

**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 patterns of human rights violations consistent with crimes against humanity and acts of genocide.<sup>1</sup> Patterns of widespread violations include large-scale arbitrary detention, an invasive 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 have described torture and ill-treatment in the prison camps as variously involving crowded cells, indoctrination that drove some to suicide, waterboarding,<sup>2</sup> 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.<sup>3</sup> On 24 May 2022 a group of 14 news organisations published the Xinjiang Police Files, which contained thousands of leaked documents and images from internal police networks in Xinjiang that affirmed the militarized nature of the camps and refuted the Chinese government’s claims that they were benign education facilities.<sup>4</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 “the extent of arbitrary and discriminatory detention” in Xinjiang in the period of 2017-2019 and potentially thereafter “may constitute international crimes, in particular 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 “there appears to be a parallel trend of an increased number and length of imprisonments through criminal justice processes, suggesting that the focus of deprivation of liberty has shifted towards imprisonment, on purported grounds of counter-terrorism and counter-‘extremism’”.<sup>5</sup> The OHCHR called for urgent action as “the conditions remain in place for serious violations to continue or recur”.<sup>6</sup>

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. Estimates of 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.<sup>7</sup> Forced labour is institutionalised in 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”.<sup>8</sup> Forced labour or otherwise reducing a person to a servile status can amount to the crime against humanity of “enslavement” under international law,<sup>9</sup> which occurs when “any or all powers attaching to the right of ownership are exercised” over a person.<sup>10</sup> 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”.<sup>11</sup>

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.<sup>12</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>13</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>14</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 ‘re-education’ and religious repression.<sup>15</sup> 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.

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> 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.

The international response to atrocity crimes in China has been uneven and inadequate, mostly led by 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 Turkic Muslims.<sup>19</sup> The European Union, the UK, US and Canada jointly 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> Several major brands identified as having links with forced labour in Xinjiang have likewise ceased their presence in the region.<sup>22</sup> Countries, mostly from the West, have sought to discuss the situation in the UN Human Rights Council and issued joint statements of concern at the UN General Assembly, most recently the October 2022 joint statement in the UN General Assembly Third Committee that was supported by a record 50 countries.<sup>23</sup> China responded with a counter-statement read by Cuba, which was supported by 66 signatories.

China has reacted with predictable hostility, endeavouring silence criticism and secure statements of support, primarily from countries from the Global South. After its failed efforts to suppress the August 2022 OHCHR report on abuses in Xinjiang,<sup>24</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>25</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.

China's success in securing the backing of OIC states reaffirms the need for greater efforts to counter Beijing's influence and mobilise broader support for action. One step in this direction would be the US urgently appointing a dedicated special envoy to the OIC (a role created under George W. Bush but left vacant for the past six years) in advance of the OIC Ministerial meeting in Nouakchott, Mauritania on 16-17 March 2023, with the aim of building support for addressing the situation at the upcoming session of the UN Human Rights Council (27 February-4 April 2023).

### 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 outstanding requests for UN special procedures mandate holders to undertake an official visit 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:

- 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 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 US should urgently fill the vacant position of special envoy to the OIC.

#### 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.

#### 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, 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.

<sup>2</sup> Simon Denyer, [“Former inmates of China’s Muslim ‘reeducation’ camps tell of brainwashing, torture”](#), *Washington Post*, 17 May 2018.

<sup>3</sup> 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) 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>4</sup> See <https://www.xinjiangpolicefiles.org/>

<sup>5</sup> *Ibid*, para. 144.

<sup>6</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>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> *Ibid*.

<sup>9</sup> See *Kunarac et al v Prosecutor*, Case No IT-96-23 & 23/1-A, Judgment, 22 February 2001, [534]-[535], [542].

<sup>10</sup> *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.

<sup>11</sup> *Kunarac et al v Prosecutor*, Judgment Trial Chamber) [542].

<sup>12</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>13</sup> ASPI, *Report on Cultural Erasure*, 3-4, 8.

<sup>14</sup> *Ibid* 5.

<sup>15</sup> John Sudworth, [“China Muslims: Xinjiang Schools used to Separate Children from their Families”](#), *BBC News*, 4 July 2019.

<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).

<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.

<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> [“Xinjiang cotton: Western clothes brands vanish as backlash grows”](#), *BBC*, 26 March 2021,

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<sup>23</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>24</sup> William Nee, [“China’s heavy-handed push to prevent a UN report on Xinjiang”](#), *The Diplomat*, 01 August 2022.

<sup>25</sup> Emma Farge, [‘U.N. body rejects debate on China’s treatment of Uyghur Muslims in blow to West’](#), *Reuters*, 7 October 2022.