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BREAKING DOWN THE UN'S XINJIANG REPORT

THE REPORT

On 31 August at 11:47PM, the UN Office of the High Commissioner for Human Rights (OHCHR) released its *Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China*.

Where?



The Xinjiang Uyghur Autonomous Region ('Uyghur region' or 'XUAR') covers one-sixth of China's total territory. It borders central and south Asia, as well as the Tibetan plateau. The population has historically been made up of significant numbers of Turkic-speaking peoples, predominantly Muslim: Uyghurs, but also ethnic Kazakhs, Kyrgyz and others.



In 1953, **75%** identified as Uyghur; in 2021, only **45%** did, as a result of policies encouraging in-migration from eastern China.



Why?

In responding to perceived 'terrorist' and 'extremist' threats, the Chinese government adopted laws and policies, notably since **2014**, that targeted the Uyghur and other Turkic Muslim populations as a whole.

In late **2017**, the UN started receiving increasing allegations that individuals from these communities were disappearing.

In **2018**, a UN committee and a group of experts both publicly reported this trend, prompting global concern.

2014

2017

2018

Who wrote it?

The OHCHR's intention to gain access to the region to investigate claims of serious violations dated back to June 2018. The idea for a report had been **announced almost three years prior to its release**, and was meant to have been completed in 2021. However, delays meant that it was released just minutes before High Commissioner Michelle Bachelet left office.



It was drafted by an expert team of OHCHR staff, according to strict UN methodology and research protocols to ensure the reliability and credibility of the evidence.

Based on what evidence?

It draws on information from:



Publicly available official documentation, such as:



Laws and policies



Official statements



Statistical data



White Papers



Court decisions



Submissions of the Chinese government provided in the context of UN human rights *treaty reviews* and in response to letters (*communications*) from the UN 'Special Procedures' independent experts



Other official documents leaked into the public domain which the OHCHR considers highly likely to be authentic, including the *China Cables*, *Xinjiang Papers*, *Karakax List*, *Urumqi Police Database*, and *Xinjiang Police Files*



Dialogue with the Permanent Mission of China to the United Nations in Geneva, and the government's official 131-pages *response*



40 in-depth interviews, including 26 of which were with individuals who had been 'either detained or had worked in various facilities across XUAR'



Satellite imagery



Academic research

This set of evidence was assessed **in light of China's binding obligations under international human rights law**, including human rights treaties it voluntarily signed or ratified, and other norms recognized by the international community and that do not allow derogations under any circumstances – such as the prohibition of torture, slavery, arbitrary detention or racial discrimination.

On what grounds?

This report was not formally requested by the UN's top human rights decision-making body, the Human Rights Council. Instead, the OHCHR decided to step up reporting **'in light of the breadth and gravity of the allegations, and the nature of information received'**.

It can do so because, when the UN General Assembly decided to establish the post of High Commissioner for Human Rights in 1993, countries granted it a **global mandate** to 'promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights.'

As has been stated in past similar reports on Kashmir and Venezuela, **'the mandate of the High Commissioner includes the full range of activities aimed at the promotion and protection of human rights, including monitoring and reporting.'**

KEY FINDINGS

“**‘Serious human rights violations’** have been committed in the Uyghur region. The UN finds ‘patterns of severe and undue restrictions on a wide range of human rights’ that are ‘characterized by a **discriminatory component**’ as they often ‘directly or indirectly affect Uyghur and other predominantly Muslim communities.’

They are underpinned by **‘deeply problematic’ laws and policies**, in the context of ‘counter-terrorism’ or ‘counter-extremism’ strategies, which

- are ‘vague, broad, and open-ended’
- have ‘limited safeguards and scant independent oversight’
- are ‘vulnerable to discriminatory application’

This framework has led to the **‘large-scale arbitrary deprivation of liberty** of members of Uyghur and other predominantly Muslim communities in XUAR’, both in:

- internment camps China calls ‘vocational training and education centers’ (VETCs)
- prisons, with a ‘trend of increased number and length of imprisonments through a criminal justice process’

The UN concludes this ‘may constitute international crimes, including crimes against humanity’, due to three compounding factors:



The ‘extent of arbitrary and discriminatory detention’



Carried out ‘pursuant to law and policy’



In a context of broader ‘restrictions and deprivation’ of individual and collective fundamental rights

Most importantly, the UN considers that **‘the conditions remain in place for serious violations to continue and recur.’**

DOCUMENTED VIOLATIONS

Violations against those detained or imprisoned



- No legal basis, lawful grounds, or due process for placement in 'VETCs'
- Torture and ill-treatment, including beatings, shackles, use of a 'tiger chair' during interrogations, and use of electric batons
- Constant hunger leading to severe weight loss and other health impacts
- Sleep deprivation, surveillance and lack of privacy
- Forced/non-consensual medical treatment
- Sexual and gender-based violence

Violations more generally experienced in the Uyghur region by ethnic and religious minorities



On cultural, linguistic, and religious identity and expression

- 'Progressively tighter regulation of religious practice'
- Considering wearing of hijabs or 'abnormal beards', or 'giving one's child a Muslim name' as 'expressions of extremism'
- Destruction of mosques, shrines and cemeteries
- Prohibition of Uyghur language in schools and materials



On privacy and movement

- Extensive forms of intensive surveillance and control
- Non-consensual biometric data collection, including facial recognition and iris scans, run through police databases, 'invasive electronic surveillance' that 'can be, and are, directed at the Uyghur and other predominantly Muslim populations'
- Physical checkpoints targeting ethnic community members
- Confiscation of personal identification and travel documents
- Coercive 'home stays' by officials through the *fanghuiju* programme



On reproductive rights

- Coercive family planning policies
- A 'sharp decline in birth rates in the XUAR', driven in part by the government's association of higher frequency of births with 'extremism'
- Forced birth control and possible forced sterilisations



On employment and labour

- Placement in 'VETC' facilities, clearly linked to employment schemes, or upon 'graduation' from such facilities – where individuals are under constant 'menace of penalty'
- Labour transfer schemes, applied in a discriminatory way, where labour is not voluntary: there is an 'urgent need for further clarification by the government' regarding recruitment, placement and conditions of work

Separately, the UN's slavery expert found that these **amount to forced labour, and in some cases, enslavement as a crime against humanity.**

Violations that 'transcend borders' and have global reach and impact



- Lack of information provided to family members regarding location, reason for detention, conditions, term of detention
- 'Contact with persons abroad' as an explicit ground for detention
- Self-censorship and fear among family members
- Intimidation, threat and reprisals, including phone calls from Chinese individuals or even family members under duress, targeting Uyghurs, non-Uyghur human rights advocates, and staff of enterprises with links in the XUAR
- Forcible returns to China in breach of the principle of *non-refoulement*

ACCORDING TO THE UN, WHO NEEDS TO TAKE ACTION?

To **prevent the continuation of serious abuses** and possible international crimes, the OHCHR lists recommendations for a set of actors:

The Chinese state should:



Change laws and policies:

- Review its national security framework and repeal discriminatory laws and policies targeting Uyghurs
- Account for and cease actions to destroy cultural heritage
- Ensure that any surveillance complies with international law
- Ratify remaining international human rights treaties (**ICCPR, ICED, OP-CAT, OP-CERD, OP-CEDAW**)



Address needs of victims and their communities:

- Release all those arbitrarily detained in the XUAR
- Provide information about those missing to their families
- Investigate allegations of rights violations in 'VETCs' and other detention facilities
- Provide remedy and reparation to victims
- Cease intimidation and reprisal against those advocating for rights protection in the Uyghur region, and their families
- Allow freedom of movement to all citizens, including Uyghur citizens in China and abroad



Cooperate fully with the UN:

- Implement recommendations from UN committees on **torture** and on **racial discrimination**
- Cooperate with the International Labour Organization, including by allowing a technical advisory mission
- Invite UN Special Procedures experts on **enforced disappearance, arbitrary detention, torture, minorities, religious freedom, cultural rights, and business and human rights** to conduct unrestricted country visits
- Continue engagement with the OHCHR

The business community should:



- Take all possible measures and report transparently on efforts to fully meet the 'responsibility to respect' human rights under the UN's **Guiding Principles on Business and Human Rights**
- Strengthen human rights risk assessment in surveillance and security sectors to identify cause or contribution to adverse human rights impacts

Other governments should:



- Refrain from returning Uyghurs and other predominantly Muslim minorities at risk of *refoulement* back to China
- Provide them with humanitarian assistance

The international community as a whole should:



- Support efforts to strengthen protection and promotion of human rights in Uyghur Region
- Ensure urgent attention to the situation, including by the UN's intergovernmental bodies and human rights system

WHAT CAN CIVIL SOCIETY DO?

Civil society plays a critical role in making sure that this report can have impact, and help to change the human rights situation in the Uyghur region. Civil society, student groups, communities and activists can:

- Continue to **document and report on violations** against Uyghurs and other Turkic Muslims, in the Uyghur region and abroad
- **Disseminate this report** throughout their networks, including in translations and summaries
- Hold 'teach-ins' or **discussion groups in communities**, schools or workplaces to raise awareness about the report's findings
- **Support Uyghur community groups** who are providing psychosocial, material and other kinds of support to those affected, including refugee and asylum-seekers
- Lobby governments to take **joint diplomatic action** at the international level, including in United Nations bodies, to hold the Chinese government accountable, and **create an international mechanism to monitor and report on the human rights situation in the country**
- **Lobby national legislatures** to hold hearings on the situation and encourage governments to take actions, through law or policy, to:
 - increase pressure on the Chinese government to change its laws and practices
 - ensure that, in light of the report's findings, no Uyghur or other at-risk individual is returned to China
 - fully utilise trade and commercial policies, for example by prohibiting the import of goods produced by forced labour, including in the Uyghur region
- Educate themselves about the **supply chains of brands** and companies who may source from the Uyghur region