



Geneva International Centre *for* Justice

GICJ



Human Rights in Xinjiang

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Introduction

In the PRC, the survival of Uyghur people's religious practices and cultural heritage remains highly threatened by the Chinese government's internal policies. Out of the 55 ethnic minorities that exist in the PRC, Uyghurs are demographically among the most important: approximately 10 millions of them live in XUAR. Among them, around 1 million are arbitrarily detained in re-education or training camps, where they are subject to mental and physical treatments aimed at undermining the continuation of their religious and cultural customs¹. Despite mounting evidence of the violent repression measures undertaken by the government of the PRC against those detained as well as those not detained, the inadequacy of responses arising from the international community is highly concerning.

Uyghurs' distinct religious and cultural identity has long been a source of concern for the PRC government. Even though they have been present in Western China for about 1'000 years, the longstanding political domination of Han Chinese in the country (the ethnic majority in China), along with their cultural and language differences, has caused a climate of resistance to install. In 2009, violent riots erupted in Urumqi, killing nearly 200 people². Some Chinese cities have since been targeted by Uyghur terrorist groups. Most of the victims of these attacks were Han Chinese.

The Chinese government's decision to review its XUAR security policies took place soon after Xi Jinping's access to power in 2013. Rumours then started to emerge concerning detention camps being established in major XUAR cities, where a rising number of Uyghurs suspected of committing or planning terrorist acts were being detained. The purpose of these centers was theoretically to de-radicalize detainees and provide them with professional trainings. Nonetheless, the vagueness of the criteria used to arrest individuals and testimonies of former detainees about living conditions in the camps started to alarm the international community.

¹ Kirby, J. (2020), Concentration camps and forced labor: China's repression of the Uighurs, explained, *Vox*, (online), Available at: <https://www.vox.com/2020/7/28/21333345/uighurs-china-internment-camps-forced-labor-xinjiang> (accessed 14 April 2021)

² Branigan, T. (2009), China locks down western province after ethnic riots kill 140, *The Guardian*, (online), Available at: <https://www.theguardian.com/world/2009/jul/06/china-uighur-urumqi-riots> (accessed 14 April 2021)

Abusive security policies in XUAR

Arbitrary detention

In May 2018, Canadian law student Shawn Zhang's research allowed to prove the existence of these re-education camps based on the analysis of satellite images and on reeducation camps buildings' distinguishing features³. He also gathered information on the courses and activities that take place in the camps, relying on official documents related to the re-education campaign in XUAR. Military training, political education, vocational skill training and mandarin courses compose the main parts of the detention period, which is at least 3 months long according to his research. In October 2018, Shohrat Zakir, the XUAR government chief on counterterrorism, vocational education and training ultimately acknowledged the existence of "vocational education institutions" ; according to him they are aimed at improving trainees' ability in "commanding the country's language, acquiring legal knowledge and vocational skills"⁴.

Leaked documents from 2017 reveal how the camps' personnel is expected to run the camps (the International Consortium of Investigative Journalists obtained those documents) ⁵. A "telegram", marked "secret" and approved by XUAR's top security chief Zhu Hailun, provides specific instructions on how the detainees' daily life and intimacy should be monitored and managed. Guidelines particularly insist on topics such as preventing escapes (all doors must be double locked; students' activities must be controlled and monitored); promoting ideological, mandarin language and manner education; strengthening detainees' daily life behavior norms. According to this document, detainees should remain in the center for at least one year and are only considered as having completed the training when their "problem" is considered lighter

³ Zhang, S., (2018), Xinjiang's re-education system is a hybrid of Gulag and Indian residential school, *Shawn Zhang*, (blog), available at: <https://medium.com/@shawnwzhang/latest-re-education-campaign-in-karshgar-xinjiang-167668ad5729> (accessed April 14 2021)

⁴ Bo, X., (2018), Full transcript: Interview with Xinjiang government chief on counterterrorism, vocational education and training in Xinjiang, *Xinhuanet* (online), available at: http://www.xinhuanet.com/english/2018-10/16/c_137535821.htm (accessed 14 April 2021)

⁵ Allen-Ebrahimian, B., (2019), Exposed: China's operating manuala for mass internment and arrest by algorithm, *International Consortium of Investigative Journalists* (online), available at: <https://www.icij.org/investigations/china-cables/exposed-chinas-operating-manuals-for-mass-internment-and-arrest-by-algorithm/> (accessed 14 April 2021)

than when they started the training and when their scores meet prescribed standards for different topics, including “ideological transformation” and “compliance and discipline”.

Accounts of former detainees and locals have brought to light the ways in which XUAR authorities’ detention policies are violating the fundamental freedoms and rights of XUAR inhabitants. In June and July 2013, Mahira Yakub, an Uyghur woman working in an insurance company, transferred money to her parents to help them pay for a house in Australia. Mahira went missing in April 2019, and her sister learned in September 2019 that she had been prosecuted in July for allegedly “financing terrorist activities”⁶. Chinese authorities also claimed that she possessed items that promoted extremism, though no reasons were provided for Mahira’s detention in one of XUAR’s vocational education institutions. As of today, her family has had no contact with her and she was not allowed to choose a lawyer.



An armed police officer stands outside the entrance of a “vocational skills education centre” in Hotan, XUAR (Credits: Reuters, Thomas Peter)

Uyghurs living abroad are also increasingly in danger. The story of Gulbahar Haitiwaji is an example of how Chinese authorities are extending their influence abroad. In November 2016,

⁶ Amnesty International UK (2020), Uyghur indicted for money transfer, available at: <https://www.amnesty.org.uk/urgent-actions/uyghur-detained-incommunicado-again> (accessed 14 April 2021)

She had been living in France for over 10 years when her former employer in China asked her to return to XUAR to deal with formalities linked to her pension rights. Once returned in Karamay, she was interrogated by the police and accused of terrorism, showing her a picture of her daughter holding a flag at East Turkestan at a protest in Paris⁷. She was then detained in of XUAR's training camps in the outskirts of Karamay where she remained for 2 years. Haitiwaji described as a re-education camp with military rules, where she was subject to brainwashing, psychological torture, and forced to confess crimes she did not commit⁸. Her daughter made the case public in France and alerted officials and the media, which probably explains that Haitiwaji was abruptly released and allowed to go back to her family in August 2019.



Gulbahar Haitiwaji and her family (Credits: Asialyst, Emanuelle Marchadour)

Forced labor

The government of the PRC has recently implemented a number of policies aimed at countering extremism and terrorist threats by theoretically favoring education and professional training among disadvantaged populations. One campaign consists in the transferring of poor workers

⁷ Trouillard, S. (2021), « Rescapée du goulag chinois » : une Ouïghoure survivante témoigne, *France 24* (online), available at : <https://www.france24.com/fr/asie-pacifique/20210114-rescapée-du-goulag-chinois-une-ouïghoure-survivante-témoigne> (accessed 14 April 2021)

⁸ Haitiwaji G., & Morgat R., (2021), « Our souls are dead » : how I survived a Chinese reeducation camp for Uyghurs, *The Guardian*, (online), available at: <https://www.theguardian.com/world/2021/jan/12/uighur-xinjiang-re-education-camp-china-gulbahar-haitiwaji> (accessed 14 April 2021)

in regions where workforce is most needed. In the case of XUAR, this policy has revealed itself as a way of integrating forced labor in the province's economic system. Indeed, the Xinjiang Production and Construction Corps, also known as "Bingtuan", a paramilitary force present across Western China, is also the single largest producer of cotton in XUAR, known to utilize forced labor throughout the textile supply chain⁹. The criteria used to select those who are sent in these professional training centers, besides being undefined, seems discriminatory: being unemployed or having family abroad is enough to have Uyghurs or individuals of other ethnic minorities assigned to one of these sites against their will.

Essentially, in this situation the limit between social development-oriented policies and coercive measures based on forced labor and surveillance is difficult to identify. The Australian Strategic Policy Institute estimates 80'000 Uyghurs have been assigned to these factories since 2017¹⁰. In addition to this, 83 major Chinese and foreign brands are thought to benefit directly or indirectly from forced labor in XUAR¹¹, it is however difficult to evaluate the exact proportion of goods exported from the PRC that are linked with forced labor.

Mass surveillance

The PRC's counter terrorism-oriented policies have also stood out as a means to develop and use highly sophisticated surveillance and data collection tools. Because of these tools, the notions of personal freedom and privacy are progressively being dissolved for the inhabitants of XUAR. It should also be mentioned that the PRC has no unified privacy or data protection law.

Among the technologies developed to monitor the Uyghur population, the Integrated Joint Operations Platform (IJOP), a mobile application, has become one of the main systems used by Chinese authorities for mass surveillance. According to a Human Rights Watch report, this application has three main functions: collecting significant amounts of personal data, keeping

⁹ Uyghur Human Rights Project, (2020) Explainer- Five things to know about the Bingtuan, available at: <https://uhrp.org/uhrp-reports-and-briefings/explainer%E2%80%9494five-things-know-about-bingtuan> (accessed 14 April 2021)

¹⁰ Xiuzhong Xu V., *et al.*, (2020), Uyghurs for Sale (report), *Australian Strategic Policy Institute*, available at: <https://www.aspi.org.au/report/uyghurs-sale> (accessed April 16 2021)

¹¹ Business & Human Rights resource centre, (2020) China: 83 major brands implicated in report on forced labour of ethnic minorities from Xinjiang assigned to factories across provinces; includes company responses (report), available at: <https://www.business-humanrights.org/en/latest-news/china-83-major-brands-implicated-in-report-on-forced-labour-of-ethnic-minorities-from-xinjiang-assigned-to-factories-across-provinces-includes-company-responses/> (accessed 16 April 2021)

track of behaviors deemed suspicious, and prompting investigations of people that are labeled as dangerous by the system¹². The local authorities will flag attitudes that are considered problematic; those include actions such as donating to mosques or avoiding using the front door. Deviating from so-called norms is also deemed as suspicious: those who use too much electricity or leave their residence area without informing the police are tracked. The individuals who are deemed as potentially threatening are either detained in political education camps, subjected to house arrest or not allowed to leave the country. According to the International Consortium of Investigative Journalists (ICIJ), in a seven-day period in June 2017, XUAR security officials rounded up close to 16 000 XUAR residents flagged by IJOP and placed them in internment camps; 706 were formally arrested¹³.

Aside from national systems employing mass surveillance in XUAR, Chinese and foreign technology companies have also been suspected of cooperating to enable the proliferation of mass surveillance methods in XUAR¹⁴.

The Uyghur minority's freedoms and civil rights are being increasingly eroded by the PRC's security-oriented, discriminatory policies. Mass surveillance technology is only one among the other means that are used by local authorities to gather meaningless motives to justify detention in re-education camps, house arrest or travel restrictions within and out of the country.

Birth rate drop in Xinjiang and allegations of forced sterilization

In XUAR, a drastic birth rate drop has been observed since 2017. Between 2015 and 2018, growth rates have fallen by 84% in the two largest Uyghur prefectures; they are currently still declining¹⁵. Moreover, statistics show that while sterilizations and the use of IUDs have overall

¹² Wang, M., *et al.*, China's algorithms of repression (report), (2019) *Human Rights Watch*, available at: <https://www.hrw.org/report/2019/05/01/chinas-algorithms-repression/reverse-engineering-xinjiang-police-mass> (accessed April 16 2021)

¹³ Allen-Ebrahimian, B., (2019), Exposed: China's operating manuals for mass internment and arrest by algorithm, *International Consortium of Investigative Journalists* (online), available at: <https://www.icij.org/investigations/china-cables/exposed-chinas-operating-manuals-for-mass-internment-and-arrest-by-algorithm/> (accessed 14 April 2021)

¹⁴ Batke J., & Ohlberg M., (2020), China's biosecurity state in Xinjiang is powered by Western tech, *Foreign Policy*, available at: <https://foreignpolicy.com/2020/02/19/china-xinjiang-surveillance-biosecurity-state-dna-western-tech/> (accessed April 16 2021)

¹⁵ Zenz, A., (2020), Sterilization, IUDs, and mandatory birth control: the CCP's campaign to suppress Uyghur birthrates in Xinjiang, (report), Washington DC: The Jamestown Foundation, 32p., available at: <https://jamestown.org/wp-content/uploads/2020/06/Zenz-Internment-Sterilizations-and-IUDs-UPDATED-July-21-Rev2.pdf?x26611> (accessed 15 April 2021)

decreased at the national level, they have increased significantly in XUAR. An Associated Press (AP) investigation revealed that population control measures have been a central part of Chinese authorities' policies towards ethnic minorities in the past years; these measures are aimed at decreasing China's muslim population¹⁶. They include obligatory pregnancy tests, forced sterilizations and abortions.

The AP investigation includes testimonies of Uyghur women. Gulnar Omirzakh, a Chinese-born Kazakh, was forced by local authorities to have an IUD inserted after the birth of her third child. Later, she was forced to pay a 2 685 dollars fine for having more than two children. "They want to destroy us as a people", she declared. Gulbahar Jalilova was detained in a reeducation camp in Urumqi for 15 months. She claims to have received injections during her detention, and noticed after a few months that she stopped having her period. According to the investigation, some Uyghurs have reportedly been sentenced and detained for having too many children.

Measures to control national birth rates have been in place in China for decades, but current testimonies and statistics show that Han Chinese and non-Han Chinese, particularly Uyghur Chinese, do not face the same restrictions regarding family planning. In some parts of the country, the Han population is even encouraged to have more children.



Gulnar Omirzakh and her son (Credits: Mukhit Toktassyn, AP images)

¹⁶ The Associated Press, (2020), China cuts Uyghur births with IUDs, abortion, sterilization, (report), available at: <https://apnews.com/article/269b3de1af34e17c1941a514f78d764c> (accessed 16 April 2021)

Key international actors' position

China's extradition treaty with Turkey

The PRC's ratification on 27 December 2020 of an extradition treaty signed with the Republic of Turkey in 2017 is a further alarming event for the worldwide Uyghur community, as Turkey's common ethno-linguistic and historic roots with the Uyghurs have made it a prime country of destination for those of them fleeing XUAR. Currently, 50'000 Uyghurs are estimated to be living in Turkey. While extradition laws are common between states and do not, in essence, violate human rights, the consequences of this treaty should not be overlooked given Turkey's particular status in the eyes of the Uyghurs. If Turkey ratifies it, the thousands of Uyghurs who have already fled the PRC's repressive policies could potentially be deported out of the country and sent back to XUAR, where they risk arbitrary detention and torture. Moreover, as the PRC and Turkey have cultivated increasingly close political and economic ties in the recent years, it has been suspected that Turkey has already secretly allowed the interrogation and extradition of Uyghurs considered as terrorists by the PRC by sending them in countries where extradition treaties with the PRC are ratified¹⁷. In the context of the Covid-19 pandemic, the PRC may have purposely delayed exports of vaccines to Turkey as a form of pressure regarding the treaty.

Given the potential violation of fundamental human rights and international norms associated with the ratification of such a treaty by Turkey, this process should be abandoned most urgently. Cooperation and the implementation of international norms aimed at protecting Uyghurs' interests and status as a minority should be prioritized. International response regarding the ongoing human rights violations however remains very limited and unsatisfactory.

Calls for action within the UN

In July 2019, two groups of UN member states issued dueling statements concerning the situation of the Uyghurs in Xinjiang. While the representatives of 23 states condemned the

¹⁷Davidson H., & McKernan B., (2020), Pressure on Turkey to protect Uyghurs as China ratifies extradition treaty, *The Guardian*, available at: <https://www.theguardian.com/world/2020/dec/29/pressure-on-turkey-to-protect-uighurs-as-china-ratifies-extradition-treaty> (accessed 16 April 2021)

Chinese government's policies against ethnic minorities (among representatives were states such as the US, Canada, Japan), the representatives of 54 countries approved the PRC's security policy and further praised its approach to counter-terrorism (they included states such as Russia, Egypt). This reveals China's increasing influence within multilateral structures and how threatening it can be for the safety of Uyghurs.

Moreover, in October 2020, the PRC was elected as a member of the Human Rights Council among the group of Asia-Pacific states at the UN's General Assembly. Member states that are elected within the HRC are expected to put forward their contribution to the promotion and protection of human rights, and their voluntary pledges and commitments in this regard¹⁸. So far, China has used this position to defend its non-interference policy and oppose western governments' attempts at imposing sanctions; the state's opposition to UNSC measures aimed at coercing the Myanmar military to cease the use of violence against citizens is a recent example of this¹⁹. This election unfortunately confirms that influence rivalries have taken over members' legitimacy as human rights promoters. Nonetheless, throughout its three year term, the PRC should particularly be held accountable for its repressive security measures; it should be pressured to significantly reform its security policies and treatment of ethnic minorities.

Sanctions

Calls for international sanctions have increased in the past months, as they appear as the most efficient way of limiting the scope of a state's abusive policies or of pressuring governments to cease abusive policies.

In January 2021, the United States have imposed a ban on products linked with forced labor in XUAR²⁰. At the same period, discussions arose about the possibility of a genocide amendment

¹⁸ United Nations Human Rights Council, (2020), Membership of the HRC, (online), available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Membership.aspx> (accessed 16 April 2021)

¹⁹ Barrett C., (2021), "A Bloodbath is imminent" in Myanmar but China blocks UN sanctions, *The Sydney Morning Herald*, available at: <https://www.smh.com.au/world/asia/a-bloodbath-is-imminent-in-myanmar-but-china-blocks-un-sanctions-20210331-p57fuw.html> (accessed 16 April 2021)

²⁰ Sharma S., (2021), US bans all cotton and tomato products from Xinjiang over slave labour links, *The Independent*, available at: <https://www.independent.co.uk/news/world/americas/us-ban-xinjiang-cotton-tomato-uyghur-b1787151.html> (accessed 16 April 2021)

being inserted in the Brexit trade legislation²¹. The amendment would theoretically have allowed courts in the United Kingdom to determine whether a genocide was taking place within the PRC, and would have required the UK government to consider implementing trade restrictions with the state. It was ultimately not voted, though the insertion of such an amendment would not only have strengthened the legitimacy of human rights within the framework of international trade agreements but would also have supported states' accountability for the implications of their domestic policies.

In March 2021 however, the first coordinated sanctions related to the Chinese government's treatment of its minorities were imposed. The EU imposed travel and economic sanctions on four of China's officials, including Chen Mingguo, the director of the Xinjiang Public Security Bureau. The EU's decision was later mirrored by the US, UK, and Canada. In response, China sanctioned several EU officials, UK entities and individuals. The alliance formed by western governments in response to human rights violations is the most significant one since China's violent crackdown on protests in Tiananmen Square in 1989²².

GICJ position

GICJ is particularly concerned about the situation faced by China's Uyghur minority. Chinese authorities' lack of transparency on XUAR's security policies, and increasing allegations of arbitrary detention, mass surveillance, forced labour, and sexual violence should be a priority matter for multilateral human rights mechanisms.

As a member of the Human Rights Council, the PRC should be required to demonstrate complete transparency regarding its use of counter-terrorist measures in XUAR. We call on the state to close all re-education and training camps established in XUAR, to re-evaluate the role and influence of the Xinjiang Production and Construction Corps ("Bingtuan") on regional counter-terrorist policies, and to cease its use of the Integrated Joint Operations Platform and

²¹ Sbai N., (2021), The Genocide amendment: world peace meets world trade, *The Law Miracle*, available at: <https://www.thelawmiracle.com/commercial-awareness-articles/coporate-lawyer/the-genocide-amendment-world-peace-meets-world-tradenbsp> (accessed 16 April 2021)

²² Wintour P., (2021), US and Canada follow EU and UK in sanctioning Chinese officials over Xinjiang, *The Guardian*, available at: <https://www.theguardian.com/world/2021/mar/22/china-responds-to-eu-uk-sanctions-over-uighurs-human-rights> (accessed 16 April 2021)

delete the data collected through it. We call on Turkey to abandon its extradition treaty with the PRC. Lastly, we encourage states and multilateral structures to enhance international cooperation in favour of human rights: measures must be implemented in order to safeguard the security of Uyghurs established in the PRC and abroad.



Police guard and Uyghur children in Kashgar (Credits: Kevin Frayer, Getty)

Geneva International Centre *for* Justice

Independent, non-profit, non-governmental organization

GICJ is an independent, non-profit, non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work with NGOs

GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the Globe. Through these channels, GICJ is able to receive documentation and evidence of human rights violations and abuses as they occur there. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.

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