



Inter-Parliamentary Alliance on China

## **Q&A: Backbench Business debate on Uyghur Genocide**

### **Motion**

“That this House believes that Uyghurs and other ethnic and religious minorities in the Xinjiang Uyghur Autonomous Region are suffering Crimes Against Humanity and Genocide.”

And calls upon the Government to act to fulfil their obligations under the Convention on the Prevention and Punishment of Genocide and all relevant instruments of international law to bring it to an end. (Nusrat Ghani MP)

### **Details**

Thursday 22nd April 2021, Chamber

### **Context**

The publishing of two independent legal analyses has added to mounting evidence suggesting that the gross human rights abuses being perpetrated against the Uyghurs and other ethnic and religious minorities in the Xinjiang Uyghur Autonomous Region of China (XUAR) constitute Genocide and Crimes Against Humanity.

### **What is the evidence that a Genocide is taking place against Uyghurs?**

Two major independent analyses have investigated reports of alleged genocide in the Xinjiang region:

- A formal legal opinion published by [Essex Court Chambers in London](#), which concludes that there is a “very credible case” that the Chinese government is carrying out the crime of Genocide against the Uyghur people.
- A report from the [Newlines Institute for Strategy and Policy](#), conducted by over 30 independent global experts, which finds that the Chinese state is in breach of every act prohibited in Article II of the Genocide Convention.

Both reports conclude there is sufficient evidence that the prohibited acts specified within the Genocide Convention and the Rome Statute of the International Criminal Court

have been breached with respect to the Uyghurs, namely:

1. **“Causing serious bodily or mental harm to members of the group.” (Art. 6 (b)).**  
The [at least one million](#) Uyghurs and other minorities interned in the region's vast prison camp network are subject to [systematic rape, sexual abuse and torture](#), as well as interrogation, forced labour, beatings and political indoctrination.
2. **“Imposing measures intended to prevent births within the group.” (Art. 6(d)).**  
Uyghur women are subjected to forced abortions, involuntary sterilization and the mandatory insertion of intrauterine devices (IUDs). Government campaigns to reduce the population of Uyghurs and other ethnic minorities in Xinjiang has led to [birth rates falling by more than 60%](#) in some Uyghur regions in recent years.
3. **“Forcibly transferring children of the group to another group.” (Art. 6(e)).**  
Uyghur children whose parents are detained, in exile or subject to coercive labour transfer schemes are being taken from their relatives and placed in state orphanages and subject to forced political indoctrination, neglect and denied contact with families. A sharp [increase of 76% in the number of children in Xinjiang's state boarding facilities](#) from 2017 correlates with the expansion of detention camps for Uyghurs in this period, with a total of 880,500 by 2019.

### **“Intent to destroy”.**

Under Article II of the Genocide Convention, the commission of genocide requires demonstration of the *“intent to destroy, in whole or in part a national, ethnical, racial or religious group, as such.”*

The Newlines Institute analysis concludes that the Chinese state has demonstrated its clear “intent to destroy” in its policies towards Uyghurs. This is accompanied by high-level statements of intent, with government officials having ordered departments to [“break their lineage, break their roots, break their connections, and break their origins”](#) and to “wipe them out completely ... destroy them root and branch.”

The Essex Chambers formal legal opinion identifies three officials for having demonstrated genocidal intent on the basis of their position and past statements, namely: President Xi Jinping; Zhu Hailun, Party Secretary of the Xinjiang Political and Legal Committee from 2016 to 2019; and Chen Quanguo, Party Secretaries of the XUAR since 2016.

### **What is the evidence that Crimes Against Humanity are taking place against Uyghurs?**

The formal legal opinion from Essex Chambers concludes that there is credible evidence to suggest that the following specific crimes against humanity have been fulfilled, as defined in Article 7 of the Rome Statute of the International Criminal Court:

1. Enslavement (Art. 7(1)(c)), by the widespread use of forced labour by former and current inmates of detention facilities.
2. Imprisonment of other severe deprivation of physical liberty (Art. 7(1)(e)), through the mass detentions of Uyghurs without charge or trial in the region's vast prison camp network.
3. Torture (Art. 7(1)(f)) and Rape (Art. 7(1)(g)) in detention facilities, through interrogation techniques and widespread sexual abuse and rape of inmates.
4. Enforced sterilization (Art. 7(1)(g)) of Uyghur women, as part of efforts to reduce the Uyghur population.
5. Persecution (Art. 7(1)(h)), with the above abuses directed against persons on the basis that they are members of the Uyghur population and/or Muslim or other ethnic and religious minorities.
6. Enforced disappearance (Art. 7(1)(i)) of members of the Uyghur population.

A separate independent legal analysis conducted into evidence of [coercive labour transfer programmes](#) revealed by China scholar Dr Adrian Zenz stated that there are “credible grounds to conclude” that Xinjiang’s labour transfer programme meets the criteria of the Crime Against Humanity of Forcible Transfer (Art. 7(1)(d)), with up to 1.6 million rural labourers in Xinjiang at risk of being coerced into these programmes.

### **What are the UK’s obligations under the Genocide Convention?**

As a signatory to the UN Genocide Convention 1948, the UK has an obligation “*to prevent and to punish*” the crime of genocide. The International Court of Justice has confirmed that the obligation to prevent genocide has an [extraterritorial scope](#).

The UK government has historically maintained that genocide determination is a matter for international courts, despite the proven ineffectiveness of these institutions. Russia, China and other authoritarian states have been able to [block the progress of investigations at the UN](#).

As it stands, **the UK risks defaulting on its commitments under the Genocide Convention**. The UK government’s longheld position that genocide is a matter for international courts does not offer a feasible route to justice for victims of genocide and does nothing to *prevent* emerging or ongoing genocides.

## **Isn't genocide a matter for the courts, not parliament?**

A full determination and prosecution of genocide can and should be pursued through the UN and international courts.

A parliamentary genocide declaration will not take away from attempts to establish legal investigations into the alleged genocide taking place against Uyghurs, but will rather serve to give greater impetus to these efforts. It should also be noted that there is no prospect of a UN referral to an international court regarding China.

By declaring the abuse of Uyghurs to constitute a genocide, Parliament will draw international attention to the severity of the atrocities taking place and open the way for the UK and international partners to take actions to hold the Chinese government accountable for its actions and help *prevent* further atrocities from taking place.

## **What other countries have declared China's treatment of Uyghurs to be a genocide?**

The United States, both its former and current administration, and the Canadian and Dutch Parliaments have all recognised the persecution of Uyghurs and other minorities in Xinjiang as genocide.

## **What else can the UK do to hold China to account for human rights abuses in the Xinjiang region?**

- **Action on forced labour supply chains.** A [BEIS committee report](#) into Xinjiang's forced labour supply chains recommended that the government seeks to:
  - Strengthen the Modern Slavery Act to ensure that businesses are required to ensure that modern slavery statements are adequate and effectively implemented. This could be modelled on France's Corporate Duty of Vigilance Law and would ensure that firms have to take active steps to identify and prevent exploitation in their supply chains.
  - Strengthen the Company Directors Disqualification Act 1986 to disqualify directors and businesses failing to comply with anti-slavery reporting obligations under the Modern Slavery Act.
  - Bring forward specific measures for Xinjiang, including a whitelist of firms that have presented convincing evidence on the integrity of their supply chains in Xinjiang, and a blacklist of firms that have failed to provide evidence to answer questions on links to the region.

- **Sanctions on officials responsible for abuses.** The UK has implemented its Global Human Rights Sanctions regime on four individuals and one entity responsible for gross human rights abuses in Xinjiang, in conjunction with the US, EU and Canada.

However, the UK is yet to issue sanctions on Chen Quanguo, Party Secretary of the XUAR and architect of the mass internment camps and forced labour programmes, or Peng Jiarui, Commander of the Xinjiang Production and Construction Corps, an entity subject to UK sanctions for its role in forced labour programmes. Both individuals have been targeted for sanctions by the US.

- **UK university links with Xinjiang abuses.** A report into [links between UK universities and Chinese military institutions](#) has revealed that Chinese companies complicit in the surveillance of Uyghurs in Xinjiang sponsor research in British universities. The government should investigate claims that UK universities could be unwittingly supporting the development of facial recognition and digital surveillance technologies that are then used by the Chinese government in the oppression of Uyghur people.
- **Support for UN led investigations.** The UK should lead support at the UN for an independent fact-finding mission or mechanism into abuses against Uyghurs and demand that independent human rights observers obtain access to the region. Such an investigation could be modelled on the Independent International Fact-Finding Mission on Myanmar.
- **ICC investigations into atrocity crimes.** The UK should publicly support the opening of an investigation at the International Criminal Court into international crimes committed by Chinese officials. [A Complaint](#) filed with the ICC Chief Prosecutor on 8 July 2020 on behalf of the Uyghur and other Turkic peoples by Rodney Dixon QC should be formally referred to the Prosecutor by UK representatives.
- **Independent tribunals.** The government should commit to cooperating with and examining and acting on the findings of the [Uyghur Tribunal led by Sir Geoffrey Nice QC](#), an independent 'people's tribunal' examining evidence for atrocity crimes committed in Xinjiang.

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