

China

Xinjiang Risk: High

The situation in the Xinjiang Uighur Autonomous Region (XUAR) of China, which in 2018 the UN Committee on the Elimination of Racial Discrimination likened to a “no rights zone”, where Muslim minority groups are “being treated as enemies of the State based on nothing more than their ethno-religious identity”, presents an ongoing risk of crimes against humanity in China.ⁱ

Since 2016, the Chinese government has subjected an estimated 13 million Uighurs and other Turkic Muslims in XUAR to an intrusive system of mass surveillance, large-scale arbitrary detention, forced political indoctrination, and severe restrictions on movement and religious practice.ⁱⁱ Upwards of a million Uighurs and other Turkic Muslims have been remanded in state custody in what Chinese authorities refer to as ‘re-education’ or ‘de-extremification’ facilities.ⁱⁱⁱ Family members both within China and overseas continue to report that they have limited or no access to information about persons held in state detention,^{iv} and children of detained parents are being treated as de-facto orphans and placed in state-run institutions “without parental consent or access”.^v The government is also allegedly separating Uighur children from their parents and enrolling 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 ‘re-education’ and religious repression.^{vi}

In mid-November 2019, *The New York Times* published more than 400 pages of leaked internal documents from government authorities in XUAR, which included nearly 200 pages of internal speeches by President Xi Jinping and more than 150 pages of directives and reports laying out a “ruthless and extraordinary campaign” of surveillance and control of the region’s Turkic Muslims.^{vii} The documents reveal that there was initially “more resistance to the crackdown inside the [Chinese Communist] party than was previously known”, and confirm the pivotal role that Communist Party Secretary of XUAR Chen Quanguo played in quashing dissent in order to move forward with the mass detention program.^{viii}

Within weeks of the initial document release, the International Consortium of Investigative Journalists (ICIJ) reported that it had obtained an additional 24 leaked internal documents that contained a “classified list of guidelines, personally approved by the region’s top security chief, that effectively serves as a manual for operating the camps”. ICIJ’s reporting revealed the “inner workings of the camps, the severity of conditions behind the fences, and the dehumanizing instructions regulating inmates’ mundane daily routines”.^{ix} The leaked documents build on the body of evidence attesting to the systematic nature of the mass detention program that was directly mandated by authorities in XUAR and sanctioned by high-level officials in Beijing, thus adding further credence to the assessment that the treatment of Turkic Muslims in China may amount to crimes against humanity.

On 4 December the US House of Representatives, on a vote of 401-1, overwhelmingly passed an amended version of the Uyghur Human Rights Policy Act passed by the US Senate in September.^x The bill requires regular monitoring of the situation, including the forcible repatriation of Uighurs to China and an investigation into the Chinese companies involved in the construction and operation of detention facilities and the intrusive surveillance program in Xinjiang.^{xi} It also calls on President Trump to impose sanctions on senior officials responsible for serious human rights abuses of Uighurs and other Turkic Muslims in China under the Global Magnitsky Act, and specifically names Chen Quanguo, which would represent the first sanctions directly on a member of China’s politburo. Before coming into effect, a reconciled version of the House and Senate bills needs to be agreed by Congress and endorsed by President Trump. In mid-January, the US Congress resumed negotiations on a reconciled

bill, an effort given added impetus by the release of the annual report of the US bi-partisan Congressional-Executive Commission on China that stated that there are “strong arguments based on available evidence” of crimes against humanity linked to the mass detention program in XUAR.^{xii}

Along with the US, in recent months a number of countries have publicly called on China to respect the rights of its Turkic Muslim. This includes a statement on Xinjiang issued on behalf of 23 countries at a UN General Assembly Third Committee session on the Committee for the Elimination of Racial Discrimination in late October.^{xiii} China’s UN Ambassador Zhang Jun responded by labelling the statement a “gross interference in China’s internal affairs and deliberate provocation”.^{xiv} China also secured support for a rebuttal statement issued by Belarus on behalf of 54 countries, including Pakistan, Russia, Egypt, the Democratic Republic of Congo and Serbia. This statement went even further than Ambassador Zhang in defending China’s policies in XUAR, noting China’s “remarkable achievements in the field of human rights” through successfully returning “safety and security” to Xinjiang where “the human rights of people of all ethnic groups there are safeguarded”.^{xv} This mirrored the strategy China adopted in the UN Human Rights Council in July. In response to a letter of concern issued by 22 (mostly Western) states, UN ambassadors from 37 countries including Russia, Saudi Arabia, North Korea, Myanmar, Algeria, the Philippines and Zimbabwe issued a letter commending China’s counter-terrorism policy.^{xvi} Arab and Muslim-majority states also continue to refuse to speak out against China’s treatment of Turkic Muslims, with some even voicing support for China’s policies in Xinjiang.^{xvii}

Despite the silence or support China has secured from many countries, condemnation of China’s policy by the UN and Western governments and media continues to rankle Beijing. In December, China responded by ramping up its political propaganda, including through editorials in state-run media and documentary videos posted on Twitter and YouTube that discounted media reports and leaked documents as “fake news” and stridently defended China’s counter-terrorism approach in Xinjiang.^{xviii}

In the face of China’s extremely defensive posture, some analysts have argued that there is a need to move beyond a human rights approach and stress to Beijing the potential humanitarian and security implications of its repressive policies.^{xix} Although China may have temporarily diminished the threat of terrorist attacks in XUAR, its treatment of Turkic Muslims could be used to justify attacks on Chinese nationals abroad or leveraged by terrorist organizations in their recruitment campaigns, as witnessed in materials issued by al Qaeda and ISIS in 2019.^{xx} UN human rights experts have made similar arguments in recent months, but have stressed that security and human rights are mutually dependent. In a letter to China’s representative to the UN in Geneva, in early November twelve senior UN human rights experts, including 10 UN Special Rapporteurs and two Working Group chairs, expressed concern that China’s 2015 Counter-Terrorism Law had enabled measures that “not only violate fundamental rights but also may contribute to further radicalization of persons belonging to the targeted minorities, creating major and growing pockets of fear, resentment and alienation. The disproportionate emphasis placed by the authorities on the repression of rights of minorities risks worsening any security risk”.^{xxi}

Recommendations

The government of China should:

1. Immediately halt violations in XUAR that may amount to crimes against humanity, and take active measures to prevent the recurrence or escalation of such violations.

2. Direct the government in XUAR to repeal the 2017 Regulation on De-extremification, and respond favourably to the requests of UN special procedures mandate holders to undertake an official visit to China with unhindered access to detention facilities in Xinjiang.
3. Accept OHCHR technical assistance and advice to ensure that its national security, counter-terrorism or counter-extremism laws and practices adhere to China's obligations under international law.

The OHCHR and special procedures mandate holders should:

1. Continue to call for the immediate release of persons involuntarily held in detention without due process, closely monitor the situation in Xinjiang, and continue to urge China to uphold the human rights and fundamental freedoms of Turkic Muslims and to accept independent UN observers in Xinjiang.

The UN Human Rights Council should:

1. Establish an investigation to gather information to assess whether patterns of abuses in Xinjiang constitute crimes against humanity that are universally prohibited under international law.

ⁱ “Committee on the Elimination of Racial Discrimination Reviews the Report of China”, United Nations Office of the High Commissioner on Human Rights, Geneva, 13 August 2018.

ⁱⁱ “China’s Algorithms of Repression: Reverse Engineering a Xinjiang Police Mass Surveillance App”, Human Rights Watch, 1 May 2019.

ⁱⁱⁱ “Eradicating Ideological Viruses: China’s Campaign of Repression Against Xinjiang’s Muslims”, Human Rights Watch, 9 September 2018.

^{iv} Lily Kuo, “‘My Soul, Where are you?’: Families of Muslims Missing in China Meet Wall of Silence”, *The Guardian*, 13 September 2018.; Rob Schmitz, “Families of the Disappeared: A Search for Loved Ones Held in China’s Xinjiang Region”, *NPR*, 12 November 2018.; Kate Lyons, “Families of Missing Uighurs use Tiktok Video App to Publicise China Detentions”, *The Guardian*, 20 August 2019.

^v “China: Xinjiang Children Separated from Families”, Human Rights Watch, 15 September 2019.

^{vi} John Sudworth, “China Muslims: Xinjiang Schools used to Separate Children from their Families”, *BBC News*, 4 July 2019.

^{vii} Austin Ramzy and Chris Buckley, “The Xinjiang Papers-‘Absolutely No Mercy’: Leaked Files Expose how China Organized Mass Detentions of Muslims”, *The New York Times*, 16 November 2019. <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html?action=click&module=Top%20Stories&pgtype=Homepage>

^{viii} Ibid.

^{ix} Bethany Allen-Ebrahimian, “Exposed: China’s Operating Manuals for Mass Internment and Arrest by Algorithm”, *International Contortium of Investigative Journalists*, 24 November 2019. <https://www.icij.org/investigations/china-cables/exposed-chinas-operating-manuals-for-mass-internment-and-arrest-by-algorithm/>

^x “US House approves Uighur Act calling for sanctions on China’s senior officials”, *The Guardian*, 4 December 2019.; Daniel Flatley, “U.S. House passes Xinjiang Bill, Prompting Threat from China”, *Bloomberg*, 4 December 2019.

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- ^{xi} “US Senate Passes Legislation to Hold China Accountable for Rights Abuses in Xinjiang”, *Radio Free Asia*, 12 September 2019.
- ^{xii} “Congressional-Executive Commission on China Annual Report 2019”, 116 Congress First Session, 18 November 2019.; See also Joshua Lipis, “China’s Actions in Xinjiang may amount to ‘Crimes Against Humanity’, says US Rights Report, *Radio Free Asia*, 8 January 2020. <https://www.rfa.org/english/news/uyghur/cecc-01072020190715.html>
- ^{xiii} “Joint statement on human rights violations and abuses in Xinjiang”, Statement delivered by Ambassador Karen Pierce, UK Permanent Representative to the UN at the Third Committee session on the Committee for the elimination of racial discrimination, Foreign and Commonwealth Office, 29 October 2019
- ^{xiv} “China warns US that criticism over detention of Uighurs is not ‘helpful’ for trade talks”, *Reuters*, 29 October 2019.
- ^{xv} *Ibid.*
- ^{xvi} “Nearly 40 countries defend China over Xinjiang internment camps in U.N. letter”, *The Japan Times*, 13 July 2019.
- ^{xvii} “China’s global power damps criticism of Uighur crackdown”, *Financial Times*, 23 December 2019. <https://www.ft.com/content/51a1bf9a-2015-11ea-92da-f0c92e957a96>
- ^{xviii} Chris Buckley and Austin Ramsay, “Facing Criticism over Muslim Camps, China Says: What’s the Problem?”, *The New York Times*, 9 December 2019.; Jo Kim, “Why China’s Xinjiang Propaganda Fails”, *The Diplomat*, 16 December 2019.
- ^{xix} Mollie Saltskog and Colin P. Clarke, “China’s rights abuses in Xinjiang could provoke a global terrorist backlash”, *Foreign Affairs*, 16 January 2020.
- ^{xx} *Ibid.*
- ^{xxi} OL CHN 18/2019, Letter from the Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on the right to privacy; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment”, Palais Des Nations, Geneva, 1 November 2019.