

HUMAN RIGHTS CRISIS IN XINJIANG CHINA

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Right now, it is estimated that up to one million people — predominantly Muslim ethnic minorities — are being arbitrarily detained in so-called “re-education camps” in China’s northwestern Xinjiang Uighur Autonomous Region (XUAR). Among them are Uighurs, Kazakhs and other ethnic minority groups whose religious and cultural practices are key to their identity. The detentions appear to be part of an effort by the Chinese government to wipe out religious beliefs and aspects of cultural identity in order to enforce political loyalty for the State and the Communist Party of China.

Xinjiang Uighur Autonomous Region (XUAR) is a significant geostrategic point for China since it is the gateway for its very important project, *One Belt, One Road*. Rich in coal, natural gas and oil and sharing borders with eight different countries, the XUAR is intertwined with many of China’s economic, strategic and foreign policy goals. The Belt and Road Initiative is a massive global infrastructure development program aimed at strengthening China’s links to Central Asia and beyond. But decades of inter-ethnic tensions have led to cycles of sporadic violence and heavy-handed repression.



Mass detention camps began making their appearance locally in 2014, spreading rapidly throughout the XUAR after the adoption of regional “Regulation on De-Extremification” in March 2017. The goal of these facilities appears to be replacement of religious affiliation and ethnic identity with secular, patriotic political allegiance. The Chinese government mostly denies that these facilities exist, but their construction has been documented by recruitment and procurement documents and satellite imagery. No one knows exactly how many people have been detained since the crackdown began. One widely accepted estimate, published in May 2018, put the

total number of detained at “anywhere between several hundred thousand and just over one million”. Whatever the actual number at the time the estimate was produced, it is almost certain to have risen since then.

Bills on Human Rights Abuses in Xinjiang

Two key pieces of legislation that address the human rights violations being perpetrated by Chinese authorities in the XUAR have been introduced in the United States Congress: the Uyghur Human Rights Policy Act of 2019, sponsored by Senator Marco Rubio (R-Fla.) and 20 other Senators (S. 178); and the UIGHUR Act of 2018 (H.R.1025), sponsored by Congressman Brad Sherman (D-Calif.) and four other legislators.

The Uyghur Human Rights Policy Act of 2019 mandates several reports on aspects of the crackdown, including a report by the Director of National Intelligence, in coordination with the State Department, on the regional security threat posed by the crackdown, the frequency with which Central Asian countries are forcibly returning Turkic Muslim refugees and asylum seekers, and Chinese companies involved in the construction and operation of the camps. The State Department would also be required to report separately regarding the scale and scope of the crackdown.

The UIGHUR Act includes key provisions that would increase global advocacy by the United States on this issue at the United Nations, with the Organisation of Islamic Cooperation, and Central Asian states. The bill also mandates that the Secretary of Commerce shall deny applications for licenses by any companies for export to China of any machine learning, pattern recognition, artificial intelligence, or biometric technology unless they provide certification that it will not be knowingly used to facilitate the mass arbitrary detention of Uighurs, Kazakhs and other ethnic minority groups.

Testimony from the Detainees

According to those who have spent time in “transformation-through-education” centers, life inside for detainees is subject to a harsh discipline all but indistinguishable from that in formal detention facilities. They are lectured about the dangers of “religious radicalism”, made to study Chinese, and forced to memorize legal provisions and patriotic songs and write “self-criticisms” that are key to determining whether they have been sufficiently “educated” for release. Those who resist or fail to show enough progress reportedly face punishments ranging from verbal abuse to food deprivation, solitary confinement, beatings and use of restraints and stress positions – likely to amount to violations of the absolute prohibition under international law of torture or other cruel, inhuman or degrading treatment or punishment. There have been reports of deaths inside the facilities, including suicides of those unable to bear the mistreatment.

Systems of intense surveillance, intrusive monitoring and restrictions on mobility make it possible for the authorities to scrutinize and control entire populations. The ubiquitous security checks that are now a routine part of daily life for all in the XUAR provide ample opportunity to search mobile phones for suspicious content or check people’s identities using facial recognition software. Individuals might come under suspicion through routine monitoring of messages sent on social media apps like WeChat. Use of alternative messaging apps with encryption, such as WhatsApp, can be cause for detention. The mass surveillance has been aided by a push to collect detailed biometric data from residents of the XUAR, part of a comprehensive population monitoring program linked to “stability maintenance” and predictive policing. Such data includes fingerprints, DNA and voice samples and 360-degree body imagery, all of which can be used with various surveillance technology and big-data analysis programs.

China’s Constitution, laws and ethnic policies all stress ethnic unity and prohibit discrimination against ethnic groups. But China’s expressed determination to eradicate the “forces of terrorism, separatism and extremism” leads officials to pursue discriminatory policies that target members of ethnic groups merely for exercising their rights to freedom of religion and belief, thought, peaceful assembly, association, movement, opinion, expression and access to information.

Since 2014, the Chinese government has created a comprehensive “national security” legal architecture that presents severe threats to human rights. Vague and overbroad concepts of “national security”, “separatism” and “extremism” used in China’s Criminal Law, National Security Law, Anti-Terrorism Law, Cyber Security Law and other pieces of legislation contribute to the environment in which perceived threats are used to justify unlawful and arbitrary restrictions incompatible with China’s obligations under international law on the right to liberty and the peaceful exercise of human rights. The “Regulation on De-Extremification” adopted in the XUAR, which is the purported legal basis for the detention of Uighurs, Kazakhs and others in that region, is a case in point.

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