

**Mandates of the Special Rapporteur on minority issues; the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the right to education**

Ref.: AL CHN 13/2023  
(Please use this reference in your reply)

20 September 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on minority issues; Special Rapporteur in the field of cultural rights and Special Rapporteur on the right to education, pursuant to Human Rights Council resolutions 52/5, 46/9 and 44/3.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding **the reported widespread separation of children from their parents affecting the Uyghur minority in the Xinjiang region of China.**

According to the information received:

In May 2014, during a speech, the President of the People's Republic of China called for a systematic expansion of Xinjiang's boarding school system and demanded that students should "learn in school, live in school, and grow up in school".

Reports suggest that Chinese authorities have in the recent years been implementing a systemic campaign, in which Uyghur children are placed in Mandarin Chinese language "boarding institutions for children", separating them from their parents and families. These "boarding institutions for children" can be orphanages, boarding preschools, boarding schools, regular public schools with boarding facilities, "children's shelter", "child welfare guidance centers", "protection centers" and others.

The placements in these boarding institutions mainly affect children belonging to the Uyghur minority, some of whom are of a very young age, whose both parents are either in exile or "interned". These "interned" parents are part of between 1 million and 1.5 million individuals of the Uyghur minority and other mainly Turkic or Muslim minorities in Xinjiang, who are interned into re-education facilities, sometimes termed vocational training centres, which amount to detention centres due to their coercive character<sup>1</sup>. Reportedly, the children of these detained/interned individuals of the Uyghur minority have been treated as "orphans" by local and regional authorities, and they are placed to live full-time in boarding schools, preschools or, in certain cases, in orphanages. When placed in such boarding schools and similar institutions, it is reported that Uyghur children have little or no contact with their parents, extended families or Uyghur religious, linguistic or cultural community.

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<sup>1</sup> See [OL CHN 21/2018](#) and [OL CHN 18/2019](#).

### *The growing number of boarding Institutions for children in Xinjiang*

In parallel with the growth of the interned adult population in Xinjiang region, information received suggest there has been a corresponding increase in children living full time in boarding institutions for children, from 500,000 children in 2017 to almost 900,000 children in 2019.

Between 2016 and 2017, the number of Xinjiang's preschools reportedly rose by 68 percent and enrollment increased by 57 percent. At the same time, between 2017 and 2022, there was a project of massive construction of boarding schools in the Xinjiang region. Data received indicate this project has resulted into larger, more centralized, and more securitized boarding institutions for children from preschool age and up. The percentage of Uyghur children in boarding institutions is significantly higher than that of other groups of the Xinjiang region, indicating that these boarding institutions would mainly be addressed to children belonging to the Uighur minority.

The construction of new boarding institutions for children goes hand in hand with a centralization of institutions for children in Xinjiang region. This means that local and rural institutions, which tends to help maintain the identity and traditions – including their language, religion and culture – of the Uyghur minority, have been shut down and replaced by larger institutions in the central urban areas.

### *Security system in the boarding institutions for children and separation of children from their parents*

It is alleged that the boarding schools are heavily securitized and children there are effectively separated from their families. The security measures have reportedly been mandated by a policy document of the regional Xinjiang government entitled “Special Work Plan for Protecting Schools and Securing Campuses”. These security measures include high surrounding walls with additional anti-climbing barriers and anti-collision barriers, as well as expansive video surveillance cover and proximity to security forces. For example, in Kashgar, the city in Southern Xinjiang, children of detained/interned parents are confined inside the securitized schools, which have the appearance of detention centers. These children live under severe school regime and have almost no holidays. It is further alleged that these school policies are part of a broader policy of the regional Xinjiang government to control and contain these “orphan” Uyghur children, who are perceived and considered as a “social threat”, as children of detained/interned individuals.

The security system of these boarding schools and the rare interaction with the parents have been leading to disruption of parent-child relations in Uyghur families. Many Uyghur children spend almost all of their time inside boarding institutions with highly regulated and securitized regime. The lack of interaction with their parents, extended family or their linguistic, religious and cultural community results in the loss of connection with them and the undermining of their identity.

*Assimilation policies in the boarding institutions for children and restrictions on the use of Uyghur language*

Uyghur children educated in the State's boarding institutions for children have no or limited access to bilingual Uyghur-Mandarin language education, and the children are under increasing pressure to exclusively speak and learn Mandarin Chinese. Moreover, elements of cultural and linguistic identity of the Uyghur Muslim minority are not included in the curriculum.

The Tuokezhake Township Central Primary School in Shufu County in Kashgar published a policy document entitled "Implementation Plan for a Completely Chinese-Speaking School Environment". The document severely curtails the use of Uyghur language both in the school environment and at home, and directs that all classes, except for Uyghur language classes, must be taught entirely in Mandarin Chinese. According to this document, teachers can speak only Mandarin Chinese during classes and in the school. Moreover, teachers can be penalized for using Uyghur language in disciplines that are not the Uyghur language classes, and in case they do, it is reportedly treated as a 'serious teaching incident' which can have consequences for the teacher's performance review and job benefits.

In October 2017, the Kashgar University stated that "whether in class or outside of class, or in society, in our daily lives, among teachers, between teachers and students, between students or between close friends, all should speak Mandarin."

Moreover, in June 2018 the Xinjiang Education Department released a note, which stated that by the end of the year, the region's 2.94 million students in mandatory education (grade 1-9) were expected to have a fully Mandarin Chinese medium of education.

Without prejudging the accuracy of these allegations, we wish to express deep concern about what is reported as a policy of forced assimilation of the Uyghur minority, through a high number of centralized boarding institutions particularly targeting the Uyghur minority children, which appears to be in breach of a number of international human rights standards. We are gravely concerned about the information received concerning the growing number of these boarding institutions for children, the forced separation of Uyghur children from their parents, the disruption of parent-child relationships causing irreparable harm to both children and their parents, as well as the de facto prohibition of teaching in the Uyghur language, and the severe barriers to the transmission of the Uyghur language and culture through these institutions.

The implementation of a policy and steps that weaken these children's exposure to and connections with their Uyghur traditions and identity and particularly in relation to the maintenance of their culture, language and religion appear to involve the deprivation of a range of basic human rights which disproportionately affect the Uyghur people. The allegations of large-scale use of boarding schools could be interpreted as attempts to forcefully assimilate Uyghur children by separating them from their families and communities, severely limiting all education in the Uyghur language, and imposing against their will the almost exclusive use of the majority Mandarin language and Han cultural practices. It also severely limits the right to family life of hundreds of thousands of individuals who mainly belong to minorities.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the UN Human Rights Council, to seek to clarify all cases and situations brought to our attention, we would be grateful for your comments on the following matters:

1. Please provide any additional information and/or comment(s) in relation to the above-mentioned allegations.
2. Please provide clarifications on how the alleged developments, if confirmed, are compatible with Your Excellency's Government's obligations under the provisions cited in the annex and how it plans to remediate eventual inconsistencies with the international human rights standards, particularly article 29.1(c) and article 30 of the Convention of the Rights of the Child.
3. Please provide clarifications on how the right to education without discrimination on the ground of language is complied with, in light of reports that Uyghur children receive only minimal if any education in their own mother tongue.
4. Please provide information on the number of Uyghur children who are in State care and/or live in boarding institutions for children of all types (including orphanages, preschools and schools), and the percentage of such Uyghur children in the total of the same age children and in the total of the same age Uyghur children.
5. Please provide the basis for the difference of treatment between Uyghur children in Xinjiang and Han children in other parts of the country in terms of proportions in boarding institutions (including orphanages, preschools and schools).
6. Please provide clarifications on the number of public and private schools in the Xinjiang region with instruction in Uyghur language as medium of instruction (including as part of bilingual education) and on the number of children attending them, as well as on the changes in these numbers over the past 10 years.
7. Please provide clarifications on how your Excellency's Government is ensuring the protection and promotion of the language and culture of the Uyghur minority in the Xinjiang region and in the country.
8. Please provide clarifications on what constitutional, legislative and policy safeguards have been put in place by your Excellency's Government to protect the Uyghur minority against ethnic, religious and cultural assimilation.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may also publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate action. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and, in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Fernand de Varennes  
Special Rapporteur on minority issues

Alexandra Xanthaki  
Special Rapporteur in the field of cultural rights

Farida Shaheed  
Special Rapporteur on the right to education

## Annex

### Reference to international human rights law

In connection with the alleged facts and concerns, we would like to remind your Excellency's Government of its legal obligations under international law applicable to the issues brought forth.

We firstly recall that the Universal Declaration of Human Rights (UDHR), adopted unanimously by the General Assembly on 10 December 1948, is a foundational standard-setting document of the United Nations system. Article 1 of the UDHR states that "all human beings are born free and equal in dignity and rights". Moreover, article 7 affirms that "[a]ll are equal before the law and are entitled without any discrimination to equal protection of the law". Understood within the context of minority rights, this means that States should refrain from practices which discriminate against minority groups on their territory".<sup>2</sup> We further draw your Excellency's Government attention to article 26 of the UDHR which states that "[e]ducation [...] shall promote understanding, tolerance and friendship among all nations, racial or religious groups" and that "[p]arents have a prior right to choose the kind of education that shall be given to their children".

Further, we would like to refer your Excellency's Government to its obligations under the Convention on the Rights of the Child, ratified by China on 2 March 1992. In particular, we call your Excellency's Government attention to its obligation under article 9(1) to "ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child". Moreover article 9(3) requires States to "respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests." In addition, we recall article 30 which affirms that "[i]n those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language." We further recall that article 29 calls on States to ensure, among other goals, that children's education encourages the development of their own cultural identity, language and values.

In relation to your Excellency's Government's obligations under article 29 of the Convention on the Rights of the Child, we recall general comment no. 1 (The Aims of Education) released by the Committee on the Rights of the Child on 17 April 2001. In particular, we recall the conclusion that, as it pertains to using education to build tolerance and acceptance for cultural diversity, "the importance of this provision lies precisely in its recognition of the need for a balanced approach to education and one which succeeds in reconciling diverse values through dialogue and respect for difference" (CRC/GC/2001/1, para 4). We further highlight the conclusion that "[e]ducation should thus be accorded one of the highest priorities in all campaigns against the evils of racism and related phenomena" and thus "to focus on the child's

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<sup>2</sup> E/CN.4/Sub.2/AC.5/2005/2, para 4

own community when teaching human and children's rights and the principle of non-discrimination" (CRC/GC/2001/1, para. 11).

We would like further to refer your Excellency's Government to its obligations under the International Covenant on Economic, Social and Cultural Rights, ratified by China on 27 March 2001. We recall article 10(1) of this Covenant which affirms that the "widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children".

Article 13 of the Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to education. As specified by the Committee on Economic, Social and Cultural Rights, the form and substance of education, including curricula and teaching methods, have to be acceptable (for example, relevant, culturally appropriate and of good quality) to students and parents. In addition, education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings (general comment no. 13 (1999), para. 6(c)–(d).) The right of everyone to take part in cultural life is intrinsically linked to the right to education, through which individuals and communities pass on their values, religion, customs, language and other cultural references, and which helps to foster an atmosphere of mutual understanding and respect for cultural values (general comment no. 21 (2009), para. 2.) Education must be culturally appropriate and enable children to develop their personality and cultural identity and to learn and understand the cultural values and practices of the communities to which they belong, as well as those of other communities and societies (Ibid., para. 26). Lastly, the Special Rapporteur on the right to education has stressed that the exercise of the right to take part in cultural life individually, or in association with others, is a cultural choice and, as such, should be recognized, respected and protected on the basis of equality, including in the field of education (A/HRC/47/32, para. 21).

Moreover, we draw attention to article 13(3) of the Covenant on Economic, Social and Cultural Rights, which states that State parties must "undertake to have respect for the liberty of parents [...] to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions".

In relation to State obligations pursuant to article 15.1(a) of the ICESCR, we direct your Excellency's Government's attention to general comment no. 21 (article. 15(1.a) of the Covenant on Economic, Social and Cultural Rights: Right of everyone to take part in cultural life), released by the UN Committee on Economic, Social and Cultural Rights on 21 December 2009. In particular, we recall the conclusion that, as it pertains to minority rights, the right to cultural life includes the duty of States "to recognize, respect and protect minority cultures as an essential component of the identity of the States themselves" (E/C.12/GC/21, para. 32). Moreover, general comment no. 21 concludes that minorities have "the right to their [...] forms of education [...] and other manifestations of their cultural identity and membership" (E/C.12/GC/21, para. 32).

In addition, we would like to refer your Excellency's Government to the International Convention on the Elimination of all forms of Racial Discrimination, acceded to by China on 29 December 1981. Racial discrimination is defined in article 1 as "any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social or cultural or any other field of public life". We recall that article 5 obligates States Parties to "undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law" in the enjoyment of civil, political, and economic, social, and cultural rights. Notably, State parties must ensure the respect of the right to freedom of thought, conscience, and religion, the right to freedom of opinion and expression, the right to education, and the right to equal participation in cultural activities.

We also would like to bring to your Excellency's Government's attention its obligations under the UNESCO Convention against Discrimination in Education, acceded to by China on 12 February 1965. In particular, article 5(1)(c) establishes State's obligation "to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and [...] the use of teaching of their own language", as long as these schools maintain an adequate pedagogical standard, are voluntary for members of the minority group and allow for engagement with the majority culture. Article 5(2) provides that States Parties to the Convention are to "take all necessary measures to ensure the application of the principles enunciated in paragraph 1 of the article".

In addition to the above cited international law, we would like to bring your Excellency's Government's attention to the international standards, best practices, and recommendations which are equally relevant to the issues raised.

We would like to remind your Excellency's Government of the international standards stemming from the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereinafter, "the Declaration"), adopted by consensus by the UN General Assembly on 18 December 1992 (A/RES/47/135). Article 2.1 of the Declaration recognizes the right of persons belonging to a minority to "to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination". Article 2.2 recognizes "the right to participate effectively in cultural, religious, social, economic and public life". Article 3.1 recognizes that persons belonging to minorities can exercise their rights "individually as well as in community with other members of their group, without any discrimination". Moreover, we call your Excellency's government attention to specific State duties with regards to minorities, as set out in Articles 1 and 4 of the Declaration. Article 1 calls on States to adopt measures, both legislative and otherwise, to protect the existence and to promote the identity of persons belonging to minorities. Article 4.2 of the Declaration calls on States to "create favorable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards". Article 4.3 calls on States to "take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue."

We would like further to call your Excellency's Government's attention to the 2005 Commentary of the Working Group on Minorities to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which provides an authoritative interpretation of the protected rights and duties of States as it pertains to the protection and promotion of minorities. In particular, we recall that according to this document "[d]enying minorities the possibility of learning their own language and of receiving instruction in their own language, or excluding from their education the transmission of knowledge about their own culture, history, tradition and language, would be a violation of the obligation to protect their identity" (E/CN.4/Sub.2/AC.5/2005/2, para. 28). We further recall the provision that "[p]romotion of the identity of minorities requires special measures to facilitate the maintenance, reproduction and further development of their culture" (E/CN.4/Sub.2/AC.5/2005/2, para. 29).

We would like to particularly note that the 2005 Commentary emphasizes that in some cases, positive measures of integration of minorities can facilitate the protection of minorities, but those measures cannot amount to assimilation (E/CN.4/Sub.2/AC.5/2005/2, para. 20). The document further stipulates that "The Declaration is based on the consideration that forced assimilation is unacceptable. While a degree of integration is required in every national society in order to make it possible for the State to respect and ensure human rights to every person within its territory without discrimination, the protection of minorities is intended to ensure that integration does not become unwanted assimilation or undermine the group identity of persons living on the territory of the State" (E/CN.4/Sub.2/AC.5/2005/2, para. 21), and that "Minority protection is based on four requirements: protection of the existence, non-exclusion, non-discrimination and non-assimilation of the groups concerned" (E/CN.4/Sub.2/AC.5/2005/2, para. 23).

We further recall the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by the UNGA on 25 November 1981 (A/RES/36/55). In particular, we highlight the article 5(1), which recognizes the rights of parents "to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up". We further recall the right of children, pursuant to article 5(2), "to have access to education in the matter of religion or belief in accordance with the wishes of his parents" and not to be "compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians", for which the guiding principle to be applied is "the best interests of the child".

We also draw attention to the 2020 thematic report to the UN Human Rights Council on "Education, language and human rights of minorities" by the UN Special Rapporteur on minority issues, Mr. Fernand de Varennes, who concluded that inclusive and quality education for members of linguistic minorities means, as far as possible, education in their own language" and that it may be discriminatory to reduce or prohibit education in a minority language where this may be considered unreasonable or unjustified and therefore a violation of international human rights obligations.

In addition, we direct your Excellency's Government to the recommendations found in the Secretary-General's 2013 Guidance Note on Racial Discrimination and

Protection of Minorities. In particular, we draw attention to recommendation 13, which calls on States to support the protection of minority languages and identities, as well as recommendation 18, which encourages pluralism and diversity in education, as well as mother tongue and/or bilingual education for minorities.

We also bring your Excellency's Government's attention to the handbook *Language Rights of Linguistic Minorities: A Practical Guide for Implementation*, developed by the UN Special Rapporteur on Minority Issues, which outlines best practices, grounded in international human rights law, for States to address the situation of linguistic minorities. In particular, we recall section 4.1 of the Guide on the public education in minority languages, which states that "[w]here there is a sufficiently high numerical demand, public education services must be provided in a minority language to the appropriate degree, broadly following a proportional approach" (p. 16). Moreover, we highlight section 4.7 on the linguistic rights in private activities, which states that "[t]he use of any minority language in all private activities must be guaranteed" and that "[t]he use of a minority language by one parent cannot be used as a legitimate ground for the denial of custody of a child". Moreover, we recall the provision that the "promotion or protection of official languages is a legitimate objective, but [which] must not be interpreted in such a way as to prevent the use of minority languages in private matters" (p. 34-35).

We also highlight the Recommendations of the Forum on Minority Issues at its twelfth session on the theme "Education, language and the human rights of minorities" (28-29 November 2019), released on 22 January 2020. We bring your Excellency's Government's attention to the recommendations to "take the measures necessary to combat discrimination against minorities and ensure equal access to human rights and fundamental freedoms, including through the respect and recognition of the integral place of language rights as human rights" and to "allocate the resources necessary to promote and ensure access to education in, and the teaching of, minority languages" (A/HRC/43/62, paras. 18 and 35). We also highlight the recommendation on the importance of ensuring "that linguistic minorities are free from discrimination, oppression or intimidation for the teaching and use of their mother tongue" (A/HRC/43/62, para. 26).

We would also like to recall that, in accordance with article 5 of the Universal Declaration on Cultural Diversity of 2001 "all persons are entitled to quality education and training that fully respect their cultural identity".

Moreover, we would like to call attention to the outcome of China's participation in the third cycle of the UN Human Rights Council's Universal Periodic Review (UPR) process in 2018. In particular we recall the recommendations, which your Excellency's Government accepted and stated was already implemented<sup>3</sup>, to "[r]espect the rights to freedom of religion or belief, opinion and expression, peaceful assembly and culture, including for Tibetans, Uighurs and other minorities" and to "[t]ake the necessary measures to allow all citizens to enjoy the free exercise of religion or belief and to ensure that ethnic minorities can freely practise their religion and exercise their culture" (A/HRC/40/6, paras. 28.195, 28.186, 28.322).

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<sup>3</sup> A/HRC/40/6/Add.1, p. 7.