

## Human Rights in China: The Case of Xinjiang

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*This memo examines the current crisis of human rights in China through the paradigmatic example of the Xinjiang Uyghur Autonomous Region's reeducation camp system. I show how this system fits into an older Maoist legacy of human rights in China and the way this legacy produced majority-valorized discourses of 'security' and 'ethnic harmony.' I then examine how the discourse of counter-terrorism and extremism fits into this legacy and the way it assigned an 'ethno-racialized other' slot to Muslims in China, particularly Uyghurs, following September 11, 2001. I examine the way forms of countering violent extremism and counter-terrorism were attached to the entire population of nearly 13.5 million Uyghurs and Kazakhs<sup>1</sup> in the Xinjiang region resulting in one of the most horrific human rights crisis in the contemporary world. Simultaneously, laws which equate democratic protest with terrorism have been applied in Hong Kong. The crisis of human rights in China has been exacerbated by the withdrawal of the United States from the U.N. Human Rights Council and other global coalitions. It has also been fostered by a global Islamophobia in which the United States has played a key role. To begin to mitigate this situation, I argue that future U.S. policy should work to build human rights coalitions with both wealthy allies and with nations in the global South. An important aspect of this coalition building is to reverse anti-refugee and anti-Muslim immigration policies at a global scale. I conclude by proposing recommendations for the U.S. policymakers, civil society, and community organizations to promote human rights in China and in the system of global capitalism that the U.S. shares with China.*

As over 10,000 personal testimonies of Uyghurs and Kazakhs who have been arbitrarily detained make clear, the "reeducation camp" system in Northwest China is extremely cruel.<sup>2</sup> Mass detention, family separation, forced labor, and targeted sterilization that form the primary features of this colonial system have produced one of the most horrifying human rights situations in the contemporary world. While the Trump administration belatedly began imposing targeted sanctions toward key leaders and state institutions who enacted this state and corporate violence,

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<sup>1</sup> Uyghurs and Kazakhs form the largest targeted populations, but Hui, Kyrgyz, Uzbeks, Tajiks, Tatars, and other Muslims in the region are also affected.

<sup>2</sup> Xinjiang Victims Database, "Victims," 2020, <https://shahit.biz/eng/#view>.

and placed a moratorium on sales to companies that benefit from Xinjiang surveillance systems and forced labor, its overall China policy is marked by inconsistency and rhetoric that promotes anti-Chinese xenophobia.

By withdrawing from the U.N. Human Rights Council and pursuing tariff-driven unilateral trade policy, the U.S. under the Trump administration missed an opportunity to build a global coalition that opposes “crimes against humanity” and a “genocide in the making” in China.<sup>3</sup> Instead, it led nations around the world to perceive U.S. opposition to Uyghur and Kazakh reeducation camps as simply an element of the U.S.-China trade war. In summary, while bipartisan support ranging from Representative Ilhan Omar to Senator Marco Rubio for targeted sanctions and moratoriums is in fact laudable and appropriate policy, the larger isolationist U.S. framework, coupled with racialized anti-China rhetoric, has worked to undermine global responses to human rights abuses in China.

How, then, should U.S.-based policymakers change course on this issue and affect the broader human rights situation in China? As a precondition to further efforts to address issues in Xinjiang, Hong Kong, Tibet, and other sites of Chinese internal colonialism, it is crucial that U.S. policymakers strive to work with partner nations and civil society to build a global coalition that stands for the civil and human rights of unprotected citizens in China and opposes authoritarian statecraft in general.

To understand the issues at stake, it is important to consider the reality of the situation that has unfolded in Xinjiang since 2016 and the changing history of Chinese human rights and

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<sup>3</sup> United States Holocaust Memorial Museum, “Simon-Skjodt Center Director Delivers Remarks on China’s Systematic Persecution of Uyghurs,” 2019, <https://www.ushmm.org/genocide-prevention/blog/simon-skjodt-center-director-delivers-remarks-on-chinas-systematic-persecut>; Joanne Smith Finley. “Why Scholars and Activists Increasingly Fear a Uyghur Genocide in Xinjiang.” *Journal of Genocide Research* (2020): 1-23; Mamtimin Ala, *Worse Than Death: Reflections on the Uyghur Genocide*. Hamilton Books, 2021.

ethnic minority autonomy. The Xinjiang “reeducation” system and Hong Kong “National Security Law,” should be thought of as part of a campaign to produce an ethnonationalist unitary Chinese identity—a process that dramatically increased over the past four years.<sup>4</sup> This Xi Jinping-centered vision of Chinese state power sharply diminishes the cultural and social practices of Mongols, Tibetans, Uyghurs, and Kazakhs, and strives to eliminate many of the forms of democratic autonomy that remain in Hong Kong.

### The Context of Human Rights in China

Over the past decade as I have conducted ethnographic research in China, many discussions of human rights with my interview subjects have revolved around basic needs such as food and shelter. Although China has a growing middle class of around 400 million, another nearly 600 million Chinese citizens—around 40 percent of the total population, earn only around \$4.50 per day.<sup>5</sup> As China has developed a capitalist economy over the past three decades, it now has the world’s second largest number of billionaires and income inequality that nears the radical disparities of the United States.<sup>6</sup> Despite astronomical growth in the Chinese economy, hundreds of millions of average citizens still struggle to find a secure future for themselves and their families.

For many of the more than 1.3 billion Han people, who form a nearly 90 percent supermajority of the Chinese population, protections of free speech are secondary and ethnic

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<sup>4</sup> James Millward, “The Uighurs” suffering deserves targeted solutions, not anti-Chinese posturing,” *The Guardian*, <https://www.theguardian.com/commentisfree/2020/jul/27/the-uighurs-suffering-deserves-targeted-solutions-not-anti-chinese-posturing>; Shui-yin Sharon Yam and Jeffery Wasserstrom, “Hong Kong Is a Local Tragedy, Not a Geopolitical Shuttlecock,” *Foreign Policy*, 2020, <https://foreignpolicy.com/2020/08/18/hong-kong-local-us-china-history/>.

<sup>5</sup> Zhou Xin, “Is China rich or poor? Nation’s wealth debate muddied by conflicting government data,” *South China Morning Post*, 2020, <https://www.scmp.com/economy/china-economy/article/3086678/china-rich-or-poor-nations-wealth-debate-muddied-conflicting>.

<sup>6</sup> Eli Freidman, “Why China is Capitalist,” *Spectre Journal*, 2020, <https://spectrejournal.com/why-china-is-capitalist/>.

belonging are taken for granted. While some, particularly those in middle class positions, may desire forms of individual religious and political freedom, often those desires are subordinated to the needs of the ethno-nation. In an interview, one middle-class Han intellectual told me, “since the founding of the People’s Republic, the government has tried to meet our basic needs, we are just now starting to think about the psychological and individual needs that go on top of that.”

But not everyone felt that way, particularly in Northwest China where my work has been focused since 2011. Over the past decade the state has begun a concentrated campaign to replace Uyghur and Kazakh ways of life through Han-centric institutions, while making the region profitable for the nation by exploiting its natural resources and turning Muslims into a cheap labor force. This “reeducation” campaign—which has little to do with “counter-terrorism,” despite its framing in state discourse and the policing methods it uses—pushed the 13.5 million Uyghurs and Kazakhs native to that region to demand that state authorities follow the ethnic and religious protections outlined in the Chinese constitution. Speaking in the privacy of his own home in mid-2015, the Uyghur writer Perhat Tursun told me that without enforced individual and minority group protections “Uyghurs will never feel as though their lives matter.” In January 2018, Perhat Tursun was taken away, joining hundreds of other Uyghur and Kazakh cultural leaders who have disappeared into the massive camp system.

The contradictory perspectives I observed are indicative of the way social position correlates to experiences of human rights in China. People in protected, majority positions are often inclined to look favorably on China’s human rights record as a whole, while ethno-racial, religious, political and sexual minorities and those in rural, lower-class positions often see a system that institutionalizes discrimination. Yet, across the spectrum, when people look at the base of the system there is some agreement. In many ways, the party-state does provide for the

basic needs of its citizens. They agree that the state does assure that the costs of food, heat, housing, fuel, and transportation are lowered by government market controls. They acknowledge that education costs and some forms of public health are also made more affordable due to state protections.

One reason why there is this agreement around basic needs is because dominant Chinese state discourses of human rights emerge out of anti-imperialist socialist legacies. This means that human rights are thought of as primarily rights to livelihood and rights to security, both of which are mediated by rights to national self-determination. By ‘rights to security’ I mean protections from crime, disease, and hunger. By ‘rights to livelihood’ I mean protections that are necessary to provide for oneself, such as a right to housing and rights to transportation. Yet, importantly, securing these rights are dependent on a higher priority: a right to self-determination defined by protections *for the majority* from foreign or imperialist threats and subordination of individuals and minorities to the party-state. As Lydia Liu has noted (2014), it was language of self-determination which was of primary concern to Chinese representatives at the United Nations in the 1940s.<sup>7</sup> For them, it was important to note that human rights not be defined by western standards of ‘civilization’ and ‘natural rights,’ which they saw as euphemisms for European colonial rule. Yet, as scholars of contemporary decolonization have noted,<sup>8</sup> Chinese state authorities came to view their “liberation” of minoritized people through a self-valorized anti-imperialist framework which prevented them from extending forms of autonomy to the peoples they themselves colonized.

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<sup>7</sup> Lydia Liu, “Shadows of universalism: The untold story of human rights around 1948,” *Critical Inquiry*, 40, no. 4 (2014): 385-417.

<sup>8</sup> Uradyn E. Bulag, “Good Han, Bad Han: The Moral Parameters of Ethnopolitics in China,” in Mullaney, Thomas S., James Leibold, Stéphane Gros, and Eric Vanden Bussche. *Critical Han Studies: The History, Representation, and Identity of China’s Majority*, (Berkeley: University of California Press, 2012): 92-109; Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, (Minneapolis: University of Minnesota Press, 2014).

This legacy of human rights understood first and foremost as a right to Chinese national sovereignty stands in tension with a Euro-American emphasis on individual civil and political rights protections—which in some important ways, post-decades of feminist and anti-racism struggle, means extending specific protections for ethno-racial, sexual, and religious minorities (at least at an ideal and legal level if not in practice). In contrast, Chinese state understandings of a rights hierarchy which was codified during the Maoist period and continues to define party-state rule are typified as follows: “(1) the individual is subordinate to the organization; (2) the minority is subordinate to the majority; (3) the lower level is subordinate to the higher level; and (4) the entire party membership is subordinate to the Central Committee.”<sup>9</sup>

I am not undertaking to resolve the tensions among a right to livelihood, a right to national sovereignty, and a right to minority protections in this memo, but to show that these ideological legacies shape much of the thinking on these issues in China. This thinking should be taken seriously as a way of understanding the ideological history that stands behind Chinese state rhetoric on human rights—and to understand and explain how Chinese authorities have failed so dramatically to protect the rights of minorities. As U.S.-based policymakers seek to build coalitions across the decolonizing global South—and in an effort to take up an anti-racist stance toward Chinese social systems—they should frame their interventions regarding forced labor and mass detention in Xinjiang with these concerns in mind.

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<sup>9</sup> Mao Zedong, “The Role of the Chinese Communist Party in the National War” (October 1938), *Selected Works*, Vol. II. (Foreign Languages Press, 1965): 203-204.

Harms to Uyghur and Kazakh Autonomy and Wellbeing

The legacy of the party-state dictatorship on behalf of the majority has been both a blessing and a nightmare for minority peoples in China.<sup>10</sup> On the one hand, because this framing is premised on self-valorized inclusive “liberation” of minorities, from feudalism and imperialism, the impulse toward mass physical genocide of minoritized populations has been diminished, unlike North American colonization of Native Americans. On the other hand, Chinese framings of human rights creates a false sense of ‘goodness’ on the part of the colonizer and a misrecognition of systemic ethno-racism. In contemporary China, colonized minorities such as the Mongols, Uyghurs, and Tibetans “have often been criticized for loving their own groups too much. Their self-love has been denounced as *minzu qingxu* (nationality sentiment).”<sup>11</sup> This sentiment or spirit is said to manifest as the ideological “viruses” of “separatism, extremism and terrorism” among Uyghurs. It results in so-called “hate crimes” (*chouhen zuixing*) by minorities toward members of the “good” majority who have “liberated” their territories by settling them, forcing minorities to contribute to the Chinese market economy. Even as the state crushes minority dissent to these processes, many Han, who consider themselves “good people” on the side of Maoist inclusion policies, ask the question, “Why do they hate us so much after we have done so many good things for them?”<sup>12</sup>

Since the 1990s—and particularly under the post-2012 Xi Jinping administration—the lack of an independent Chinese press, academia, and civil society has foreclosed the possibility of having an open critical dialogue about why only minority-on-Han crime can be categorized as hateful or terroristic; or why minorities from Hong Kong to Xinjiang may want greater autonomy in their homelands. Instead, “good” inclusive Han citizens of the nation have been compelled to

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<sup>10</sup> Bulag, “Good Han, Bad Han.”

<sup>11</sup> Bulag, 109.

<sup>12</sup> Ibid.

“volunteer” to “aid Xinjiang” and teach ungrateful Uyghurs and Kazakhs a good lesson in being tolerant of Han moral instruction and appreciation of the dependent livelihoods Muslims are forced into. Minority claims to even limited degrees of self-determined autonomy regarding their own land, faith, language, knowledge, parenting, and basic wellbeing can thus be read as bad and resistant to the party-state inculcated goodness of the Chinese ethno-nationalist project.

Among many in the Han population, the logic of the “reeducation” program in Xinjiang is further legitimated by its apparent legality. Since Chinese human rights discourse centers on security for the majority, it makes sense to many in China that the state would introduce a succession of counter-terrorism and domestic violence laws as a way of disciplining the “wild” (*yexing*) and “backward” (*luohou*) Uyghurs and protecting the “good” Han majority from them. The implementation of these laws resonate with other colonial contexts where “common sense” measures assuaged the largely abstract fears of protected settlers who imagined that colonized “savages” might attack them and demand their land and autonomy.<sup>13</sup> In fact, as numerous scholars have noted accepting the logic and parameters of these laws obscures the way they produce radical harms to Uyghur and Kazakh social life. While Chinese authorities may deem Uyghurs and Kazakhs terrorists-in-the-making,<sup>14</sup> empirical evidence suggests that most acts of violence carried out by Uyghurs were relatively unplanned and unorganized.<sup>15</sup>

In many ways, the threat of religious violence from Muslims in China is smaller in scale than in Western nations where weapons are much more accessible. The same holds true when looking at the role of Uyghurs as compared to other foreign fighters in third locations of conflict

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<sup>13</sup>Mark Rifkin, “Settler common sense.” *Settler Colonial Studies* 3, no. 3-4 (2013): 322-340.

<sup>14</sup> Sheena Greitens, Myunghee Lee & Emir Yazici, “Counterterrorism and Preventive Repression: China’s Changing Strategy in Xinjiang,” *International Security* 44, no. 3 (2020): 9-47.

<sup>15</sup> J Smith Finley, “Securitization, insecurity and conflict in contemporary Xinjiang: has PRC counter-terrorism evolved into state terror?” *Central Asian Survey* 38, no. 1 (2019): 1-26, 10.1080/02634937.2019.1586348; Sean Roberts, *The War on the Uyghurs: China’s Internal Campaign against a Muslim Minority*, Princeton Studies in Muslim Politics 78, (Princeton University Press, 2020); Millward, “The Uighurs” suffering deserves targeted solutions.”



such as Syria. Since 2010, a population of nearly 10,000 Uyghurs fled to Turkey via human smuggler routes through China's porous border with Myanmar.<sup>16</sup> Allegedly, with the support of the Turkish government, over a thousand of them went on to Syria to fight primarily *against* both the Islamic State and the Assad regime. As a proportion of the Uyghur population as a whole, this group of foreign fighters was smaller than the proportion of the British Muslim population who also fought in the Syrian civil war, though primarily on the other side, in support of the Islamic State.

Yet back in China as violence at home and abroad grew during the first half of the 2010s, and an Islamophobic rhetoric of “extremism” and “terrorism” arrived via global media, an institutionalized process of dehumanizing Muslims took hold. In 2014, the Party Secretary of the region described Uyghur terrorists and extremists as rats that needed to be chased and “beaten down” by everyone.<sup>17</sup> In echoes of Maoist rhetoric that depicted counterrevolutionaries as vermin, state media began to represent Uyghurs deemed extremists as rodents ridden with the metastasizing cancer of extremism.<sup>18</sup> As in camp systems used during World War II in both Europe and North America, disfavored citizen populations and “enemy aliens” were dehumanized and deemed undeserving of civil and human rights protections.<sup>19</sup>

It is important here to acknowledge that the racializing effects of post-9/11 terrorism rhetoric as used by past U.S. administrations is part of what justifies the arbitrary, or preventative, detention of Uyghurs and Kazakhs. Since the Uyghur-perpetrated suicide attack at a Kunming train station and several other violent incidents in 2014, the Chinese state has directly adopted

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<sup>16</sup> Roberts, *The War on the Uyghurs*.

<sup>17</sup> Reuters, “China Politburo endorses campaign against Xinjiang extremists-media,” 2014, <https://www.reuters.com/article/us-china-xinjiang/china-politburo-endorses-campaign-against-xinjiang-extremists-media-idUSBREA4P01K20140526>

<sup>18</sup> Xinjiang Documentation Project, “Visual Materials,” Institute of Asian Research, School of Public Policy and Global Affairs, University of British Columbia, 2020, <https://xinjiang.sppga.ubc.ca/teaching/visual-materials/>.

<sup>19</sup> Nicholas De Genova, “The production of culprits: From deportability to detainability in the aftermath of “homeland security”.” *Citizenship Studies* 11, no. 5 (2007): 421-448.

and built on not only rhetoric of counter-terrorism from the U. S. and its allies, but also ‘counterinsurgency’ and ‘countering violent extremism’ techniques which typified U.S. military intervention in Iraq and Afghanistan and domestic treatment of Muslim suspects.<sup>20</sup> As the scholar David Brophy has pointed out, the camp system in Xinjiang can be seen as an extreme example of these systems being taken to their logical conclusions.<sup>21</sup> Chinese police have transformed Xinjiang into a space of exception—a counterinsurgent war zone, where active militants are thought to be hiding among the “neutral population.”<sup>22</sup> While some detainees were taken onto “black sites” for interrogation, the majority of detainees were held in a system of camps.

In the framework of counter-insurgency theory, once a certain portion of the population is detained, the not-yet-detained portion can become the object of transformation. In the U.S. counterinsurgency system this was expressed through a drive to win “the hearts and minds” of a targeted population through humanitarian aid, infrastructure building, and job training. In Iraq and Afghanistan, these systems proved inoperable. A relationship of domination that occupation produces undermines efforts to transform populations. And the insecurity that is produced by making entire populations arbitrarily “detainable,” results in fear and anger rather than open “hearts and minds.”<sup>23</sup> Yet despite the failures of past U.S. counter-terror strategies, they have nevertheless given Chinese authorities a framework and set of techniques to use against their own Muslim citizens. As Chinese government authorities point out, other nations such as the U.S. combat radicalization through preemptive detention and watch lists of “enemy citizens” too.

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<sup>20</sup> Darren Byler, “Preventative Policing as Community Detention in Northwest China,” *Made in China* 4, no. 3 (2019): 88-94.

<sup>21</sup> David Brophy, “Good and Bad Muslims in Xinjiang,” *Made in China Journal* 4, no. 3 (2019): 44-53.

<sup>22</sup> Bernard Harcourt, *The Counterrevolution: How Our Government Went to War against Its Own Citizens*, (New York, NY: Basic Books, 2018).

<sup>23</sup> De Genova, “The production of culprits.”

What marks Xinjiang as different from Iraq or Afghanistan, or even ISIS cells in Western Europe, however, is that no camp detainees have been shown to be armed militants.<sup>24</sup> They are simply guilty of thought crimes or other behaviors deemed “pre-criminal.”<sup>25</sup> What makes the Chinese system unique, then, is a near absence of insurgents, the scale of detentions and the way it produces an extraordinarily cruel colonial project that actively attempts to erase and replace Kazakh and Uyghur social systems. The political and material infrastructure of this colonialism partitions Uyghur and Kazakh communities, removing and dispossessing them of their land and their remaining social institutions—their language, faith, family, and cultural traditions. The technology-assisted forms of policing that drive the campaign produce a racialized relationship of state and settler domination over their lives.

Many of the dozens of former detainees and inhabitants of the region I interviewed while researching the reeducation system said that they or those they knew were detained because of “pre-crimes” that could be construed as part of a list of 75 official signs of Islamic extremism.<sup>26</sup> Many of these “pre-crimes” had to do with assessments of their digital footprint which revealed interests in international communication or religious practice. As Human Rights Watch has shown, digital scans and human surveillance from mostly Han civil servants who referred to themselves as “big brothers and sisters” resulted in an indexing of “micro-clues” of aberrant behavior.<sup>27</sup> For instance the “micro-clues” of avoiding government workers, exiting through rear

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<sup>24</sup> Roberts, *The War on Uyghurs*; Millward, “The Uyghurs” suffering deserves targeted solutions.”

<sup>25</sup> Government of China, (2019). “Response of the Government of China on follow-up to the concluding observations of the United Nations Committee on the Elimination of Racial Discrimination” *United Nations*. <https://undocs.org/CERD/C/CHN/FCO/14-17>

<sup>26</sup> Guanchazhe Wang 新疆部分地区学习识别 75 种宗教极端活动 [Learning to Identify 75 Signs of Religious Extremism in the Xinjiang Part of the Region], *观察者网 [Observer Network]*, December 24, 2014, <http://archive.fo/TlazC>.

<sup>27</sup> Human Rights Watch, “China’s Algorithms of Oppression,” 2019, <https://www.hrw.org/report/2019/05/01/chinas-algorithms-repression/reverse-engineering-xinjiang-police-mass-surveillance>; “China: Visiting Officials Occupy Homes in Muslim Region,” 2018, <https://www.hrw.org/news/2018/05/13/china-visiting-officials-occupy-homes-muslim-region>

entrances, failing to carry one's smart phone, using excessive amounts of electricity, were all flagged behaviors of potential untrustworthiness. The "People's War on Terror," as the campaign was referred to in 2014, eventually resulted in the mass detention of as many as one million Uyghur and Kazakh pre-criminals.

As Xinjiang state manuals, bidding contracts, industry documents, and detainee interviews have shown, the internment camps where these people are held without due process are violent, carceral spaces. Former detainees often discuss the way they were dehumanized in the camps where they were held: hooded and shackled, forced to sit on plastic stools for many hours per day, beaten if they step out of line, denied the right to speak their own language or practice their faith, and forced to sing party-state anthems in order to receive meager meals.<sup>28</sup>

Other laws extend the reeducation system throughout Uyghur and Kazakh social life. Outside of the camps, anti-domestic violence laws justify the removal of children from homes due to the "extremist" influence of their parents.<sup>29</sup> Contract law, which implies freely agreed-upon arrangements, is used coercively by local authorities to bind hundreds of thousands of Uyghurs and Kazakhs deemed "surplus laborers" to low wage job contracts at factories far from home under the watchful eye of surveillance systems and police contractors.<sup>30</sup> The Fair Labor Association found that all products from Xinjiang suppliers involved in "surplus labor" or "poverty alleviation" programs should be presumed to be products of forced labor.<sup>31</sup> The Coalition to End Forced Labor in the Uyghur Region likewise has shown that all cotton from

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<sup>28</sup> Byler 2019; Finley, "Securitization, insecurity and conflict in contemporary Xinjiang."

<sup>29</sup> William Zheng, "Xinjiang's new rules against domestic violence expand China's 'extremism' front to the home," *South China Morning Post*, April 6, 2020, <https://www.scmp.com/news/china/politics/article/3078679/xinjiangs-new-rules-against-domestic-violence-expand-chinas>

<sup>30</sup> Vicky Xu, Danielle Cave, James Leibold, Kelsey Munro & Nathan Ruser, "Uyghurs for sale." *Australian Strategic Policy Institute*, 2020, <https://www.aspi.org.au/report/uyghurs-sale>

<sup>31</sup> Fair Labor Association, "Forced Labor Risk in Xinjiang," 2020, <https://www.fairlabor.org/report/forced-labor-risk-xinjiang-china-0>

Xinjiang—around 20 percent of the world’s supply—should be presumed tainted by forced labor.<sup>32</sup>

In euphemistic state discourse, Uyghurs and Kazakhs appear to be saved from themselves through labor programs and state-sponsored education, when in fact their native societies are being decimated. Despite this legal rhetoric, an official, speaking on camera under conditions of anonymity, said that in contemporary Xinjiang “(Uyghurs) have no rights.”<sup>33</sup> As a result of a targeted eugenics program of IUDs, abortion and sterilization, and widespread family separation caused by the forced labor regime, the birth rate has dropped significantly—by more than 60 percent—in the Uyghur heartland.<sup>34</sup>

The “reeducation” system also resulted in the disappearance of more than 400 Uyghur and Kazakh cultural figures. These intellectuals, scientists, and artists, and the institutions they led, were the carriers of Uyghur and Kazakh native traditions. Their disappearance throws into question the ability for Uyghurs and Kazakhs to remain the authors of their own histories and traditions. In addition to the removal of cultural leaders and the elimination of native social institutions, the campaign has also resulted in the systemic destruction of sacred lands such as family graves, saint pilgrimage sites, mosques, traditional neighborhoods, and interior material culture of Turkic Muslim homes.<sup>35</sup> The reeducation campaign, which accompanied the eradication of Uyghur native economic activity and burial practices, resonates with many of the most violent forms of native dispossession throughout history. As Tuck and Yang note, the desecration of native land “represents a profound epistemic, ontological, cosmological

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<sup>32</sup> Coalition to End Uyghur Forced Labour, 2020, <https://enduyghurforcedlabour.org/>.

<sup>33</sup> PBS, *China Undercover*, 2020, <https://www.pbs.org/wgbh/frontline/film/china-undercover/>.

<sup>34</sup> Associated Press, “China Cuts Birthrates with IUDs, Abortion, Sterilization,” 2020, <https://apnews.com/269b3de1af34e17c1941a514f78d764c>

<sup>35</sup> Rian Thum, “The Spatial Cleansing of Xinjiang: Mazar Desecration in Context,” *Made in China Journal*, 2020, <https://madeinchinajournal.com/2020/08/24/the-spatial-cleansing-of-xinjiang-mazar-desecration-in-context/>; Timothy Grose, “If you don’t know how, just learn: Chinese housing and the transformation of Uyghur domestic space,” *Ethnic and Racial Studies*, 2020, DOI: 10.1080/01419870.2020.1789686

violence.”<sup>36</sup> As Vine Deloria has shown, at the center of land-based violence is the question of sacred land.<sup>37</sup> Truly destroying native epistemology requires its desecration and replacement. There is now overwhelming evidence that such a process is underway in Northwest China.

Over the past three years, I have discussed the Uyghur reeducation camps in college classrooms across North America. In one of the responses to my talks, a Han international student from China wrote: “Until today I did not know that the Chinese government put so much control over Uyghurs. Such policies do secure the Han, including me, a lot. But I was shocked to learn that the price of our security comes at the price of many innocent people suffering.” By highlighting the tension between a largely-abstract right to security for the majority and the material suffering of the minority, the Uyghur “reeducation” system case lays bare the way Chinese human rights framings fails to protect the autonomy of minorities deemed insubordinate. Opposition to authoritarianism and the racialization of Muslims in general, and support for investment in sustainable livelihoods and wellbeing of all people, should be at the heart of a global coalition that opposes human rights abuses in China. It is this evidence that has led U.S. policymakers to act with unanimity on this issue—even policymakers who are often reticent to confront China have voted for targeted sanctions and moratoriums. The key task going forward is to convince European allies and countries in the global South that they too should act out of genuine concern.

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<sup>36</sup> Eve Tuck and K. Wayne Yang, “Decolonization is not a metaphor,” *Decolonization: Indigeneity, education & society* 1, no. 1 (2012): 5.

<sup>37</sup> Vine Deloria, *For this land*, (London: Routledge Press, 2013).

Policy Recommendations

Coalition Building

As a precondition to further actions related to human rights in China, the U.S. policy community should work to build global, transnational coalitions that foreground protections of minority livelihood and social autonomy as a way of combating the harms of ethno-nationalism, authoritarianism, and the Islamophobic underpinnings of past and persisting counter-terrorism strategy.

First, in order to build these coalitions, it is necessary to create distance and distinction from prior U.S. policy toward the global South and China at both legal and rhetorical levels, and with respect to economic cooperation with China. For instance, at the level of policy and rhetoric, policymakers should reverse sweeping “bans” on Muslim immigration; should, accept responsibility for the Global War on Terror, which has resulted in the displacement of 37 million people,<sup>38</sup> develop a robust refugee resettlement program. They should also denounce the rhetoric of the “China virus” that has been used by some U.S. officials to refer to Covid-19, a low bar that seems likely to be met under the Biden administration.

Second, policymakers must recognize and encourage Chinese foreign investment in places where such investment fosters economic autonomy and democratic flourishing.

Third, in an effort to cease holding rights legislation hostage to trade or other negotiations, policymakers must prioritize human rights policy above other considerations. In doing so, policymakers would show that they stand for humanitarian values and make clear to China that they will not use human rights policy as a weapon in other disputes—and by the same token, the U.S. will not delay or withhold human rights sanctions to ease agreements in other areas. If a

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<sup>38</sup> John Ismay, “At Least 37 Million People Have Been Displaced by America’s War on Terror,” *New York Times*, Sept. 8, 2020, <https://www.nytimes.com/2020/09/08/magazine/displaced-war-on-terror.html>

pattern can be established that U.S. human rights actions are delinked from other concerns, then such actions will be more credible in China and with partner nations. In a step in this direction, the Biden administration has pledged to return human rights to the center of U.S. foreign policy particularly as regards China.<sup>39</sup>

The U.N. Human Rights Council is one such global stage where U.S. policymaker reengagement on this front is of critical strategic importance. Since 2018, when the U.S. formally withdrew from the Council, Chinese diplomats have actively attempted to weaken international human rights norms and embed the authoritarian statecraft that characterize Xi Jinping's ideas and policy into the work and discourse of the U.N. As Andrea Worden argues,<sup>40</sup> this is turning the Council into "a shell, emptied of universal values, substantive rights, and independent human rights monitoring mechanisms—a body in which individuals and civil society organizations seeking to hold governments to account for human rights violations have no place and no voice."<sup>41</sup> In the early days of the Biden administration, it appears as though there is a new resolve on the part of U.S. policy makers to reengage the UNHCR.<sup>42</sup> This, along with other factors, has precipitated a nascent response within the High Commission to further engage issues such as the human rights crisis in Northwest China.

In response to these developments and the ongoing failure of Chinese authorities to ratify the International Covenant on Civil and Political Rights (ICCPR) that they signed over two decades ago, legal scholar Margaret Lewis has argued compellingly that signatories of the

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<sup>39</sup> Antony Blinken, "Putting Human Rights at the Center of U.S. Foreign Policy," 2021, U.S. Department of State. <https://www.state.gov/putting-human-rights-at-the-center-of-u-s-foreign-policy/>

<sup>40</sup> Andrea Worden, "China's win-win at the UN Human Rights Council: Just not for human rights," 2020, *Sinopsis*. <https://sinopsis.cz/en/worden-win-win/>.

<sup>41</sup> See also: Human Rights Watch, "The Costs of International Advocacy," 2017, <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

<sup>42</sup> Reuters, "Biden U.N. nominee pledges to work 'aggressively' against Chinese influence," January 27, 2021, <https://www.reuters.com/article/us-usa-biden-un/biden-u-n-nominee-pledges-to-work-aggressively-against-chinese-influence-idUSKBN29W17I>



ICCPR should ask Chinese authorities to remove their signature. She suggests “the anticipated upsides of confronting China about its failure to meet even the minimal obligations as a signatory” far outweigh continuing to maintain the status quo.<sup>43</sup>

This process, if engaged as a coalition, could provoke a global referendum that highlights the urgency of the human and civil rights situation in China.

As the situation is laid bare and a coalition is built, the U.N. and related global agencies should move forward with demands for open and transparent investigation of the camp and forced labor system in Northwest China. As nations such as the United States, Canada, Netherlands and the United Kingdom declare the effects of the system a “genocide” and other government and non-government bodies such as Human Rights Watch note that it meets all defining characteristics of “crimes against humanity” these demands will likely grow more strident.<sup>44</sup>

### Taking Uyghur and Kazakh Stories Mainstream

In order to further challenge the self-valorized narrative of Chinese human rights, it is necessary to tell the story of Uyghur trauma and to humanize the positions of the Han public who may intervene on their behalf. This is important for a range of reasons:

First, Uyghurs and Kazakhs describe their trauma as a “never again moment.” Telling the story of reeducation introduces a moral cost to the failings of Chinese human rights protections. Amplifying Uyghur and Kazakh voices by placing them on the mainstream stages of public discourse and civil society around the globe forces listeners—particularly protected Han citizens

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<sup>43</sup> Margaret Lewis, “Why China Should Unsign the International Covenant on Civil & Political Rights,” 2020, *Vanderbilt Journal of Transnational Law*. <https://www.transnat.org/post/why-china-should-unsign-the-international-covenant-on-civil-political-rights>.

<sup>44</sup> The Guardian, “UK MPs declare China is committing genocide against Uyghurs in Xinjiang,” April 22, 2021, <https://www.theguardian.com/world/2021/apr/22/uk-mps-declare-china-is-committing-genocide-against-uyghurs-in-xinjiang>; Human Rights Watch, “China: Crimes Against Humanity in Xinjiang,” 2021, <https://www.hrw.org/news/2021/04/19/china-crimes-against-humanity-xinjiang>

who broadly support China's human rights stance—to take a position on the side of Uyghur and Kazakh humanity and the need for their protection.

Second, this will also uplift the voices of Han people who are caught in this process, often unwillingly, and communicating the everyday trauma of this system in a depoliticized non-didactic manner.

Third, telling the reeducation story in all of its human pain and suffering must be the first step in mobilizing publics not only in Europe and North America, but throughout the global South, to stand in solidarity with minoritized Muslims in China. Ultimately policymakers and civil society must look to them, not intervention by rival or partner states, as the key force that can achieve a just, free, and democratic outcome.

To strengthen the narrative with the human richness and empirical evidence it deserves, civil society organizations and government entities must fund investigative, evidence-based research and publication. There are thousands of Kazakhs and Uyghurs who have fled across the border to Kazakhstan over the past five years; thousands more now live in Turkey. Many of them, particularly former detainees, are anxious to tell their stories.

*Civil society should consider the following discrete tasks:*

Civil society should rise to provide Uyghurs and Kazakhs a stage from which to speak by funding translators and programs that focus on trauma therapy, professionalization, grant writing, and advocacy training.

Civil society should assist Uyghurs and Kazakhs in building autonomous institutions that are delinked from government funding *and* accountable to social justice-oriented organizations.

*Governments should consider the following:*

Governments should support this effort by developing robust asylum programs, legal protections, housing support and job training for undocumented and underemployed Uyghur and Kazakh asylum seekers. This is particularly needed in the U.S., where the Trump administration dramatically regressed in its refugee and asylum policy. International collaboration is necessary to allow safe, legal routes of passage to destination countries. Instruments such as humanitarian visas should be used to facilitate this. It is important to understand that refugees from China are not always safe in the first countries they reach, due to the risk of extradition.

Governments must declassify evidence they have of the reeducation system and associated technology companies and investigate the forced labor system. Along with this, government entities and civil society organizations—particularly those who focus on technology ethics, fair labor, and ethnic and Indigenous protections—must investigate and provide open transparency of supply chains related to Uyghur labor and the surveillance system. To accomplish this, international companies must be required to do on-the-ground investigations of their supply chains in China. Their findings and recommendations should be framed in light of Chinese definitions of human rights—highlighting the need for Uyghurs and Kazakhs to have freely-chosen forms of livelihood and belonging.

Effective Targeted Moratoriums, Reparations, 2022 Olympics Relocation

Numerous scholars have noted that general sanctions “do not work” in the sense that they often do not achieve their stated goals.<sup>45</sup> They also have the secondary harmful effect of punishing broad populations rather than the actors responsible for the issues such sanctions seek

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<sup>45</sup> David Leyton-Brown, *The Utility of International Economic Sanctions*, (New York: St. Martin’s Press, 1987); Robert Pape, “Why Economic Sanctions Do Not Work.” *International Security* 22, no. 2 (1997): 90-136.

to address.<sup>46</sup> Yet as my Uyghur interlocutors have told me many times, regardless of whether or not moratoriums on specific types of trade “work,” they produce a moral cost and they tell Uyghurs that their suffering is real and their lives have value. Given the potential harms of punitive measures to the general Chinese public and anti-China xenophobia, policymakers should reframe existing targeted moratoriums and sanctions in the following ways:

Prohibitions on trade used in the Xinjiang case should be precise in creating moratoriums on the ability of *non-Chinese and global companies* to trade with Chinese companies clearly responsible for the harms to Uyghur and Kazakh societies.

Rather than framing these actions as *punitive measures* directed toward Chinese companies, these efforts should be framed around the obligations of U.S. citizens to cease contributing to crimes against humanity.

As much as possible these actions must be accompanied by clear, publicly available evidence, reviewed by credible, independent sources. The Biden administration has inherited moratorium on trade with the People’s Production and Construction Corps and a number of other listed companies who have been shown to be complicit in Xinjiang abuses. They have also inherited a ban on all cotton and tomato imports from Xinjiang.<sup>47</sup> In order to build greater support for such moratoria, government agencies should commission authoritative, declassified reports providing evidence for such actions.

These actions should be supported by a broad coalition not just of U.S. bipartisan lawmakers, but also Western and non-Western nations and organizations who are willing to support such moratoriums and sanctions. Following the declaration of the ethical trade

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<sup>46</sup> Joy Gordon, *The Invisible War. The United States and the Iraq Sanctions*, (Cambridge, Mass: Harvard University Press, 2010).

<sup>47</sup> New York Times, “U.S. Bans All Cotton and Tomatoes From Xinjiang Region of China,” January 13, 2021, <https://www.nytimes.com/2021/01/13/business/economy/xinjiang-cotton-tomato-ban.html>

organization Better Cotton Initiative in 2020 that it would suspend all operations in Xinjiang due to its inability to independently verify the absence of forced labor, numerous global brands around the world began to relocate their supply chains.<sup>48</sup> This has in turn prompted a backlash in China, calling on patriotic citizens to boycott the brands who refuse to use cotton produced under unfree conditions. Because the Xinjiang forced labor and camp system has now become such a highly contested issue in China, it is imperative that state and non-state actors redouble their efforts to present the evidence for, and effects of, forced labor.

Until transnational government-enforced moratoriums are won, trade unions, grassroots groups and non-governmental organizations around the world should campaign for the following:

Companies should continue to cut ties with Uyghur and Kazakh forced labor even before they are required by law to do so—as per the demands of the Coalition to End Uyghur Forced Labor (2020). In achieving this, consumers and workers downstream in affected supply chains will have particular moral weight and leverage. Grassroots pressure on businesses will help build awareness and the case for multilateral government intervention.

Coalitions should demand that global brands offer reparations to the Uyghur and Kazakh community. These reparations, which could be funneled through social justice-oriented organizations in a transparent manner, in turn would allow the Uyghurs and Kazakhs to build autonomous institutions.

One of the most successful uses of grassroots social movements to end oppressive social practices in recent history was the Anti-Apartheid movement in the 1980s. This example is instructive because of the similar experiences of Uyghurs and Kazakhs and black South Africans. In South Africa, the drivers of human rights harms were systematic ethno-racial apartheid,

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<sup>48</sup> Axios, “Xinjiang statement removed from cotton watchdog website,” April 13, 2021, <https://www.axios.com/xinjiang-cotton-watchdog-c32fd43b-16dd-4faf-a25a-2aebe9f892fd.html>

detention, and displacement of the native population. Oppression in South Africa was, above all, a system of economic expropriation, driven by desire for natural resources and international trade. The Xinjiang case is driven by nearly identical factors.

That said, there are many important differences between the two systems. In South Africa white settlers and their descendants were largely uninterested in imposing a European identity on native inhabitants. In Xinjiang the system is premised on the reeducation and proletarianization of Uyghurs and Kazakhs as a loyal, docile, and permanent underclass carried out primarily by Han citizens under the direction of a party-state that is an emerging world power. These differences in mass settler investment and economic and political power mean that the task of mobilizing a grassroots response to the Xinjiang crisis is much more difficult.

The South African movement was driven by South African Anti-Apartheid campaigners. In the Xinjiang case, Uyghurs and Kazakhs are leading the call for action, but they have little organized and funded civil society support. Relative to the role of the South African diaspora and African-British and African-American allies in the earlier movement, solidarity from overseas-Chinese and Muslim-American allies with the Uyghur and Kazakh struggle has been relatively anemic and apologetic toward the Chinese colonial project.

One potential point of solidarity—bringing Mongol, Tibetan, Uyghurs, Kazakhs, Hong Kongers and democracy advocates in Taiwan and China together in a united front similar to an Anti-Apartheid campaign—is a call to the International Olympic Committee chief to revoke the 2022 Beijing Winter Games. In September 2020, more than 160 human rights organizations from countries around the world issued a public letter asking the Olympic Committee to relocate the

games or risk complicity in crimes against humanity.<sup>49</sup> In the absence of dramatic change in China's Xinjiang policy moving forward, governments and civil society organizations should join this broad coalition in demanding the Olympics be relocated. In the absence of relocation, at a minimum, government leaders should adopt a diplomatic boycott of the games.<sup>50</sup> This “games and shame” approach itself, would produce a discursive effect, forcing media coverage to highlight crimes against humanity in the context of the games; and, perhaps, allowing athletes to take a stand in solidarity with Uyghurs and others effected by the camp and prison system.

### Conclusion

In order to address human rights issues in China, U.S. policymakers must first reverse past—and especially recent past—trends and form coalitions with the global community. In light of the global future of human rights and as an effective tool for ensuring livelihoods, security, and protections for minorities, governments and civil society should work to counter great power dominance in the U.N. Human Rights Council—whether this dominance comes from the United States or China. Doing so would mean that Chinese discourses of ‘social stability,’ ‘win-win cooperation,’ and ‘de-extremification’ would be challenged through discussions of minority rights as a foundational tenet of human rights. It would also mean that discourses of American exceptionalism and past emphasis on militarism would be equally challenged. In any case, it is not acceptable for the United States to simply withdraw from global accountability on human rights as it did under the Trump administration.

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<sup>49</sup> Reuters, “Over 160 rights groups call on IOC chief to revoke 2022 Beijing Winter Games,” September 15, 2020, <https://www.reuters.com/article/china-olympics-rights-int/over-160-rights-groups-call-on-ioc-chief-to-revoke-2022-beijing-winter-games-idUSKBN2600MU>.

<sup>50</sup> Bloomberg, “‘Diplomatic Boycott’ of Beijing Olympics Added to China Bill,” April 21, 2021, <https://www.bloomberg.com/news/articles/2021-04-21/-diplomatic-boycott-of-beijing-olympics-added-to-china-bill>

While a positive outcome for victims of human rights abuse in China cannot be assured, universal ethical standards of human and civil rights demand that their voices be uplifted. A coalition of voices that raise the moral and economic costs of these abuses may have some effect in the Chinese political system. In a study of labor rights activism and its effects, Eli Friedman has noted that Chinese citizen protections often appear to be simply a kind of state paternalism.<sup>51</sup> This means that state action is often delayed and detached from the forms of protest that precipitated it. While this has the effect of alienating many Chinese citizens from political movements and enhancing the authority of state actors, it nevertheless provides a space of hope. When social disturbances rise to a certain level, Chinese state authorities often introduce forms of dispersal and obfuscation, but eventually they also begin to reform the system.

There is some hope that this could happen in Xinjiang. Because of the heavy moral cost and the mounting economic cost of the “reeducation camp” system, state authorities and private companies appear to be quietly retracting some elements of the system and dispersing the population into new, isolated domains in prisons and factories. Some of this is simply obfuscation of the harms which continue unabated, but there are doubtless some qualitatively better outcomes for some detainees as a result of international pressure.<sup>52</sup> A small proportion of detainees have been rehabilitated into less constrained circumstances, and some elements of Uyghur and Kazakh societies have been revived. These gains are small. Family separation is still endemic throughout these societies, extralegal detention remains widespread, and forced labor is becoming the new normal. This is precisely why continued and intensified pressure is imperative. The normalization of the reeducation system will be stopped only if grassroots organizations,

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<sup>51</sup> Eli Friedman, “Alienated politics: Labour insurgency and the paternalistic state in China.” *Development and Change* 45, no. 5 (2014): 1001-1018./.

<sup>52</sup> Xinjiang Victims Database.



civil society, and governments continue to tell the story of Uyghur and Kazakh dehumanization and unfreedom.