

USINDOPACOM J06/SJA TACAID SERIES

TOPIC: THE PRC'S PERSECUTION OF UYGHUR MUSLIMS

BLUF 

- According to the U.S. Department of State, the People's Republic of China (PRC) is committing **crimes against humanity and genocide** against Uyghurs and other ethnic and religious minority groups in what the PRC refers to as the Xinjiang Uyghur Autonomous Region. A detailed 2022 report by the Office of the United Nations High Commissioner for Human Rights (OHCHR) found the PRC responsible for "serious human rights violations" against Uyghur and "other predominantly Muslim communities."ⁱ
- **The PRC's domestic law and policy is used as a tool to enable the persecution of Uyghurs** and other ethnic and religious minorities. This includes arbitrary detention of more than one million Uyghurs, Kazakhs, Kyrgyz, and other Muslim groups in extrajudicial internment camps designed to erase religious and ethnic identities.ⁱⁱ
- Additionally, a labor-transfer program forcibly sends millions of Uyghurs to work in industries across the PRC, including seafood processing hubs associated with illegal, unreported, and unregulated (IUU) fishing practices that are depleting the world's oceans and defying international law.ⁱⁱⁱ
- **The PRC's actions violate obligations under human rights treaties and customary international law.**^{iv}
- The PRC attempts to justify its actions under the pretense of "combatting terrorism, separatism, and extremism."^v This justification is widely refuted by the international community and the United Nations.^{vi}
- USINDOPACOM works with the U.S. interagency and with allies and partners to support transparency, promote adherence to international law, and uphold the rules-based international order.

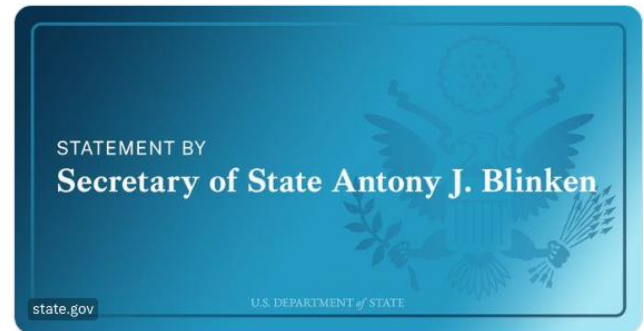
WHY THIS MATTERS 

- The PRC has ratified several core human rights treaties, served as a member of the U.N. Human Rights Council, and assumed numerous roles within the U.N. human rights system.^{vii} **The PRC is bound by treaty law and customary international law, including prohibitions on discrimination based on race, religion, or sex, and rights to religious, cultural, and social self-determination.**^{viii} The PRC is openly breaching these obligations in Xinjiang.^{ix}
- The PRC's treatment of Uyghurs and other ethnic and religious minority groups exemplifies a disregard for the rule of law that is common to the PRC's activities in the diplomatic, information, military and economic spheres.
- If left unchallenged, the PRC's violations undermine the legitimacy of international human rights treaties and customary international law and dilute the efficacy of the rules-based international order.
- The PRC's mistreatment of Uyghurs and other predominantly Muslim communities diverge with its supposed commitments to human rights and international law in other contexts, and thus should be taken into account when evaluating the PRC's motives and intentions.^x



Secretary Antony Blinken  
@SecBlinken

The @UNHumanRights recently released report on the Human Rights Situation in Xinjiang lays out the PRC's human rights violations and abuses in unnerving detail. We call on the PRC to immediately cease committing these atrocities.



8:42 AM · Sep 1, 2022

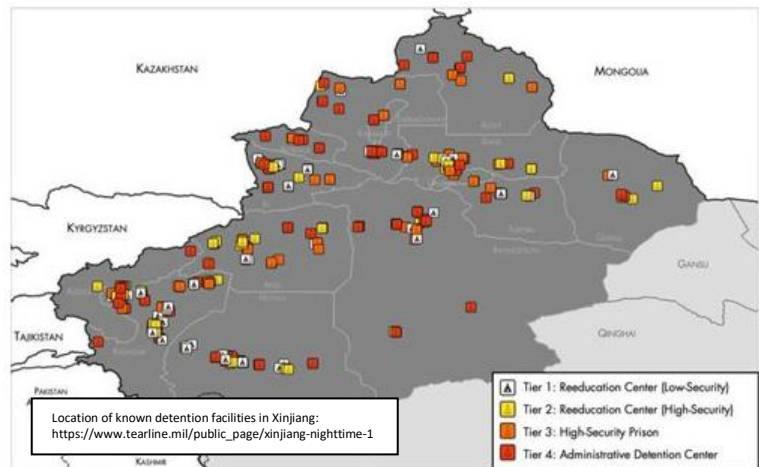
DETAILED DISCUSSION



- The PRC's faulty legal framework.** The PRC claims that its legal and policy framework on counter-terrorism and "de-radicalization" is designed to achieve peace and prosperity among its citizens.^{xi} This framework, however, is used to support systemic discrimination and the eradication of minority Muslim communities.^{xii} The OHCHR report laid out the PRC's human rights violations in extensive detail, and in so doing spotlighted several particularly troubling aspects of the PRC's domestic law that are subject to abuse:^{xiii}

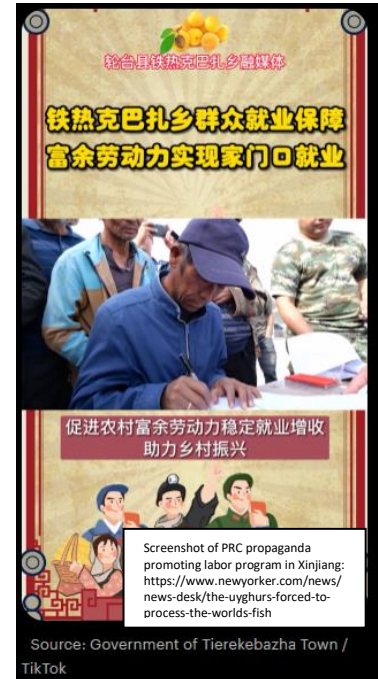
 - Subjective elements/definitions.** The PRC's definition of "terrorism" encompasses a list of acts not normally considered terrorism by the international community.^{xiv} Further, "terrorist activities" is vaguely defined to include subjective terms such as "disruption of social order and other serious social harm."^{xv}
 - Unclear distinction between serious and minor acts of terrorism.** The PRC's domestic law provides that serious acts are adjudicated in criminal courts whereas minor cases are handled administratively, but the same types of conduct are included as both serious and minor cases of "terrorism" and/or "extremism," which creates uncertainty and subjectivity regarding the manner of enforcement.^{xvi}
 - Legitimate protest may be considered terrorism under the law.** PRC authorities have consistently labeled legitimate protest, dissent, other human rights activities, or genuine religious activities as "terrorism" or "terrorist activities," thereby constraining individual liberties while silencing legitimate dissent.^{xvii}
 - Overbroad definition of "religious extremism."** The PRC's domestic law prohibits "religious extremism," which includes so-called extremist ideas, thoughts, activities, clothing, symbols, signs, and content without defining what renders these activities "extremist." Specific examples cited by the OHCHR of what PRC officials have considered "extremism" include: "spreading religious fanaticism through irregular beards or name selection," "undermining the implementation of family planning policies" by having more children than authorized, refusal to listen or view PRC propaganda media, and "resisting cultural and sports activities such as football and singing competitions." Couching such innocuous, non-violent activities and religious expressions as "extremism" enables the PRC to detain, charge, and convict individuals and stifles the exercise of fundamental religious and cultural freedoms.^{xviii}
- Vocational Education and Training Center (VETC) facilities.** VETCs are supposedly used as an administrative tool to "re-educate" offenders.^{xix} Uyghur Muslims and other members of ethnic and religious minority groups are arbitrarily detained in VETCs, which have been described as internment camps, detention camps, and even concentration camps by international media organizations, researchers, and activists.^{xx} Up to 30% of adult "ethnic populations" in Xinjiang were reportedly subjected to detention between 2017 and 2018.^{xxi} The PRC claims that VETC facilities are closed but this claim has been refuted by satellite images and international research.^{xxii}

 - Lack of due process.** Individuals subjected to administrative process are not typically made aware of the reason for arrest, do not have access to legal representation, and are not informed of the duration of their placement or requirements for release. There is no apparent criteria or procedure to determine when "education" is considered complete or any limits on permissible duration.^{xxiii}
 - Activities resulting in VETC placement.** Reasons include, but are not limited to, being an "unsafe person," being born in certain years, being an ex-convict, wearing a veil or beard, and having applied for a passport without having left the country.^{xxiv}



Source: Data from Australian Strategic Policy Institute, 2020. Administrative boundaries from GADM.

- **Family separations and enforced disappearances.** In some cases, when persons were taken to a VETC facility, family members were not informed about their whereabouts, the reasons for their “referral” to the VETC, or the length of time they might be detained.^{xxv}
- **Decline in Uyghur birth rates.** When the first census was completed in 1953, Xinjiang was 75% Uyghur and 7% ethnic Han Chinese. Today, the population is 45% Uyghur and 42% Han Chinese.^{xxvi}
 - The population shift is due to Han migration into Xinjiang incentivized by PRC policies; an increase in forced abortions, sterilizations, and IUD placements; and enforcement of family plans to limit child-births as an expression of “religious extremism.”^{xxvii}
- **Destruction of Muslim religious sites.** Satellite imagery shows that religious sites have been removed or changed, including mosques and pilgrimage sites sacred to Uyghurs and other Muslim communities.^{xxviii}
- **Forced labor.** In an effort to reform and assimilate the Uyghur community, the PRC forcibly sends Uyghurs to work in industries across the country, including seafood processing.^{xxix} The PRC is the world’s largest exploiter of global fisheries and is complicit in illegal, unreported, and unregulated (IUU) fishing practices.^{xxx} These practices violate international law as reflected in the United Nations Convention on the Law of the Sea (UNCLOS), flout sovereign rights, solidify excessive maritime claims, and secure an oversized share of finite resources at the expense of other coastal states and populations.^{xxxi}
- **U.S. import restrictions.** In December 2021, the U.S. Congress overwhelmingly passed the Uyghur Forced Labor Prevention Act (UFLPA).^{xxxii} The UFLPA gives the U.S. government authority to prevent goods produced in Xinjiang from entering U.S. markets.^{xxxiii} The UFLPA relies on a rebuttable presumption that any product originating from Xinjiang is the product of forced labor.^{xxxiv} Since June 2022, U.S. Customs and Border Protection has detained more than one billion dollars’ worth of goods connected forced labor in Xinjiang.^{xxxv} However, ***PRC seafood-processing hubs along the eastern coast of China—where thousands of Uyghurs have been relocated and forced to work—evade U.S. legal restrictions and international scrutiny.***^{xxxvi}
- **PRC legal warfare.** The PRC argues that the international community’s framing of PRC actions as “suppression of ethnic minorities” and “elimination of religion” is a mischaracterization of law-based punishment of terrorists.^{xxxvii} The PRC aggressively lobbied to quash debate of Uyghur treatment by the UN Human Rights Council.^{xxxviii}
- **International response.** In October 2022, 50 U.N. member states issued a joint statement that condemned the PRC’s treatment of Uyghurs and urged implementation of recommendations contained in the OHCHR’s report.^{xxxix} “This includes taking prompt steps to release all individuals arbitrarily deprived of their liberty in Xinjiang, and to urgently clarify the fate and whereabouts of missing family members and facilitate safe contact and reunion,” the statement reads. The United States, France, Turkey, and others have condemned the PRC for crimes against humanity and genocide.^{xl} Canada, the United Kingdom, Ireland, France, Belgium, the Netherlands, Lithuania, the Czech Republic, the European Parliament, the United States, and Taiwan have passed parliamentary motions recognizing the atrocities against Uyghurs as international crimes.^{xli}
 - In October 2023, Japan hosted the second International Uyghur Forum (IUF) at its parliament in Tokyo.^{xlii} The participants, including 150 international lawmakers, politicians, activists, and representatives from civil society groups, issued a joint declaration calling on Japan to conduct an independent investigation of PRC rights abuses against Uyghurs in Xinjiang and to sanction PRC officials. The IUF is exploring additional legal strategies that build on a criminal complaint filed in August 2022 by the World Uyghur Congress and the Uyghur Human Rights Project alleging that the PRC committed genocide and crimes against humanity through its repressive policies targeting Uyghur Muslims.^{xliii}



PROPOSED COUNTER-LAWFARE APPROACH

** This section offers suggested language for incorporation into communications strategies **

- **The U.N. OHCHR found the PRC responsible for serious human rights violations** against Uyghur and other predominantly Muslim communities.
- **The U.S. Department of State says that the PRC's actions in Xinjiang amount to genocide and crimes against humanity.** Other nations including France and Turkey made similar determinations. 50 nations in the U.N. General Assembly firmly condemned the PRC in a 2022 Joint Statement that urged implementation of recommendations contained in the OHCHR report including release of all individuals arbitrarily deprived of their liberty in Xinjiang.
- **The PRC's persecution of Uyghurs and other predominantly Muslim groups in Xinjiang violate obligations under human rights treaties and customary international law and exemplify a disregard for the rule of law** common to the PRC's activities across diplomatic, information, military, and economic spheres.
- **The PRC's domestic law and policy is used as a tool to enable the systematic persecution of Uyghurs** and other ethnic and religious minority groups.
- If left unchallenged, the PRC's violations undermine the legitimacy of international human rights treaties and customary international law and **dilute the efficacy of the rules-based international order.**
- **The PRC's "anti-terrorism law system" typifies the PRC's misuse of domestic law to subvert international law.** This domestic legal framework enables authorities to subjectively and arbitrarily apply the law to detain and persecute members of ethnic and religious minority groups. Credible allegations of torture, forced medical treatment, and incidents of sexual and gender-based violence directly refute the PRC's purported commitment to equality, respect, and human rights protections for all citizens.
- **The PRC's mistreatment of Uyghurs and other predominantly Muslim communities diverge with its supposed commitments to human rights and international law** in other contexts, and thus should be taken into account when evaluating the PRC's motives and intentions, including in military and security matters.
- **USINDOPACOM works with the U.S. interagency and with allies and partners** to support transparency, promote adherence to international law, and uphold the rules-based international order.

ⁱ See U.S. Department of State, *Determination of the Secretary of State on Atrocities in Xinjiang*, Jan. 19, 2021, available at <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/> (finding that the PRC has committed crimes against humanity and genocide against Muslim Uyghurs and other ethnic and religious minority groups in Xinjiang). See also <https://www.ohchr.org/en/press-releases/2022/08/un-human-rights-office-issues-assessment-human-rights-concerns-xinjiang>.

ⁱⁱ See U.S. Department of Defense, *Military and Security Developments Involving the People's Republic of China*, Oct. 2023, at p.127, available at <https://media.defense.gov/2023/Oct/19/2003323409/-1/-1/1/2023-MILITARY-AND-SECURITY-DEVELOPMENTS-INVOLVING-THE-PEOPLES-REPUBLIC-OF-CHINA.PDF>.

ⁱⁱⁱ See Ian Urbina, *The Uyghurs Forced to Process the World's Fish*, *The New Yorker*, Oct. 9, 2023, available at [newyorker.com/news/news-desk/the-uyghurs-forced-to-process-the-worlds-fish](https://www.newyorker.com/news/news-desk/the-uyghurs-forced-to-process-the-worlds-fish).

^{iv} The PRC is party to the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities. The PRC has also signed, though not yet ratified, the International Covenant on Civil and Political Rights. PRC has never ratified the International Covenant on Civil and Political Rights. See United Nations Human Rights Office of the High Commissioner, Status of Ratification Interactive Dashboard, last accessed 17 Oct 2023, available at <https://indicators.ohchr.org/>.

^v U.S. Department of Defense, *supra* note ii at p.127

^{vi} *Id.*

^{vii} *Id.*; United Nations Human Rights Office of the High Commissioner, *UN Treaty Body Database: China*, last accessed 19 Oct 2023, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=EN.

^{viii} *Id.*

^{ix} General Assembly Res. 217(III).A, *Universal Declaration of Human Rights*, Dec. 10, 1948, available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>. The Universal Declaration of Human Rights (UDHR) drafting committee included the PRC delegate Dr. Peng Chun Chang. The UDHR includes the freedom of religion and the ability to manifest religion in teaching, practice, worship, and observance. These are all exercises that the PRC is restricting in Xinjiang.

^x See, e.g., Carla Freeman, et al., *What China's 'Peace Plan' Reveals about its Stance on Russia's War on Ukraine*, United States Institute of Peace, Mar. 2, 2023, available at <https://www.usip.org/publications/2023/03/what-chinas-peace-plan-reveals-about-its-stance-russias-war-ukraine> (describing PRC's Feb 2023 Global Security Initiative announcement and its intent to prevent global conflict and sustain security); see also U.S. Department of Defense, *supra* note ii at p.149.

^{xi} Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, *Response Letter No. GJ/56/2022*, Aug. 31, 2022, available at https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/ANNEX_A.pdf (providing a response to the U.N. High Commissioner for Human Rights report, *infra* note xiii).

^{xii} U.S. Department of State, *supra* note i.

- ^{xiii} U.N. High Commissioner for Human Rights, *OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China*, Aug. 31, 2022, available at <https://www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-concerns-xinjiang-uyghur-autonomous-region>.
- ^{xiv} See, e.g., U.N. High Commissioner for Human Rights, *Special Rapporteur Report on China's Counter-Terrorism Law*, Nov. 1, 2019, available at https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/SR/OL_CHN_18_2019.pdf (describing how the PRC's imprecise definition of terrorism "may allow for the conflation of domestic protest, dissent, peaceful human rights activism or religious activity with international terrorism"); see also Human Rights Watch, *China: Phone Search Program Tramples Uyghur Rights*, May 4, 2023, available at <https://www.hrw.org/news/2023/05/04/china-phone-search-program-tramples-uyghur-rights> (describing how the presence of Quran readings and religious materials can trigger police investigations and arrests on terrorism and extremism charges).
- ^{xv} See U.N. High Commissioner for Human Rights, *supra* note xii, at 7. The list of activities stated under the law use subjective and vague terms that have no additional clarification. This allows government authorities maximum power to enforce everyday activities as a violation of the law. Among "disruption of social order and other serious social harm," the PRC has also added a catchall for "terrorist activity" by including a violation simply listed as "other terrorist activities."
- ^{xvi} See U.N. High Commissioner for Human Rights, *supra* note xii, at 9.
- ^{xvii} See also U.S. Department of State, *2021 Report on International Religious Freedom: China-Xinjiang*. Authorities in Xinjiang have defined 26 religious activities as illegal this includes scripture study groups, religious study courses, proselytizing, etc. without governmental approval.
- ^{xviii} See Human Rights Report at *supra* note xiii. Religious conduct that is criminalized includes "rejecting or refusing radio and television"; being "young and middle-aged men with a big beard"; "suddenly quit[ing] drinking and smoking, and not interacting with others who do drink and smoke"; and "resisting cultural and sports activities such as football and singing competitions."
- ^{xix} See PRC State Council, *Vocational Education and Training in Xinjiang*, Aug. 2019, available at <https://china.usc.edu/prc-state-council-vocational-education-and-training-xinjiang-august-2019>.
- ^{xx} See Lindsay Maizland, *China's Repression of Uyghurs in Xinjiang*, Council on Foreign Relations, Sep. 22, 2022, available at <https://www.cfr.org/backgrounder/china-xinjiang-uyghurs-muslims-repression-genocide-human-rights>.
- ^{xxi} See, e.g., Stephanie Nebehay, U.N. says it has credible reports that China holds million Uighurs in secret camps, Reuters, Aug. 11, 2018, available at <https://www.reuters.com/article/us-china-rights-un-idUSKBN1KV1SU/>; see also, The Network of Chinese Human Rights Defenders, *China: Massive Numbers of Uyghurs & Other Ethnic Minorities Forced into Re-education Programs*, Aug. 3, 2018, available at <https://www.nchrd.org/2018/08/china-massive-numbers-of-uyghurs-other-ethnic-minorities-forced-into-re-education-programs/>.
- ^{xxii} See Maizland, *supra* note xx (describing how, in 2019, the PRC claimed that all VETC facilities were closed as all trainees had "graduated," but that the following year the Australian Strategic Policy Institute identified more than 380 suspected VETC facilities using satellite imagery).
- ^{xxiii} *Id.*
- ^{xxiv} See U.N. High Commissioner for Human Rights, *supra* note xii, at 15.
- ^{xxv} See U.N. High Commissioner for Human Rights, *supra* note xii, at 40 (stating that approximately two-thirds of the 152 outstanding cases on China of the UN Working Group on Enforced or Involuntary Disappearances pertain to Xinjiang over the period 2017-2022).
- ^{xxvi} *Id.*
- ^{xxvii} *Id.*; see also Maizland, *supra* note xx.
- ^{xxviii} *Id.*
- ^{xxix} Urbina, *supra* note iii (describing the human impact of the labor-transfer program; the PRC is reported to have relocated 2.5 million Uyghurs between 2014 and 2019).
- ^{xxx} See, e.g., NOAA Fisheries, 2023 Report to Congress: Improving International Fisheries Management, Aug. 2023, available at [2023 Report to Congress on Improving International Fisheries Management \(noaa.gov\)](https://www.noaa.gov/2023-report-to-congress-improving-international-fisheries-management), at 38 (listing numerous fisheries violations on the part of the PRC and stating that the U.S. Department of Labor List of Goods lists fish from the PRC as caught with forced labor); see also Ian Urbina, *The Crimes Behind the Seafood You Eat*, The New Yorker, 9 Oct 2023, available at <https://www.newyorker.com/magazine/2023/10/16/the-crimes-behind-the-seafood-you-eat> (stating that the PRC bolsters its fishing fleet with more than seven billion dollars a year in subsidies, as well as with logistical, security, and intelligence support).
- ^{xxxi} See, e.g., Mike Studeman, *China's Rampant Illegal Fishing Is Endangering the Environment and the Global Economy*, Newsweek, 24 Jan 2023, available at <https://www.newsweek.com/chinas-rampant-illegal-fishing-endangering-environment-global-economy-opinion-1776034>.
- ^{xxxii} Public Law 117-78, December 23, 2021, 135 Stat 1525; see also Marti Flacks, et al., *The Uyghur Forced Labor Prevention Act Goes into Effect*, The Center for Strategic and International Studies (CSIS), Jun. 27, 2022, available at <https://www.csis.org/analysis/uyghur-forced-labor-prevention-act-goes-effect>.
- ^{xxxiii} *Id.*
- ^{xxxiv} *Id.*; see also Department of Homeland Security Uyghur Forced Labor Prevention Act website, last accessed Nov. 3, 2023, available at <https://www.dhs.gov/uflpa>.
- ^{xxxv} See Urbina, *supra* note iii.
- ^{xxxvi} *Id.*
- ^{xxxvii} See Permanent Mission of the People's Republic of China to the United Nations Office at Geneva, *supra* note x.
- ^{xxxviii} The PRC lobbied behind the scenes to influence the Human Rights Council to vote no on a motion proposed by the U.S., Britain, and Canada to debate the treatment of the Uyghur Muslims and other minority Muslim communities. The PRC's efforts worked as the issue was defeated with 19 votes against, 17 votes for, and 11 abstentions. Predominantly Muslim communities including Qatar, Indonesia, UAE, and Pakistan voted against having the debate.
- ^{xxxix} The full statement is available here: <https://www.gov.uk/government/speeches/joint-statement-on-human-rights-violations-in-xinjiang-at-the-un-third-committee>; See also Louis Charbonneau, *Record Number of States Condemn China's Persecution of Uyghurs*, Human Rights Watch, Oct. 31, 2022, available at <https://www.hrw.org/news/2022/10/31/record-number-states-condemn-chinas-persecution-uyghurs>.
- ^{xl} U.S. Department of State, *supra* note i; France 24, *French Lawmakers Officially Recognize China's Treatment of Uyghurs as 'Genocide'*, Jan. 20, 2022, available at <https://www.france24.com/en/europe/20220120-french-lawmakers-officially-recognise-china-s-treatment-of-uyghurs-as-genocide>; Kuzat Altay, *Why Erdogan Has Abandoned the Uyghurs*, Foreign Policy, Mar. 2, 2021, available at <https://foreignpolicy.com/2021/03/02/why-erdogan-has-abandoned-the-uyghurs/> (describing how Turkish support of Uyghur Muslims has waned as Turkey has shifted away from its NATO allies and toward Russia and China).
- ^{xli} See Uyghur Human Rights Project (UHRP), *UHRP Welcomes Taiwan's Resolution on Atrocities Against Uyghurs*, Jan. 3, 2023, available at <https://uhrp.org/statement/uhrp-welcomes-taiwans-resolution-on-atrocities-against-uyghurs/>.
- ^{xlii} Mamatjan Juma, *Japan urged to investigate atrocities against Uyghurs*, Radio Free Asia, Nov. 1, 2023, available at <https://www.rfa.org/english/news/uyghur/tokyo-forum-11012023152837.html/ampRFA>.
- ^{xliii} *Id.*; the Argentine Constitution of 1994 established universal jurisdiction in its criminal courts for international crimes. National Constitution of the Argentine Republic, Aug. 22, 1994, art. 118 (Arg.); see also Asim Kashgarian, *Criminal Case Filed in Argentina Over China's Treatment of Uyghurs*, Voice of America, Aug. 22, 2022, available at <https://www.voanews.com/a/criminal-case-filed-in-argentina-over-china-s-treatment-of-uyghurs-/6718611.html>.