

China Xinjiang Risk: High

The treatment of Uighurs and other Turkic Muslim minorities in the Xinjiang Uighur Autonomous Region (XUAR) of China presents an ongoing risk of crimes against humanity.

Under a sweeping policy purportedly aimed at combatting terrorism and religious extremism, since 2016 the Chinese government has subjected an estimated 13 million 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. The Chinese state has detained approximately one million Uighurs and other Turkic Muslims in ‘re-education’ or ‘de-extremification’ facilities without formal charges or due process. Family members have been denied access to information about detainees, which resembles a largescale policy of enforced disappearances. Nearly half a million Uighur children have been separated from their families and placed in state-run boarding schools or orphanages. In what appears to be an effort to wipe out Uighur cultural heritage, authorities have partially or completely destroyed historic mosques, shrines and cemeteries in XUAR.

In December 2019, XUAR governor Shohrat Zakir claimed that the majority of the people detained in ‘re-education’ facilities had been released and “found stable employment with the help of the government”.¹ There is no independent information to verify the release of detainees or the number of people who remain in arbitrary detention in Xinjiang. However, recent reports raise concerns that, rather than rolling back repressive policies against the Uighurs, the Chinese state may be transitioning detainees into a similarly abusive program of forced labour. On 1 March, the Australian Strategic Policy Institute published a report which found that between 2017-19, under a labour transfer program the central government labelled ‘Xinjiang Aid’, the government sent an estimated 80,000 Uighurs to work in factories across China in conditions that “strongly suggest forced labour”. Some Uighur workers were transferred directly from ‘re-education’ facilities to work in factories, where they underwent ideological education, were subject to constant surveillance, and were prohibited from observing religious practices. The report identified 83 well-known global brands with supply chains linked to factories that are part of the Uighur labour transfer program, including Nike, Adidas, Amazon, Apple, Google, Samsung, and Siemens.²

In February 2020, global media outlets published a leaked government document that contained details on why 311 residents from Karakax county in Hotan prefecture in southwestern Xinjiang were interned, and included personal information authorities collected on over 3000 Uighurs. The document, known as the ‘Karakax List’, provides additional evidence that XUAR authorities detained Turkic Muslims for arbitrary acts such as contact with relatives overseas or applying for a passport, and for ordinary religious observance such as praying, attending or donating to a mosque, wearing veils or growing a beard. According to Adrian Zenz, a leading expert on repression in Xinjiang, the Karakax List provides new insights into the ideology and administrative processes leading to severe religious restrictions and the mass internment program in Xinjiang, and “presents the strongest evidence to date that Beijing is actively persecuting and punishing normal practices of traditional religious beliefs, in direct violation of its own constitution”.³

¹ Lily Kuo, ‘China claims detained Uighurs have been freed’, *The Guardian*, 9 December 2019, <https://www.theguardian.com/world/2019/dec/09/china-claims-detained-uighurs-have-been-freed>

² Vicky Xiuzhong Xu et. al., “Uyghurs for Sale: ‘Re-education’, forced labour and surveillance beyond Xinjiang”, *Australian Strategic Policy Institute*, Policy Brief Report No. 26 (2020).

³ Adrian Zenz, “The Karakax List: Dissecting the Anatomy of Beijing’s Internment Drive in Xinjiang”, *Journal of Political Risk* 8:2 (February 2020), <https://www.jpolorisk.com/karakax/>

The Karakax List was the third leak of government documents since the November 2019 release of the Xinjiang Papers by the New York Times (containing high-level internal speeches sanctioning extraordinary surveillance and control measures in XUAR) and the China Cables by the International Consortium of Investigative Journalists (containing information on sophisticated tools for population control and mass surveillance of Turkic Muslims as well as regulations on how to run detention facilities). Together, the documents support the assessment that government authorities have systematically targeted Uighurs and other Turkic Muslims on ethnic and religious grounds, thus adding credence to the assessment that their treatment may constitute the crime against humanity of persecution under the Rome Statute of the International Criminal Court.

In recent months Uighur activists have expressed concerns that Uighurs are at particular risk of the spread of COVID-19 in overcrowded and unsanitary detention facilities in Xinjiang, and that efforts to contain the novel coronavirus will divert global attention from the Uighur cause. The US government, however, has maintained some momentum in taking concrete action against the persecution of the Uighurs. On 27 May, the US Congress passed the Uyghur Human Rights Policy Act, which President Trump signed on June 17.⁴ The bill is the first legislative initiative by a government to address religious persecution in XUAR, and requires regular monitoring of the situation, including efforts by the Chinese government to forcibly repatriate Uighurs or to intimidate or harass Uighurs in the United States. It also calls on President Trump to impose sanctions on senior officials responsible for serious human rights abuses of the Uighurs under the Global Magnitsky Act, and specifically names Communist Party Secretary of Xinjiang Chen Quanguo, which would represent the first sanctions directly on a member of China's politburo.

The US has also recently increased scrutiny of US business ties to Chinese companies or entities that are complicit in abuses in Xinjiang. In March, members of the US Senate introduced legislation which would require companies to obtain certification that products imported into the US are not made with Uighur forced labour.⁵ In May, the US Department of Commerce's Bureau of Industry and Security expanded the list of Chinese entities who are restricted from accessing US technology due to their involvement in human rights violations and excessive surveillance in XUAR. In addition to the 28 parties designated in October 2019, the expanded list named nine new entities, including China's Ministry of Public Security's Institute of Forensic Science.

On February 27, the UN High Commissioner for Human Rights, Michele Bachelet, reiterated her call for an advance UN team to have unfettered access to assess the human rights situation in Xinjiang, which is standard practice in preparation for a High Commissioner to undertake a country visit. China has repeatedly indicated that it welcomes a visit by Bachelet to Xinjiang, including most recently in a speech in February by China's permanent representative to the UN in Geneva, Chen Xu. However, a continued sticking point is that China has made no offer of independent access and has conditioned the visit on the UN not interfering in China's internal affairs.

China has responded to criticism of its policy in Xinjiang through labelling allegations of systematic abuse of the Uighurs as fake news and fabrication; launching propaganda campaigns that extol the

⁴ "Trump plans to sign bill pressuring China over Uighur Muslim crackdown: source", *Reuters*, 9 June 2020, <https://www.reuters.com/article/us-usa-trump-uighurs/trump-plans-to-sign-bill-pressuring-china-over-uighur-muslim-crackdown-source-idUSKBN23F27C>

⁵ David Brunnstrom, "U.S. lawmakers seek to tighten ban on forced-labor goods from China's Xinjiang", *Reuters*, 12 March 2020, <https://www.reuters.com/article/us-usa-china-xinjiang-labor/u-s-lawmakers-seek-to-tighten-ban-on-forced-labor-goods-from-chinas-xinjiang-idUSKBN20Y2DQ>

effectiveness of its counter-terrorism efforts or portray a “happy life” for Uighurs in Xinjiang;⁶ orchestrating carefully managed visits for foreign diplomats to Xinjiang; and lobbying like-minded states or leveraging its economic ties to secure support for its position in various UN bodies.⁷ By and large, these efforts have proven effective in easing pressure on Beijing. The Human Rights Council has not taken any formal action to address human rights abuses in Xinjiang, such as calling for an objective, independent and expert inquiry into the situation. In sharp contrast to the Organization of Islamic Cooperation’s activism on behalf of the Rohingya Muslims in Myanmar, Arab and Muslim-majority states continue to refuse to speak out against China’s treatment of Turkic Muslims, with some even voicing support for China’s policies in Xinjiang.⁸ The relative silence from developing and Muslim-majority countries feeds into China’s narrative that criticism of its treatment of Uighurs is a politically motivated ploy by Western countries, particularly the US, to contain China. In this respect, Beijing would likely find it more difficult to justify its policy if a greater number of non-Western countries and activists called for the protection of the Uighurs, and more Western governments and companies outside of the US took similar concrete action.

Recommendations

1. The government of China should 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 in accordance with international law, the Chinese constitution, and China’s primary responsibility to protect all its population.
2. China’s top leadership should direct the government in XUAR to repeal the 2017 Regulation on De-extremification, respond favourably to the requests of UN human rights officials to undertake an official visit to China with unhindered access to Xinjiang, and 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, including the defendant’s right to due process, legal counsel of choice, timely notification of families, and fair and public trials by an independent court.
3. The UN Human Rights Council should authorise an independent investigation to gather information to assess whether patterns of abuses in Xinjiang constitute crimes against humanity that are universally prohibited under international law.
4. Western states should develop a more sophisticated and strategic response to the situation, including prohibiting technology transfers that could be used in human rights abuses and banning imports connected with forced labour in Xinjiang, and broadening the coalition of states openly advocating for China to respect the rights of its Turkic Muslim population, particularly Muslim majority countries and neighbouring states whose nationals are detained in Xinjiang.
5. Global companies should practice due diligence and ensure that their supply chains are not linked to Uighur force labour.

⁶ “Photo exhibition on Xinjiang launched in Geneva during the UN Human Rights Council Session”, *China Daily*, 03 March 2020, <https://www.chinadaily.com.cn/a/202003/03/WS5e5e02f4a31012821727bf3a.html>

⁷ “Nearly 40 countries defend China over Xinjiang internment camps in U.N. letter”, *The Japan Times*, 13 July 2019.

⁸ “China’s global power damps criticism of Uighur crackdown”, *Financial Times*, 23 December 2019. <https://www.ft.com/content/51a1bf9a-2015-11ea-92da-f0c92e957a96>