

## Written evidence submitted to the United Kingdom's Foreign Affairs Select Committee on the situation in Xinjiang, China

This submission was prepared by the Global Centre for the Responsibility to Protect – an independent organization that focuses on conducting research, analysis and advocacy in relation to mass atrocity crimes. The Global Centre is the leading international authority on the responsibility to protect (R2P), and since its inception in 2008 it has expanded and deepened global support for the norm. The Global Centre plays a unique role at the United Nations (UN) as the only organization carrying out monitoring, research and advocacy on all current and potential mass atrocity situations around the globe, as well as working with governments, the UN Security Council and Human Rights Council to translate this research into actionable policy responses. This submission has been prepared by Dr. Simon Adams, Executive Director, and Ms. Nadira Kourt, Program Manager.

### THE SITUATION IN XINJIANG

In recent years the government of China and authorities in the Xinjiang Uighur Autonomous Region (XUAR) have increased their repression of members of the ethnic Uighur community as well as Kazakhs, Kyrgyz and other Muslim minorities under the guise of combatting religious extremism and terrorism. Despite China's initial denials and ongoing efforts to mislead the international community, there is growing evidence – based on satellite imagery, survivor testimony, official documents and other sources – that the Chinese authorities are perpetrating genocide and crimes against humanity against the Uighur population and other Muslim minority groups.

China's policies have resulted in large-scale arbitrary detention of Uighurs in XUAR. A recent report identified

more than 380 suspected detention facilities, including so-called “re-education” camps, detention centers and prisons that have been built or expanded since 2017.<sup>1</sup> Approximately 1 million people have been detained in these facilities without formal charges or due process. Former detainees have reported being subject to abuse and torture.<sup>2</sup> There have also been reports of people dying in detention facilities due to the harsh conditions imposed upon them.<sup>3</sup>

Recent reports have also documented a government campaign to drastically reduce the birth rate amongst Uighurs in XUAR. The practice of forced birth control has been systemic in Xinjiang over the past four years and has included involuntary abortions and sterilizations. The government has also reportedly separated several hundred thousand children from their families, often denying access to information on their location.<sup>4</sup>

The Chinese government is also systematically destroying the unique cultural heritage of Xinjiang and the Uighurs. The authorities have systematically desecrated Muslim shrines, cemeteries and pilgrimage sites that represent an essential part of Uighur culture. Approximately 16,000 mosques – 65 percent of the total mosques in XUAR – have been destroyed or damaged as a result of government policies, including historical buildings and sites that are hundreds of years old.<sup>5</sup>

According to the Global Centre's analysis, acts perpetrated by the Chinese authorities against the Uighurs and other Muslims in XUAR may amount to crimes against humanity and genocide.

**Crimes against humanity.** Under customary international law and the Rome Statute of the International Criminal Court (ICC), the treatment of the Uighurs and other Muslim minorities by the Chinese authorities may constitute crimes against humanity. The

following crimes against humanity appear to be perpetrated in Xinjiang:

- *imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;*
- *torture;*
- *enforced pregnancy and enforced sterilization;*
- *persecution;*
- *enforced disappearance of persons.*<sup>6</sup>

**Genocide.** The Chinese government also appears to be perpetrating the following acts prohibited under Article II of the Genocide Convention, of which China is a state party:

- *causing serious bodily or mental harm to members of the group;*
- *deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- *imposing measures intended to prevent births within the group;*
- *forcibly transferring children of the group to another group.*<sup>7</sup>

## STRUCTURAL DOMESTIC RESPONSES

*Creating a government-wide atrocity preventing strategy.* An appropriate response to the situation in Xinjiang by the United Kingdom (UK) government should be identified via a national framework of policy options offered in a government-wide atrocity prevention strategy. The merger of the Foreign and Commonwealth Office (FCO) and the Department for International Development (DFID), as well as the UK government's ongoing review of its international policy, present an opportunity to institutionalize atrocity prevention across government. A national strategy would equip the UK to assess its policy options in relation to Xinjiang and other mass atrocity situations, including at the UN and in its bilateral relations. It would also allow for timely and consistent responses aimed at protecting populations from atrocities and holding perpetrators accountable. Such a strategy should be rooted in the principle of the Responsibility to Protect, which the UK has actively supported since its adoption at the UN World Summit in 2005.

*Strengthening the office of the R2P Focal Point.* The Global Centre acts as the Secretariat for the Global Network of R2P Focal Points – a network of senior government officials from 61 countries and two regional

organizations who aim to promote the principle of the Responsibility to Protect and mass atrocity prevention at the national, regional and international level. The UK is part of the Global Network, with the R2P Focal Point's role historically occupied by the Multilateral Policy Director within the FCO, now the Foreign, Commonwealth & Development Office (FCDO). The R2P Focal Point and his or her team could play an important role in advancing the UK response to atrocity crimes perpetrated in Xinjiang and around the world. This could include convening intra- and inter-departmental meetings on the situation in Xinjiang, inviting external experts to brief on the issue, and promoting regular communication with the UK Missions in New York and Geneva (as well as relevant embassies), on mass atrocity prevention and response. Providing more resources and support to the office of the R2P Focal Point could strengthen this effort.

*Strengthening civil society engagement.* The UK government should regularly call on the expertise of civil society in the field mass atrocity prevention. This includes organizations like the Global Centre and civil society coalitions such as the UK Atrocity Prevention Working Group – a group of 25 non-governmental organizations based in the UK who collaborate on atrocity policy and advocacy. The UK government should also hear from Uighur diaspora groups and organizations working on promoting the rights of the Uighurs and other Muslim populations in Xinjiang.

*Prioritizing mass atrocity prevention and response.* Timely and effective prevention and response to mass atrocities should be unequivocally identified as a matter of national priority. As the UK's foreign policy faces a restructuring, a national security strategy would help shape its new identity on the international arena and elevate the UK government's standing at the UN and beyond. A series of policy responses to the ongoing situation in Xinjiang would be in line with such national approach.

## SUGGESTED ACTION AT THE UN

Given that international crimes may be occurring in Xinjiang, it is important to establish an independent and impartial mechanism to monitor, analyze and report on the situation (the mandate of the mechanism does not have to be limited to Xinjiang and could encompass other serious human rights violations in China, including in Hong Kong and Tibet.) Similar mechanisms established for mass atrocity situations in other countries have

proven to be instrumental in shedding light on the situation, providing analysis as to whether international crimes have occurred, supplying actionable recommendations for all relevant actors, and advancing accountability efforts.

An international mechanism could be established either by the UN Security Council, the UN General Assembly or by the UN Human Rights Council. Given that China is one of the Permanent Members of the Security Council and could veto any such attempt, the most likely avenues for the creation of such a mechanism are the General Assembly and the Human Rights Council.

The UK joined a statement delivered by Germany on 6 October on behalf of 39 Member States in the General Assembly's Third Committee. The statement expressed concern about the human rights situation in Xinjiang and recent developments in Hong Kong. The number of countries supporting the statement represents a substantial increase from the previous year, when only 23 governments supported a similar statement. As evidence continues to mount, the number of countries speaking out against China in the General Assembly will continue to increase. The UK government should lead efforts to translate these concerns into General Assembly votes to help create an independent mechanism on China.

Another possible path for creating a mechanism is through the Human Rights Council, to which the UK was elected for the 2021-2023 term. The UK government should call for a Special Session of the HRC to discuss the situation in Xinjiang and advocate for the establishment of an impartial and independent mechanism to monitor and analyze the situation and to report regularly to the HRC and General Assembly. Even if the independent mechanism does not get access to the country (e.g. as was the case in Myanmar, Democratic People's Republic of Korea, and other countries), it can still perform its functions through other sources, including through interviews with survivors who were able to flee China.

The UK government should also urge the UN Secretary-General to appoint a Special Envoy on the situation in Xinjiang.

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#### Notes

<sup>1</sup> <https://xjdp.aspi.org.au/resources/documenting-xinjiangs-detention-system/>

<sup>2</sup> [http://www.washingtonpost.com/world/asia\\_pacific/former-inmates-of-chinas-muslim-re-education-camps-tell-of-brainwashing-torture/2018/05/16/32b330e8-5850-11e8-8b92-45fdd7aaef3c\\_story.html](http://www.washingtonpost.com/world/asia_pacific/former-inmates-of-chinas-muslim-re-education-camps-tell-of-brainwashing-torture/2018/05/16/32b330e8-5850-11e8-8b92-45fdd7aaef3c_story.html)

<sup>3</sup> [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CHN/INT\\_CERD\\_NGO\\_CHN\\_31915\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CHN/INT_CERD_NGO_CHN_31915_E.pdf)

## EXPLORING ACCOUNTABILITY OPTIONS

*Genocide Convention.* Both the UK and China are parties to the Genocide Convention. China has made a reservation under Article IX of the Convention, meaning that “it does not consider itself bound by article IX of the said Convention,” which designates the International Court of Justice (ICJ) as a dispute resolution mechanism. Therefore, the UK or any other party to the Genocide Convention would not be able to bring a case against China to the ICJ for violating its obligations under the Genocide Convention in its treatment of the Uighurs and other Muslim groups. Nonetheless, it is important to highlight China's ongoing violations of the Genocide Convention in diplomatic statements and any relevant resolutions on the situation.

*International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).* Both the UK and China are parties to ICERD. China has made a reservation under Article 22 of ICERD, which designates ICJ as a dispute settlement mechanism, ruling out a potential action under ICERD at the ICJ. However, unlike the Genocide Convention, ICERD has a treaty monitoring body – the Committee on the Elimination of Racial Discrimination – which has procedures in place that allow for State parties to complain to the Committee about alleged violations of the treaty by another State party. The UK government should explore ways of engaging with this mechanism as it pertains to China's treatment of the Uighurs and other minorities.

*Universal jurisdiction.* The UK government should also explore the possibility of holding perpetrators of atrocities in Xinjiang accountable under the principle of universal jurisdiction. Under this principle the perpetrators of grave international crimes can be prosecuted domestically irrespective of the citizenship of the perpetrators or victims, or where the crimes were committed.

#### *Evidence submitted October 2020*

<sup>4</sup> <https://www.hrw.org/news/2019/09/15/china-xinjiang-children-separated-families>,

<https://www.economist.com/china/2020/10/17/how-xinjiangs-gulag-tears-families-apart>

<sup>5</sup> <https://www.aspi.org.au/report/cultural-erasure>

<sup>6</sup> <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

<sup>7</sup> <https://www.un.org/en/genocideprevention/genocide-convention.shtml>