

December 2021

## **A Commentary on the Country Policy and Information Note (CPIN) issued on China: Muslims (including Uyghurs in Xinjiang)**

This commentary identifies what Asylum Research Centre (ARC) Foundation considers to be the main inconsistencies and omissions between the currently available Country of Origin Information (COI) on China and the conclusions reached in the following Country Policy and Information Note (CPIN) issued by the UK Home Office:

- [Country Policy and Information Note: China: Muslims \(including Uyghurs in Xinjiang\), July 2021](#)

Where we believe inconsistencies have been identified, the relevant section of the CPIN is highlighted in bold.

This commentary is intended as a guide for legal practitioners and decision-makers in respect of observed inconsistencies, gaps and omissions in the above-mentioned CPIN on China, as well as providing additional relevant COI to the issues identified.

**The commentary should be used as a tool to help to identify relevant COI and the COI referred to can be considered by decision makers in assessing asylum applications and appeals. This document should not be submitted in isolation as evidence to the UK Home Office, the Tribunal or other decision-makers in asylum applications or appeals.** However, legal representatives are welcome to submit the COI referred to in this document to decision-makers (including judges) to assist in the accurate determination of an asylum claim or appeal.

**The COI referred to in this document is not exhaustive and should always be complemented by case-specific COI research.**

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## Systematic nature of torture-and ill-treatment, including mass rape

The Home Office assesses that Muslims living in the Xinjiang region “are unable to practise their faith openly [...] They face a real risk of ill-treatment which amounts to persecution” (see paragraph 2.4.23). The section specifically states that Uyghurs and other Muslims detained by the authorities in Xinjiang “have reportedly been subjected to physical and psychological torture, sexual violence, solitary confinement, forced labour, forced birth control, and overcrowded conditions” (2.4.22) [emphasis added].

Excerpts from the July 2021 *China: Muslims (including Uyghurs in Xinjiang)* CPIN

[...] c. Muslims in Xinjiang [...]

2.4.22 Detainees **have reportedly been subjected to physical and psychological torture, sexual violence, solitary confinement, forced labour, forced birth control, and overcrowded conditions.**

Some Uyghur children – especially those whose families are detained – were sometimes moved to orphanages or forced to attend state run boarding schools [...]

2.4.23 **Muslims living in the Xinjiang region, particularly Uyghurs, are unable to practise their faith openly** as it will likely be perceived as a support for independence. **They face a real risk of ill-treatment which amounts to persecution [...]**

However, this summary fails to convey the systematic nature of the torture and abuse, as reported by several sources quoted under section 5.7 *Torture and ill treatment in detention* [emphasis added].

Excerpts from the July 2021 *China: Muslims (including Uyghurs in Xinjiang)* CPIN

[...] 5.7 Torture and ill treatment in detention [...]

5.7.2 BBC News reported in February 2021 that:

‘Women in China’s “re-education” camps for Uighurs have been **systematically raped, sexually abused, and tortured**... First-hand accounts from inside the internment camps are rare, but several former detainees and a guard have told the BBC they experienced or saw evidence **of an organised system of mass rape, sexual abuse and torture**. Tursunay Ziawudun, who fled Xinjiang after her release and is now in the US, said women were removed from the cells “every night” and raped by one or more masked Chinese men. She said she was tortured and later gang-raped on three occasions, each time by two or three men.’<sup>78</sup>

5.7.3 The March 2021 RWHRC report stated: [...]

‘...**newly built crematoria in the region indicate that authorities may be concealing the overall number of deaths and torture within the camps.** [...] **The elderly also tend to be more susceptible than younger detainees to torture for failing to learn Chinese or requesting to use the toilet outside of designated times [...]**<sup>79</sup>....

5.7.4 The USSD 2020 Country report on human rights practices, published March 2021, noted that:

‘...Members of the minority Uyghur ethnic group reported **systematic** torture and other degrading treatment by law enforcement officers and officials working within the penal system and the internment camps. Survivors stated that authorities subjected individuals in custody to **electric shock, waterboarding, beatings, rape, forced sterilization, forced prostitution, stress positions, forced administration of unknown medication, and cold cells** [...]’<sup>80</sup>

5.7.5 The RWHRC and Newsline’s March 2021 report stated:

‘Uyghur detainees within the detention sites **are systematically tortured, subjected to sexual violence, including rape, and cruel, inhuman, and degrading treatment or punishment, deprived of their basic human needs, and severely humiliated.** [...]’

Former detainees have testified to **systematic mass rape and other sexual abuse** in the detention facilities. There are also accounts of **gang rapes perpetrated by security officials, including references to masked men, the use of an electrified stick, “bite[s] all over your body,” and a designated table (where there are reportedly no cameras) for “doing things”** [...]’<sup>81</sup>

78 BBC News, ‘Their goal is to destroy everyone’: Uighur camp detainees allege...’, 2 February 2021

80 WCHR and Newsline, ‘The Uyghur Genocide’, 8 March 2021

80 USSD, ‘2020 Country Report on Human Rights Practices: China’ (Section 1A & C), 30 March 2021

Additional information contained in sources included in the CPIN, which would have been useful to include, provided additional compelling detail about the extent of torture and ill-treatment inflicted on detainees in prisons in Xinjiang, indicating the systematic and organised nature of torture [emphasis added]:

❖ [The Raoul Wallenberg Centre for Human Rights/ Newlines Institute, The Uyghur Genocide: An Examination of China's Breaches of the 1948 Genocide Convention, 8 March 2021](#)

[...] 3. Persecution and Mass Extrajudicial Internment Enshrined in law [...]

According to Government documents from as early as 2017 and 2018, including procurement requests related to the camps, **local governments obtained lists of weapons and prison supplies to maintain strict control over detainees. The lists included: electric cattle prods, electric batons, Tasers, spiked clubs known as "wolf's teeth," spears, stun guns, net guns, tear gas, pepper spray, police uniforms, and handcuffs.** Upon admission to the camps, detainees are reportedly subjected to full body examinations, including genitals, and transferred in **shackles with sacks over their heads** to the camps where they are **forced to undress in front of guards and have their heads shaved.** Those detainees tasked with "teaching" duties are reportedly forced to sign documents stipulating that failure to obey the rules will result in punishment. **Guards monitor detainees' every move through cameras covering the entirety of each cell and punish the slightest deviation from the military-style drills and indoctrination.[...] Sleep deprivation, starvation, and unsanitary, dangerous, and overcrowded conditions are commonly reported in the camps.** According to eyewitness accounts, detainees are held in overcrowded cells that generally contain one shared plastic bucket or open toilet to which **detainees are confined to strict one to three-minute bathroom breaks under surveillance cameras.[...]** Detainees are **either denied showers altogether, or only permitted showers on a weekly, monthly, or bimonthly basis,** without privacy. Former detainees consistently testify to **sleeping in two-hour shifts on the floor,** on their sides or in shared beds. **Witnesses also commonly describe detainees sitting on plastic chairs for 12-14 hours straight or with their hands and feet shackled at all times, save for writing exercises, but including during sleep...** In the summer of 2020, during a COVID-19 outbreak, authorities subjected XUAR to harsher lockdown measures than elsewhere in China, and even **forced residents to ingest medicine in unmarked bottles or face detention.'**

The same report states 'According to eyewitnesses, **detainees can be tortured for failing to comply with strict military-style orders and rules or for simple everyday behavior, including speaking or whispering with each other, turning off the bright cell lights that remain permanently lit, or even smiling, crying, yawning, closing their eyes, eating too slowly, or exceeding the minimal time allotted for bathroom breaks. Former detainees have testified to designated "interrogation rooms" within the camps and detention centers, where there are no cameras and consistent brutal methods of torture are inflicted, sometimes lasting 24 hours and causing loss of consciousness. [...]** Detainees are also **subjected to whippings and constant beatings by metal and electric prods or bare cords.** Eyewitnesses have testified to seeing **blood covering the floors and walls, and watching detainees emerge from the interrogation rooms, some without fingernails.** Other eyewitnesses have reported being **forced to ingest blackout-causing drugs, confined to nail-covered or electrified chairs, subjected to complete strip searches, or hung on walls and beaten with electrified truncheons.'**

'Other accounts testify to witnessing **police take young girls into a closed room to "take turns with them," with some never to return.** Others have described female detainees forced to routinely undress, squat in the nude, and smear ground chili pepper paste on their genitals in the shower while filmed. During the height of China's COVID-19 outbreak, detainees were reportedly forced to strip naked on a weekly basis as guards hosed them down with "scalding" and corrosive disinfectant'. [...]

❖ [BBC News, 'Their goal is to destroy everyone': Uighur camp detainees allege systematic rape, 2 February 2021](#)

[...] First-hand accounts from inside the internment camps are rare, but several former detainees and a guard have told the BBC they experienced or saw evidence of an organised system of mass rape, sexual abuse and torture.

Tursunay Ziawudun, who fled Xinjiang after her release and is now in the US, said women were removed from the cells "every night" and raped by one or more masked Chinese men. She said she was tortured and later gang-raped on three occasions, each time by two or three men. [...]

❖ [Human Rights Watch, "Break Their Lineage, Break Their Roots", China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims, 19 April 2021](#)

[...] Torture and Other Ill-Treatment in Custody [...]

Former Uyghur detainee Mihrigul Tursun said she witnessed nine deaths in three months of detention. [...] Mihrigul Tursun also told of being stripped naked, forced to undergo a medical examination, and being electroshocked and beaten while interrogated. **She described how 40 to 68 women, chained at the wrists and ankles, were put in the same 420-square-foot underground cell in which they were expected to urinate and defecate. The cell had just one small hole in the ceiling for ventilation.**<sup>90</sup>

In the camps, in some cases, detainees were not permitted to talk; any utterance in Turkic languages was punished. Some reported being incessantly observed through video cameras and microphones.<sup>91</sup>

A leaked CCP directive corroborates these allegations, ordering "full video surveillance coverage of dormitories and classrooms free of blind spots, ensuring that guards on duty can monitor in real time, record things in detail, and report suspicious circumstances immediately."<sup>92</sup>

**Some former detainees described overcrowding, having to share beds with others, and taking turns sleeping. They emphasized the emotional distress stemming from deplorable living conditions and the prospect of indefinite detention.**<sup>93</sup>

**Detainees said the food was poor and inadequate. A typical meal involved steamed buns and thin soup.** While basic medical care was available, people remained detained even when they had serious illnesses or were elderly.<sup>95</sup>

Detainees were forced to sing songs hailing the CCP and Xi Jinping. They were punished harshly for minor infractions of the camps' arbitrary rules; for example, authorities would deny food to those who resisted speaking Chinese.<sup>95</sup>

One former detainee recounted how, after resisting political education efforts, he was placed in solitary confinement in a two by-two meter cell where he was handcuffed, deprived of food and water, and forced to stand for 24 hours without sleep.<sup>96</sup> [...]

90 Testimony of Mihrigul Tursun; Gerry Shih, "China's mass indoctrination camps evoke Cultural Revolution," AP News, May 17, 2018, recounting former detainee's interrogation in a "tiger chair."

91 Human Rights Watch, "Eradicating Ideological Viruses," p. 41-42; Philip Wen and Olzhas Auyezov, "Tracking China's Muslim Gulag," Reuters, November 29, 2018.

92 自治区机关发电 (Autonomous Region State Telegram), para. 3.

93 Human Rights Watch, "Eradicating Ideological Viruses," p. 2, 36, 41-42, 49-50, 54-55.

94 Ibid.

95 Ibid.

96 Ibid., p. 50. [...]

❖ [Amnesty International, "Like We Were Enemies in a War", China's Mass Internment, Torture and Persecution of Muslims in Xinjiang, June 2021](#)

Executive Summary [...]

In internment camps, all detainees were subjected to a ceaseless indoctrination campaign as well as physical and psychological torture and other forms of ill-treatment. From the moment they entered a camp, detainees' lives were extraordinarily regimented. They were stripped of their personal autonomy, with every aspect of their lives being dictated to them. Detainees who deviated from the conduct prescribed by camp authorities – even in the most seemingly innocuous ways – were reprimanded and regularly physically punished, often along with their cellmates.

Detainees had no privacy. They were monitored at all times, including when they ate, slept, and used the toilet. They were forbidden to talk freely with other detainees. When detainees were permitted to speak – to other detainees, guards, or teachers – they were required to speak in Mandarin Chinese, a language many of them, especially older people and those from more rural areas in Xinjiang, did not speak or understand. Detainees were physically punished if they spoke in a language other than Mandarin.

There was insufficient food, water, exercise, healthcare, sanitary and hygienic conditions, fresh air, and exposure to natural light. Detainees had draconian restrictions placed on their ability to urinate and defecate. All detainees were required to “work” one- or two-hour shifts monitoring their cellmates every night. Many former detainees reported that during the first few days, weeks, or sometimes months after arriving at the internment camps, they were forced to do nothing but sit still – often in terribly uncomfortable positions – for nearly the entire day.

At some point after arriving nearly all detainees were subjected to highly regimented classes. The typical schedule included three or four hours of classes after breakfast. Then detainees had lunch and a short “rest”, which often involved sitting still on a stool or with their heads still on their desks. After lunch there was another three or four hours of classes and then dinner, followed by a few hours to sit or kneel on a stool and silently “review” the day’s material or to watch more “educational” videos. At nearly all times during classes, detainees were required to look straight ahead and not to speak with their classmates. Classes often involved memorizing and reciting “red” songs – that is, revolutionary songs that praise the CCP and the People’s Republic of China. [...]

Detainees were questioned or interrogated regularly. They were also frequently required to write letters of “confession” or “self-criticism”. In addition to confessing one’s “crimes”, self-criticism entailed describing in writing what the detainee had done wrong, explaining that the education they were receiving enabled them to recognize the error of their ways and “transform” their thinking, expressing gratitude to the government for this education, and promising not to return to their old habits.

**Every former camp detainee Amnesty International interviewed was tortured or subjected to other cruel, inhuman, or degrading treatment or punishment (in this report referred to as “torture or other ill-treatment”) during their internment. Torture and other ill-treatment are constitutive elements of life in the internment camps.** The torture and other ill-treatment that detainees experience in the camps fall into two broad categories.

The **first category included the physical and non-physical (that is, mental or psychological) torture and other ill-treatment experienced by all detainees as a result of the cumulative effects of daily life in the camps.** The combination of these physical and non-physical measures, in conjunction with the total loss of control and personal autonomy in the camps, is likely to cause mental and physical suffering severe enough to constitute torture or other cruel, inhuman, or degrading treatment.

The **second category of torture and other ill-treatment included physical torture and other ill-treatment that occurred during interrogations or as punishment for misbehaviour by specific detainees.** Torture methods used during interrogations and as punishment included beatings, electric shocks, stress positions, the unlawful use of restraints (including being locked in a tiger chair), sleep deprivation, being hung from a wall, being subjected to extremely cold temperatures, and solitary confinement. Interrogations usually lasted an hour or more; punishments were often much longer.

Amnesty International interviewed many former detainees who were tortured or subjected to other ill-treatment during interrogations or punishments in internment camps. Amnesty also interviewed many former detainees who witnessed the torture or other ill-treatment of other detainees or who spoke with other detainees – usually their cellmates – who informed them that they had been tortured or otherwise ill-treated during interrogations or as punishment. [...]

## Enforced disappearances of detainees

The Home Office lists in its assessment on the treatment of detained Uyghurs and other Muslims in the Xinjian region that they are subjected to “physical and psychological torture, sexual violence, solitary confinement, forced labour, forced birth control, and overcrowded conditions” (2.4.22) [emphasis added]:

Excerpts from the July 2021 *China: Muslims (including Uyghurs in Xinjiang)* CPIN

[...] c. Muslims in Xinjiang [...]

2.4.22 Detainees **have reportedly been subjected to physical and psychological torture, sexual violence, solitary confinement, forced labour, forced birth control, and overcrowded conditions.**

Some Uyghur children – especially those whose families are detained – were sometimes moved to

orphanages or forced to attend state run boarding schools [...]

However, this assessment omits information included in the *Country information* section of the CPIN, though limited, which specifically documents the enforced disappearances of detainees [emphasis added]:

Excerpts from the July 2021 *China: Muslims (including Uyghurs in Xinjiang)* CPIN

[...] 5.7 Torture and ill treatment in detention [...]

5.7.3 The March 2021 RWHRC report stated: [...]

Elderly and prominent Uyghur religious figures, or detainees who succumb to the military-style routines, are **particularly vulnerable to death or disappearance in detention**, with a number of religious scholars dying shortly after taken into custody [...] <sup>79</sup>

5.9 Families of those detained or abroad [...]

5.9.4 The April 2021 Human Rights Watch report stated:

**'In many cases, relatives have had no news about the whereabouts or wellbeing** of their detained family members. [...]

One online platform that allows relatives of detainees and activists to **compile accounts of disappearances had recorded over 11,500 testimonies** as of December 2020. [...] <sup>104</sup>

79 RWCHR and Newlines, *The Uyghur Genocide*, 8 March 2021 [...]

104 Human Rights Watch, *'Break Their Lineage, Break Their Roots'*, 19 April 2021 [...]

Additional information contained in sources included in the CPIN, which would have been useful to include, highlight a pattern of enforced disappearances of detained Uyghurs in Xinjiang [emphasis added]:

- ❖ [Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report, People's Republic of China, 3 October 2019](#)

4.6 Tibetans and Uighurs have disappeared into official custody in recent years, and media and human rights sources have documented the detention of over one million Uighurs and other Muslims in re-education camps in Xinjiang [...]

4.7 DFAT is also aware of numerous reports of family members of Uighur Australians who have become uncontactable in Xinjiang in recent years. Xinjiang officials state the re-education camps are 'vocational training centres. [...]

- ❖ [The Raoul Wallenberg Centre for Human Rights/ Newlines Institute, \*The Uyghur Genocide: An Examination of China's Breaches of the 1948 Genocide Convention\*, 8 March 2021](#)

[...] ii) **Sexual Violence** [...]

Other accounts testify to witnessing **police take young girls into a closed room to "take turns with them," with some never to return.** <sup>154</sup> [...]

154 I Wish I Could Wipe my Heart And Mind Clean, supra note 136; Victim # 3418. [...]

- ❖ [Human Rights Watch, "Break Their Lineage, Break Their Roots", \*China's Crimes against humanity Targeting Uyghurs and Other Turkic Muslims\*, 19 April 2021](#)

[...] Enforced Disappearances

In many cases, relatives have had no news about the whereabouts or well-being of their detained family members. Some may receive notices when their relatives are transferred to a formal prison, if they ever are. **The lack of information about enforced disappearances led to the emergence of the #MeTooUyghur social media campaign,** <sup>98</sup> in which individuals demand proof from Chinese authorities that those detained by the state are still alive and well. <sup>99</sup> **One online platform that allows relatives of detainees and activists to compile accounts of disappearances had recorded over 11,500 testimonies as of December 2020.** <sup>100</sup> **In many cases, family members or friends—especially those based abroad—are afraid even to seek information about those who are missing, fearing that international**

communication or provision of assistance to those seeking to locate detained persons will result in retaliation by the authorities.<sup>101</sup>

In some cases, the authorities have detained people while their children are away at school. The New York Times reported in November 2019 that the CCP leadership issued a classified directive on handling questions about detained family members from students who return home at the end of the academic semester.<sup>102</sup> This guide instructed officials to tell students that their relatives are in “a training school set up by the government,” which they cannot leave. The students also get a warning that their behavior could affect their relatives’ prospects of release. Similarly, the Qaraqash Document revealed that local officials would assess the attitudes and behaviors of detainees’ relatives in determining detainees’ prospects of release. One entry in the Qaraqash Document notes that a detainee was not recommended for release because members of their family had failed to join flag-raising ceremonies on time.<sup>103</sup> [...]

98 “#MenmuUyghur” in Uyghur.

99 Austin Ramzy, “‘Show Me That My Father is Alive.’ China Faces Torrent of Online Pleas,” New York Times, February 17,

2019, <https://www.nytimes.com/2019/02/17/world/asia/uighurs-china-internment-camps.html>.

100 Xinjiang Victims Database, [shahit.biz](http://shahit.biz).

101 Patrick Poon, “Families of missing Uighurs terrified to search for their loved ones,” Amnesty International, March 31, 2019, <https://www.amnesty.org/en/latest/campaigns/2019/03/uighurs-too-scared-to-search-for-missing-family/>.

102 Austin Ramzy and Chris Buckley, “‘Absolutely No Mercy’: Leaked Files Expose How China Organized Mass Detentions of Muslims,” New York Times, November 16, 2019.

103 Uyghur Human Rights Project, “Ideological Transformation.” [...]

❖ [U.S. Department of State, 2020 Report on International Religious Freedom: China—Xinjiang, 12 May 2021](#)

[...] Government practices [...]

Human rights groups reported that at year’s end, the whereabouts and welfare of Tashpolat Tiyip, former president of Xinjiang University, **remained unknown, following his disappearance in 2017**. International media reported in 2018 that Tiyip had been sentenced to death, with the sentence suspended for two years. On April 20 [2020], Amnesty International wrote on its website, “While Chinese authorities have since indicated that he is being tried on corruption charges, his current condition and whereabouts remain unknown. Without any official information about the charges and proceedings against him, there are grave fears for Tashpolat Tiyip’s future.”

Human rights groups reported the whereabouts of Rahile Dawut, a prominent professor at Xinjiang University who disappeared in December 2017, remained unknown. The Open Society University Network marked the third anniversary of her disappearance by naming Dawut an Honorary Professor in Humanities. Prior to her disappearance, Dawut had told a relative that she planned to travel from Urumqi to Beijing. Scholars at Risk, an international network of institutions and individuals whose mission is to protect scholars and promote academic freedom, awarded Dawut its Courage to Think Award for 2020. The organization recognized Dawut “for her own work, as well as that of all the scholars and students of the [XUAR], who together struggle for academic freedom and freedom of opinion, expression, belief, association, and movement.” [...]

[I]n March that authorities sentenced Rashida Dawut, a well-known Uyghur singer who had been missing since 2018, to 15 years in prison in late 2019, reportedly on “separatism” charges. Although the sentencing took place in 2019, RFA and Dawut’s family only learned of it (from multiple sources) in March 2020.

In March, National Public Radio (NPR) reported that a Uyghur woman living in exile in Turkey said she and her daughter fled Xinjiang in 2016 while she was pregnant with her fifth child. **Her husband and three other children planned to follow but went missing in Xinjiang in January 2017 after her husband sent her money in Turkey**. She subsequently heard that police arrested him on the charge of “investing in terrorism.” The woman said she did not know the whereabouts of her three children, but that she heard they were taken to Chinese military-style schools surrounded by barbed wire. [...]

Additional information found in the public domain but not included in the CPIN also documented the enforced disappearances of detainees as follows:

❖ [UN News, Independent UN rights experts raise alarm over ‘incommunicado detention’ of Chinese scholar, 26 December 2019](#)

The whereabouts of former Xinjiang University President Tashpolat Tiyip have been unknown since his detention in 2017. “The Chinese authorities have indicated to us that Mr. Tiyip is being tried on corruption charges, that a lawyer has been hired by his relatives, and that he has not been sentenced to death,” the experts said.

While any proceedings against Professor Tiyip have been shrouded in secrecy, reports indicate that he had already been convicted and sentenced to death.

“Information that Mr. Tiyip is not sentenced to death, if it is confirmed, is welcome news”, the experts stated, reiterating their recommendation that information on his current place of detention be made public and that his family should be allowed to visit him.

The uncertainty regarding the charges against Mr. Tiyip, the conditions of his trial, and his sentencing are “matters of particular concern, especially if the information that he was sentenced to death is correct”, maintained the UN experts.

Any death sentence imposed under conditions that do not meet the most stringent guarantees of fair trial will violate international human rights law and be arbitrary.

“Mr. Tiyip’s trial should be independently reviewed, taking into account his right to fair trial and due process of law”, they upheld, adding that “incommunicado detention, enforced disappearances and secret trials have no place in a country governed by the rule of law”. [...]

These and other UN experts have repeatedly expressed concerns about the situation of other detainees, who appear to be mainly members of the Uyghur community and are being held without or on unknown charges in a number of facilities in the Xinjiang Uyghur Autonomous Region.

The experts have been in contact with the Chinese Government to clarify the fate and whereabouts of Mr. Tiyip and will continue to seek formal and official clarification on his situation and that of other detainees whose human rights may be violated.

The UN experts are Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions; Ahmed Shaheed, Special Rapporteur on freedom of religion or belief; Fernand de Varennes, Special Rapporteur on minority issues; members of the Working Group on Enforced or Involuntary Disappearances; and members of the UN Working Group on Arbitrary Detention. [...]

❖ [UN Human Rights Council, Enforced or involuntary disappearances, Report of the UN Working Group on Enforced or Involuntary Disappearances, 7 August 2020](#)

[...] China

59. The Working Group continues to be concerned at the situation of Uighurs in detention in a number of facilities in the Xinjiang Uighur Autonomous Region, in conditions that appear to amount to enforced disappearances.[...]

The Working Group reiterates that accurate information on the detention of persons deprived of liberty and their place or places of detention, including transfers, should be made promptly available to their family members, to their counsel or to any other persons having a legitimate interest in the information (art. 10 (2) of the Declaration) and that failure to do so amounts to an enforced disappearance. [...]

❖ [Amnesty International, “Like We Were Enemies in a War”, China’s Mass Internment, Torture and Persecution of Muslims in Xinjiang, June 2021](#)

[...] Obstacles to investigating the human rights situation in Xinjiang [...]

Anyone living in Xinjiang who speaks out about the internment camps, is perceived to have spoken out, is accused of speaking out, or is affiliated with anyone who has spoken out, risks detention, arrest, imprisonment, torture, **and enforced disappearance, not only for themselves but also for their family members.** [...]

Evidence of other crimes against humanity



Evidence from numerous sources suggests that other crimes against humanity may have been committed. Considering the extreme restrictions on accessing Xinjiang and the difficulties faced in documenting violations committed in the region, Amnesty International believes further independent international investigations into these allegations must also be prioritized. [...]

**In two cases, [...] former detainees were detained for months or years apparently without their families having any information about the detained person's fate. There are, however, numerous suspected cases of enforced disappearance in Xinjiang.**

**In 2021, Amnesty interviewed more than 50 people from Xinjiang who were now living abroad and whose family members were missing and believed to be detained.** Journalists have also reported on people living abroad who are unable to obtain information about family members they suspect have been detained. It is unknown whether the family members of these detainees who are still in Xinjiang have been informed about the whereabouts of these individuals. It is part of the extensive cover-up by the authorities that the fate of many of the people thought to have been sent to the camps is unknown. The secretive and often undocumented way people are detained in internment camps in Xinjiang makes it nearly impossible for people outside of China to trace or confirm the whereabouts of any particular individual.

## Systematic attempts at mass sterilization to reduce population growth

At paragraph 2.4.16, the Home Office refers to 'natural' population growth having "declined" in Xinjiang, "with reports of a campaign of mass sterilization in rural Uyghur regions" [emphasis added]:

Excerpts from the July 2021 *China: Muslims (including Uyghurs in Xinjiang)* CPIN

[...] c. Muslims in Xinjiang [...]

**2.4.16 Natural population growth has declined in Xinjiang, with reports of a campaign of mass sterilization in rural Uyghur regions.** Some reports indicate a drop in birth-rates of nearly 50 percent in Xinjiang between 2017 and 2019. Reports also indicate that women of childbearing age, including those detained, are also forced to undergo birth control measures, such as Intrauterine Devices (IUD's) and sterilisations and in some cases forced to have abortions. In one data set having too many children is a common reason for detention in relation to Uyghur women. There are also reports of sexual violence and torture being used against Uyghur women in detention [...]

However, this assessment fails to convey the drastic decline in population growth amongst the Uyghurs in Xinjiang and that this may not be 'natural' but down to forced mass sterilisation. Sources included in section 5.5 *Birth control and forced sterilisation*, but which contain additional country information not included in the CPIN, indicate that the drop in birth rate is higher than the figure quoted in the assessment section, and also provides greater insight into the stark disparity in statistics and policies on birth control between Xinjiang region and the rest of China:

- ❖ [AP News, 'China cuts Uighur births with IUDs, abortion, sterilization', 29 June 2020](#)  
[...] The result of the birth control campaign is a climate of terror around having children, as seen in interview after interview. Birth rates in the mostly Uighur regions of Hotan and Kashgar plunged by more than 60% from 2015 to 2018, the latest year available in government statistics. Across the Xinjiang region, birth rates continue to plummet, falling nearly 24% last year alone — compared to just 4.2% nationwide, statistics show. [...]
- ❖ [Uyghur Human Rights Project \(UHRP\), LOI Submission to the UN Committee on the Elimination of Discrimination Against Women \(80th Pre-Sessional Working Group\), January 2021](#)  
[...] C. Forced sterilization (Article 12) [...]  
13. For decades, the government of China has made efforts to purposely reduce the birthrate of Uyghur women through coercive family planning—including the forced sterilization of women. In

2018, 80 percent of all IUD placements in China were performed in the Uyghur Region, despite the region making up 1.8 percent of the country's total population. The policy is intended to reduce the Uyghur population in the Uyghur Region by reducing its birthrate relative to Han Chinese, in a move that experts have dubbed "a demographic genocide."

14. Birth rates among Uyghur women plummeted from 2015-2018, with population growth in the Uyghur Region falling by over 84 percent in that period in the two largest Uyghur prefectures. Population growth rates also declined further in several minority regions in 2019. In 2020, Chinese authorities in one Uyghur prefecture set a "near-zero birth rate target," aiming to reach a birth rate of 1.05 per mile, down from 19.66 per mile two years earlier. Officials wrote that a zero birthrate would primarily be achieved through "family planning work."

15. Government documents have revealed that local authorities are instructed to punish Uyghur women who "violate" birth control targets with extrajudicial internment and "vocational skill" training camps. In May 2018, the government of Qiemo (Uy: Cherchen) county issued a public notice that any woman who had violated state birth-limits would be forced to "adopt birth control measures with long-term effectiveness (i.e., forced sterilizations) and be subjected to vocational skills education and training (i.e., internment camps)."

16. The "Qaraqash List"—a leaked document which contained the Chinese government's "rationale" and "evidence" behind the extrajudicial detention of hundreds of Uyghurs—showed a strong connection between the extrajudicial internment of Uyghur women and the Chinese government's campaign to reduce Uyghur birth rates. In one county, the most frequently cited reason for internment of Uyghur women was "a violation of birth control regulations." Separately, a Qaraqash county official in a 2018 government work report stated that "[by] severely curbing behaviors that violate birth control [policies], birth and natural population growth rates have declined dramatically" [...]

In our view, a drop in birth rates of as much as 84 % from 2015 to 2018, and a fall of 24 % last year alone in Xinjiang region compared to 4.2 % in the rest of China, shows a clear result of the state policy to reduce the Uyghur population in China and should have been more clearly reflected in the assessment section.

## Muslims outside of Xinjiang

In relation to Muslims outside of Xinjiang, the Home Office acknowledges in its assessment section that "Whilst the State has particularly targeted Muslims in Xinjiang [...] in recent years Hui Muslims also face increasing restrictions and pressure to 'sinicize'" [emphasis added]:

Excerpts from the July 2021 China: Muslims (including Uyghurs in Xinjiang) CPIN

[...] b. Muslims outside of Xinjiang [...]

2.4.8 Whilst the State has particularly targeted Muslims in Xinjiang (see section c), **in recent years Hui Muslims also face increasing restrictions and pressure to 'sinicize'**. This has resulted in the closure of registered mosques and the restyling of others to fit Sinicization; some restrictions on religious expression, such as observing Ramadan; and increasing restrictions on their ability to practice their faith freely. Outside Xinjiang, Hui individuals have been imprisoned for sharing religious materials online, protesting about the destruction of a mosque or taking part in the Hajj pilgrimage. Chinese legislation makes it illegal for under 18's to engage with certain religious activities in Xinjiang. This has had a knock on effect on neighbouring provinces, such as those with Hui populations [...]

However, the assessment further finds that the level of threat for Muslims, in particular Hui Muslims, outside of Xinjiang, is not of the same persecutory level as that faced by Muslims in the Xinjiang region, except those attending unregistered Islamic religious groups [emphasis added]:

Excerpts from the July 2021 China: Muslims (including Uyghurs in Xinjiang) CPIN

[...] b. Muslims outside of Xinjiang [...]

**2.4.9 The state appears to see them [Hui Muslims] as less of a threat and therefore, in general, they are less likely to face the same level of persecution as Muslims in Xinjiang.** However, they may still be subject to state attention and restrictions [...]

**2.4.10 Risk of persecution may increase where a person attends an unregistered Islamic religious group** as these are illegal. If the religious group follows the state sanctioned version of their religion then religious practise may be possible. [...]

However, country information included in the CPIN demonstrates the targeting of Muslims outside Xinjiang province, and in particular for members of the Uyghur ethnic group. As it stands, the assessment provided at paragraphs 2.4.8, 2.4.9 and 2.4.10 limits the possible adverse treatment of Muslims outside of Xinjiang region to Hui Muslims, instead of also referring to Uyghur Muslims. In doing so it fails to acknowledge country information included in the CPIN that details how Uyghur workers are transferred out of Xinjiang region and used as forced labour, whilst being subjected to state surveillance, forced separation from family members, and threats against family members left behind in Xinjiang region if they are perceived to ‘misbehave’:

Excerpts from the July 2021 *China: Muslims (including Uyghurs in Xinjiang)* CPIN

[...] 5.8 Forced labour

5.8.1 In March 2020, the ASPI report ‘Uyghurs for sale- “Re-education”, forced labour and surveillance beyond Xinjiang’ reported that:

‘The “re-education” campaign appears to be entering a new phase, as government officials now claim that all “trainees” have “graduated”. There is mounting evidence that many Uyghurs are now being forced to work in factories within Xinjiang. This report reveals that Chinese factories outside Xinjiang are also sourcing Uyghur workers under a revived, exploitative government-led labour transfer scheme. Some factories appear to be using Uyghur workers sent directly from “re-education camps”.

‘The ASPI has identified 27 factories in nine Chinese provinces that are using Uyghur labour transferred from Xinjiang since 2017. Those factories claim to be part of the supply chain of 83 well-known global brands. Between 2017 and 2019, we estimate that at least 80,000 Uyghurs were transferred out of Xinjiang and assigned to factories through labour transfer programs under a central government policy known as “Xinjiang Aid” (援疆).

‘...Chinese state media claims that participation in labour transfer programs is voluntary, and Chinese officials have denied any commercial use of forced labour from Xinjiang. However, Uyghur workers who have been able to leave China and speak out describe the constant fear of being sent back to a detention camp in Xinjiang or even a traditional prison while working at the factories.

‘In factories outside Xinjiang, there is evidence that their lives are far from free. Referred to as “surplus labour” or “poverty-stricken labour”, Uyghur workers are often transported across China in special segregated trains, and in most cases are returned home by the same method after their contracts end a year or more later.

‘Multiple sources suggest that in factories across China, many Uyghur workers lead a harsh, segregated life under so-called “military-style management”. Outside work hours, they attend factory-organised Mandarin language classes, participate in “patriotic education”, and are prevented from practising their religion. Every 50 Uyghur workers are assigned one government minder and are monitored by dedicated security personnel. They have little freedom of movement and live in carefully guarded dormitories, isolated from their families and children back in Xinjiang. There is also evidence that, at least in some factories, they are paid less than their Han counterparts, despite state media claims that they’re paid attractive wages.

‘The Chinese authorities and factory bosses manage Uyghur workers by “tracking” them both physically and electronically. One provincial government document describes a central database, developed by Xinjiang’s Human Resources and Social Affairs Department and maintained by a team of 100 specialists in Xinjiang, that records the medical, ideological and employment details of each labourer.

‘Chinese companies and government officials also pride themselves on being able to alter their Uyghur workers’ ideological outlook and transform them into “modern” citizens, who, they say, become “more physically attractive” and learn to “take daily showers”. In some cases, local governments in Xinjiang send Chinese Communist Party (CCP) cadres to simultaneously surveil workers’ families back home in Xinjiang— a reminder to workers that any misbehaviour in the factory will have immediate

consequences for their loved ones and further evidence that their participation in the program is far from voluntary'<sup>83</sup> [...]

5.8.3 The USSD TiP report, 2020, stated:

'State-sponsored forced labor continued under the government's mass detention and political indoctrination campaign against more than one million Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and members of other Muslim minority groups in Xinjiang. The government expanded this campaign through the transfer of more than 80,000 detainees into forced labor in as many as 19 other provinces during the reporting period [April 2019 and March 2020], according to NGO estimates and media reports... Many detained individuals approved to "graduate" from these facilities were sent to external manufacturing sites in close proximity to the camps or in other provinces and subjected to forced labor, while others were transferred and potentially subjected to forced labor within a separate formal prison system

....Authorities also used the threat of internment to coerce members of some Muslim communities directly into forced labor in manufacturing. ]...]

'Nationwide, some school districts reportedly compelled ethnic Han students to participate in internship programs featuring forced labor indicators.

'...Following "graduation" from these [internment camps] facilities, the government subjects many of these individuals to forced labor in adjacent or off-site factories producing garments, carpets, electronics, bedding, hair products, cleaning supplies, and other goods for domestic and international distribution. Coercive conditions reportedly include threats of physical violence, forcible drug intake, physical and sexual abuse, and torture.

'...Authorities offer subsidies incentivizing Chinese companies to open factories in close proximity to the internment camps and to receive transferred detainees at satellite manufacturing sites in other provinces. Local governments receive additional funds for each inmate forced to work in these sites at a fraction of minimum wage or without any compensation. The government has transported tens of thousands of these individuals to other areas within Xinjiang and to other provinces for forced labor under the guise of poverty alleviation and industrial aid programs.'<sup>85</sup> [...]

5.8.7 Uyghur Human Rights Project stated in a submission to UN CEDAW in January 2021:

'The government of China has for years used a complex system of "labor export programs" which coercing unmarried Uyghur women to work in factories outside the Uyghur Region under the promise of higher wages. Simultaneously, the Chinese government has forcibly sent an estimated 80,000 Uyghur laborers to other parts of China in factories under conditions which strongly indicate forced labor. The government of China specifically targets young, rural, and unmarried Uyghur women as participants for many of its labor export programs. Since 2007, authorities have deployed a number of deceptive tactics to lure young Uyghur women away from their homes in the countryside and into forced-labor factories. By first targeting young Uyghur women aged 16-25 living in rural, economically depressed agricultural regions, authorities incentivize impoverished families with higher wages and relocation benefits working in far-away cities. After "accepting" these contract offers and relocating to factories in Eastern China, Uyghur women have been denied their expected wages and adequate living conditions upon arrival. One young Uyghur woman told researchers at the UHRP in 2008 that "We call this place a prison. I think that there is no difference between here and a prison."<sup>91</sup>

5.8.8 The RWHRC and Newlines report of March 2021 found that:

'The Government has also established a system of institutionalized longterm forced Uyghur labor within and outside the internment camps. Uyghur detainees are systematically transferred to cotton fields and factories adjacent to the camps or located hundreds of kilometers away in XUAR or in Eastern China. These forced labor programs can also be connected to internment, as satellite imagery has identified masses of people wearing identical uniforms transferred between the two sites'<sup>92</sup> [...]

6. State treatment of Muslims outside of Xinjiang [...]

6.1.4 The 2019 DFAT report stated that: 'While non-Uyghur Muslims in the rest of China have historically experienced greater religious freedom [...]'<sup>109</sup>

6.1.5 [...] Bitter Winter also noted that Uyghur Muslims outside of Xinjiang were restricted for observing Ramadan and in one particular school in Shandong Uyghur students were forced to eat pork dishes with Han students during Ramadan and were restricted from engaging in any religious activities<sup>114</sup>

83 ASPI, 'Uyghurs for sale: 'Re-education', forced labour and surveillance ...', March 2020 [...]

85 USSD, '2020 Trafficking in Persons Report: China', 25 June 2020 [...]

91 UHRP, List of Issues submission to CEDAW, January 2021

92 RWCHR and Newlines, 'The Uyghur Genocide', 8 March 2021 [...]  
109 DFAT, 'DFAT Country Information Report', People's Republic ...' (Para 3.57-60), 3 October 2019 [...]  
114 Bitter Winter, 'China's Muslims Forced to Eat Pork During Ramadan', 15 May 2020 [...]

Additional country information available at the time of drafting the CPIN included a report which documents the increasing transfer of Uyghurs outside Xinjiang for the purposes of forced labour [emphasis added]:

❖ [Australian Strategic Policy Institute, Uyghurs for sale: 'Re-education', forced labour and surveillance beyond Xinjiang, March 2020](#)

[...] Xinjiang's labour transfer program

Data collected from Chinese state media and official government notices indicates that more than 80,000 Uyghur workers were transferred out of Xinjiang between 2017 and 2019. ASPI has mapped the available data on these transfers[...]

**In recent years, transfers from Xinjiang to other parts of China have increased steadily.** In 2017, according to state media reports, 20,859 'rural surplus labourers' from Xinjiang were transferred to work in other provinces. Based on ASPI's analysis of published data, an estimated 28,000 people were transferred for employment in 2018. In 2019, an estimated 32,000 people were transferred out of the region. [...]

Aside from political incentives, **the business of 'buying' and 'selling' Uyghur labour can be quite lucrative for local governments and commercial brokers.** According to a 2018 Xinjiang provincial government notice, for every rural 'surplus labourer' transferred to work in another part of Xinjiang for over nine months, the organiser is awarded ¥20 (US\$3); however, for labour transfers outside of Xinjiang, the figure jumps 15-fold to ¥300 (US\$43.25). Receiving factories across China are also compensated by the Xinjiang government, receiving a ¥1,000 (US\$144.16) cash inducement for each worker they contract for a year, and ¥5,000 (US\$720.80) for a three-year contract. The statutory minimum wage in Urumqi, Xinjiang's regional capital, was ¥1620 (US\$232.08) a month in 2018.

In recent years, advertisements for 'government-sponsored Uyghur labour' also began to appear online. In February 2019, a company based in Qingdao published a notice advertising a large number of 'government-led ... qualified, secure and reliable' Uyghur workers for transfer to some 10 provinces in China. **Another new advertisement claimed to be able to supply 1,000 Uyghur workers aged 16 to 18 years. It reads: 'The advantages of Xinjiang workers are: semi-military style management, can withstand hardship, no loss of personnel ... Minimum order 100 workers!'**

## Human rights violations amounting to Crimes against Humanity and Genocide

The country information section fails to include sources that have been published classifying the violations against the Uyghurs as crimes against humanity and genocide. Consequently, the assessment section therefore does not reflect crucial information that shows the extent of systematic and widespread targeting of Uyghurs as highlighted by a number of legal experts.

One source included in the CPIN, the joint Raoul Wallenberg Centre for Human Rights and Newlines Institute report of March 2021, concluded that "[T]he People's Republic of China (China) bears State responsibility for committing genocide against the Uyghurs in breach of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide" but this information was not included in the CPIN. Additional information found in that source and which should have been included in ARC Foundation's view included:

❖ [The Raoul Wallenberg Centre for Human Rights/ Newlines Institute, The Uyghur Genocide: An Examination of China's Breaches of the 1948 Genocide Convention, 8 March 2021](#)

Executive Summary

This report concludes that the People's Republic of China (China) bears State responsibility for committing genocide against the Uyghurs in breach of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) based on an extensive review of the available evidence and application of international law to the evidence of the facts on the ground. [...]

4. [...] In 2014, China's Head of State, President Xi Jinping, launched the "People's War on Terror" in XUAR, making the areas where Uyghurs constitute nearly 90 percent of the population the front line. High-level officials followed up with orders to "round up everyone who should be rounded up," "wipe them out completely ... destroy them root and branch," and "break their lineage, break their roots, break their connections, and break their origins." Officials described Uyghurs with dehumanizing terms and repeatedly likened the mass internment of Uyghurs to "eradicating tumors." [...]

7. [...] While commission of any one of the Genocide Convention's enumerated acts with the requisite intent can sustain a finding of genocide, the 5 evidence presented in this report supports a finding of genocide against the Uyghurs in breach of each and every act prohibited in Article II (a) through (e).

8. "(a) Killing members of the group." There are reports of mass death and deaths of prominent Uyghur leaders selectively sentenced to death by execution or, for elders in particular, by long-term imprisonment.

9. "(b) Causing serious bodily or mental harm to members of the group." [...]

10. "(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." [...]

11. "(d) Imposing measures intended to prevent births within the group." [...]

12. "(e) Forcibly transferring children of the group to another group." [...]

#### VII. Conclusion

This report examined the legal question of whether China bears State responsibility for breaches of Article II of the Genocide Convention, in particular, whether China is committing genocide against the Uyghurs as defined by Article II of the Convention. Upon application of the said provisions of the Genocide Convention to the mass of evidence presented herein, this report concludes, based on a clear and convincing standard of proof, that China is responsible for breaches of each provision of Article II of the Convention. The definition of genocide is met under Article II when any of the enumerated acts are committed with the requisite "intent to destroy, in whole or in part, the protected group] as such." The object of this intent is the destruction of the group's existence as an entity as such. The intent required by the Convention is measured by objective standards, including official statements, policies, a general plan, a pattern of conduct, and repeated destructive acts, which have a logical sequence. In this context, the Head of State, President Xi, launched a "People's War on Terror" in the region and made the Uyghur-concentrated areas the front line, arguing that extremism has taken root in Uyghur society. Camp guards reportedly follow orders to uphold the system in place until "Kazakhs, Uyghurs, and other Muslim nationalities, would disappear ... until all Muslim nationalities would be extinct." High-level officials gave orders to "round up everyone who should be rounded up," "wipe them out completely ... destroy them root and branch," and "break their lineage, break their roots, break their connections and break their origins." Officials have likened the mass internment campaign to "eradicating tumors" and even uprooting weeds hidden among crops, which require spraying "chemicals to kill them all."

China has simultaneously pursued a dual systematic campaign of forcibly sterilizing Uyghur women of childbearing age and interning Uyghur men of child-bearing years, preventing the regenerative capacity of the group. China explicitly admits that "Uyghur women" are the targets of its birth prevention campaign in the region, which is linked to its offensive against "extremism," as China's Embassy in the US publicly stated: "In the process of eradicating extremism, the minds of Uyghur women in Xinjiang were emancipated ... making them no longer baby-making machines."

The intent to destroy the Uyghurs as a group is further demonstrated by the comprehensive Government policies and programs directed at erasing all aspects of Uyghur identity, community, and domestic life, and institutionalizing Uyghur children in state-run orphanages. Pursuant to these Government campaigns, local authorities have eliminated Uyghur education, destroyed ethnically distinct Uyghur architecture and household features, and damaged or completely demolished the majority of mosques and sacred sites, while closing off other sites or converting them into commercial spaces, and destroying essential elements of Uyghur identity and communal bonds. The intent to destroy the Uyghurs as a group is still further demonstrated by the Government's deliberate targeting of the guardians and transmitters of Uyghur identity for prolonged detention or death, including household heads, authoritative figures, traditional and professional elites, and

cultural leaders, regardless of Party affiliation or educational status. China's policies and practices in the region must be viewed in their totality, which amounts to an intent to destroy the Uyghurs as a group, in whole or in part, as such.

While commission of any one of the enumerated acts will sustain a finding of genocide, the evidence presented here supports a finding that genocide is being committed against the Uyghurs, an ethnic group with protected status, under Article II paragraphs (a) through (e).

First, under the mass internment drive, there are reports of mass death and deaths of prominent Uyghur leaders who have been selectively sentenced to death by execution or, for elders in particular, by long-term imprisonment, such as 15 to 20 years in prison. These State-sanctioned deaths under the framework of the mass internment of Uyghurs in the region amount to "killing members of the group" under Article II (a).

Second, Uyghurs are suffering from systematic torture and cruel, inhumane, and degrading treatment, including rape, sexual abuse, and public humiliation, both inside and outside the camps. Internment camps are designed with built-in interrogation rooms, where consistent forms of torture against Uyghurs are well-documented. The Government homestays, mass internment, State-run orphanages, and forced labor schemes are each designed to indoctrinate and "wash clean" brains, driving Uyghurs to commit or attempt suicide from the threat of internment or the daily extreme forms of physical and psychological torture within the camps, including mock executions, public "self-criticisms," and solitary confinement. China is therefore responsible for "causing serious bodily or mental harm to members of the group" as per Article II (b).

Third, Chinese authorities have systematically detained Uyghurs in unliveable conditions, particularly men of childbearing years, household heads, and community leaders, imposed birth prevention measures on Uyghur women, and transferred Uyghurs into forced physical labor. In sum, China is deliberately "inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" as per Article II ©.

Fourth, China is carrying out a well-documented, State-funded birth prevention strategy targeting all women of childbearing age in Uyghur-concentrated areas with mass sterilization, abortions, and IUD placements. In 2019 alone, the Government planned to subject at least 80 percent of women of childbearing age in Southern XUAR to sterilizations or IUD placements. In the camps, female Uyghur detainees are subjected to forced IUD insertions, abortions, and injections and medications halting their menstrual cycles. The mass internment campaign supplements the XUAR Health Commission's campaign of reducing Uyghur births by selectively imprisoning Uyghurs of childbearing age, depriving them of the ability to reproduce. As a result of these interconnected policies, Government statistics demonstrate that growth rates in Uyghur-concentrated areas are increasingly approaching zero. China is therefore clearly responsible for "imposing measures intended to prevent births within the group" as per Article II (d).

Finally, as Uyghur parents are increasingly detained in internment camps and forced labor facilities, Uyghur children are being sent to State-run orphanages and raised in Chinese-language environments with standard Han child-rearing methods. China is thus "forcibly transferring children of the group to another group," as per Article II (e) of the Genocide Convention.

The persons and entities perpetrating these acts of genocide are all State organs or agents under Chinese law, acting in their official capacities, or under the effective control of the State. The nature of these interconnected and composite acts inescapably demonstrates the clear, effective, and firm control of the State, which cannot reasonably be attributed to others beyond the effective control of the State, to accident, or to chance. In terms of the Genocide Convention, the long-established, publicly and repeatedly declared, specifically targeted, systematically implemented, and fully resourced policy and practice of China toward the Uyghurs is inseparable from "the intent to destroy" the Uyghurs as a group, in whole or in part, as such. Therefore, China bears State responsibility for an ongoing genocide against the Uyghurs, in breach of the Genocide Convention.

Additional illustrative sources concluding that the human rights violations committed against the Uyghurs amounted to crimes against humanity and genocide include [emphasis added]:

- ❖ [Essex Court Chambers, International Criminal Responsibility For Crimes Against Humanity And Genocide Against The Uyghur Population In The Xinjiang Uyghur Autonomous Region, 26 January 2021](#)

## Executive Summary

1 On the basis of the evidence we have seen, this Opinion concludes that there is a very credible case that acts carried out by the Chinese government against the Uyghur people in XUAR amount to crimes against humanity and the crime of genocide.

### **Crimes against humanity**

2. There is evidence of crimes against humanity being committed against the Uyghur population, within the meaning of Art. 7 of the Rome Statute of the International Criminal Court.

3. First, there is sufficient evidence to conclude the existence of a widespread and systematic attack on the Uyghur population of XUAR, within the meaning of Art. 7.

4. Second, there is sufficient evidence to amount to an arguable case that, as part of that attack, the actus reus requirements for the following specific crimes against humanity have been fulfilled:

a. Enslavement (Art. 7(1)(c)), by the use of forced labour by former and current inmates of detention facilities.

b. Imprisonment or other severe deprivation of physical liberty (Art. 7(1)(e)), constituted by widescale deprivations of liberty of members of the Uyghur population held in detention facilities without charge or trial.

c. Torture (Art. 7(1)(f)) in detention facilities, including the use of “tiger chairs” and sexual violence.

d. Rape (Art. 7(1)(g)) in detention facilities.

e. Enforced sterilisation (Art. 7(1)(g)) of Uyghur women, as part of efforts to reduce the Uyghur population.

f. Persecution (Art. 7(1)(h)), ranging from the deprivation of liberty to sexual violence and enslavement, directed against persons on the basis that they are members of the Uyghur population and/or Muslim.

g. Enforced disappearance (Art. 7(1)(i)) of members of the Uyghur population.

### **Genocide**

5. We consider that there is evidence that the crime of genocide is currently being committed in XUAR.

6. First, the Uyghur population of XUAR constitutes an ethnical group within the meaning of Art. 6 of the Rome Statute.

7. Second, it is at least arguable on the available evidence that there is an intent to destroy, in whole or in part, the Uyghur population of XUAR as such. The evidence also demonstrates that the acta rei listed below are taking place in the context of a “manifest pattern of similar conduct” directed against the Uyghur population.

8. Third, in our view, there is sufficient evidence to amount to an arguable case that the actus reus requirements for the following specific crimes of genocide have been fulfilled, with respect to members of the Uyghur population:

a. Causing serious bodily or mental harm (Art. 6(b)) to Uyghurs in detention, including acts of torture and forced sterilisations.

b. Imposing measures intended to prevent births within the group (Art. 6(d)).

c. Forcibly transferring children of the group to another group (Art. 6(e)).

9. Aside from the issue of individual criminal liability (considered below), China as a State may be accused of being criminally responsible for genocide. There would be a high threshold for establishing such responsibility. The most significant barrier will be proving the requisite special intent. In this respect, it may be possible to rely on the specific genocidal intent of certain senior officials; otherwise, it would be necessary to establish that a genocidal intent is the only possible inference available from the pattern of persecutory conduct. [...]

## ❖ [The Central Asia-Caucasus Analyst, Genocide Against the Uyghurs: The Reaction of the World, 16 April 2021](#)

Reports of atrocities against the Turkic people of Northwestern China have been increasing in number since news of internment camps first hit the headlines in 2017. **Calls have been growing to call these out as acts of genocide.** However, the jury is still out. Activists and governments were initially content to label the catalogue of brutality “crimes against humanity,” and a “cultural genocide,” but as



revelations of systematic intent by the Chinese Communist Party (CCP) have gained traction, pressure is mounting to label it a full-blown genocide.[..]

**Elimination of the Uyghur language was accelerated, and significant numbers of women of childbearing age up to 59 were marshalled en masse by their neighborhood committees for compulsory IUDs and sterilization.** The resultant fall in birth rates of 84 percent has led Adrian Zenz, the foremost researcher on the Uyghur plight and a Senior Fellow in China Studies at the Victims of Communism Memorial Foundation, to suspect a “wider control campaign to subjugate the Uyghurs.

The year 2018 saw the billeting of 1.1 million Communist Party cadres in Uyghur homes in the “pair up and be family” scheme. [...]. Complaints or resistance were met with immediate detention or worse. Happy Uyghurs were paraded in front of international journalists but this was at odds with camp survivor tales of 24/7 surveillance, overcrowded, unsanitary conditions and starvation rations. They confirmed torture, forced confessions, DNA harvesting and tissue typing, giving rise to fears of organ harvesting, systematic rape of both sexes, mass sterilizations and coercive birth control.

In recent weeks, the courageous testimonies of camp survivors Tursunay Ziawudun, Gulbahar Haitiwaji, Sayragul Sauytbay, and Qelbinur Sedik, have added weight to new revelations by Zenz that the CCP is in fact on a sinister path towards depopulation and assimilation of the Uyghurs. His most recent report has confirmed intent on behalf of Beijing to forcibly displace ethnic minority populations from their heartlands, intentionally reduce their population density, and tear apart homogeneous communities.

Zenz concluded that not only Crimes against Humanity but that also genocide was being carried out against the Uyghurs. He added in an interview with Aljazeera that his findings represented “the strongest evidence yet that Beijing’s Xinjiang policies met one of the criteria cited in the UN genocide convention, namely ‘imposing measures intended to prevent births within the [targeted] group.’” [...]

**The UK’s Essex Court Chambers legal examination of the evidence in February 2021, led to a finding of “crimes against humanity and the crime of genocide” exemplified by a range of crimes covered by Article 7 of the Rome Statute of the International Criminal Court.**

Jointly sponsored by the Global Legal Action Network (GLAN) together with the World Uyghur Congress (WUC) and Uyghur Human Rights Project (UHRP), the team headed by Alison McDonald QC, detailed evidence of crimes of enslavement, extra-legal imprisonment, torture, rape, coerced sterilization to reduce the population, and enforced disappearance.

**Regarding genocide, the authors uncovered proof of an intent to destroy the Uyghur population on the direct orders of the Chinese State, which included the intentional infliction of serious physical and mental harm to Uyghur people in detention, measures to prevent births within the Uyghur community and forcible transfer of Uyghur children outside of their communities.**

**A second investigation by the Washington think tank Newlines Institute for Strategy and Policy (NISP), published in March 2021 and compiled by more than 50 China experts and legal brains, has also judged overwhelmingly in favor of genocide. [...]**

#### ❖ [Project Syndicate “China’s Uyghur Genocide Is Undeniable’. 3 June 2021](#)

[In an article of 3 June 2021, ‘[China’s Uyghur Genocide Is Undeniable](#)’ Irwin Cotler, former minister of justice, attorney general, member of Parliament of Canada and Yonah Diamond, Legal Counsel at the Raoul Wallenberg Centre for Human Rights, argues”]

**The Chinese state’s atrocities against the Uyghur people of Xinjiang province are a clear violation of the 1948 United Nations Genocide Convention.** With all other paths to justice foreclosed, the responsibility falls on national governments to speak up for the victims and fulfill their obligations under international law. **Parliaments around the world are increasingly declaring that the mass atrocities against the Uyghur people in China’s Xinjiang region constitute genocide – a determination resoundingly supported by an overwhelming body of evidence and international law.** [...]

The Genocide Convention defines genocide as any one of five acts “committed with intent to destroy, in whole or in part, a [protected group], as such.” In addition to killing, these acts include causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about the group’s physical destruction in whole or in part, imposing birth-prevention measures, or forcibly transferring children of the group to another group. **China has committed every one of these acts in its state-orchestrated campaign against the Uyghurs – most of them on a systematic and widespread basis.** As a result of the mass internment and imprisonment on catchall charges such as being “untrustworthy,” a large number of Uyghurs have died in detention. The Chinese government does not even spare lifelong Uyghur members of the Communist Party of China (CPC) or intellectuals whom it praised in the

past, thus debunking any notion that their detention is about re-education or instilling loyalty to the regime in Beijing. Uyghurs suffer unlivable conditions, torture, and sexual violence inside the camps, and are subjected to institutionalized enslavement across China. Since 2017, the government has forcibly transferred Uyghur children – many of them “orphaned” as a result of losing both parents to internment or forced labor – to a network of state-run facilities in Han Chinese settings. The government is simultaneously subjecting Uyghurs to systematic mass forced sterilization and coercive birth-prevention policies, destroying the group’s reproductive capacity. In 2018, Xinjiang had the highest net IUD placements of any region in China (calculated as placements minus removals), despite comprising 1.8% of China’s total population. Between 2017 and 2019, the birth rate in Xinjiang declined by nearly half – the most extreme such drop anywhere since the UN began recording these statistics. More disturbing still, Xinjiang’s 2020 statistical yearbook contains no birth-rate data. The Chinese government has eliminated Uyghur education and demolished most of Xinjiang’s sacred sites. Senior officials have issued orders to “eradicate tumors,” “round up everyone,” “wipe them out completely,” and “break their lineage, break their roots, break their connections, and break their origins.” **As the Supreme Court of Canada held, incitement to genocide is a breach of the Genocide Convention in and of itself.** The rhetoric of combating “extremists” is simply code for persecuting Uyghurs, as China’s ruthless policies target southern Xinjiang, where Uyghurs constitute about 90% of the population. In fact, the government publicly admitted that the sharp decline in the Uyghur birth rate is directly linked to the official policy of “eradicating extremism,” which had “emancipated” Uyghur women, who are “no longer baby-making machines.”[...] **The mounting evidence supporting the genocide determination is not limited to highly detailed firsthand accounts. It also consists of satellite imagery of over 380 Xinjiang detention sites newly built or expanded since 2017, including forced labor factories covering over 21 million square feet (195.1 hectares). Other satellite images track the destruction of and damage to the majority of Xinjiang’s sacred sites, including 16,000 mosques. Then there are the unprecedented leaks of Chinese government documents, containing the mass-internment blueprint, records of mass detention and forced labor transfers, and other high-level directives. The fact that high-ranking officials risked their lives to disclose these classified documents indicates how severe the atrocities have become. Countless others have testified at extreme risk to themselves and their families to record their accounts with the Xinjiang Victims Database, which is expanding by the day.** The only international courts that can hear genocide cases – the International Court of Justice and the International Criminal Court – cannot realistically exercise jurisdiction anytime soon. China does not recognize the ICJ’s authority over questions of genocide and is not a party to the ICC. Moreover, as a permanent member of the UN Security Council, China can block any attempt at an ICC referral. [...] In March, following an independent examination of the situation in Xinjiang, more than 50 experts on international law, genocide, and the region agreed that the Chinese state’s atrocities rise to the level of genocide. [...]

❖ [Amnesty International, ‘China: Draconian Repression of Muslims in Xinjiang amounts to crimes against Humanity’, 20 June 2021](#)

Uyghurs, Kazakhs and other predominantly Muslim ethnic minorities in China’s Xinjiang Uyghur Autonomous Region face systematic state-organized mass imprisonment, torture and persecution amounting to crimes against humanity [...]. Chinese authorities have built one of the world’s most sophisticated surveillance systems and a vast network of hundreds of grim “transformation-through-education” centres – actually, internment camps – throughout Xinjiang. Torture and other ill-treatment is systematic in the camps and every aspect of daily life is regimented in an effort to forcibly instil a secular, homogeneous Chinese nation and Communist party ideals.[...]

since early 2017, huge numbers of men and women from predominantly Muslim ethnic minorities in Xinjiang have been arbitrarily detained. They include hundreds of thousands who have been sent to prisons in addition to hundreds of thousands – perhaps even a million or more – who have been sent to internment camps.[...]

Most survivors who spoke to Amnesty International were first interrogated at police stations, where they had their biometric and medical data recorded before being transferred to a camp. They were often interrogated in “tiger chairs” – steel chairs with affixed leg irons and handcuffs that restrain the body in painful positions. Beatings, sleep deprivation and overcrowding are rampant in the police stations, and detainees reported being hooded and shackled during their interrogation and transfer.

From the moment they entered the prison-like internment camps, detainees' lives were extraordinarily regimented. They had no privacy or autonomy, and they faced harsh punishments – sometimes collectively with their cellmates – for trivial disobedience. Internees were forbidden to speak freely to each other, and they were severely punished when they responded to prison guards or other officials in their native tongues instead of Mandarin. Every activity in the detainees' daily routine was pre-ordained and their behaviour was constantly monitored and evaluated.[...]

In the early weeks or months of internment, detainees are typically forced to either sit still or kneel in the same position in their cell, in complete silence, for most of their waking hours. Following this, they generally undergo forced “education”, where they are indoctrinated to disavow Islam, forgo using their language and other cultural practices, and study Mandarin Chinese language and Chinese Communist Party propaganda. Other than being escorted under armed guard to and from canteens, classes or interrogation, detainees practically never leave their cells and rarely see sunlight or have outdoor access or exercise. [...]

Every former detainee Amnesty International interviewed suffered torture or other ill-treatment. This included the cumulative psychological effect of their daily dehumanization, as well as physical torture in the form of beatings, electric shocks, solitary confinement, deprivation of food, water and sleep, exposure to extreme cold, and the abusive use of restraints, including torture tools like tiger chairs. Some reported being restrained in a tiger chair for 24 hours or more. An older woman who was punished for defending her cellmate said she was taken to a small, dark, cold and windowless room where she had her hands and feet cuffed and was forced to sit on an iron chair for three days straight. Two former detainees said they had been forced to wear heavy shackles – in one case for an entire year. Others described being shocked with electric batons or sprayed with pepper spray. Some detainees reported being tortured multiple times, while others were forced to watch their cellmates being tortured. Amnesty International learned of one case where a detainee is believed to have died as a result of being restrained in a tiger chair, in front of his cellmates, for 72 hours, during which time he urinated and defecated on himself. [...]

❖ [Amnesty International, “Like We Were Enemies in a War”, China’s Mass Internment, Torture and Persecution of Muslims in Xinjiang, June 2021](#)

[...] 7.1 Evidence of the crimes against humanity of imprisonment, torture, and persecution

**According to the evidence Amnesty International has gathered, corroborated by other reliable sources, members of predominantly Muslim ethnic minorities in Xinjiang have been subjected to an attack meeting all the contextual elements of crimes against humanity under international law.** The widespread nature of the attack is evident both because huge numbers of individuals from predominantly Muslim ethnic groups in Xinjiang have been imprisoned, tortured, or persecuted and because these violations have occurred throughout the geographical area of Xinjiang. **The violations appear to have been systematic since the victims have been subjected to the same or comparable forms of persecution, deprivation of liberty, conditions of detention, torture and other ill-treatment, and harassment and surveillance on release, regardless of where they were seized and where they were detained. All were detained in various camps administered by Chinese state authorities throughout the region, making it inconceivable that these violations are random occurrences [...]**

**The same evidence demonstrates that these violations were organized, planned, and committed consequent to a state policy to direct an attack against a civilian population – in this case members of predominantly Muslim ethnic minority groups.** Evidence also shows that violence, arbitrary and unlawful imprisonment, and intimidation to achieve the government’s aims to ostensibly eradicate “terrorism”, “extremism”, and “separatism” are, in effect, also used to target Islamic religious practices and beliefs and Turkic Muslim ethno-cultural practices. These acts have been targeted exclusively at members of predominantly Muslim ethnic groups and effectively all members of these groups are vulnerable to imprisonment and ill-treatment, demonstrating that the attack has been directed at a civilian population. **The evidence Amnesty has collected therefore provides a factual basis for the conclusion that the perpetrators, acting on behalf of the Chinese state, have carried out a widespread as well as systematic attack consisting of a planned, massive, organized, and systematic pattern of serious violations of international human rights law directed at the civilian population in Xinjiang.**

Evidence Amnesty International has collected provides a factual basis for the conclusion that the Chinese government has committed at least the following crimes against humanity:

- **Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law:** Under the Rome Statute, this offence requires that “The perpetrator imprisoned one or more persons or otherwise severely deprived one or more persons of physical liberty,” and that “[t]he gravity of the conduct was such that it was in violation of fundamental rules of international law.” The 55 former detainees interviewed for this report provided accounts of their arbitrary detention and the arbitrary detention of other people detained with them in internment camps throughout Xinjiang. Evidence gathered by journalists, scholars and other investigators suggests that massive numbers – estimated at 1 million or more – of men and women have been arbitrarily detained in internment camps or prisons throughout Xinjiang since 2017.
- **Torture:** Under the Rome Statute, torture means “the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions.” The 55 former detainees interviewed for this report provided accounts of torture and other ill-treatment they experienced inside the internment camps, as well of torture and other ill-treatment they witnessed being done to other detainees in their camps. This ill-treatment includes the physical torture of a significant portion of the internment camp population by prolonged and severe beatings, electric shocks, stress positions, the internationally unlawful use of restraints (including being locked in a tiger chair), the physical consequences of sleep deprivation, and solitary confinement. This ill-treatment also includes the physical and mental torture or other ill-treatment of all internment camp detainees as a result of the cumulative effects of daily life in the camps, which may also amount to torture as defined under international criminal law. This treatment includes being made to sit, kneel, or stand in stress positions for hours every day; sleep deprivation; and insufficient food, water, exercise, and exposure to natural light. It also includes various forms of psychological abuse, including and exacerbated by not knowing when one’s detention will end, not being able to communicate with one’s family or anyone outside the camp, not being able to speak in one’s native language while in detention, living under constant threat of violence and other abuse, and being made to see and hear other detainees being tortured or otherwise ill-treated. This testimonial evidence is broadly consistent with other first- and second-hand accounts of torture and other ill-treatment documented by journalists and other human rights organizations
- **Persecution:** The Rome Statute defines persecution as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity”. The evidence Amnesty has gathered strongly indicates that such persecution has occurred, including through the ethnically targeted campaign of mass arbitrary detention and torture documented in this report, as well as other ethnically targeted grave violations of human rights, including the rights to liberty and security of person; to privacy; to the freedoms of movement, opinion, expression, thought, conscience, religion, and belief; to take part in cultural life; and to equality and non-discrimination. [...]

There are, [...] numerous suspected cases of enforced disappearance in Xinjiang. In 2021, Amnesty interviewed more than 50 people from Xinjiang who were now living abroad and whose family members were missing and believed to be detained. Journalists have also reported on people living abroad who are unable to obtain information about family members they suspect have been detained. It is unknown whether the family members of these detainees who are still in Xinjiang have been informed about the whereabouts of these individuals.

**It is part of the extensive cover-up by the authorities that the fate of many of the people thought to have been sent to the camps is unknown. The secretive and often undocumented way people are detained in internment camps in Xinjiang makes it nearly impossible for people outside of China to trace or confirm the whereabouts of any particular individual. Persons from Xinjiang who are now abroad often have no way to establish the whereabouts of their missing family members.** They never receive any official confirmation of this from the Chinese authorities. People who have tried to gather information from Chinese consulates abroad have been told to return to China to get information. Overseas family members’ lack of information is also due, in large part, to the fact that people living in Xinjiang have essentially been forbidden to speak with their family or friends abroad, especially about anything related to the system of mass detention. Evidence gathered by journalists, scholars, and other investigators has further demonstrated that three other crimes against humanity may have been committed in Xinjiang: **enslavement; deportation or forcible transfer of population; and rape, sexual**

**slavery, enforced prostitution, forced pregnancy, enforced sterilization, or other forms of sexual violence of comparable gravity. [...]**

Since the drafting of this commentary, the [UK-based Uyghur Tribunal](#) has issued the following judgement:

❖ [The Uyghur Tribunal Uyghur Tribunal Judgment, 9 December 2021](#)

INTRODUCTION

1. This is the Judgment of the Uyghur Tribunal, a people’s tribunal, formed to consider allegations that the People’s Republic of China (PRC) has committed genocide, crimes against humanity and torture against Uyghur, Kazakh and other ethnic minority citizens in the north west region of China known as Xinjiang or formally the Xinjiang Uygur Autonomous Region or XUAR. [...]

In the judgment of the Uyghur Tribunal:

180. Torture of Uyghurs attributable to the PRC is established beyond reasonable doubt

181. Crimes against humanity attributable to the PRC is established beyond reasonable doubt by acts of: deportation or forcible transfer; imprisonment or other severe deprivation of physical liberty; torture; rape and other sexual violence; enforced sterilisation; persecution; enforced disappearance; and other inhumane acts.

182. As to genocide, and as will be clear from paragraphs 176-178 above, all elements of an intended genocide to be accomplished by a Convention-listed act imposing measures to prevent births within the group are established, subject only to whether the ‘part’ subject of the intended destruction would qualify. If the ‘part’ is sufficiently large then genocide would be proved. [...]