

# The Effectiveness and Follow-up of the United Nations OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China

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Former UN High Commissioner for Human Rights Michelle Bachelet released the OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China on August 31st, 2022, the last day of her term in office.<sup>1</sup> The assessment, which is nearly 50 pages, can be said to be the clearest, the most concise, and the most direct review of China's repression of Uyghurs in Xinjiang. Although the release of the assessment

was delayed for one year, the UN High Commissioner has again demonstrated their professionalism and maintained dignity and reputation as the human rights gatekeeper. The assessment rejects great power politics and gets straight to the point: is it appropriate and justifiable for China to conduct large-scale “de-extremification” campaigns in the name of countering terrorism?<sup>2</sup>

When the assessment was released, China refuted it with a 130-page-long

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

2. Over the past few years, when discussing the Xinjiang governance issue, many international human rights groups, even researchers, may be too eager to protect human rights in Xinjiang, and often ignore China's counter-terrorism argument. However, the OHCHR assessment faces this argument head-on, which is very inspiring. As for the correlation between counter-terrorism and Xinjiang internment camps, there are many factors involved, and another article will be dedicated to addressing this topic.

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report via the Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland. China's official argument doesn't fully address points mentioned in the assessment but only repeats the same arguments from years ago. Their stance is: Xinjiang is under serious threat of terrorism and China is protecting public security through "legal" governance, and "Vocational Education and Training Centers" is the best strategy for de-extremification. Vocational Education and Training Centers are not concentration camps. These accusations are lies told by the U.S. and anti-Chinese forces in the west. The trainees have found jobs after the training, and the centers fully comply with international human rights standards.<sup>3</sup>

The assessment points out that China's legal definition of terrorism and terrorists is too vague and broad, such as associating "disruption of social order and other serious social harm" with terrorism. The same goes for the

definition of extremism: the regulation describes Islamic religious materials, rituals, and dress code, without giving a clear definition of extremism. Besides, the methodologies used to identify suspects and persons "at risk" of "extremism" are highly questionable. Some Islamic commandments and practice, such as quitting alcohol, or not attending traditional cultural activities, are seen as indicators of religious extremism. The power of law enforcement agencies has been expanded, and electronic monitoring or collection of personal biometrics and data can be done without a reason, and the suspects can be detained indefinitely without inspection.

Despite some victims of Xinjiang internment camps and human rights groups believing this assessment has been truncated, according to this assessment, the allegations of the Chinese government conducting large-scale, discriminatory detention, torture, and forced labor in Xinjiang are credible and that China may have already committed crimes against

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3. For China's official response to the OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, please see "Fight Against Terrorism and Extremism I Xinjiang: Truth and Facts," August 2022, published by Information Office of the People's Government of Xinjiang Uyghur Autonomous Region, [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).

humanity.

In this human rights tug-of-war, there are five points worth noticing:

### **1. The UN says China's repression in Xinjiang may amount to "crimes against humanity"**

The OHCHR assessment represents the official stance of the United Nations. It is the most authoritative narrative of the Xinjiang issue and has a profound influence on UN member states and the international community. The last allegation of crimes against humanity was Rwanda Genocide in the 1990s. The International Criminal Tribunal for Rwanda (ICTR) was set up by the UN to deliver verdicts against three suspected military officers, who were sentenced to life imprisonment, and the relevant trials are still going on today.<sup>4</sup> As a permanent member of the United Nations Security Council, China is one of the most powerful countries in the UN, but it is now accused of the same crime as Rwanda, crimes against humanity, by the UN High Commissioner. We should not underestimate the seriousness of this

issue.

### **2. If China doesn't make real changes, international sanctions won't stop**

In March 2021, the deal between China and the EU broke due to their tit-for-tat sanctions over the Xinjiang issue, which made the EU halt the approval of the EU-China Comprehensive Agreement on Investment (CAI). With the ongoing U.S.-China trade war, the CAI agreement is considered a historic investment agreement between China and the EU but has been put on hold since then. With the release of the OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region by the UN High Commissioner, the western world is not able to relax or alleviate the sanctions against Xinjiang internment camps, its relevant personnel, and businesses.

The new UN High Commissioner for Human Rights will continue to track the situation of China's repression of Xinjiang and whether it has committed crimes against humanity. Whether the international judicial system can do anything about China's current violations

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4. For more information about the Trial of the Rwanda Genocide, please see <https://unictr.irmct.org/>.

against human rights, we will need to wait to find out.

### 3. Did genocide happen in Xinjiang?

The US and several western countries believe genocide happened in Xinjiang, but the OHCHR assessment only accused China of crimes against humanity. The reason is simple: there isn't enough evidence.

According to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, genocide means the illegal acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group.<sup>5</sup> In other words, there isn't enough evidence to prove China has such intent. The UN High Commissioner didn't take the evidence provided by the Uyghur Tribunal in London in 2021, which refers to the leaked Report of the General Office of the Chinese Communist Party, whose authenticity is yet to be verified. Therefore, we can say evidence collection for the OHCHR assessment is very discreet.

### 4. China may pass new regulations to govern Xinjiang and its internment camps

The relevant policies of Xinjiang internment camps have been implemented for more than five years, and they have certainly achieved the purpose of preliminary national assimilation. Now, they should have entered the next stage -- evaluation and revision. The OHCHR assessment points out how ridiculous it is to legitimize and justify Xinjiang internment camps using counter-terrorism regulations. After Xi Jinping is re-elected at the 20<sup>th</sup> National Congress of the Chinese Communist Party, he can't withdraw the policy as this can make him look weak, but he can consider offering employment services or national education and adjust the policy implementation criticized by many people, to recalibrate and regulate the large-scale detention, forced labor policy, and violent acts.

With the advance of monitoring technology, China's CCTV is everywhere, not just in Xinjiang, and China can also control citizens through its social credit

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5. For the difference between War Crimes, Crimes against Humanity, and Genocide, please see the UN Mapping Report of the United Nations Human Rights Office of the High Commissioner: [https://www.ohchr.org/sites/default/files/Documents/Countries/CD/FS-2\\_Crimes\\_Final.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/CD/FS-2_Crimes_Final.pdf).

system. Large-scale detention may no longer be needed, and the government can use other methods to monitor citizens.

### **5. The aimless fifth column**

Over the past few years, many China-friendly countries signed petitions to support China's governance policies in Xinjiang. China widely invited international media to Xinjiang to "see for themselves" (including Taiwanese media and politicians), and mobilized internet celebrities to advertize the achievement of China's governance in Xinjiang in their videos. The OHCHR assessment can silence these voices for a while. If the Chinese government doesn't adjust its governance framework and approach, China's fifth column around the world will lose ground, and can only beat around the bushes when it comes to the Xinjiang issue.

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