Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16)

**A submission by Christian Solidarity Worldwide (CSW) in response to the call for submissions from the United Nations Special Rapporteur on freedom of religion or belief ahead of his report to the 75th Session of the General Assembly.**

Introduction

1. CSW is a human rights organisation specialising in the right to freedom of religion or belief (FoRB) for all.
2. This submission raises concerns regarding intolerance and discrimination based on religion or belief and their effects on the attainment of Sustainable Development Goal 16 (SDG 16) in the People’s Republic of China and the Socialist Republic of Viet Nam.
3. In both countries legislation, policies, and practices single out specific religious and ethnic minorities for discrimination, and as such represent barriers to the realisation of a peaceful, just and inclusive society.

Intolerance and discrimination based on religion or belief in China

1. In China, so-called counter-extremism legislation has been used by the authorities to justify the mass arbitrary detention of between one and three million Uyghurs, Kazakhs and members of other predominantly Muslim ethnic groups in ‘political re-education camps’[[1]](#footnote-1) in the Xinjiang Uyghur Autonomous Region (XUAR; also referred to by many Uyghurs as East Turkestan).[[2]](#footnote-2)
2. In reality, the aim of these mass detentions is to bring the region, its resources and its people firmly under the control of the Chinese Communist Party (CCP). Reasons for detention in the camps include:
* Communal religious activities
* Having relatives living abroad
* Accessing religious materials online
* Having visited certain ‘sensitive’ countries
* Behaviour indicating ‘wrong thinking’ or ‘religious extremism’
* Sometimes no reason is given at all.
1. A large and growing body of evidence leaves no doubt that mass detentions are taking place in XUAR, in violation of domestic and international law and in contravention to SDG16, especially SDG 16.10 which focuses on the protection of fundamental freedoms, in accordance with national legislation and international agreements.
2. Information on the camps has been well-documented by human rights organisations,[[3]](#footnote-3) 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, academic research[[4]](#footnote-4), international media reports[[5]](#footnote-5) and Google Maps images.
3. In November 2019, the *New York Times* revealed that they had received over 400 pages of leaked internal Party documents which provided further evidence of a vast and brutal crackdown, carefully and deliberately planned at the highest levels of Party leadership.[[6]](#footnote-6) More leaked documents were revealed by the International Consortium of Investigative Journalists[[7]](#footnote-7) on 24 November 2019. The documents similarly detailed the mechanisms, guidelines and procedures behind the detentions in XUAR; they also shed light on the severity of conditions inside the camps.
4. The mass detentions represent a severe human rights crisis, and a significant challenge to target 16.3 of the SDGs, to “promote the rule of law at the national and international levels and ensure equal access to justice for all."[[8]](#footnote-8)
5. Individuals sent to the so-called re-education camps do not have access to legal counsel and there is no mechanism for appeal. Their families are typically not told where they are being held, or when they will be released. Inside the camps conditions are dangerously unsanitary and overcrowded; detainees are subject to beatings, sleep deprivation, forced medication and solitary confinement.
6. In addition, there are reports of sexual violence and forced sterilisation of women inside the camps. This is a barrier to the realization of target 16.1 of the SDGS, to “significantly reduce all forms of violence and related death rates everywhere”[[9]](#footnote-9) as well as a barrier to achieving gender equality and empower all women and girls (SGD 5).[[10]](#footnote-10)
7. Although not all detainees are Muslim, and ethnicity appears to be the greatest factor linking the detentions, nevertheless there is a significant religious element as well. Not only have some individuals been detained in connection with their peaceful religious activities but witnesses also report that inside the camps detainees are required to renounce Islam and promise not to follow religion. Detainees have been forced to eat pork or drink alcohol, against their religious beliefs.
8. Outside the camps, religious observance is severely restricted and communal religious practice is virtually impossible. Authorities have demolished thousands of mosques in XUAR, in what the Uyghur Human Rights Project’s Zubayra Shamseden describes as “a wholesale attack on Uyghur religion, culture and ethnic identity.”[[11]](#footnote-11)
9. Violations of the right to freedom of religion or belief also target other religion or belief communities across China including Tibetan Buddhists and Falun Gong practitioners, who have suffered decades of severe human rights violations including harassment, intrusive surveillance, arbitrary detention, torture and enforced disappearance. Catholics and Protestants are also facing alarming restrictions on their right to FoRB, particularly unregistered or independent groups.
10. CSW also notes with concern reports that authorities are putting pressure on schools to check up on the religious beliefs of their students and staff, and that some schools and other education centres reportedly discourage children from following Christianity. This raises concerns that children from families belonging to religion or belief communities may face discrimination in the education system, contrary to SDG 4, ‘Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all’.
11. Human rights defenders, including lawyers, who attempt to defend the right to freedom of religion or belief are routinely subject to harassment, intimidation, arrest, arbitrary detention and torture, in violation of SDG16, with particular reference to one of the indicators for SGD16.10 “number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.”[[12]](#footnote-12)

Discrimination faced by unregistered religion or belief communities in Viet Nam

1. In Viet Nam, the Law on Belief and Religion, which came into effect on 1 January 2018, requires religious groups to register for permission for a broad range of activities. The registration process is complex and open to abuse by officials prejudiced against a particular religion, belief, organisation or individual.
2. Religious groups which choose not to register with the authorities for reasons of conscience, or who have had their application for registration rejected or ignored, are vulnerable to harassment, intimidation and violence. Often attacks are carried out by ‘thugs’ believed to be hired by local authorities to pressure unregistered groups to stop their religious activities. As well as standing in contravention to the International Covenant on Civil and Political Rights (ICCPR) and Universal Declaration on Human Rights (UDHR), these policies and actions also stand as a barrier to SDG16, particularly SDG16.3 and B.
3. In its concluding observations following a review of Viet Nam’s implementation of the International Covenant on Civil and Political Rights (ICCPR) in March 2019, the UN Human Rights Committee expressed concern that: “Members of religious communities and their leaders, predominantly unregistered or unrecognized religious groups, ethnic minorities or indigenous peoples face various forms of surveillance, harassment, intimidation, property seizure or destruction, and forced to renounce their faith, pressure to join a competing sect, and physical assaults, which sometimes leads to death.”[[13]](#footnote-13)
4. Among these groups is the Unified Buddhist Church of Viet Nam, whose leader Thich Quang Do was deprived of liberty in various forms for decades before he passed away in February 2020. Members continue to face harassment by the authorities and restrictions on their freedom of movement.
5. Independent Cao Dai and Hoa Hao Buddhist groups are also targeted with a range of violations, including disruption of religious activities, arbitrary detention of religious leaders and adherents, and confiscation of property used for religious worship.
6. For example, according to a report by the Interfaith Council of Viet Nam, on 16 February 2019, 36 Cao Dai believers who came to pray for 96-year-old Cao Daist Pham Thi Gieng in Tay Ninh Province, were arrested and beaten by the authorities from noon until 5:00 am the next day. The bus driver who transported the believers was fined 8 million VND for “illegally carrying people to perform religious practice without permission.”[[14]](#footnote-14)
7. Another example is that of Pastor A Dao, a Ha Lang ethnic minority Protestant belonging to the Evangelical Church of Christ. This denomination was established in 2009 and has attempted to register with the government several times without success. The congregations in Kontum and Dak Lak have been subject to ongoing oppression by the local authorities. At around 7pm on 18 August 2016, public security officers arrested Pastor A Dao while he was on the way to visit church members in Gia Lai Province. They confiscated his mobile phone and checked the contents of the phone, accusing him of violating the government’s policy on ‘unifying all people’ and of acting against the government. Pastor A Dao’s family were not informed of his arrest and heard nothing from him for five days. In April 2017 he was sentenced to 5 years in prison under Art. 275 of the Penal Code ("organizing for individuals to flee abroad illegally.")
8. The authorities’ continued targeting of individuals and groups not registered under the Law on Belief and Religion is a significant challenge to SDG 16’s target of an inclusive society and particularly demonstrates a failure to achieve target 16.B to “promote and enforce non-discriminatory laws and policies for sustainable development.”[[15]](#footnote-15)
9. Barriers to the SDGs, including 10.2 and 10.3, exist for religious adherents who belong to indigenous peoples and minority ethnic groups. CSW has received reports that ethnic minority Christians who are eligible for government assistance and subsidies have been denied assistance on the basis of their religion.
10. Some religious or belief communities in the country are also at risk of statelessness. For decades, Hmong Christians from the northern provinces have been forced to flee south to escape violations of their right to FoRB. Many have attempted to settle in the Central Highlands. However, the Vietnamese government authorities routinely refuse to provide them with essential personal documentation, most significantly “household registration” documents which are necessary for employment, property ownership and accessing public services. Without the correct documentation, Hmong Christians are vulnerable to forced eviction and land confiscation.
11. In the report on his 2018 visit to Viet Nam, the Special Rapporteur on the right to food specifically recommended that the government:
	1. *“(e) Ensure the application of the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I), which constitute a practical tool to assist States and agencies in developing policies, legislation, procedures and preventive measures to ensure that forced evictions do not take place, that violence is prevented and that effective redress is provided for persons whose human rights have been violated.”[[16]](#footnote-16)*
12. In denying the Hmong Christian community the correct documentation, the Vietnamese government’s policies represent a potential barrier to SDG target 16.9, to provide legal identity for all by 2030.

Conclusion

1. Religious minorities in both China and Viet Nam are subjected to a range of discriminatory practices and policies which represent serious barriers to several targets laid out under SDG 16, as well as to several other SDGs.
2. CSW urges the UN Special Procedures and UN Member States to draw on the indicator laid out in SGD16.B.1 by making an assessment on reports where individuals and religion and belief communities have “personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.” and ensure perpetrators of such violations are held to account.[[17]](#footnote-17)
3. It is essential that UN Member States raise these discriminatory policies and practices with the State Parties concerned at every opportunity, both to ensure the full realisation of the SDGs by 2030, as well as to demonstrate a rigorous commitment to the promotion of FoRB and human rights.
1. Variously known as ‘counter-extremism training centres’, ‘education and transformation training centres’ etc. and described by witnesses and family members as ‘concentration camps’, ‘prison camps’ and so on. [↑](#footnote-ref-1)
2. Also referred to by many Uyghurs as East Turkestan. [↑](#footnote-ref-2)
3. Including: Human Rights Watch, ‘“Eradicating Ideological Viruses”: China’s Campaign of Repression Against Xinjiang’s Muslims’, 9 September 2018 [www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs](http://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs) [↑](#footnote-ref-3)
4. Including: Zenz, Adrian, ‘“Thoroughly Reforming them Toward a Healthy Heart Attitude” – China’s Political Re-Education Campaign in Xinjiang’, 15 May 2018 [www.academia.edu/36638456/\_Thoroughly\_Reforming\_them\_Toward\_a\_Healthy\_Heart\_Attitude\_-\_Chinas\_Political\_Re-Education\_Campaign\_in\_Xinjiang](http://www.academia.edu/36638456/_Thoroughly_Reforming_them_Toward_a_Healthy_Heart_Attitude_-_Chinas_Political_Re-Education_Campaign_in_Xinjiang) [↑](#footnote-ref-4)
5. Including: Radio Free Asia, Uyghur News [www.rfa.org/english/news/uyghur](http://www.rfa.org/english/news/uyghur) [↑](#footnote-ref-5)
6. New York Times, ‘‘Absolutely No Mercy’: Leaked Files Expose How China Organized Mass Detentions of Muslims’, 16 November 2019 [www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html](http://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html) [↑](#footnote-ref-6)
7. ICIJ, ‘Exposed: China’s Operating Manuals for Mass Internment and Arrest by Algorithm’ Nov 24 2019 <https://www.icij.org/investigations/china-cables/exposed-chinas-operating-manuals-for-mass-internment-and-arrest-by-algorithm/> [↑](#footnote-ref-7)
8. Sustainable Development Goal 16, United Nations Sustainable Development Goals Knowledge Platform, <https://sustainabledevelopment.un.org/sdg>16 [↑](#footnote-ref-8)
9. ibid [↑](#footnote-ref-9)
10. Sustainable Development Goal 5, United Nations Sustainable Development Goals Knowledge Platform, [https://sustainabledevelopment.un.org/sdg5](https://sustainabledevelopment.un.org/sdg) [↑](#footnote-ref-10)
11. Uyghur Human Rights Project Blog, ‘Zubayra Shamseden Speaks at the Second Annual China Human Rights Lawyers Day’, 11 July 2018 <https://weblog.uhrp.org/zubayra-shamseden-speaks-at-the-second-annual-chinese-human-rights-lawyers-day/> [↑](#footnote-ref-11)
12. Sustainable Development Goal 16, United Nations Sustainable Development Goals Knowledge Platform, <https://sustainabledevelopment.un.org/sdg16> [↑](#footnote-ref-12)
13. United Nations Human Rights Committee, Concluding observations on the third periodic report of Viet Nam, p. 9 paragraph 43 <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/VNM/CO/3&Lang=En> [↑](#footnote-ref-13)
14. Hội Đồng Liên Tôn Việt Nam, ‘Report and Recommendation to the international delegation at Giac Hoa Pagoda’, 28 January 2020 <https://hdltvn.org/report-and-recommendation-to-the-international-delegation-at-giac-hoa-pagoda/> [↑](#footnote-ref-14)
15. Sustainable Development Goal 16, United Nations Sustainable Development Goals Knowledge Platform, [https://sustainabledevelopment.un.org/sdg16](https://sustainabledevelopment.un.org/sdg) [↑](#footnote-ref-15)
16. United Nations General Assembly, ‘Visit to Viet Nam - Report of the Special Rapporteur on the right to food’ p. 20 paragraph 126 <https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/56/Add.1> [↑](#footnote-ref-16)
17. Sustainable Development Goal 16, United Nations Sustainable Development Goals Knowledge Platform, [https://sustainabledevelopment.un.org/sdg16](https://sustainabledevelopment.un.org/sdg) [↑](#footnote-ref-17)