**Anti-Muslim Hatred and Discrimination and the Right to Freedom of Thought, Conscience, Religion or Belief**

The Coalition for Genocide Response (CGR) is a human rights coalition-building organisation that works towards a comprehensive response to genocide and other international crimes, engaging the UK, regional and international actors.

Arise is an anti-slavery charity that focuses on building up frontline organisations and their networks to enable them to reach their full potential to sustainably end slavery in the worst affected communities.

The CGR and Arise welcomes this opportunity to contribute to the Special Rapporteur’s report on anti-Muslim hatred and discrimination.

The following submission focuses on the situation of Muslims in Myanmar and China.

**The Situation of Rohingya Muslims in Myanmar**

The recent atrocities perpetrated against Rohingya Muslims in Myanmar (and against other religious minorities in Myanmar) require investigation, as well as the prosecution of those responsible. The atrocities have included the forcible deportation of over 700,000 people from Myanmar to Bangladesh ‘through a range of coercive acts and that great suffering or serious injury has been inflicted on the Rohingya through violating their right of return to their state of origin.’

The International Criminal Court (ICC) is already looking into the atrocities after on November 14, 2019, Pre-Trial Chamber III authorised the Prosecutor to proceed with an investigation. The court has recognised its jurisdiction to consider the situation even though Myanmar is not a party to the Rome Statute. Similarly, the International Court of Justice (the ICJ) will be considering the atrocities perpetrated in Myanmar, after the Gambia initiated proceedings. Yet, it will take many years before any of those responsible for the atrocities face justice. The long pursuit of justice, however, should not distract us from advocating that other steps be taken to ensure that the minorities targeted by the recent atrocities are safe in Myanmar and can re-establish their lives.

One change which is urgently required in law and policy reform. To address the issue, the International Commission of Jurists, in cooperation with the International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB), produced a report identifying laws that may have contributed to the persecution of religious minorities in Myanmar.

The report identifies colonial-era blasphemy laws as a source of some of the recent challenges. It concludes that these laws have resulted in restrictions of the right to freedom of speech, particularly through the ‘Protection of Race and Religion Bills’ in 2015. The report emphasises how the blasphemy laws have been abused to convict individuals even where there is no evidence of intent to insult a religion or of incitement to violence, hostility or discrimination on religious grounds. Blasphemy laws are always a controversial subject as they are highly subjective. However, where the laws of procedure and due process are not followed, blasphemy laws are a significant threat to religious minorities.

The report further discusses the ‘Protection of Race and Religion Bills’, five laws adopted in 2015 that affect both religion and ethnicity in Myanmar, namely:

* Buddhist Women Special Marriage Law, regulating marriages between Buddhist women and non-Buddhist men, imposing an obligation to register such marriages and imposing obligations on non-Buddhist husbands (under the threat of sanctions);
* Religious Conversion Law, regulating conversion by imposing an extensive approval process;
* Population Control Law, legalising the introduction of special zones with population control measures;
* Population Control Law, including population control measure is a ‘three-year birth spacing’; and
* Monogamy Law, banning polygamy.

Among the laws, the Religious Conversion Bill is the most controversial piece of legislation as it significantly affects the right to freedom of religion or belief. According to the Religious Conversion Bill, under Section 5, individuals wishing to convert are subject to burdensome paperwork, providing personal information and reasons for converting to a new religion. Upon receipt of the application, the Registration Board will review it and arrange for an interview (if the application is complete). The approval can take up to 90 days (although that period may be extended by up to a maximum of 180 days, on request by the applicant). The Religious Conversion Bill further incorporates some vaguely worded prohibitions, including:

14. No one is allowed to apply for conversion to a new religion with the intent of insulting, degrading, destroying or misusing any religion.

15. No one shall compel a person to change his/her religion through bonded debt, inducement, intimidation, undue influence or pressure.

16. No one shall hinder, prevent or interfere with a person who wants to change his/her religion.

At the time the laws were considered by the legislature in Myanmar, the UN expressed several concerns regarding the laws, especially because they were discriminatory against religious minority groups. In 2014, the UN Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt, and the UN Special Rapporteur on Minority Issues, Rita Izsák, warned about the dangers of the then draft Religious Conversion Bill stating that it would impose a cumbersome application and approval process for conversion and disproportionate criminal sanctions for the offence. Nonetheless, the draft was subsequently adopted and continues to operate. As the new report suggests, these laws need to be repealed to provide a chance to religious minorities targeted for discrimination and persecution in Myanmar.

Lastly, the report identified other challenges, including ‘highly discriminatory legal arrangements for citizenship and the rights of residents in Myanmar’, ‘arbitrary restrictions on places of worship, mostly for Christians and Muslims’ and ‘preferential treatment of Buddhism, for example in the national school curriculum’ as yet extra challenges contributing to the dire situation of religious minorities in Myanmar.

***The aforementioned laws must be repealed and/or aligned with international standards to ensure that religious minorities stand a chance for a normal life, or life in the first place, in Myanmar. Without such changes, one cannot make any promises to the discriminated and persecuted religious minorities of a future in Myanmar.***

**The Situation of Uighur Muslims in China**

In October 2018, the Chinese government introduced a new law aimed at addressing extremism that may be seen as legalizing the reported re-education camps. The Xinjiang Uyghur Autonomous Region Deradicalization Regulations aims to contain and eliminate extremism. Article 3 defines extremism as the ‘expressions and behaviours that are influenced by extremism, rendering radical religious ideas, and rejecting and intervening in normal production and life.’ Furthermore, ‘extremism… refers to the propositions and actions of inciting hatred, inciting discrimination, and advocating violence by distorting religious teachings or other means.’ The definition contained in Article 3 is a very vague concept which may incorporate any activities that differ from the ‘normal production and life’ in China. Relying on the concept of extremism has always been challenging, even in countries with decent human rights records like the United Kingdom. Yet in a country, like China, with a poor human rights record, can only lead to an increase in human rights abuses.

The in Article 9 prohibited activities include activities to ‘promote and disseminate the idea of extremism’, ‘intervening in normal cultural and recreational activities, rejecting or rejecting public goods and services such as radio and television’, ‘Generalizing the concept of halal, expanding the concept of halal to other fields outside the field of halal food, and rejecting and interfering with the secular life of others by the name of the truth’, ‘Not allowing children to receive national education and hinder the implementation of the national education system’, ‘publishing, printing, distributing, selling, producing, downloading, storing, copying, consulting, exchanging, holding articles, publications, audio and video containing extreme content’, ‘Deliberately interfering with or undermining the implementation of the family planning policy’, and ‘Other extreme speeches and behaviours.’

With the vague definition of extremism, the list of prohibited activities in Article 9 sets an incredibly dangerous precedent. Indeed, these activities refer to practices that would otherwise be allowed in accordance with basic rights to freedom of expression, freedom of religion or belief (and especially religious manifestation or the parental right to educate their children in accordance with parent’s religious beliefs). All are protected under international standards. (Although, it is noteworthy that while China signed the International Covenant on Civil and Political Rights in 1998, it has never ratified it.)

The new law identifies what deradicalization may involve. Article 14 of the Xinjiang Uyghur Autonomous Region Deradicalization Regulations refers to the types of centres recently reported in the media and suggests that to combat extremism, it is crucial to

combine individual education with vocational skills education and training centre education, combine legal education with helping education activities, ideological education, psychological counselling, behaviour correction and learning of national language, the combination of learning law, learning skills, educational transformation and humanistic care will enhance the effectiveness of educational transformation.

Following Article 33 of the Xinjiang Uyghur Autonomous Region Deradicalization Regulations:

Educational performance training institutions such as vocational skill education and training centres shall carry out national common language writing, laws and regulations, and vocational skills education and training, organize and carry out extremist ideological education, psychological correction, behaviour correction, and promote the thinking of educated and trained personnel. Transform, return to society, return to the family.

It is clear that the new law dealing with the concept of extremism is excessive and so invites its abuse. Virtually any activity could fall within the scope of the provisions. The reported re-education centres, whether justified by the new law or not, constitute a gross violation of a litany of human rights and are specifically targeted at eradication of the religious minority group in China’s Xinjiang Uyghur Autonomous Region. This is a clear example of a counter-extremism narrative going too far and of its abuse to justify the forced conversion of Muslims minorities in China.

***The Xinjiang Uyghur Autonomous Region Deradicalization Regulations must be repealed and all detainees must be released.***