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Submission by Human Rights Watch to the Committee on Economic, Social and Cultural Rights
In advance of its Adoption of the List of Issues for China
68th pre-session, January 2021

This submission relates to the review of China under the International Covenant on Economic, Social and Cultural Rights. It focuses on education policy in Tibet, barriers to education for children with disabilities, family separation in Xinjiang, conversion therapy against LGBT people, protection of education from attack, and shackling of people with psychosocial disabilities.

Education Policy in Tibet (article 13 and 15)

China's education policy in the Tibet Autonomous Region (TAR) is significantly reducing the access of ethnic Tibetans to education in their mother tongue. The government policy, though called "bilingual education," is in practice leading to the gradual replacement of Tibetan by Chinese as the medium of instruction in primary schools throughout the region, except for classes studying Tibetan as a language.

In interviews that Human Rights Watch conducted in September 2019, parents with children at rural primary schools in six different townships in northern TAR said that a Chinese-medium teaching system had been introduced in their local primary schools the previous March. There have been no public announcements of a government policy in the TAR requiring rural primary schools to teach their classes in Chinese, but an official working on educational issues in the TAR told Human Rights Watch that he expects the government to introduce a policy requiring all primary schools in the TAR to shift to Chinese-medium education.

The official position of the TAR authorities is that both Tibetan and Chinese languages should be "promoted," leaving individual schools to decide which language to prioritize as the teaching medium. However, Human Rights Watch's research suggests that TAR authorities are using a strategy of cultivated ambiguity in their public statements while using indirect pressure to push primary schools, where an increasing number of ethnic Chinese teachers are teaching, to adopt Chinese-medium instruction at the expense of Tibetan, such as allocating increasing numbers of ethnic Chinese teachers who do not speak Tibetan to positions in Tibetan schools.[1]

Suggested Recommendations

- Reaffirm the established rights of minorities to mother-tongue instruction in schools.
- Revise the bilingual education policy to ensure the use and promotion of ethnic minority languages in schools, allow mother-tongue instruction in pre-school and primary school, and ensure voluntary and consensual implementation of language policy in schools,

[1] Human Rights Watch, China's "Bilingual Education" Policy in Tibet: Tibetan-Medium Schooling Under Threat, March 2020, https://www.hrw.org/report/2020/03/04/chinas-bilingual-education-policy-tibet/tibetan-medium-schooling-under-threat .

including by consulting with and ensuring participation of ethnic minorities during the revision process.

Barriers to Education for Children with Disabilities (article 13)

In February 2017, the Chinese government released new Regulations of Education of Persons with Disabilities. Although the new regulations affirm that mainstream education is the preferred method for students with disabilities, they also require that children with disabilities be evaluated by a quasi-governmental Expert Committee on the Education of Persons with Disabilities, which places children in schools according to their "physical conditions and ability to be educated and adapt to [mainstream] schools."

China's Ministry of Education has long operated parallel systems of education for persons with disabilities: mainstream schools in which students with disabilities "study along with the class," and special education schools in which students with disabilities are segregated according to types of disabilities.[2]

Suggested Question:

What plans does the government have to move away from the parallel system of special education and guarantee quality, inclusive education for children with disabilities?

How will the government reform the Expert Committee on the Education of Persons with Disabilities so that it does not discriminate against children with disabilities by directing them away from mainstream schools on the basis of their disabilities?

Suggested Recommendations

- Revise the Regulations on the Education of People with Disabilities to bring them in line with the Convention on the Rights of Persons with Disabilities. Specifically, the new regulations should state clearly that the Chinese government's overarching goal in the education of people with disabilities is full inclusion on an equal basis with others at all levels of education. They should also establish a guarantee for provision of reasonable accommodations for students with disabilities in mainstream schools.
- Reform the Expert Committee on the Education of Persons with Disabilities to ensure that it does not discriminate against children with disabilities by directing them away from mainstream education but instead identifies the reasonable accommodations and supports that a child with a disability requires to receive a quality, inclusive education on an equal basis with others in mainstream schools,
- Develop a time-bound, strategic plan to establish an inclusive education system that delivers quality education, with specific indicators to measure access to education for children with disabilities.

Family Separation in Xinjiang (article 10)

Under China's "Strike Hard Campaign against Violent Terrorism," an estimated 1 million Turkic Muslims have been arbitrarily detained in unlawful political education camps in Xinjiang since

[2] "China: New Rules for Students with Disabilities Inadequate: Modest Reforms Undercut by Provisions Allowing Discrimination," Human Rights Watch news release, March 6, 2017, https://www.hrw.org/news/2017/03/06/china-new-rules-students-disabilities-inadequate.

2017. An unknown number are being held in detention centers and prisons. Chinese authorities have housed countless children whose parents are detained or in exile in state-run child welfare institutions and boarding schools without parental consent or access.

The number of children in Xinjiang placed in state-run child welfare institutions and boarding schools without consent is not known. Government control and surveillance in the region, including severe punishments for those who speak out or have contacts abroad, prevent comprehensive reporting. Many Turkic Muslims living outside of China have completely lost contact with their families in Xinjiang.[3]

Suggested Questions

- How many children in Xinjiang are placed in state-run child welfare institutions and boarding schools without consent?

Suggested Recommendations

- Chinese authorities should immediately release to their families children held in "child welfare" institutions and boarding schools in Xinjiang.

Conversion therapy against LGBT people (article 10 and 12)

Public hospitals and private clinics in China continue to offer so-called "conversion therapy," which aims to change an individual's sexual orientation from homosexual or bisexual to heterosexual, based on the false assumption that homosexuality is a disorder that needs to be remedied. Despite a legal framework that requires that the diagnosis and treatment of mental disorders comply with diagnostic standards and standards on the categorizations of mental disorders, Chinese authorities have not taken the necessary steps to stop public hospitals or private clinics from offering conversion therapy.

Human Rights Watch interviewed 17 people who had undergone conversion therapy between 2009 and 2017 and documented multiple abusive aspects of conversion therapy, including coercion and threats, physical abduction, arbitrary confinement, forced medication and injection, and use of electroshocks, which can constitute a form of torture.[4]

Suggested Recommendations

- Issue regulations or guidelines that clearly prohibit public hospitals and private clinics from conducting conversion therapy.
- Hold accountable facilities that continue to conduct conversion therapy, including by issuing warnings and ultimately revoking licenses of repeat offenders.
- Update textbooks and ensure that the professional literature taught in universities conforms to the declassification of homosexuality as a mental disorder.

Protection of Education from Attack (article 13)

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[3] China: Xinjiang Children Separated from Families: Return Minors Housed in State-Run Institutions to Relatives," Human Rights Watch news release, September 15, 2019, https://www.hrw.org/news/2019/09/15/china-xinjiang-children-separated-families.
[4] China: End Conversion Therapy in Medical Settings: Beijing Should Enact, Enforce Protection Against Abuses of LGBT People, Human Rights Watch news release, November 14, 2017, https://www.hrw.org/news/2017/11/14/china-end-conversion-therapy-medical-settings .

As of January 2021, China has 2541 troops deployed in UN peacekeeping missions in South Sudan, the Democratic Republic of the Congo, and Mali. These are all countries where attacks on students and schools, and the military use of schools have been documented.[5]

Peacekeeping troops are required to comply with the UN Department of Peace Operations' "UN Infantry Battalion Manual" (2012), which includes the provision that "schools shall not be used by the military in their operations."[6] Moreover, the 2017 Child Protection Policy of the UN Department of Peace Operations, Department of Field Support, and Department of Political Affairs notes:

> United Nations peace operations should refrain from all actions that impede children's access to education, including the use of school premises. This applies particularly to uniformed personnel. Furthermore … United Nations peace operations personnel shall at no time and for no amount of time use schools for military purposes.[7]

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict[8]; the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.*[9] As of January 2021, 106 countries have endorsed the Safe Schools Declaration, including 9 of China's fellow UN Security Council members. China has yet to endorse this important declaration.[10]

Suggested Questions

- Are protections for schools from military use included in the pre-deployment training provided to Chinese troops participating in peacekeeping missions?
- Do any Chinese laws, policies, or trainings provide explicit protection for schools and universities from military use during armed conflict?

Suggested Recommendations

- Endorse and implement the Safe Schools Declaration.

Shackling of People with Psychosocial Disabilities (articles 11 and 12)

People with real or perceived psychosocial disabilities, or mental health conditions, are sometimes shackled—chained or locked in confined spaces—due to lack of adequate and

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[5] Education Under Attack: 2020, The Global Coalition to Protect Education from Attack, 2020, https://eua2020.protectingeducation.org/.
[6] United Nations Infantry Battalion Manual, 2012, section 2.13, "Schools shall not be used by the military in their operations."
[7] UN Department of Peacekeeping Operations, Department of Field Support and Department of Political Affairs, "Child Protection in UN Peace Operations (Policy)," June 2017.
[8] Safe Schools Declaration, May 28, 2015, https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed November 6, 2018).
[9] Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed November 6, 2018).

[10] "Safe School Declaration Endorsements," Global Coalition to Protect Education from Attack, accessed June 29, 2019, http://www.protectingeducation.org/guidelines/support .

accessible community-based services, as well as stigma and discrimination.[11] Shackling often occurs in homes because there are no services available in the community and families who struggle to cope with the demands of caring for a relative with a psychosocial disability may feel they have no choice but to shackle them.[12]

Media in China reported between 2013 and 2017 that people with mental health conditions were shackled or locked in cages across the country, with approximately 100,000 "cage people" in the northern Hebei province, near Beijing, alone.[13] In one case, an 8-year-old girl was tied to a tree by her grandparents for nearly six years in Henan province, in central China.[14]

Ying, a young woman from Goungdong province, in southern China, told Human Rights Watch in 2019: "All through my childhood, my aunt was locked in a wooden shed and I was forbidden to have contact with her. My family believed her mental health condition would stigmatize the whole family. I really wanted to help my aunty but couldn't. It was heart-breaking."[15]

Between 2005 and 2015, China implemented the "686" pilot program to provide basic mental health services on a large scale, which included an initiative to "unlock" people with psychosocial disabilities shackled in homes.[16] By 2012, the program had "unlocked" 271 people who had been shackled for periods ranging from two weeks to 28 years across 26 provinces.[17] The program demonstrated that accessible community-based mental health services were key to ensuring people remained free from chains and proved to be an example of how non-healthcare workers could be mobilized to deliver services in rural and low-resource settings. However, one of the main concerns about the 686 program was that it predominantly took a medical approach to mental health that focused on freeing people from chains and then admitting them to a psychiatric hospital for treatment or putting them on a regimen of mental health medication.

Under the 686 "unlocking" initiative, 266 people were given mental health medication and 88 percent of all those who were unlocked were admitted to a psychiatric hospital. As of 2012, 92 percent of the people who had been "unlocked" in China remained free from chains.[18] There is

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[11] Human Rights Watch, Living in Chains: Shackling of People with Psychosocial Disabilities Worldwide, October 2020, https://www.hrw.org/report/2020/10/06/living-chains/shackling-people-psychosocial-disabilities-worldwide.
[12] Ibid.
[13] "Mentally Ill Confined at Home Due to Lack of Resources and Public Education," *Global Times*, June 25, 2015, https://www.globaltimes.cn/content/928917.shtml (accessed July 28, 2020); "Caged People," *The Beijing News*, July 11, 2013, http://www.bjnews.com.cn/feature/2013/07/11/272800.html (accessed July 28, 2020); "26-year-old 'Mentally Disturbed' Man in China Locked in Cage by His Parents," *Hong Kong Free Press*, January 15, 2016, https://www.hongkongfp.com/2016/01/15/26-year-old-mentally-disturbed-man-in-china-locked-in-cage-by-his-parents/ (accessed May 2020); "A Mentally Ill Chinese Man Has Been Locked In A Cage By His Family For 11 Years," *Business Insider*, May 28, 2013, https://www.businessinsider.com/chinese-man-kept-in-cage-for-11-years-2013-5 (accessed July 28, 2020); "Chinese Mentally Ill Woman, Chained in Room for Decades by Family, to Get Medical Treatment," *South China Morning Post*, undated, https://www.scmp.com/news/china/society/article/1815641/chinese-mentally-ill-woman-chained-room-decades-family-get (accessed July 28, 2020); Mimi Lau, "Caged in the woods: Chinese mentally ill woman locked up as family can't afford treatment," *South China Morning Post*, January 24, 2017, https://www.scmp.com/news/china/article/2064898/chinese-mentally-ill-woman-forced-live-cage-woods (accessed January 7, 2021).
[14] Viola Zhou, "'Mentally ill' Chinese Girl, 8, Roped to Tree Outside by Grandparents for Nearly Six Years," *South China Morning Post*, September 21, 2016, https://www.scmp.com/news/china/society/article/2021288/mentally-ill-chinese-girl-8-roped-tree-outside-grandparents (accessed July 28, 2020).
[15] Human Rights Watch interview with Ying (not her real name), November 2019 (location and details withheld).
[16] The Chinese government program to scale-up basic mental health services became known as "686" after initial funding of CNY 6.86 million. L Guan et al., "Unlocking Patients with Mental Disorders Who Were in Restraints at Home: A National Follow-Up Study of China's New Public Mental Health Initiatives," *PLOS ONE* 10(4) (2015), https://doi.org/10.1371/journal.pone.0121425 (accessed September 22, 2020).
[17] Ibid.
[18] Ibid.

no publicly available current data on whether the people released by the 686 initiative remain free or whether they have access to ongoing support in the community.

Suggested Questions

- What steps has the government taken to eliminate the practice of shackling of people with psychosocial disabilities?
- What steps has the government taken to develop adequate, quality, and voluntary community-based support mental health services?
- Is there official data on the number of people who are or have been subjected to shackling in China?
- What have been the results of the 686 program since 2012? How many people have been freed from shackles and what has happened to them?

Suggested Recommendations

- Ban shackling in law and in practice.
- Develop a time-bound plan to shift progressively to voluntary community-based mental health, support, and independent living services.
- Comprehensively investigate state and private institutions in which people with mental health conditions live, with the goal of stopping chaining and ending other abuses.
- Conduct public information campaigns to raise awareness about mental health conditions and the rights of people with disabilities, especially among alternative mental health service providers and the broader community, in partnership with people with lived experiences of mental health conditions, faith leaders, and media.