

China - High

There is continued risk of crimes against humanity against China's Turkic Muslim population in Xinjiang. China's sweeping counter terrorism and extremism campaign has utilized repressive surveillance technology and resulted in the arbitrary detention of an estimated million Uighurs and other Turkic Muslims in what Chinese authorities are referring to as 're-education' or 'de-extremification' facilities in Xinjiang.¹

Members of China's Muslim minority population have been taken into state custody for wide-ranging and minor infractions, which Chinese authorities deem are signs of "pre-criminal" behaviour.² This practice appears to represent a deliberate and systematic dereliction of basic due process and fair trial rights, as the Xinjiang Propaganda Department is on record for asserting that the program defines "a person who's on the edge of committing a crime" as "a minor criminal", and on this basis detains people for an indefinite period of time without formal conviction.³ Some former detainees have reported that while in state custody they were subjected to abuse and torture, ill-treatment and forced political indoctrination.⁴ There are also numerous and mutually consistent reports that family members both within China and overseas have limited or no access to information about persons held in detention, which resembles a large-scale program of enforced disappearances.⁵

Chinese authorities recently granted the BBC rare access inside the network of high-security facilities, reportedly to offer proof that they serve an education or school-like function rather than as prisons. Observing that detainees undergo long hours of rote learning of Mandarin and lessons on China's legal code and tightened restrictions on religious practice, the BBC characterised the curriculum as a form of "brainwashing" aimed at the "replacing of faith and cultural identity" with loyalty to the Chinese Communist Party.⁶ The BBC also likened the facilities it visited to "show camps", as satellite imagery has revealed that some of the prison-like security infrastructure, such as barbed wire fencing and watch towers, were taken down before journalists arrived, and cement exercise yards were transformed into sports facilities.

UN Secretary-General Antonio Guterres raised the mass detention of China's Turkic Muslims with President Xi Jinping during his trip to China in April. In June, the head of the UN Office of Counter-

¹ "Eradicating Ideological Viruses: China's Campaign of Repression Against Xinjiang's Muslims", Human Rights Watch, 9 September 2018, <https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs>

² "Inside China's 'Thought Transformation' Camps", BBC, 17 June 2019, <https://www.bbc.com/news/av/world-asia-china-48667221/inside-china-s-thought-transformation-camps>

³ "Inside China's 'Thought Transformation' Camps", BBC, 17 June 2019, <https://www.bbc.com/news/av/world-asia-china-48667221/inside-china-s-thought-transformation-camps>

⁴ Ibid.

⁵ Lily Kuo, "'My Soul, Where are you?': Families of Muslims Missing in China Meet Wall of Silence", *The Guardian*, 13 September 2018, <https://www.theguardian.com/world/2018/sep/13/uighur-xinjiang-family-missing-china-kazakhstan>; Rushan Abbas, "My Aunt and Sister in China have Vanished. Are They Being Punished for My Activism?", *The Washington Post*, 19 October 2018, https://www.washingtonpost.com/news/democracy-post/wp/2018/10/19/my-aunt-and-sister-in-china-have-vanished-are-they-being-punished-for-my-activism/?utm_term=.35cf3c2b4779; Rob Schmitz, "Families of the Disappeared: A Search for Loved Ones Held in China's Xinjiang Region", *NPR*, 12 November 2018, <https://www.npr.org/2018/11/12/665597190/families-of-the-disappeared-a-search-for-loved-ones-held-in-chinas-xinjiang-regi>; "Lu Guang: Award-winning Chinese Photographer Disappears in Xinjiang", *BBC*, 27 November 2018, <https://www.bbc.com/news/world-asia-china-46356119>;

⁶ "Inside China's 'Thought Transformation' Camps", BBC, 17 June 2019, <https://www.bbc.com/news/av/world-asia-china-48667221/inside-china-s-thought-transformation-camps>

Terrorism, Vladimir Ivanovich Voronkov visited Xinjiang. The trip attracted criticism from human rights activists, as well as the US and other western governments, for appearing to affirm China's policy as "legitimate counter-terrorism" as opposed to a question of massive human rights violations that could amount to crimes against humanity.⁷ Such criticism has raised pressure for the UN High Commissioner for Human Rights, Michelle Bachelet, to obtain unimpeded access to detention facilities in Xinjiang. China's ambassador to the UN in Geneva has confirmed that China has invited Bachelet for a visit, but her office has recently conveyed that it is continuing to negotiate "full access" as a condition for this visit.⁸

Recommendations

The government of China should:

1. Immediately halt widespread violations of basic human rights and fundamental freedoms in XUAR, including arbitrarily depriving Turkic Muslims of their liberties or subjecting them to torture or mistreatment, and take active measures to prevent the recurrence or escalation of such violations in accordance with international law and China's primary responsibility to protect all its population.
2. Repeal the Regulation on De-extremification, as called for by the UN Working Group on Arbitrary Detention, Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on minority issues, the Special Rapporteur on freedom of religion or belief, and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
3. Respond favourably to the requests of the above special procedures mandate holders to undertake an official visit to China, and accept technical assistance and advice to ensure that China's national security, counter-terrorism or counter-extremism laws and practices adhere to China's obligations under international law.
4. Ensure an impartial and credible investigation of allegations of abuse, torture, and ill-treatment of persons held in detention Xinjiang, and take appropriate measures to ensure justice and compensation for victims.

The international community should:

1. Urge Chinese authorities to take immediate action to uphold universal human rights and fundamental freedoms in Xinjiang. Specifically:
 - The OHCHR and special procedures mandate holders should continue to call for the immediate release of persons involuntarily held in detention without due process, closely monitor the situation in Xinjiang.
 - The Human Rights Council should continue to urge China to uphold human rights of Turkic Muslims and to accept independent UN observers in Xinjiang.

⁷ Keegan Elmer, "Beijing sees 'broad consensus' with UN on Xinjiang as human rights groups blast envoy's visit", *South China Morning Post*, 16 June 2019, <https://www.scmp.com/news/china/diplomacy/article/3014703/beijing-sees-broad-consensus-un-xinjiang-human-rights-groups>

⁸ "Deep Concerns' over UN official's trip to China's Xinjiang", *Al Jazeera*, 15 June 2019, <https://www.aljazeera.com/news/2019/06/concerns-official-trip-china-xinjiang-190615060808708.html>

- The UN Office on Genocide Prevention and the Responsibility to Protect should closely monitor the situation and communicate increasing risk of atrocity crimes in Xinjiang, as appropriate.
2. Muslim majority countries as well as neighbouring states whose nationals are allegedly detained in Xinjiang should advocate for China to respect the rights of its Turkic Muslim population.
 3. Civil Society actors should continue to raise awareness and visibility of the treatment of Turkic Muslims in Xinjiang and advocate for an end to any violations of their basic rights and fundamental freedoms.
 4. All actors should protect the rights of organisations and actors that are assisting Turkic Muslims who have left China and are working to collect and disseminate information on human rights violations in Xinjiang.