

China Xinjiang Risk: Very High/Ongoing

Since at least 2016, Chinese authorities have perpetrated widespread patterns of abuses targeting Uighurs and other Turkic Muslim minorities of the Xinjiang Uighur Autonomous Region ('XUAR' or 'Xinjiang'). After detailed study of the evidence and relevant facts, in October 2020 the Asia Pacific Centre for the Responsibility to Protect concluded that Chinese policy toward ethnic minorities in Xinjiang:

1. Constituted crimes against humanity, including persecution, imprisonment, torture, forced sterilisation, and enslavement. The evidence may also substantiate further crimes against humanity of enforced disappearance, murder, and rape.
2. May constitute genocide since genocidal acts may have occurred in Xinjiang, in particular acts of imposing measures to prevent births and forcible transfers. There is also evidence that raises concerns that acts including killing, serious bodily and mental harm, and inflicting conditions that are calculated to bring about physical destruction have occurred in Xinjiang.¹

The Chinese government has subjected 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.² While the current population of political detainees is uncertain, in 2018 it was estimated that upwards of a million Uighurs and other Turkic Muslims were remanded in state custody in what Chinese authorities refer to as 're-education' or 'de-extremification' facilities, without identifying to friends and family where they had been taken to or for how long, or if they were alive or dead.³ This is consistent with the crime against humanity of "enforced disappearance", which is defined in the ICC Statute as the "arrest, detention or abduction of persons by, or with the authorisation, support or acquiescence of, a State or political organisation, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of law for a prolonged period of time".⁴

Former Uighur detainees have described conditions in the prison camps as variously involving crowded cells, indoctrination that drove some to suicide, waterboarding,⁵ food deprivation as punishment, beatings, being shackled to chairs for extended periods of time, sleep deprivation, forcibly being drugged, electrical shock treatment, rape and sexual humiliation, and other forms of extreme physical and mental abuse.⁶ On 24 May 2022 a group of 14 news organisations published the Xinjiang Police Files, which contained thousands of new leaked documents and images from internal police networks in Xinjiang that affirm the militarized nature of the camps and refute the Chinese government's claims that they are benign education facilities.⁷

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,⁸ 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.⁹ 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.¹⁰ As well as a potential act of genocide, this practice is consistent with the UN's definition of ethnic cleansing, which, although it is not a stand-alone crime under the Rome Statute, is among the atrocity crimes governments committed to prevent and respond to under the Responsibility to Protect framework.

There is also credible evidence that Turkic Muslims of Xinjiang have been subjected to widescale enslavement and forced labour under a government-mandated labour transfer program. Recent estimates project that upward of 2.2 million Turkic Muslims in Xinjiang could be subjected to coercive labour, which includes several hundred thousand former re-education camp detainees.¹¹ Forced labour is an institutionalised policy in Xinjiang—Xinjiang's current Five-Year Plan (2021-2025) set in place unemployment and poverty alleviation targets and a system of surveillance that formally consolidated coercive labour practices, such that "individuals who were coercively mobilized into work placements are now effectively prevented from leaving them".¹² Forced labour or otherwise reducing a person to a servile status can amount to the crime against humanity of "enslavement" under international law,¹³ which occurs when "any or all powers attaching to the right of ownership are exercised" over a person.¹⁴ International jurisprudence regards as salient indications of enslavement: "elements of control and ownership; the restriction or control of an individual's autonomy, freedom of choice or freedom of movement; and, often, the accruing of some gain to the perpetrator".¹⁵

There have been numerous and credible reports of Uighur historical and holy places being destroyed and desecrated in Xinjiang. 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.¹⁶ Extrapolating this data to mosques across Xinjiang, approximately 16,000 mosques may have been damaged or destroyed and 8,450 completely demolished since 2017.¹⁷ Besides mosques, ASPI's data and analysis suggested that 30% of other sacred sites (included shrines (*mazar*), cemeteries, and pilgrimage sites) have been demolished, mostly since 2017, and an additional 27.8% have been damaged in some way.¹⁸ Additionally, the government has allegedly separated 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.¹⁹ Such practices could constitute crimes against humanity related to religious persecution, as well as acts of genocide in relation to serious mental harm and inflicting conditions to bring about a group's destruction.

The international response to atrocity crimes in China has been uneven and inadequate, mostly led by a select few Western states. The US government and elected officials from Canada and the UK have publicly identified China's human rights violations as genocide and have called on China to respect the rights of its Turkic Muslim.²⁰ The European Union, the UK, US and Canada jointly imposed sanctions on Chinese officials²¹ and several major brands identified as having links with forced labour in Xinjiang have ceased their presence in the region, including H&M and Nike.²² Countries, mostly from the West, have issued joint statements of concern at the UN General Assembly.²³ China has reacted with predictable hostility, and worked to silence criticism and even secure statements of support for its policy in Xinjiang, primarily from developing countries.²⁴ The most disappointing response is from Arab and Muslim-majority states who tacitly condone or openly endorse China's policy. Egypt, Morocco, Qatar, Saudi Arabia, Syria and UAE have colluded with China to detain or extradite Uighurs.²⁵ In early August 2022, China hosted a delegation of 32 senior diplomats from 30 Muslim-majority countries for

a highly stage-managed visit to Xinjiang. A statement by the Chinese Foreign Ministry communicated that the delegation endorsed China's "people-centred approach" and recognised the "great achievements in promoting the governance and development of Xinjiang".²⁶

UN High Commissioner for Human Rights (OHCHR) Michelle Bachelet faced intense criticism following her May 2022 visit to China for failing to gain genuine access to assess the situation or to strongly condemn abuses in Xinjiang. Before she departs office at the end of August 2022, Bachelet is scheduled to release a long overdue OHCHR report on the human rights situation in Xinjiang, that she has promised since September 2021. China has orchestrated an intense pressure campaign to suppress the report, including through lobbying diplomatic missions in Geneva to sign on to a letter to halt its release.²⁷

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, such as the 2017 Regulation on De-extremification, and respond favourably to outstanding requests for UN special procedures mandate holders to undertake an official visit to China with unhindered access to detention facilities in Xinjiang.
- Cease its campaign to suppress the forthcoming OHCHR report on the human rights abuses in Xinjiang and engage in a process to meaningfully implement the recommendations of the report.

UN Member States should:

- Condemn atrocity crimes by Chinese authorities in XUAR.
- Examine what bilateral measures they could 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 encourage the authorities to change course.
- Actively counter China's campaign to suppress the OHCHR report on Xinjiang, including through building a broad 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.

The OHCHR and special procedures mandate holders should:

- Release the overdue report on alleged violations in Xinjiang, and undertake efforts to carry through the report's recommendations to cease and address abuses in Xinjiang.
- 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.

¹ https://r2pasiapacific.org/files/5818/applying_legal_tests_xinjiang_nov2020.pdf

² 'China's Algorithms of Repression: Reverse Engineering a Xinjiang Police Mass Surveillance App', Human Rights Watch, 1 May 2019.

³ "Eradicating Ideological Viruses: China's Campaign of Repression Against Xinjiang's Muslims", Human Rights Watch, 9 September 2018.; Erin Handley, '[Uyghurs in Australia scour through thousands of leaked photos from Xinjiang Police Files searching for loved ones](#)', ABC news, 25 May 2022.

⁴ ICC Statute, Art 7(2)(i).

⁵ Simon Denyer, '[Former inmates of China's Muslim 'reeducation' camps tell of brainwashing, torture](#)', *Washington Post*, 17 May 2018 (last accessed 28 September 2020).

⁶ See, eg, United States Congressional-Executive Commission on China, *Testimony of Mihrigul Tursan* (Hearing relating to the Communist Party's Crackdown on Religion in China, 28 November 2018) ([online](#)) esp 3-4; Philip Wen and Olzhas Auyezov, '[Tracking China's Muslim Gulag](#)', *Reuters*, 29 November 2018 (last accessed 28 September 2020); Simon Denyer, '[Former inmates of China's Muslim 'reeducation' camps tell of brainwashing, torture](#)', *Washington Post*, 17 May 2018 (last accessed 28 September 2020); Amie Ferris-Rotman, '[Abortions, IUDs and sexual humiliation: Muslim women who fled China for Kazakhstan recount ordeals](#)', *Washington Post*, 5 October 2019 (last accessed 28 September 2020); '[China turns Muslim 're-education' camp detainees into cheap labour force, human rights group claims](#)', *Agence France-Presse*, 4 March 2019 (last accessed 28 September 2020); Ruth Ingram, '[Confessions of a Xinjiang Camp Teacher](#)', *The Diplomat*, 17 August 2020 (last accessed 29 September 2020).

⁷ See <https://www.xinjiangpolicefiles.org/>

⁸ Gulchehra Hoja, '[Uyghur Women, Rarely Informed About Forced Birth Control Procedures, Suffer Lifelong Complications](#)', *Radio Free Asia*, 3 August 2020 (last accessed 2 September 2020);

⁹ See Adrian Zenz, *Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang* (Jamestown Foundation, June 2020) (available [online](#)).

¹⁰ E.g. <https://www.scmp.com/news/china/politics/article/3137252/china-census-migration-drives-han-population-growth-xinjiang> and <https://www.aljazeera.com/news/2021/6/7/china-policies-could-cut-millions-of-uyghur-births-in-xinjiang>

¹¹ 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.

¹² *Ibid.*

¹³ See *Kunarac et al v Prosecutor*, Case No IT-96-23 & 23/1-A, Judgment, 22 February 2001, [534]-[535], [542].

¹⁴ *Kunarac et al v Prosecutor*, Case No IT-96-23 & 23/1-A, Judgment, 12 June 2002, [117]; ICC Statute Art 7(2)(c); Bassiouni, *Enslavement as an International Crime*, 467.

¹⁵ *Kunarac et al v Prosecutor*, Judgment Trial Chamber) [542].

¹⁶ 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) (last accessed 28 September 2020).

¹⁷ ASPI, *Report on Cultural Erasure*, 3-4, 8.

¹⁸ *Ibid.* 5.

¹⁹ John Sudworth, "China Muslims: Xinjiang Schools used to Separate Children from their Families", *BBC News*, 4 July 2019.

²⁰ <https://www.aljazeera.com/news/2020/10/22/china-rejects-canada-report-accusing-beijing-of-uyghur-genocide>; Patrick Wintour, 'UK MPs declare China is committing genocide against Uyghurs in Xinjiang', *The Guardian*, 23 April 2021, <https://www.theguardian.com/world/2021/apr/22/uk-mps-declare-china-is-committing-genocide-against-uyghurs-in-xinjiang>; US: China 'committed genocide against Uyghurs', BBC, 20 January 2021, <https://www.bbc.com/news/world-us-canada-55723522>; Dr 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, [4](https://www.forbes.com/sites/ewelinaochab/2021/04/02/us-state-department-</p>
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²¹ 'Uighurs: Western countries sanction China over rights abuses', BBC, 22 March 2021,

<https://www.bbc.com/news/world-europe-56487162>

²² 'Xinjiang cotton: Western clothes brands vanish as backlash grows', BBC, 26 March 2021,

<https://www.bbc.com/news/world-asia-china-56533560>

²³ "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

²⁴ "China warns US that criticism over detention of Uighurs is not 'helpful' for trade talks", *Reuters*, 29 October 2019.

²⁵ Bradley Jardine, '[The Arab world isn't just silent on China's crackdown on Uighurs. It's complicit.](#)' *Time*, 24 March 2022,

²⁶ '[Diplomats from 30 Muslim countries visited China's Xinjiang region](#)', *Middle East Monitor*, 10 August 2022.

²⁷ William Nee, '[China's heavy-handed push to prevent a UN report on Xinjiang](#)', *The Diplomat*, 01 August 2022.