

**China Xinjiang Risk: Very High/Ongoing**

Under policies purported to combat terrorism and ‘extremism’, the Chinese government has subjected Uighurs and other Turkic Muslims in the Xinjiang Uighur Autonomous Region (‘XUAR’ or ‘Xinjiang’) to serious human rights violations consistent with crimes against humanity and acts of genocide.<sup>1</sup> Violations include large-scale arbitrary detention, a pervasive system of mass surveillance, discrimination and persecution on the basis of religious expression and identity, enforced disappearances and family separations, forced labour, torture, forced abortion and sterilization, and sexual and gender-based violence.

In 2018 it was estimated that upwards of one million Uighurs and other Turkic Muslims were remanded in state custody for ‘re-education’ or ‘de-extremification’ in what Chinese authorities refer to as “Vocational Education and Training Centres” (VETC). Former detainees report that they were subjected to torture and ill-treatment as well as sweeping cultural and political indoctrination.<sup>2</sup> On 24 May 2022 a group of 14 news organisations published thousands of leaked documents known as the Xinjiang Police Files that affirmed the militarized nature of the camps and refuted the Chinese government’s claims that they were benign education facilities.<sup>3</sup>

In its August 2022 report on the human rights situation in Xinjiang, the Office of the UN High Commissioner for Human Rights (OHCHR) concluded that extensive and discriminatory detention in Xinjiang in the period of 2017-2019 and potentially thereafter may constitute crimes against humanity. It likewise noted that even though China has claimed to have reduced the scope of its VETC program “the laws and policies that underpin it remain in place”, and a parallel uptick in imprisonment rates suggests that China has simply shifted towards arbitrary detention through criminal justice processes.<sup>4</sup> The OHCHR called for urgent action as “the conditions remain in place for serious violations to continue or recur”.<sup>5</sup> This concern over ongoing abuses was echoed in the March 2023 report of the UN Economic and Social Council (ECOSOC) Committee on Economic, Social and Cultural Rights, which noted “severe, systematic, vast and undue restrictions” of human rights in Xinjiang, particularly in relation to large-scale arbitrary detention, forced labour and enforced family planning.<sup>6</sup>

There is credible evidence that Uighur, Kazakh and other ethnic minorities in Xinjiang have been subjected to forced labour on a widespread basis. Xinjiang’s current Five-Year Plan (2021-2025) set in place unemployment and poverty alleviation targets and a system of surveillance that has formally consolidated forced labour practices, such that “individuals who were coercively mobilized into work placements are now effectively prevented from leaving them”.<sup>7</sup> Allegations of state-sponsored forced labour have tended to focus on Xinjiang’s outsized cotton, tomato paste, and solar-grade polysilicon industries, but recent evidence suggests Uighur forced labour is present in a much broader array of agricultural, raw materials, and manufacturing industries.<sup>8</sup> In July 2022, the UN Special Rapporteur on contemporary forms of slavery concluded that some instances of forced labour of Turkic Muslims in China may amount to “enslavement as a crime against humanity” due to “the nature and extent of powers exercised over affected workers during forced labour, including excessive surveillance, abusive living and working conditions, restriction of movement through internment, threats, physical and/or sexual violence and other inhuman or degrading treatment”.<sup>9</sup>

There have been numerous and credible reports of the destruction of Uighur cultural heritage in Xinjiang that could constitute atrocity crimes. Using satellite imagery, the Australian Strategic Policy Institute found that of a sample of 533 mosques across Xinjiang, 31.9% had been destroyed, 32.8% were damaged, and 35.3% were undamaged.<sup>10</sup> Extrapolating this data to mosques across Xinjiang, approximately 16,000 mosques may have been damaged or destroyed and 8,450 completely demolished since 2017.<sup>11</sup> Besides mosques, ASPI’s data and analysis suggested that 30% of other

sacred sites (including shrines (*mazar*), cemeteries, and pilgrimage sites) have been demolished, mostly since 2017, and an additional 27.8% have been damaged in some way.<sup>12</sup> Additionally, the government has allegedly separated Uighur children from their parents and enrolled them in state boarding schools, which resembles a government-led “parallel campaign to systematically remove children from their roots” alongside the broader effort to “transform the identity of Xinjiang’s adults” through repressing Uighur religious and cultural expression.<sup>13</sup> In February 2023 the Uyghur Human Rights Project issued a report that argued that China’s attacks against Turkic Muslim culture constituted what UNESCO labels a strategy of “cultural cleansing”-“the intentional and systematic destruction of cultural heritage, the denial of cultural identity, including books and manuscripts, traditional practices, as well as places of worship, of memory and learning”.<sup>14</sup> The International Criminal Court’s Policy on Cultural Heritage, issued in June 2021, affirms that attacks against cultural heritage may provide evidence of specific genocidal intent to destroy a group, and may constitute crimes against humanity.<sup>15</sup>

In relation to the question of genocide, there is significant evidence available to establish forced sterilisation as having occurred in Xinjiang. With the intent to destroy a group, forced sterilisation and other forms of SGBV fall within the definition of genocide under the Genocide Convention by causing serious bodily or mental harm, inflicting conditions to bring about the group’s destruction, and imposing measures to prevent births within the group. As a matter of law, the crime of “forced sterilisation” occurs when: (1) the perpetrator deprives one or more persons of biological reproductive capacity; and (2) the conduct was neither justified by the medical treatment of the person nor carried out with their genuine consent. Individual reports by NGOs and news agencies documenting interviews with Uighur women, as well as doctors that have treated Uighur women both in Xinjiang and abroad,<sup>16</sup> are evidence that numerous women have been sterilised by Chinese authorities and without their genuine consent. The occurrence of these sterilisations is consistent with official government statistics, which document a significant decline in birth rates in Xinjiang and a disproportionate rise in sterilisations in Xinjiang as compared to the rest of mainland China.<sup>17</sup> This evidence points to a deliberate government strategy to change the demographic balance in Xinjiang in favour of Han Chinese by depressing the Muslim population and increasing the Han.<sup>18</sup>

The international response to atrocity crimes in China has been uneven and inadequate, and mostly led by Western states. The US government and parliaments of Canada, the UK, the Netherlands, Lithuania and France have publicly identified China’s human rights violations as genocide, and the parliaments of Belgium and the Czech Republic have condemned China’s treatment of Uighurs as crimes against humanity.<sup>19</sup> The European Union, the UK, US and Canada have imposed sanctions on Chinese officials,<sup>20</sup> as well as passed legislation to prevent the import of goods associated with state-sponsored forced labour in Xinjiang.<sup>21</sup> In early August 2023, the US issued new sanctions on two Chinese firms, bringing the total number of sanctioned entities under its Uyghur Forced Labor Prevention Act to 24 companies.<sup>22</sup> The Canadian Ombudsperson for Responsible Enterprise launched investigations in July 2023 into Canadian companies allegedly using Uighur forced labour in their supply chains.<sup>23</sup> Several major brands identified as having links with forced labour in Xinjiang have likewise ceased their presence in the region.<sup>24</sup> Countries, mostly from the West, have also sought to discuss the situation in the UN Human Rights Council and issued statements of concern at the UN General Assembly, such as the October 2022 joint statement in the UN General Assembly Third Committee that was supported by a record 50 countries.<sup>25</sup> China responded with a counter-statement read by Cuba, which was supported by 66 signatories.

The UN system has also mobilised to address international crimes against Turkic Muslims in China. In addition to the findings of the OHCHR and the UN Special Rapporteur on slavery that the Chinese government’s abuses in Xinjiang may constitute crimes against humanity, concerns over grave

violations against Uighurs have been raised in reports of the International Labour Organisation and by UN human rights treaty bodies and special procedures.<sup>26</sup> Due to the lack of improvement in human rights in Xinjiang, on 24 November 2022 the UN Committee on the Elimination of Racial Discrimination (CERD) issued a decision under its early warning and urgent action procedure calling on Chinese authorities to cease and investigate violations.<sup>27</sup> The decision is relatively rare (the last one was in 2019) and unprecedented, insofar as it referred the matter to the attention of the Special Advisor of the UN Secretary-General on the Responsibility to Protect. Australia, Liechtenstein, the UK and US urged follow up action on this referral at the 4 July 2023 biennial dialogue of the Human Rights Council with the Special Advisor to the UN Secretary-General on the Prevention of Genocide, whose office shares a mandate with the Special Advisor on the Responsibility to Protect.<sup>28</sup>

China has reacted to international scrutiny with predictable hostility, endeavouring to silence criticism and secure statements of support. Chinese authorities have reportedly pressured Uighurs living abroad to report on Uighur human rights activists by threatening family members that remain in China.<sup>29</sup> After its failed efforts to suppress the August 2022 OHCHR report on abuses in Xinjiang,<sup>30</sup> China publicly denied and disparaged the report's findings and led an intense campaign to successfully prevent the UN Human Rights Council from holding a debate on the situation (in a failed vote of 17 for, 19 against, and 11 abstentions on 6 October 2022).<sup>31</sup> Sixteen member states of the Organisation of Islamic Cooperation (OIC) voted against or abstained on the resolution. This is a departure from the OIC's position in other cases of atrocities against Muslim minority populations, such as its support for Gambia filing a case before the International Court of Justice in November 2019 alleging that atrocities against Rohingya Muslims in Myanmar violated the Genocide Convention.

### Recommendations

The government of China should:

- Immediately halt violations in XUAR that may amount to crimes against humanity and genocide and take active measures to prevent the recurrence or escalation of such violations.
- Repeal policies that institutionalise abuses in XUAR and respond favourably to requests for UN special procedures mandate holders to undertake official visits to China with unhindered access in Xinjiang.
- Cease its campaign to prevent discussions of the OHCHR report on the situation in Xinjiang and engage in a process to meaningfully implement the recommendations of the report.

UN Member States should:

- Continue to bring attention to and condemn atrocity crimes by Chinese authorities in XUAR, including through public statements.
- Examine what bilateral measures to take to encourage China to immediately halt violations in XUAR and take tangible steps to apply pressure and uphold accountability.
- Cooperate to utilize all multilateral avenues, including the UN Security Council, General Assembly, Human Rights Council, and other bodies as appropriate, to express disapproval of Chinese policies and encourage the authorities to change course.
- Actively counter China's campaign to silence criticism of its policies in Xinjiang, including through building a broader coalition of states in support of the UN's mandate to investigate and report on atrocity crimes in Xinjiang.

The UN Human Rights Council should:

- Urgently establish an investigation to gather information to assess whether patterns of abuses in Xinjiang constitute crimes against humanity or other atrocity crimes that are universally prohibited under international law, and to recommend avenues for holding perpetrators accountable.
- Utilise treaty-body and other human rights reporting processes such as China's Universal Periodic Review scheduled for early 2024 to draw critical attention to atrocity crimes in Xinjiang.

The OHCHR and special procedures mandate holders should:

- Continue to call for the immediate release of persons involuntarily held in detention or in forced labour, closely monitor the situation in Xinjiang, and continue to urge China to implement the recommendations of the August 2022 OHCHR report on Xinjiang.

<sup>1</sup> [“Genocide and Crimes Against Humanity in Xinjiang? Applying the Legal Tests”](#), Asia Pacific Centre for the Responsibility to Protect, November 2020. ; [“Break their lineage, break their roots: China’s crimes against humanity targeting Uyghurs and other Turkic Muslims”](#), Human Rights Watch, 19 April 2021.

<sup>2</sup> See, eg, United States Congressional-Executive Commission on China, [Testimony of Mihriqul Tursan](#) (Hearing relating to the Communist Party’s Crackdown on Religion in China, 28 November 2018) esp 3-4; Philip Wen and Olzhas Auyezov, [“Tracking China’s Muslim Gulag”](#), *Reuters*, 29 November 2018; Simon Denyer, [“Former inmates of China’s Muslim ‘reeducation’ camps tell of brainwashing, torture”](#), *Washington Post*, 17 May 2018; Amie Ferris-Rotman, [“Abortions, IUDs and sexual humiliation: Muslim women who fled China for Kazakhstan recount ordeals”](#), *Washington Post*, 5 October 2019; [“China turns Muslim ‘re-education’ camp detainees into cheap labour force, human rights group claims”](#), *Agence France-Presse*, 4 March 2019; Ruth Ingram, [“Confessions of a Xinjiang Camp Teacher”](#), *The Diplomat*, 17 August 2020.

<sup>3</sup> See <https://www.xinjiangpolicefiles.org/>

<sup>4</sup> *Ibid*, para. 144.

<sup>5</sup> ‘OHCHR Assessment of the human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China’, Office of the United Nations High Commissioner for Human Rights, 31 August 2022, paras. 148-149.

<sup>6</sup> United Nations Economic and Social Council Document E/C.12/CHN/CO/3, “Concluding observations of the third periodic report of China, including Hong Kong, China, and Macao, China”, Committee on Economic, Social and Cultural Rights, 22 March 2023.

<sup>7</sup> Adrian Zenz, “Unemployment Monitoring and Early Warning: New Trends in Xinjiang’s Coercive Labor Placement Systems”, China Brief 22:11, The Jamestown Foundation, 5 June 2022.

<sup>8</sup> [“Products made with forced labor in the Uyghur region”](#), Issue Brief 3, Helena Kennedy Centre for International Justice, May 2023.

<sup>9</sup> United Nations General Assembly Document [A/HRC/51/26](#), “Contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minorities”, Human Rights Council, 19 July 2022, paras. 23-24.

<sup>10</sup> Nathan Ruser, [Cultural erasure: Tracing the destruction of Uyghur and Islamic spaces in Xinjiang](#) (Policy Brief, Report No. 38/2020, Australian Strategic Policy Institute) 7 (‘ASPI, Report on Cultural Erasure’). The *New York Times* reports having independently verified “many of the details in ASPI’s report”: Chris Buckley and Austin Ramzy, [“China Is Erasing Mosques and Precious Shrines in Xinjiang”](#), *New York Times* (25 September 2020).

<sup>11</sup> ASPI, *Report on Cultural Erasure*, 3-4, 8.

<sup>12</sup> Ibid 5.

<sup>13</sup> John Sudworth, "[China Muslims: Xinjiang Schools used to Separate Children from their Families](#)", *BBC News*, 4 July 2019.

<sup>14</sup> UNESCO Document 38 C/49, "[Reinforcement of UNESCO's action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict](#)", United Nations Educational, Scientific and Cultural Organization, 2 November 2015., cited in Rachel Harris and Aziz Isa Elkun, *The Complicity of Heritage: Cultural Heritage and Genocide in the Uyghur Region*, Uyghur Human Rights Project, February 2023.

<sup>15</sup> [Policy on Cultural Heritage](#), The Office of the Prosecutor of the International Criminal Court, June 2021.

<sup>16</sup> Gulchehra Hoja, "[Uyghur Women, Rarely Informed About Forced Birth Control Procedures, Suffer Lifelong Complications](#)", *Radio Free Asia*, 3 August 2020.

<sup>17</sup> See Adrian Zenz, [Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang](#) (Jamestown Foundation, June 2020).; Adrian Zenz, "[China's own documents show potentially genocidal sterilization plans in Xinjiang](#)", *Foreign Policy*, 1 July 2020.

<sup>18</sup> E.g. Linda Lew, "[China census: migration drives Han population growth in Xinjiang, South China Morning Post](#)", 15 June 2021.; "[China policies 'could cut millions of Uighur births in Xinjiang'](#)", *Al Jazeera*, 7 June 2021

<sup>19</sup> "[Canada's parliament says China's treatment of Uighurs is genocide](#)", *Al Jazeera*, 23 February 2021.; Patrick Wintour, '[UK MPs declare China is committing genocide against Uyghurs in Xinjiang](#)', *The Guardian*, 23 April 2021.; Ewelina U. Ochab, "[U.S. State Department Confirms The Finding Of The Uyghur Genocide, Chinese Foreign Ministry Spokesperson Denies Yet Again](#)", *Forbes*, 2 April 2021., "[Dutch parliament: China's treatment of Uighurs is genocide](#)", *Reuters*, 26 February 2021.

<sup>20</sup> "[Uighurs: Western countries sanction China over rights abuses](#)", *BBC*, 22 March 2021,

<sup>21</sup> For example, [The Uyghur Forced Labour Prevention Act](#), United States Public Law 117-78-December 23, 2021.

<sup>22</sup> "[US blacklists two Chinese firms over Uighur forced labour accusations](#)", *Al Jazeera*, 1 August 2023.

<sup>23</sup> Ewelina U. Ochab, "[Canada launched investigations into allegations of Uyghur forced labor](#)", *Forbes*, 11 July 2023.

<sup>24</sup> '[Xinjiang cotton: Western clothes brands vanish as backlash grows](#)', *BBC*, 26 March 2021,

<sup>25</sup> "[Joint Statement on behalf of 50 countries in the UN General Assembly Third Committee on the human rights situation in Xinjiang, China](#)", New York, 31 October 2022.

<sup>26</sup> "[CAN/PV.CCL Committee on Application of Standards](#)", International Labour Conference, 110<sup>th</sup> Session, Geneva, 9 June 2022.; "[Xinjiang report: China must address grave human rights violations and the world must not turn a blind eye, say UN experts](#)", United Nations Office of the High Commissioner for Human Rights, 07 September 2022.

<sup>27</sup> "[China: UN Committee on the Elimination of Racial Discrimination calls for probe into Xinjiang rights violations](#)", United Nations Office of the High Commissioner for Human Rights, 24 November 2022.

<sup>28</sup> "[HRC53: States discuss UN committee's 'responsibility to protect' referral on Uyghurs](#)", International Service for Human Rights, 07 July 2023.

<sup>29</sup> Sam Judah, "[China using families as 'hostages' to quash Uyghur dissent abroad](#)", *BBC News*, 31 July 2023.

<sup>30</sup> William Nee, "[China's heavy-handed push to prevent a UN report on Xinjiang](#)", *The Diplomat*, 01 August 2022.

<sup>31</sup> Emma Farge, '[U.N. body rejects debate on China's treatment of Uyghur Muslims in blow to West](#)', *Reuters*, 7 October 2022.