

## I. INTRODUCTION

During China's 2018 Universal Periodic Review (UPR), the Government of China's (China) crackdown in the Xinjiang Uyghur Autonomous Region (XUAR) was only just becoming known to the global public. Since the 2014 "Strike Hard" campaign,<sup>1</sup> China has systematically detained Uyghurs, specifically targeting intellectuals, men of certain age groups, artists, and religious leaders under the guise of "counterterrorism."<sup>1</sup>

Although China's reported discriminatory policies and human rights abuses against Uyghurs predate 2014, it is during this time that China established camps for detaining Uyghur and other Turkic communities, calling the infrastructure "Vocational Education and Training Centers"<sup>2</sup> (VETC) and claiming that detainees were sent there for reeducation.<sup>3</sup> Since 2016, between several hundred thousand and two million Uyghurs have been detained in these camps.<sup>4</sup> Survivor testimonies, satellite imagery, and leaked government documents reveal these camps for what they are: prison camps.

The recently leaked Xinjiang Police Files (Police Files) depict the brutality of these prison camps and the targeting of Turkic people.<sup>5</sup> Evidence suggests forced injections, physical coercion to watch propaganda videos, and interrogations in tortuous metal "tiger chairs." Among the files, a spreadsheet listing "persons subjected to Strike Hard because of religion" includes three-hundred thirty individuals detained for religious activities.<sup>6</sup> The Xinjiang Victims Database (XJ Database) lists hundreds of thousands incarcerated for unknown reasons with inaccessible or nonexistent judicial proceedings.<sup>7</sup>

The 2018 UPR recommended that China ratify the Optional Protocol to the Convention against Torture, end arbitrary detention, release unlawfully detained ethnic groups, safeguard religious freedom, and discontinue its residential surveillance practices.<sup>8</sup> China has failed to address these

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<sup>1</sup> Amnesty International, "Like We Were Enemies in a War': China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang," (London, UK: Amnesty International, 2021), <https://xinjiang.amnesty.org/>.

<sup>2</sup> International community characterized these as "reeducation camps," "internment camps," "concentration camps," and "prison camps." Given the nature of these camps, and the euphemistic tone of the official terms, we use the term "prison camps".

<sup>3</sup> OHCHR, *OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China*, August 31, 2022, para. 13, 16, 53, <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>.

<sup>4</sup> Beth Van Schaack and Maya Wang, "Break Their Lineage, Break Their Roots:" *China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims*, (Human Rights Watch and Mills Legal Clinic of Stanford Law School, April 19, 2021), <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting>.

<sup>5</sup> Victims of Communism Memorial Foundation, "Xinjiang Police Files," accessed July 4, 2023, [www.xinjiangpolicefiles.org](http://www.xinjiangpolicefiles.org).

<sup>6</sup> Victims of Communism Memorial Foundation, "Xinjiang Police Files Fact Sheet," accessed July 4, 2023, <https://www.xinjiangpolicefiles.org/wp-content/uploads/2022/05/Xinjiang-Police-Files-Fact-Sheet-220523c.pdf>.

<sup>7</sup> Gene Bunin, "Xinjiang Victims Database," accessed July 4, 2023, <https://shahit.biz/eng/>.

<sup>8</sup> United Nations Human Right Council (HRC), *Matrix of Recommendations*, Universal Periodic Review of China, 3rd cycle, 31st sess., recommendations 28.2, 28.175, 28.183, 28.180, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/CN/MatriceRecommendationsChina.docx>.

recommendations and continues to violate fundamental human rights by forcing family separations, arbitrary detention, torture, forced labor,<sup>9</sup> extensive surveillance, sterilization,<sup>10</sup> and the continued imprisonment of at least half a million people.<sup>11</sup> In fact, during the third cycle, the Working Group on the UPR reported that China was “resolutely opposed and would never accept the practice of using human rights as an excuse to interfere in its internal affairs and undermine its sovereignty and territorial integrity.”<sup>12</sup>

The UN High Commissioner’s Office for Human Rights (OHCHR)’s long-awaited August 2022 Assessment of human rights concerns in the XUAR (OHCHR Assessment) demonstrated that China had not implemented the 2018 recommendations. The OHCHR Assessment addressed the aforementioned human rights violations and provided concrete recommendations, including releasing the detainees and ending rights violations.<sup>13</sup>

## II. CHINA’S COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

### Mass Arbitrary Detention, Enforced Disappearance, and Imprisonment

China has arbitrarily detained as many as 2 million Uyghurs since 2016, either under the pretext of “religious extremism” or without any justification.<sup>14</sup> Among those detained are hundreds of Uyghur intellectuals and cultural figures, specifically targeted as part of China’s “ethnic cleansing.”<sup>15</sup> Religious persecution is another dimension of Uyghur Rights violations, where Uyghurs are detained and imprisoned for practicing their religion,<sup>16</sup> reading the “Quran,”<sup>17</sup> or

<sup>9</sup> Clara Hudson, “China Forced Labor Law Prompts Sweeping Supply Chain Reviews,” Bloomberg Law, August 4, 2022, <https://news.bloomberglaw.com/esg/china-forced-labor-law-prompts-sweeping-supply-chain-reviews>.

<sup>10</sup> Human Rights Watch, “Break Their Lineage, Break Their Roots”: China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims.”

<sup>11</sup> Human Rights Watch, “China: Xinjiang Official Figures Reveal Higher Prisoner Count: Half-Million Prosecuted, Imprisoned During Crackdown,” September 14, 2022, <https://www.hrw.org/news/2022/09/14/china-xinjiang-official-figures-reveal-higher-prisoner-count>; OHCHR, *OHCHR Assessment*.

<sup>12</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, A/HRC/40/6*, 26 December 2018, paras. 26-27, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/446/59/PDF/G1844659.pdf?OpenElement>.

<sup>13</sup> OHCHR, *OHCHR Assessment*, para. 151.

<sup>14</sup> “Xinjiang Police Files Fact Sheet.”

<sup>15</sup> Abdullah Qazanchi and Abduweli Ayup, *The Disappearance of Uyghur Intellectual and Cultural Elites: A New Form of Eliticide*, (Washington, DC: Uyghur Human Rights Project, December 8, 2021), p. 3, <https://uhrp.org/report/the-disappearance-of-uyghur-intellectual-and-cultural-elites-a-new-form-of-eliticide/#Key>.

<sup>16</sup> Uyghur Human Rights Project. “UNESCO and Its Members Must End Complicity in China’s Cultural Cleansing of Uyghurs—New UHRP Report - Uyghur Human Rights Project,” February 16, 2023. <https://uhrp.org/statement/unesco-and-its-members-must-end-complicity-in-chinas-cultural-cleansing-of-uyghurs-new-uhrp-report/>.

<sup>17</sup> Victims of Communism Memorial Foundation, “Images of Detainees: Buwihelche Memetimin,” accessed July 4, 2023, <https://www.xinjiangpolicefiles.org/images-of-detainees/>.

wearing “auspicious clothes.”<sup>18</sup>

The OHCHR recommended that China promptly “release all individuals arbitrarily deprived of their liberty in XUAR.”<sup>19</sup> The UN Special Rapporteur on Counter-terrorism contended that using the vague and problematic definition of “extremism” as a reason for detention is “incompatible with the exercise of certain fundamental human rights.”<sup>20</sup> Recognizing the weaponization of “counterterrorism” to imprison Uyghurs, the OHCHR recommended that China review its counterterrorism policies to halt the targeting of Uyghus with opaque charges of extremism.<sup>21</sup>

The UN has determined that China’s detentions violate the right to due process and fundamental human rights norms enshrined in the Universal Declaration of Human Rights (UDHR) and international law.<sup>22</sup> Regardless of whether there is a legal basis for detention, China also violates Article 10’s guarantees to a fair and public hearing by failing to provide any information on trial proceedings.<sup>23</sup> The Working Group on Arbitrary Detention (WGAD) found that China continues to detain Uyghur intellectuals like Ekpar Asat, Gulshan Abbas, and Qurban Mamut without reason.<sup>24</sup> The absence of legal documentation and due process, even after UN’s request, rightfully prompted the WGAD to question whether any judicial hearings even take place. Experts have ultimately concluded that these detentions amount to enforced disappearance and have urged China to free all individuals.<sup>25</sup>

Acting against UN recommendations, China continues to arbitrarily detain individuals and impose lengthy sentences.<sup>26</sup> The XJ Database includes data on countless detained individuals, including three who were detained as recently as April 2023: Rinat Dilshat, Esquer Gheni, and

<sup>18</sup> Victims of Communism Memorial Foundation, “Images of Detainees: Patigul Turghun,” accessed July 4, 2023, <https://www.xinjiangpolicefiles.org/images-of-detainees/>; Data from the XJ Database also shows that 1500 elderly (55+) victims are among those serving prison sentences, most with no official reason for detention. Arbitrary suspected reasons include studying in Egypt and officiating marriage at a mosque. See <https://twitter.com/shahitbiz/status/1673374429982916608?s=20>.

<sup>19</sup> OHCHR, *OHCHR Assessment*, para. 151, recommendation i.

<sup>20</sup> HRC, *Human Rights Impact Of Policies And Practices Aimed At Preventing And Countering Violent Extremism: Report Of The Special Rapporteur On The Promotion And Protection Of Human Rights And Fundamental Freedoms While Countering Terrorism*, A/HRC/43/46, February 21, 2020, para. 14, <https://www.ohchr.org/en/documents/reports/ahrc4346-human-rights-impact-policies-and-practices-aimed-preventing-and>

<sup>21</sup> OHCHR, *OHCHR Assessment*, para 143.

<sup>22</sup> Human Rights Council Working Group on Arbitrary Detention (WGAD), *Opinion No. 88/2022 concerning Qurban Mamut, Ekpar Asat and Gulshan Abbas*, A/HRC/WGAD/2022/88, 20 March 2023, para. 18, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session95/A-HRC-WGAD-2022-88-China-AEV.pdf>; United Nations General Assembly (UNGA), *The Universal Declaration of Human Rights (UDHR)*, A/RES/217(III), December 10, 1948, article 11(2), <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>.

<sup>23</sup> UNGA, *UDHR*, article 10.

<sup>24</sup> The UN found that authorities detained these individuals on the basis of their Uyghur ethnicity, their Muslim religion, and their exercise of the rights to freedom of thought, opinion and expression—rights guaranteed by Articles 7, 18, and 19 of the Universal Declaration of Human Rights. See WGAD, *Opinion No. 88/2022*, para. 19.

<sup>25</sup> WGAD, *Opinion No. 88/2022*, para. 60.

<sup>26</sup> Human Rights Watch, “China: Xinjiang Official Figures.”

Qusman Raqym. These detentions lack legal basis, as evidenced by Qusman Raqym’s detention for reading surahs at a neighbor’s funeral and for owning a copy of the Quran.<sup>27</sup> Other individuals reportedly detained since the OHCHR’s Assessment include 19-year college student Kamile Wayit,<sup>28</sup> Mirshat Mijit,<sup>29</sup> and Berikza Seisenbai.<sup>30</sup> China’s ongoing detention practices constitute a repeated violation of the UDHR and demonstrate a continued failure to uphold the OHCHR’s recommendations.<sup>31</sup>

The mass detentions of Uyghurs are part of an overarching policy targeting ethnic communities. Such state-sponsored racial discrimination violates the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Acting under its early warning and urgent action procedure, the ICERD has urged China to adopt the OHCHR’s recommendations.<sup>32</sup>

### Reports of Deaths Following Release from Camps

Multiple reports confirm that Uyghurs have died shortly after their release from detention, despite having no health issues at the time of their entry. Given the secretive nature of the prison camps and the difficulties in conducting independent investigations, deaths are likely much higher than reported. The victims include ordinary citizens, scholars, and even young people.<sup>33</sup> The deaths and torture reported from detention centers highlight the Government’s direct violation of its obligations to prevent acts of torture under its territory according to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).<sup>34</sup> Occasionally leaked documents, such as the Police Files, offer a chilling glimpse into the extent of cruelty and lawlessness within China’s expansive prison camps and paint a disturbing reality that demands the UN’s urgent attention. The “shoot to kill” policy and other forms of torture further substantiate the growing reports of deaths in the camps.<sup>35</sup>

### Exploitation of Forced Labor

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<sup>27</sup> Gene Bunin, “Xinjiang Victims Database,” accessed June 28, 2023, <https://shahit.biz/exportpdf.php?detentiontime=27>.

<sup>28</sup> “Xinjiang Victims Database: Kamile Wayit,” <https://shahit.biz/eng/#49611>.

<sup>29</sup> “Xinjiang Victims Database, Mirshat Mijit,” <https://shahit.biz/eng/#57209>.

<sup>30</sup> “Xinjiang Victims Database, Berikza Seisenbai,” <https://shahit.biz/eng/#58749>; Human Rights Watch, “China: Xinjiang Official Figures.”

<sup>31</sup> UNGA, *UDHR*, articles 9-11, 14. These articles enshrine the protection against arbitrary detention, the right to a fair and public hearing, and the right to seek asylum.

<sup>32</sup> Committee on the Elimination of Racial Discrimination, *Prevention Of Racial Discrimination, Including Early Warning And Urgent Action Procedure Decision 108 (2)*, November 14–December 2, 2022, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FEWU%2FCHN%2F9624&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FEWU%2FCHN%2F9624&Lang=en).

<sup>33</sup> Shohret Hoshur, “Niece of Prominent Uyghur Scholar Confirmed to Have Died in Xinjiang Internment Camp,” *Radio Free Asia*, May 25, 2021, <https://www.rfa.org/english/news/uyghur/niece-05252021132121.html>.

<sup>34</sup> UNGA, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, A/RES/39/46, December 10, 1984, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

<sup>35</sup> “Xinjiang Police Files Fact Sheet.”

Under the Forced Labour Convention, 1930 (No. 29), the International Labour Organization (ILO) defines forced labor as “all work or service extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” and prohibits it in all its forms.<sup>36</sup> China subjects Uyghurs to forced labor through two state-mandated employment programs.<sup>37</sup>

First, China detains Uyghurs through its so-called VETCs. Though marketed as voluntary training facilities, they are in reality detention facilities that force Uyghurs to work in factories under exploitative conditions with little pay, restricted movement, and limited communication with family.<sup>38</sup> Those that “graduate” from VETCs, whose official figures China has never released, are then placed in “low-skilled, labor-intensive industries, such as agribusiness, textile and garment, automotive and technological sectors.”<sup>39</sup>

Second, China transfers surplus rural laborers from primary sector work into secondary or tertiary sector work focused on manufacturing and services. These transfers often include physical relocation, not just within XUAR but to other Chinese provinces.<sup>40</sup> Official documents acknowledge the unwillingness of the “surplus laborers” to comply with this scheme, so the government employs coercive tactics, such as relocating Uyghurs under security escort and closely managing work with surveillance and threats of violence to ensure compliance.<sup>41</sup>

Although China claims that “laborers of all ethnic groups sign labor contracts with companies in accordance with the law,” the threat of sanctions and future detention constitutes a menace of penalty and meets the definition of forced labor.<sup>42</sup> The OHCHR Assessment reveals that detainees fear prolonged internment if they refuse to comply with their work placements.<sup>43</sup> Any assessment of the employment scheme must consider the heightened vulnerabilities of the

<sup>36</sup> ILO, *Forced Labour Convention*, 1930 (no. 29), article 2(1).

<sup>37</sup> HRC, *Contemporary Forms of Slavery Affecting Persons Belonging to Ethnic, Religious and Linguistic Minority Communities: Report of the Special Rapporteur on Contemporary Forms of Slavery, including Its Causes and Consequences*, Tomoya Obokata, A/HRC/51/26, July 19, 2022, para. 23, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/408/97/PDF/G2240897.pdf?OpenElement>.

<sup>38</sup> Adrian Zenz, “How Beijing Forces Uyghurs to Pick Cotton,” *Foreign Policy*, May 16, 2023, <https://foreignpolicy.com/2023/05/16/china-xinjiang-uyghurs-cotton-forced-labor>; Bureau of International Labor Affairs, “Against Their Will: The Situation in Xinjiang,” U.S. Department of Labor, accessed July 4, 2023, <https://www.dol.gov/agencies/ilab/against-their-will-the-situation-in-xinjiang>.

<sup>39</sup> Cate Cadell, “China Says People Held in Xinjiang Camps Have ‘Graduated’, Condemns U.S. Bill,” Reuters, December 8, 2019, <https://www.reuters.com/article/us-china-xinjiang/china-says-people-held-in-xinjiang-camps-have-graduated-condemns-u-s-bill-idUSKBN1YD056>; OHCHR, “China: UN Experts Deeply Concerned by Alleged Detention, Forced Labour of Uyghurs,” press release, March 29, 2021, <https://www.ohchr.org/en/press-releases/2021/03/china-un-experts-deeply-concerned-alleged-detention-forced-labour-uyghurs>.

<sup>40</sup> Shohret Hoshur, “Chinese Company Transfers Thousands of Uyghurs from Xinjiang to Nanjing,” *Radio Free Asia*, November 23, 2021, <https://www.rfa.org/english/news/uyghur/uyghur-forced-labor-11132021101447.html>.

<sup>41</sup> OHCHR, *OHCHR Assessment*, para. 122, 125.

<sup>42</sup> Permanent Mission of the People’s Republic of China to the United Nations, *Note Verbale of the Permanent Mission of the People’s Republic of China to the United Nations in Geneva, dated 31 August 2022, and Annex*, GJ/56/2022, August 31, 2022, p. 105, [https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/ANNEX\\_A.pdf](https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/ANNEX_A.pdf).

<sup>43</sup> OHCHR, *OHCHR Assessment*, para. 121.

Uyghurs. The climate of fear and punishment pervades in XUAR creates an environment where compliance with vocational internment and work placements is the only viable option.

Furthermore, China's actions contravene the Abolition of Forced Labour Convention, 1957 (No. 105), which prohibits the use of forced labor in various contexts, including political coercion, education, or punishment, as well as racial, social, national, or religious discrimination.<sup>44</sup> China arbitrarily detains Uyghurs for re-education, provides subsidies to companies to hire “graduates” of VETCs, and “[imposes] deradicalization duties on enterprises and trade unions.”<sup>45</sup> China also labels non-compliance as a sign of religious extremism, forcing Uyghurs to accept work assignments.<sup>46</sup> This “close link between the labor schemes and the counter-‘extremism’ format” perpetuates the discriminatory targeting of the Uyghur population<sup>47</sup>.

China attempts to legitimize its labor by framing it as poverty alleviation and sustainable development.<sup>48</sup> In its 2022 report, China emphasizes that Uyghurs have “full freedom in employment” and marketed its labor transfer policies as mechanisms for Uyghurs to “make money and get rich.”<sup>49</sup> However, in reality, XUAR's development means the extraction of its abundant natural resources, including oil, coal, and natural gas.<sup>50</sup> China uses its employment schemes to simultaneously exploit Uyghur labor and suppress political dissent. Special Rapporteur on Contemporary Forms of Slavery, Tomoyo Obokata, finds that even if these programs do “create employment opportunities for minorities and enhance their incomes,” they still violate international law by discriminating against Uyghurs and stripping away their freedom to voluntarily accept state-mandated employment opportunities.<sup>51</sup> The exploitative employment programs targeted at Uyghurs directly contradicts China's claims that it “[promotes] human rights in the process of development and poverty alleviation.”<sup>52</sup>

Additionally, China's use of Uyghur labor raises ethical concerns for the supply chains of multiple industries, including major automobile, fashion, and technology brands.<sup>53</sup> Of particular concern is the solar industry, which relied on China's polysilicon factories in XUAR to produce

<sup>44</sup> ILO, *Abolition of Forced Labour Convention*, 1957 (no. 105), article 1.

<sup>45</sup> OHCHR, *OHCHR Assessment*, para. 120-121.

<sup>46</sup> Adrian Zenz, *Coercive Labour and Forced Displacement in Xinjiang's Cross-Regional Labor Transfer Program: A Process-Oriented Evaluation*, (Washington, DC: The Jamestown Foundation, 2021), p. 8, [https://jamestown.org/wp-content/uploads/2022/08/Coercive-Labor-and-Forced-Displacement-in-Xinjiangs-Cross-Regional-Labor-Transfers-A-Process-Oriented-Evaluation\\_Updated-December-2021\\_\\_\\_\\_.pdf](https://jamestown.org/wp-content/uploads/2022/08/Coercive-Labor-and-Forced-Displacement-in-Xinjiangs-Cross-Regional-Labor-Transfers-A-Process-Oriented-Evaluation_Updated-December-2021____.pdf).

<sup>47</sup> OHCHR, *OHCHR Assessment*, para. 120.

<sup>48</sup> OHCHR, *OHCHR Assessment*, para. 123.

<sup>49</sup> Permanent Mission of the People's Republic of China to the United Nations, *Note Verbale*, pp. 104-105.

<sup>50</sup> Edward Wong, “China Invests in Region Rich in Oil, Coal and Also Strife,” *The New York Times*, December 20, 2014, <https://www.nytimes.com/2014/12/21/world/asia/china-invests-in-xinjiang-region-rich-in-oil-coal-and-also-strife.html>.

<sup>51</sup> HRC, *Contemporary Forms of Slavery*, para. 24.

<sup>52</sup> HRC, *Report of the Working Group on the Universal Periodic Review: China*, A/HRC/40/6, December 26, 2018, para. 22, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/446/59/PDF/G1844659.pdf?OpenElement>.

<sup>53</sup> Vicky Xiuzhong Xu et al., *Uyghurs for Sale*, (Australian Strategic Policy Institute, 2020), <https://www.aspi.org.au/report/uyghurs-sale>.

42% of the world's total raw solar materials in 2021.<sup>54</sup> China violates international law and ethical labor practices by injecting forced labor into the solar industry supply chain. Consequently, the risks of forced labor and violation of international law compels solar energy companies to sever ties with Chinese polysilicon producers, disrupting global supply chains and undermining international progress toward the transition to clean energy.<sup>55</sup> Although China has attempted to position itself as a leader in marketing “the 2030 Agenda for Sustainable Development”<sup>56</sup> and taking “active measures to address climate change,” the exploitation of Uyghur labor erodes international support for its alleged environmental initiatives.

Despite ratifying ILO Conventions No. 29 and No. 105 in August 2022, China continues to deny allegations of coercive labor practices and has taken measures to penalize corporate compliance with foreign legislation, like the U.S.'s Uyghur Forced Labor Prevention Act (UFLPA), that attempts to address such concerns. In 2021, China passed a law allowing its citizens and organizations to initiate legal action against companies that comply with foreign sanctions.<sup>57</sup> In June 2023, China enacted a foreign relations law empowering its agencies to employ “countermeasures and restrictive measures” against actions that pose a threat to its sovereignty, security, and developmental interests.<sup>58</sup> Consequently, foreign firms operating in China face intense pressure to comply with Chinese countermeasures, even if it means violating their own domestic laws. China's actions demonstrate a consistent pattern in which it obstructs international efforts to enforce sanctions against forced labor.

### Surveillance and Control

China's military surveillance infrastructure seems to be less visible outside of the camps but surveillance has been intensified within the camps.<sup>59</sup> Within detainees are constantly monitored, but surveillance begins well before their arrival. This is demonstrated by evidence that detention is often preceded by biomedical information retrieval from local governments.<sup>60</sup> Even prior to detention, China extensively tracks individuals' whereabouts to screen for “pre-

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<sup>54</sup> Aaron Mok, “Forced Uyghur Labor Is Being Used in China's Solar Panel Supply Chain, Researchers Say,” *Business Insider*, November 30, 2022, <https://www.businessinsider.com/forced-uyghur-labor-china-solar-panel-supply-chain-research-report-2022-11>.

<sup>55</sup> Seaver Wang and Jozel Lloyd, *Sins of a Solar Empire*, (Berkeley, CA: Breakthrough Institute, 2022), <https://thebreakthrough.org/issues/energy/sins-of-a-solar-empire>; Laura T. Murphy and Nyrola Elimä, *In Broad Daylight: Uyghur Forced Labour and Global Solar Supply*, (Sheffield, UK: Sheffield Hallam University Helena Kennedy Centre for International Justice, 2021), <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/in-broad-daylight>.

<sup>56</sup> HRC, Report of Working Group on UPR, para 24.

<sup>57</sup> Lun Tian Yew, “Explainer: An Eye for an Eye? China's New Anti-Foreign Sanctions Law,” Reuters, June 11, 2021, <https://www.reuters.com/world/china/an-eye-an-eye-chinas-new-anti-foreign-sanctions-law-2021-06-11/>.

<sup>58</sup> Bloomberg News, “China Enacts Foreign-Relations Law Targeting ‘Western Hegemony,’” Bloomberg, June 28, 2023, <https://www.bloomberg.com/news/articles/2023-06-28/china-enacts-foreign-relations-law-targeting-western-hegemony>.

<sup>59</sup> Tiezzi, Shannon. “Josh Chin and Liza Lin on China's Domestic Surveillance,” *The Diplomat*, March 1, 2023, <https://thediplomat.com/2023/03/josh-chin-and-liza-lin-on-chinas-domestic-surveillance/>.

<sup>60</sup> Tahir Hamut Izgil, “One by One, My friends are Gone,” *The Atlantic*, July 2021, <https://www.theatlantic.com/the-uyghur-chronicles/>.

crimes,” or behavior that China deems may be committed before any “real crimes” occur.<sup>61</sup>

Although China justifies its surveillance in the name of national security, it is designed to monitor religious and cultural practices, oppressing Uyghurs and stifling their freedom of expression. Individuals have been detained and arrested for things as innocuous as downloading religious materials, which have no bearing on state security or terrorism.<sup>62</sup> In other instances, the Uyghurs’ use of their language and cultural expression have resulted in punishment.<sup>63</sup>

The effect of all-pervasive surveillance sets these abusive actions apart from others, as it instills a well-founded fear that religious and cultural expression puts one at risk of detention. The quality and intensity of surveillance have led to forced religious and cultural conformity that extends beyond China’s border.

### Transnational Repression

China’s efforts to cloister its most repressed people at home come at the cost of violating its own laws and encroaching on the sovereignty of other nations through transnational repression.

First, China violates its own passport laws by refusing to issue and renew passports to Uyghurs living in China and by ordering Uyghurs living abroad to return to China for renewal.<sup>64</sup> Innocuous religious practices have been grounds to declare someone a security threat and deny them a passport.<sup>65</sup> Furthermore, China has created a Catch-22 for Uyghurs seeking passports, as applying for a passport itself can warrant detention. These practices are in direct violation of Article 12 of the International Covenant on Civil and Political Rights and Article 13 of the UDHR, which both guarantee freedom of movement.<sup>66</sup>

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<sup>61</sup> Jordi Pérez Colomé, “Xinjiang Is the First Great Model in the Era of Digital Mass Surveillance. Nothing like It Has Ever Been Seen,” *El País English Edition*, May 7, 2022, <https://english.elpais.com/science-tech/2022-05-07/xinjiang-is-the-first-great-model-in-the-era-of-digital-mass-surveillance-nothing-like-it-has-ever-been-seen.html>; Dake Kang, “Terror & Tourism: Xinjiang Eases Its Grip, but Fear Remains,” Associated Press, October 11, 2021, <https://apnews.com/article/coronavirus-pandemic-lifestyle-china-health-travel-7a6967f335f97ca868cc618ea84b98b>.

<sup>62</sup> Colomé, “Xinjiang First Great Model.”

<sup>63</sup> Serhan, Yasmeen. “China’s War on Uighur Culture.” *The Atlantic*, August 20, 2021. <https://www.theatlantic.com/international/archive/2020/10/chinas-war-on-uighur-culture/616513/>.

<sup>64</sup> Henryk Szadziewski, “Weaponized Passports: The Crisis of Uyghur Statelessness,” Uyghur Human Rights Project, June 2, 2023, <https://uhrp.org/report/weaponized-passports-the-crisis-of-uyghur-statelessness/>; “Passport Law of the People’s Republic of China,” China.org.cn, accessed July 5, 2023, [http://www.china.org.cn/china/LegislationsForm2001-2010/2011-02/11/content\\_21899279.htm](http://www.china.org.cn/china/LegislationsForm2001-2010/2011-02/11/content_21899279.htm).

<sup>65</sup> Tanner Greer, “48 Ways to Get Sent to a Chinese Concentration Camp,” *Foreign Policy*, September 13, 2018, <https://foreignpolicy.com/2018/09/13/48-ways-to-get-sent-to-a-chinese-concentration-camp/>; Human Rights Watch, “Eradicating Ideological Viruses:” *China’s Campaign of Repression Against Xinjiang’s Muslims*, (Human Rights Watch, September 2018), [https://www.hrw.org/sites/default/files/report\\_pdf/china0918\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/china0918_web.pdf).

<sup>66</sup> OHCHR, *International Covenant on Civil and Political Rights*, A/RES/2200(XXI), December 16, 1966, [https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights;); UNGA, *UDHR*.

Second, China pressures foreign governments to arrest, detain, and repatriate Uyghurs to China in violation of international laws. Researchers documented 1,546 cases across 28 countries in which governments have cooperated with China's aforementioned requests.<sup>67</sup> In a harrowing example of this trend, a thirteen-year-old girl and three others were deported from Saudi Arabia to China even though human rights experts pleaded the credible risk of human rights violations, including torture.<sup>68</sup> Other examples include Morocco's continued imprisonment of Idris Hasan.<sup>69</sup> Given China's well-documented practice of detaining and torturing Uyghurs, these extraditions violate the non-refoulement principle enshrined in the CAT and the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>70</sup> China has also exploited Interpol to target prominent Uyghurs living abroad, undermining Interpol's institutional integrity, purpose, and neutrality.<sup>71</sup>

Third, the Uyghur diaspora is monitored and controlled through threats to their families. Reports demonstrate that even limited contact with relatives abroad can lead to detention in one of China's camps.<sup>72</sup> Some of these tactics include police warnings to Uyghurs to return to XUAR or risk their family's detainment, the imprisonment of activists' families for decades, and threats

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<sup>67</sup> The Oxus Society for Central Asian Affairs, "Transnational Repression," accessed July 5, 2023, <https://oxussociety.org/projects/transnational-repression/>.

<sup>68</sup> Rayhan Asat, "China's Transnational Repression Gets Saudi Backing," *Foreign Policy*, April 14, 2022, <https://foreignpolicy.com/2022/04/14/saudi-uyghur-refugees-china/>; Amnesty International, "Saudi Arabia: Uyghur Girl, 13, among Four 'facing Deportation' and Torture in China," April 5, 2022, <https://www.amnesty.org/en/latest/news/2022/04/saudi-arabia-uyghur-girl-13-among-four-facing-deportation-and-torture-in-china/>.

<sup>69</sup> Nicholas Muller, "The Continued Imprisonment of Idris Hasan," *The Diplomat*, July 1, 2023, <https://thediplomat.com/2023/06/the-continued-imprisonment-of-idris-hasan/>; OHCHR, "Saudi Arabia: UN Experts Say Uyghurs Must Not Be Extradited to China, Urge Proper Risk Assessment," press release, April 1, 2022, <https://www.ohchr.org/en/press-releases/2022/04/saudi-arabia-un-experts-say-uyghurs-must-not-be-extradited-china-urge-proper>.

<sup>70</sup> UNGA, *Convention Against Torture*, article 3(1); UNGA, *International Convention for the Protection of All Persons from Enforced Disappearance*, A/RES/47/133, December 23, 2010, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

<sup>71</sup> INTERPOL, *Constitution of the International Criminal Police Organization—INTERPOL*, I/CONS/GA/1956 (2021), <https://www.interpol.int/en/Who-we-are/Legal-framework/Legal-documents>; Bradley Jardine, Edward Lemon, and Natalie Hall, *No Space Left to Run: China's Transnational Repression of Uyghurs*, (Washington, DC: Uyghur Human Rights Project, June 2, 2023), <https://uhrp.org/report/no-space-left-to-run-chinas-transnational-repression-of-uyghurs/>.

<sup>72</sup> Anna Fifield, "For China's Embattled Uighurs, a Bank Transfer Abroad Can Become a 'Terrorism' Ordeal," *The Washington Post*, October 9, 2019, [https://www.washingtonpost.com/world/asia\\_pacific/for-chinas-embattled-uighurs-a-bank-transfer-abroad-can-become-a-terrorism-ordeal/2019/09/19/eb6a8b1e-c3dd-11e9-b5e4-54aa56d5b7ce\\_story.html](https://www.washingtonpost.com/world/asia_pacific/for-chinas-embattled-uighurs-a-bank-transfer-abroad-can-become-a-terrorism-ordeal/2019/09/19/eb6a8b1e-c3dd-11e9-b5e4-54aa56d5b7ce_story.html).

that individuals will never see their families again unless they spy on other Uyghurs.<sup>73</sup>

### III. CONCLUSIONS

The aforementioned human rights violations, many of which were addressed during the last UPR review, demonstrate that China has failed to comply with its third cycle recommendations. Instead, China has criticized these recommendations as attempts to use “human rights as an excuse to interfere in its internal affairs and undermine its sovereignty.”<sup>74</sup> The UN must urge China to follow through OHCHR’s recommendations as well as the UPR’s upcoming fourth cycle recommendations.

### IV. RECOMMENDATIONS

The ACSLP recommends that the UN urge China to:

#### End Mass Arbitrary Detention, Imprisonment and Forced Disappearance

- Release all individuals detained without lawful cause supported by evidence or detained as a result of their exercise of internationally protected rights;
- Provide evidence and court judgment for all the imprisoned individuals with failure to provide sufficient evidence on any individual resulting in immediate release;
- Produce documents with the current whereabouts and health status of everyone who has been through the VETC system;
- Invite international monitors from human rights organizations to independently assess the well-being of all those detained;
- Offer reparations for all unjustly imprisoned people and their families according to both national and international standard for the wrongfully convicted;<sup>75</sup>
- Close all forms of the camps.

#### Address Forced Labor

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<sup>73</sup> Austin Ramzy, “‘They Have My Sister’: As Uyghurs Speak out, China Targets Their Families,” *The New York Times*, July 27, 2021, <https://www.nytimes.com/2021/07/27/world/asia/xinjiang-china-crackdown.html>; Amnesty International, “Uyghurs Tell of China-Led Intimidation Campaign Abroad,” October 6, 2022, <https://www.amnesty.org/en/latest/research/2020/02/china-uyghurs-abroad-living-in-fear/>; Yuan Yang and Ayla Jean Yackley, “‘The Hand of China Reaches Here’: How Beijing Pushes Uyghurs to Spy on Each Other Overseas,” *Financial Times*, April 11, 2023, <https://www.ft.com/content/1a193bc6-ee47-49ae-a965-92c0a9353544>; Lin Taylor, “Defying Chinese Surveillance, Young Uyghurs Abroad Speak Up Online,” Reuters, May 4, 2021, <https://www.reuters.com/article/us-china-tech-uighurs-idUSKBN2CL1RE>.

<sup>74</sup> HRC, *Report of the Working Group on the Universal Periodic Review*, A/HRC/40/6, 26 December 2018, paras. 26-27, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/446/59/PDF/G1844659.pdf?OpenElement>.

<sup>75</sup> N. Jiang and Y. Wang, “Remedies for Wrongful Convictions in China,” *Journal of Civil & Legal Sciences* 8, no. 1 (January 27, 2019): 252, <https://www.omicsonline.org/open-access/remedies-for-wrongful-convictions-in-china-2169-0170-1000252-107460.html>.

- Cooperate with the ILO in implementing Conventions No. 29 and No. 105, including accepting an ILO technical advisory mission to conduct a transparent assessment of forced labor practices;<sup>76</sup>
- Grant unrestricted access to UN human rights experts, independent human rights organizations, and journalists to investigate and report their findings on forced labor;
- Strengthen domestic labor legislation against all forms of forced labor, including repealing provisions that impose deradicalization duties on enterprises and trade unions, and introducing laws that clearly define and prohibit both direct and indirect methods of discrimination;
- Abolish all anti-sanctions laws, including the 2021 Anti-Foreign Sanctions Law;
- Use the profits of forced labor to retroactively compensate forced laborers for their work.

### **Restrict Repressive Technology**

- Cease all forms of surveillance and tools of repression;
- Update the Government's Technology Standards, requiring transparent use of certain surveillance technologies, including facial recognition technology;
- Reverse policies for collecting biometric and DNA data, and prohibit collection of biometric data in violation of international laws.

### **Cease Transnational Repression**

- Recognize transnational repression as a specific threat to human rights;
- Refrain from intimidating stakeholders including Uyghur advocates who engage with the UN to address the transnational repression.

The ACSLP calls on the UN to:

- Establish, under the auspices of the UN, an Independent Institution on Detained Persons to address cases of disappearances;
- Work with civil society to support these individuals and their families;
- Establish a Commission of Inquiry to monitor the work and effectiveness of an Independent Institution on Detained Persons;<sup>77</sup>
- Appoint a Special Rapporteur for Transnational Repression to monitor the intimidation of Uyghurs living abroad.

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<sup>76</sup> ILO, *Application of International Labour Standards 2023: Report of the Committee of Experts on the Application of Conventions and Recommendations*, 111th International Labour Conference sess., 2023, p. 605, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_868115.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_868115.pdf).

<sup>77</sup> UNGA, *Independent Institution on Missing Persons in the Syrian Arab Republic*, A/77/L.79, <https://undocs.org/Home/Mobile?FinalSymbol=a%2F77%2Fl.79&Language=E&DeviceType=Desktop&LangRequested=False>.

## **LIST OF ANNEXES**

### **ANNEX I**

United Nations Human Right Council (HRC), *Matrix of Recommendations*, Universal Periodic Review of China, 3rd cycle, 31st sess., recommendations 28.2, 28.175, 28.183, 28.180, Available at: <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/CN/MatriceRecommendationsChina.docx>

### **ANNEX II**

United Nations Human Rights Office of the High Commissioner, OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China, August 31, 2022

Available at:

<https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>