crisis**

In August 2017, the Myanmar army launched attacks on Rohingya villages and civilians which resulted in over 700,000 people fleeing to Bangladesh. Thousands were killed and hundreds of villages burned. Reports of the atrocities of mass violence include the burning of homes, schools and mosques, the deliberate burning of people to death inside their homes, mass rape, torture, execution without trial, and the blocking of aid.

The UN Special Rapporteur for human rights in Myanmar and the Independent International Fact-Finding Mission established by the UN Human Rights Council have documented evidence of possible genocide.

The current crisis follows decades of severe persecution of the Rohingyas. Even though the Rohingyas have lived in Burma for several centuries, and certainly many generations the state has continues to deny Rohingyas their citizenship rights, rendering them stateless, as the 1982 Citizenship Law remains in force. The law has a very serious impact on the country’s Rohingya population who continue to live in the country without the right to vote, to move freely, or to access basic services.

Until recently the international community had taken woefully insufficient action to bring an end to the atrocities perpetrated against the Rohingya or to bring the perpetrators to justice. However, on 23 January 2020 the International Court of Justice (ICJ) issued a ruling ordering the Burmese government to take immediate “provisional measures” to prevent genocide against the Rohingya, as well as to preserve evidence of alleged crimes against the Rohingya. The ICJ adopted the unanimous decision after a three-day hearing which took place from 10-12 December 2019. During the hearing, Burma’s state counsellor, and de facto leader, Aung San Suu Kyi, drew international criticism for defending the Burmese military, the Tatmadaw, against charges of genocide.

The charges were brought to the ICJ by The Gambia in November 2019 and were supported by 60 countries. Burma has been ordered to report to the ICJ on its compliance with the measures.

**Broader anti-Muslim hatred, violence and discrimination**

The wider Muslim population in Burma have also been targeted by a widespread campaign of hatred, including the preaching of hate speech by Buddhist monks, sporadic outbreaks of violence, discrimination in economic, educational and societal circles, restrictions on identity cards and citizenship rights, restrictions on freedom of religion or belief especially in terms of the construction or renovation of mosques or in some cases even the use of mosques for prayers. Mosques have also been demolished or confiscated by the government, extremist monks or the local authorities.

Alongside the targeting of Muslim places of worship, ceremonies and practice of religion have been undermined and threatened. If Muslims meet for prayer outside of the official spaces of worship they are vulnerable to having their meetings shut down. This violates their right to practise their religion in public or private. It is also a particularly grievous restriction in light of the barriers there are for Muslims who want to register or repair their own space of worship.

In Shwe Pyi Thar Township in Yangon there are 3,000 Muslim households with a total population of 20,000, and yet only five legally recognised places of worship. In 2016 local Muslims applied for permission to gather for prayers at 11 homes where they had been meeting for some time, and only six were granted it. This left many people without a space to practise their religion.

The boycotting of Muslim businesses has also been a discriminatory, degrading and targeted attempt to create division in communities. Given that Muslims are a minority in Myanmar, the boycotting of Muslim-owned businesses by Buddhists – especially by the 969 movement - has left many unviable.

**Recommendations:**

* Allow unhindered access to the country for international humanitarian aid agencies (including to displaced ethnic and religious minorities), human rights monitors, media, and the UN Special Rapporteur for human rights in Myanmar.
* Repeal all legislation that discriminates against religious and ethnic minorities, including laws that limit religious conversion and interfaith marriage. In particular, urge the Burmese government to change or repeal the 1982 Citizenship Law, allowing the Rohingya full citizenship rights.
* Comply with the ruling of the International Court of Justice and ensure that measures are taken to prevent genocide and stop crimes against humanity.
* Ensure that no members of the Rohingya community who have fled Myanmar are returned until their safety upon return can be guaranteed.
* Take meaningful action to address hate speech and discrimination, implementing the tools of the Rabat Plan of Action and other international programmes for countering religious hatred and invest in supporting initiatives to address racial and religious hatred in Myanmar, to support voices of peace and moderation, and to encourage a reconciliation process.‌
* The international community must ensure that engagement with Myanmar on human rights or freedom of religion or belief does not focus entirely on the plight of the Rohingya to the exclusion of the Kachin and Shan people, and Muslims, Christians and other minorities throughout the country; and that freedom of religion or belief is recognised as a priority for all the people of Myanmar.

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