

UN Visit to So-Called Training Camps and Attitude Towards China (2)

United Nations Human Rights Commissioner Michelle Bachelet requested China's permission to conduct an international investigation into serious human rights violations against Muslim minorities, especially Uyghurs, living in China's Xinjiang Uyghur Autonomous Region. The Chinese government postponed this request for about four years before it was announced on March 8 that an agreement was reached for the UN delegation to visit the region. For the visit to take place, a preliminary delegation went to China on April 26 and was quarantined for 17 days due to Covid-19 measures. Bachelet made examinations in the region during an official visit that lasted for six days on May 23-28, and declared that these examinations were necessary for the UN to prepare its Xinjiang Report.

However, the visit could only take place under the strict conditions set by Beijing. And during the visit, China did not fulfill its promise of 'unlimited access' to the region where the camps are located, and after the visit, Bachelet's statements about China's progress in economic development and human rights were subjected to harsh criticism by international human rights organizations and many countries, especially the US. While Bachelet's visit caused serious debates in the international public opinion, the hacking of the Xinjiang state police files and their presentation by the Western media proved the human rights violations in the camps with photographs and documents. Following these developments, the international community continued to raise questions about when the Uyghur Report - which the UN had been waiting for, despite its promise to publish since 2019 - would be published; they also question the impartiality of this report.

After the criticisms, Bachelet announced that they would release their report on August 31, before the end of her four-year mandate. Although it was announced that it would be published in 2021, she explained that she needed time to integrate the information obtained into the report and to review China's inputs on the content. However, as the report's publication time was delayed, human rights organizations pointed out that this delay could only be in favor of China, since China would have the opportunity to foresee or change the content of the report. As a matter of fact, the official statement issued by the Beijing government after the UN visit did not include any concerns about the ill-treatment of the Uyghur people and other minorities in the region. Parallel to this, when the post-visit statements are added on top of the uncertainty about the report's publication, it is not difficult to conclude that Bachelet had fears, or doubts, in challenging Beijing. Bachelet's visit and the leaked documents reveal that China directly lobbied her to not publish the report. In addition, the fact that Bachelet published the report before the end of her tenure, amid pressure for it to be published, shows her fears that China will end cooperation during her tenure.

Finally, minutes before the end of Bachelet's term, on August 31, 2022, a 46-page report titled "Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region of the UN High Commissioner for Human Rights" was published. However, it should be underlined that the report tells very little about the ongoing human rights violations in the region, and the fact that a senior UN official was able to postpone the report's publication for years until a few minutes before the end of her mandate tells us the current situation in all its reality. China's aim here is nothing but to force the whole world to be 'not seeing, not hearing, not knowing' in the face of the atrocities experienced there, and this is taking place at a level that no state, organization or society can tolerate anymore.

Why Xinjiang?

In addition to being rich in various energy resources especially coal, gas and oil, Xinjiang province is an important agricultural production source such as cotton. And geopolitically, it is located in a strategic position. According to demographic evaluation, in 1953 more than 75 percent of the total population in Xinjiang was Uighur and 7 percent was Han; today the Uyghur population makes up 45 percent of the region's population and Han 42 percent. It is stated that the ethnic composition of Xinjiang has changed gradually since 1949, and this change occurred as a result of the Han people's migration to the region with the encouragement of government policies. On the other hand, it is stated that the region is historically the poorest region of China and its development is the focus of the authority's development policies. Accordingly, although China states that Xinjiang's gross domestic product has grown by 7 percent in 2021, UN human rights mechanisms expressed concerns about economic, social and cultural discrimination in the country's ethnic regions, including Xinjiang.

In its official statements, the Chinese government emphasized that "the issues related to Xinjiang are essentially related to the fight against violent terrorism and separatism" and that it does so "in accordance with the law." It claims that China's laws are "strong legal tools to contain and combat terrorism and extremism" and "support the principles of protecting legal activities, preventing illegal acts, controlling extremism." The Chinese government also emphasized that the local government in the region "fully respects and protects civil rights, including freedom of religious belief." China's definition of terrorism includes "propositions and actions that create social panic, endanger public safety, attack persons or property, or coerce national bodies or international organizations by means of violence, destruction, intimidation, etc., to achieve their political, ideological or other aims." Here, the term "social panic" in the definition can cover a wide variety of actions that are far from being provable. Thus, the report reveals that this would increase the potential for legitimate protest, opposition, and other human rights activities or acts of genuine religious activity, to fall under the scope of "terrorism" or "terrorist activities" by combining what could be interpreted as a personal preference with the phenomenon of "extremism" and "terrorism".

What does the report offer us?

For the 153-item report, OHCHR interviewed 24 women and 16 men - 23 Uyghurs, 16 Kazakhs, and 1 Kyrgyz - to obtain direct information about the situation in the region and presented their findings in the report. OHCHR and other relevant authorities found that since 2017, Uyghur and other Muslim ethnic minorities disappeared in the Xinjiang Uyghur Autonomous Region and placed in "re-education" camps, and the number of people in these camps increased dramatically. OHCHR also stated that their assessment was based on China's obligations under international human rights treaties to which it is a party, and therefore, violation of these obligations constitutes an international crime.

OHCHR's report found that the government has given broad powers to public safety bodies to prevent, investigate and respond to terrorist and extremist acts, and that these powers are contrary to international human rights law and standards. For example, the Anti-Terror Law and the Xinjiang Enforcement Measures authorize public security bodies to collect and store data about various aspects of individuals' lives, including personal data. OHCHR argues that the independent judicial review of the authorities exercising their powers is limited, if any, and that arbitrary practices increase the risk of discrimination. In other words, China's counter-terrorism legal system contains vague and broad concepts that give the authorities considerable discretion in its interpretation and application. This carries the risk of disproportionate and discriminatory practices.

Moreover, contrary to China's claims, the report found that the so-called VET Centers are not schools by nature; people are held at the police station before going to these centers, they do not have access to a lawyer, and they are not offered any other alternatives. The people interviewed within the scope of the study of the report stated that they never heard from their families and that they had to tell them that everything was fine and that they could go whenever they wanted before any outside visitor. One interviewee said, "I was not told how long I was there and how long I would stay there. I was asked to confess to a crime, but I didn't know what to confess."

It is also stated that arbitrary detentions in facilities have increased rapidly, especially since 2019, and the number of centers has been increased, evident through public satellite images. Here, it was emphasized that practices at the facilities such as taking regular blood samples, constantly giving unknown drugs to them, being forced to adopt political teachings, rape cases against women, psychological and physical violence and deprivation of health rights are inhuman and cruel. The report also explains that China's policies have had a wider negative impact on the rights of ethnic minorities. Stating that the repressive policies especially on the expression of religious, ethnic and cultural identity raise important concerns in terms of international human rights law, the report defines the types of behavior such as not drinking alcohol, growing a beard, and fulfilling the basic principles of worship as "extremism" signs and restricting individuals' freedom of religion is a violation of international law. The report also explained the government's biometric data application for the Uyghurs, access to all information about people's private life, including personal and electronic surveillance model, restriction of freedom to travel by confiscating passports, violations of reproductive rights for women under the name of family planning, and discriminatory policies against the Muslim minority in the field of employment.

What the report did not mention...

The report clearly makes no attempt to address the allegations of genocide against the Beijing

government. However, the statistical evidence regarding the forced sterilization of Muslim women has raised a concern that what happened could be a complete genocide; even Adrian Zenz from the US-based Jamestown Foundation suggested that what happened in Xinjiang should be defined as "demographic genocide." As a matter of fact, the inhumane treatment committed, although not an instantaneous mass murder, corresponds to a slow and continuous way of reducing the Uyghur population by genetic means. Cornell University professor Magnus Fiskesjö described the mass arrests of China's minorities especially the Uyghurs as a destruction of dignity, positive identity and self-confidence.

The UN Genocide Convention (1948) excluded cultural genocide and the destruction of dignity from the definition of genocide, but in Article 2 of the convention, the definition of genocide is based on five principles including: (a) Killing members of the group; (b) Cause serious bodily or mental harm to members of the group; (c) Deliberately placing above the group living conditions calculated to result in the physical destruction of the group in whole or in part; (d) Implement measures to prevent births within the group; (e) Forcibly transferring children belonging to the group to another group. China's practices to the arrested minorities - such as physical and psychological violence in its "re-education" camps, the violation of the right to health, malnutrition, disproportionate armed state reactions, policies of family planning committees to prevent births, forced sterilization, placement of children whose parents were detained in high-security orphanages or boarding schools - fulfill the principles of the definition of genocide. In addition, the official government documents detailing its policies regarding population optimization are not included in the report. Lastly, the use of expressions such as "maybe", "signs", "concerns", and "indicators" in the language of the report softens the evidence and experiences.

Nevertheless, it would be appropriate to consider the UN's report as a turning point. Because while the transparency and accountability of the Chinese government have been discussed until now, the written recommendations of the report to Beijing on the subject may be the harbinger of concrete actions to be taken in the future. These actions may either be the International Criminal Court, which has jurisdiction over genocide, or the initiation of legal proceedings against Beijing regarding the issue, or the handling of this issue in the International Court of Justice. Considering China's influence on the UN, it is questionable whether or not the UN will act accordingly.

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