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THE HUMAN RIGHTS SITUATION OF UYGHURS IN XINJIANG, CHINA

**Report of the Standing Committee on Foreign Affairs
and International Development**

Sven Spengemann, Chair

Subcommittee on International Human Rights

Peter Fonseca, Chair

**MARCH 2021
43rd PARLIAMENT, 2nd SESSION**

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**Sven Spengemann
Chair**

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NOTICE TO READER

Reports from committee presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPEMENT

has the honour to present its

FOURTH REPORT

Pursuant to the motion adopted by the Standing Committee on Foreign Affairs and International Development on Tuesday, October 13, 2020, and the motion adopted by the Subcommittee on Tuesday, October 20, 2020, the Subcommittee has studied the Human Rights Situation of the Uyghurs.

Your Committee has adopted the report, which reads as follows:

TABLE OF CONTENTS

LIST OF RECOMMENDATIONS.....	1
THE HUMAN RIGHTS SITUATION OF UYGHURS IN XINJIANG CHINA.....	5
Introduction.....	5
Chapter 1—History of Xinjiang	7
Who are the Uyghurs?.....	8
Xinjiang Uyghur Autonomous Region.....	9
Why is Xinjiang Important to China?.....	12
Controlling the Region/Historical Tensions.....	14
Chapter 2—Mechanisms of Suppression	14
Concentration Camps	15
Conditions in Concentration Camps	15
Sexual Violence	16
Forced Birth Control.....	17
COVID-19.....	17
Separation of Children from their Families	18
Forced Labour	19
COVID-19.....	21
State Surveillance.....	22
Grid-style Policing	22
Surveillance Technologies	23
Chilling Effect of State Surveillance on Uyghurs in Xinjiang and Abroad	24
Population Control	27
Closing Thoughts.....	28
Chapter 3—International Obligations in Response to Mass Atrocities	29
Genocide.....	29

Uyghurs as a Protected Group Pursuant to the Genocide Convention	30
The Presence of the Specific Intent to Commit Genocide.....	31
Historical Context and Organized Persecution.....	31
Meeting the Definition of Genocide	32
Declarations	33
State Obligations to Take Measures to Prevent Genocide.....	35
Crimes Against Humanity.....	37
Required Intent and Widespread and Systematic Character	38
Prohibited Acts	39
Responsibility to Protect	40
Conclusion	41
APPENDIX A LIST OF WITNESSES.....	45
APPENDIX B LIST OF BRIEFS	47
APPENDIX C LIST OF BRIEFS.....	49
REQUEST FOR GOVERNMENT RESPONSE	51

LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

The Subcommittee recommends that the Government of Canada, in coordination with international allies, condemn the Government of the People’s Republic of China’s use of concentration camps to unjustly detain Uyghurs and other Turkic Muslims..... 18

Recommendation 2

The Subcommittee recommends that Global Affairs Canada coordinate an international campaign calling on the Government of the People’s Republic of China to immediately release unjustly detained Uyghurs and other Turkic Muslims from its concentration camps..... 18

Recommendation 3

The Subcommittee recommends that Global Affairs Canada coordinate an international effort to pressure the Government of the People’s Republic of China to allow independent observers unfettered access to Xinjiang to evaluate the situation of Uyghurs and other Turkic Muslims. 18

Recommendation 4

The Subcommittee recommends that Global Affairs Canada enhance its import control mechanisms to ensure products made with forced labour are not entering the Canadian market. This should include strong punitive measures for individuals and companies that benefit from the use of forced labour. 21

Recommendation 5

The Subcommittee recommends that the Government of Canada enhance the mandate of the Canadian Ombudsperson for Responsible Enterprise to ensure the office has the power to conduct independent investigations, the authority to compel documents and testimony from companies and their executives, and the resources to investigate alleged human rights abuses..... 21

Recommendation 6

The Subcommittee recommends that the Department of Justice develop a comprehensive human rights due diligence law that compels businesses to respect the most current international human rights standards across their global operations and supply chains and be held accountable for harms caused in relation to their operations. 22

Recommendation 7

The Subcommittee recommends that Global Affairs Canada undertake a review of Canadian equipment and technologies exported to China to better understand how they are being utilized by end-users in that country. Further to that review, the Government of Canada should implement measures to ensure Canadian individuals, companies and public bodies are not supplying information or technologies that could be used in support of the violation of fundamental human rights..... 26

Recommendation 8

The Subcommittee recommends that Public Safety Canada systematically track cases of harassment, by Chinese authorities, of Uyghurs and other Turkic Muslims living in Canada, as well as individuals and groups advocating on their behalf. The Subcommittee also urges the Government of Canada to respond punitively to attempts to repress freedom of expression in Canada and urges it to continue raising the issue with the Government of the People’s Republic of China officials..... 27

Recommendation 9

The Subcommittee recommends that Immigration, Refugees and Citizenship Canada use existing refugee programs and create an exceptional stream to expedite entry into Canada for Uyghurs and other Turkic Muslims in need of protection, especially human rights defenders, because they are fleeing persecution in Xinjiang and elsewhere. The Canada Border Services Agency should suspend the removal of Uyghurs and other Turkic Muslims to China or other states where they are at risk of deportation. 27

Recommendation 10

The Subcommittee recommends that Global Affairs Canada use all the tools at its disposal to secure the release of Huseyin Celil, including but not limited to the appointment of a special envoy specifically tasked with seeking his release and return. 27

Recommendation 11

The Subcommittee recommends that the House of Commons adopt a motion recognizing the Government of the People’s Republic of China’s persecution of Uyghurs and other Turkic Muslims in Xinjiang as constitutive of genocide. 35

Recommendation 12

The Subcommittee recommends that the Government of Canada declare the Government of the People’s Republic of China’s oppression of Uyghurs and other Turkic Muslims in Xinjiang as constitutive of genocide. As such, the Government of Canada should also condemn the Government of the People’s Republic of China for its organized and systematic persecution of Uyghurs and other Turkic Muslims in Xinjiang. 35

Recommendation 13

The Subcommittee recommends that the Government of Canada support the request of Canada's ambassador to the United Nations Human Rights Council to gather evidence and investigate the Government of the People’s Republic of China’s persecution of Uyghurs and other Turkic Muslims in Xinjiang. 37

Recommendation 14

The Subcommittee recommends that the Government of Canada call for the establishment of an impartial and independent United Nations mechanism to monitor and report on the human rights situation of Uyghurs and other Turkic Muslims in Xinjiang. 37

Recommendation 15

The Subcommittee recommends that the Government of Canada apply targeted sanctions under the *Justice for Victims of Corrupt Foreign Officials Act* against officials responsible for committing gross violations of human rights against Uyghurs and other Turkic Muslims in Xinjiang. The Government of Canada should also encourage international allies and like-minded countries to pursue similar sanctions..... 41



THE HUMAN RIGHTS SITUATION OF UYGHURS IN XINJIANG CHINA

INTRODUCTION

On 20 and 21 July 2020, the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development (the Subcommittee) convened urgent meetings to understand the latest developments with respect to the plight of Uyghurs and other Turkic Muslims in the Xinjiang Uyghur Autonomous Region, China (Xinjiang). Over these two days, the Subcommittee gathered 12 hours of testimony, hearing from Uyghurs who fled the region, former detainees, the families of detained individuals, non-governmental organizations, academics and human rights experts.

The Subcommittee was deeply troubled by what it heard. These meetings contributed to a body of evidence the Subcommittee began compiling in 2018, when it conducted a [study](#) on the same topic. At the time, revelations began surfacing that the Government of the People's Republic of China (PRC) was placing an increasing number of Uyghurs and other Turkic Muslims in what it dubbed re-education camps. After completing nine meetings in 2018, the Subcommittee published a [news release](#), in which it warned that:

if the international community does not condemn the human rights abuses in Xinjiang province by the Government of China, a precedent will be set, and these methods will be adopted by other regimes. Complacency is entrenched by a lack of access to Xinjiang; by the lack of free press; and through the silencing and harassment of Uyghurs living abroad.

At present, not only are human rights violations ongoing, they seem to have reached a new level of severity.

In particular, the Subcommittee was informed that the PRC government:

- continues to detain Uyghurs and other Turkic Muslims in what witnesses referred to as concentration camps, where women and girls are regularly subjected to sexual abuse and other forms of gender-based violence;
- separates children from their families and places them in state run schools or orphanages;



- forces Uyghurs to work in various types of factories in Xinjiang and other regions of China, as part of the PRC government’s “poverty reduction” initiative;
- uses invasive surveillance measures to repress Uyghurs living in Xinjiang and abroad; and
- imposes barbaric methods to reduce Uyghur birth rates in Xinjiang, including the forced use of intrauterine contraceptive devices as well as forced and coerced sterilizations and abortions.

Some witnesses framed these actions in a broader historical context with present-day implications – revealing an ominous picture. The Subcommittee was informed that for decades the Government of the PRC has relentlessly been trying to control Xinjiang through the repression and persecution of Uyghurs and other Turkic Muslims. In recent years, however, this domestic objective has become increasingly urgent for the Government of the PRC, as the region has become a significant component of China’s fiscal and foreign policy objectives. Not only is Xinjiang a resource-rich area with important oil deposits, it also borders several countries the PRC government considers strategically important for its “Belt and Road Initiative” and its pursuit of global expansionism.¹

Part of the reason the Government of the PRC considers Uyghurs a threat to its economic development and prosperity is because they desire more autonomy or independence from China. After abandoning efforts to assimilate Uyghurs and other Turkic Muslims through repressive measures and policies, some witnesses suggested the Government of the PRC is now seeking to simply eliminate them from Xinjiang.

The Subcommittee agrees with witnesses that the treatment of Uyghurs and other Turkic Muslims in Xinjiang amounts to genocide, as defined in the 1948 [Convention on the Prevention and Punishment of the Crime of Genocide](#) (Genocide Convention). The Subcommittee shares the view that recognizing these actions as a genocide is important, because it substantiates existing obligations to take measures to prevent one from occurring according to Article I of the Genocide Convention.

Human rights violations against Uyghurs and other Turkic Muslims by the Government of the PRC are not new. Many countries have taken notice and voiced concerns over the ongoing persecution of Uyghurs and other Turkic Muslims in recent years. Nonetheless,

1 SDIR, [Evidence](#), 20 July 2020 (Mehmet Tohti, Executive Director, Uyghur Rights Advocacy Project); SDIR, [Evidence](#), 20 July 2020 (Olsi Jazexhi, History Professor and Journalist, As an Individual).

the Government of the PRC has continued unabated. The time to act and take measures to stop these atrocities is passing us by. It is for these reasons that the Subcommittee has laid out 15 recommendations it believes the Government of Canada should implement immediately.

The Subcommittee realizes that Canada cannot act alone. International cooperation and coordination are critical for the Government of the PRC to feel the full force of these recommendations. Such an effort, however, takes time. The Subcommittee is of the view that Uyghurs and other Turkic Muslims have waited long enough for the international community to take action. For life saving changes to occur, someone will have to take the lead.

This report is divided into three chapters. Chapter One, History of Xinjiang, provides a historical overview of the Uyghurs, including their presence in Xinjiang (formerly known as East Turkestan), the Government of the PRC's evolving approach to the region and the link with its increasingly violent efforts to repress Uyghurs and other Turkic Muslims. Chapter 2, Mechanisms of Suppression, outlines the different ways in which the Government of the PRC is repressing Uyghurs and other Turkic Muslims in Xinjiang. Chapter 3, International Obligations, lays out why the Subcommittee is convinced that the treatment of Uyghurs and other Turkic Muslims in Xinjiang meets the definition of genocide under the Genocide Convention. It also considers Canada's international obligations under the convention and addresses the issue of crimes against humanity in Xinjiang.

From the outset, the Subcommittee wishes to make clear that the condemnations in this report are directed towards the Government of the PRC and not the Chinese people, who the Subcommittee supports wholeheartedly and who deserve to be able to exercise all of their inalienable human rights, as so many others do in free and democratic societies around the world.

CHAPTER 1—HISTORY OF XINJIANG

Uyghurs have a long and rich history in Xinjiang that dates back millennia. As such, the Subcommittee was informed that Uyghurs have a strong cultural and spiritual attachment to their land. Indeed, their identity is intimately linked to the region. Elise Anderson, Senior Program Officer for Research and Advocacy, Uyghur Human



Rights Project, explained that for Uyghurs, “their land has a sacred significance as a source of meaning and life.”²

Despite this important attachment, the Subcommittee was informed that the PRC government is intent on curtailing the Uyghur presence in Xinjiang. Mehmet Tohti, Executive Director, Uyghur Rights Advocacy Project, informed the Subcommittee that: “China wants to eliminate the Uighurs and to take our ancestral land. Uighurs want to keep our land and to keep our national identity. This is the struggle.”³

While the Government of the PRC’s extraordinary efforts to control the land where Uyghurs live has only garnered international attention in recent years, the Subcommittee was informed that this process has been unfolding for decades. This chapter provides a historical overview of the region, including how it has been shaped by Uyghurs, its importance to the Government of the PRC and that government’s relationship with Uyghurs. The evidence demonstrates that the repression of Uyghurs and other Turkic Muslims pre-dates the PRC government’s efforts to combat terrorism in the region and appears to be part of a larger project – the government’s objective to control Xinjiang for domestic and foreign policy interests.

Who are the Uyghurs?

Uyghurs are an indigenous Turkic Muslim group that live in what is now known as the Xinjiang Uyghur Autonomous Region of China.⁴ They are ethnically, culturally, linguistically and religiously distinct from the majority Han Chinese population. The Uyghur identity is enmeshed with the region’s history, which was formerly known as East Turkestan,⁵ and they have been living in the area since at least the 6th century. A Uyghur empire existed in 744-840 (Uyghur Khanate empire).⁶

Over the centuries that followed, the area came to be dominated by various Central Asian empires, including that of Mongolia.⁷ Nonetheless, Uyghurs conserved their

2 SDIR, [Evidence](#), 21 July 2020 (Elise Anderson, Senior Program Officer for Research and Advocacy, Uyghur Human Rights Project).

3 SDIR, [Evidence](#), 20 July 2020 (Tohti).

4 SDIR, [Evidence](#), 20 July 2020 (Jacob Kovalio, Associate Professor, Carleton University, As an Individual); SDIR, [Evidence](#), 20 July 2020 (Sayragul Sauytbay, East Turkestan Minority, Activist, Recipient of the 2020 International Women of Courage Award, As an Individual).

5 SDIR, [Evidence](#), 20 July 2020 (Tohti); SDIR, [Evidence](#), 21 July 2020 (Anderson).

6 Brief: [East Turkestan Government in Exile](#).

7 Ibid.

identity and continued to have an impact in the region. Uyghurs, for instance, played a central role in the “administration of the Mongol Empire, with Genghis Khan adopting their script.”⁸ Despite being overrun by various empires, Uyghurs established an important presence in the region. From the mid-17th century to the start of the 19th century, scholars used the phrase “country of the Uyghurs of Turkestan” to describe the area the PRC now refers to as Xinjiang.⁹

Xinjiang Uyghur Autonomous Region

Since China’s invasion and annexation of East Turkestan in 1884, there have been several conflicts between Uyghurs and various administrations. In two instances, the Uyghurs briefly disentangled themselves from complete Chinese governance and banded together under the East Turkestan Republic (1933-1934 and 1944-1949).¹⁰ The latter

represented the most accommodating administration to the region’s local Muslim population in modern history, including to this day... Uyghurs had become intimately involved in the governance of their homeland and recognized as essentially equal citizens of China with the dominant Han, and a public debate among Uyghur politicians discussed the relative merits of independence and autonomy for the Uyghur homeland.¹¹

By 1949, however, the East Turkestan Republic “was taken over by the Chinese Communist Party and the People’s Liberation Army with the help of the Soviet Union.”¹² Though Uyghurs have not been able to establish a separate system of governance since, Uyghur nationalism continues to define modern day relations with the PRC’s government.¹³

In 1955, Xinjiang became an autonomous region. From the outset, however, measures to repress, marginalize and assimilate Uyghurs into the Chinese population were put in

8 Ibid.

9 Ibid.

10 Brief: [International Support for Uyghurs](#); Brief: [East Turkestan Government in Exile](#); East Turkestan Government in Exile, *The First East Turkestan Republic (1933-1934)*.

11 Sean R. Roberts, “Colonialism, 1759-2001,” *The War on Uyghurs: China’s Internal Campaign against a Muslim Minority*, 2020, p. 41.

12 Brief: [International Support for Uyghurs](#).

13 SDIR, [Evidence](#), 21 July 2020 (Olga Alexeeva, Sinologist and Professor of Contemporary Chinese History, Université du Québec à Montréal, As an Individual).



place.¹⁴ Today, even the name assigned to the region is understood to be an act of subjugation by some, as Xinjiang, which means “New Territory” or “New Frontier,” ignores the historical presence of Uyghurs in this area.¹⁵ Additionally, despite the PRC government’s claims to the contrary, the word ‘autonomous’ is a mischaracterization. As explained by Olga Alexeeva, Sinologist and Professor of Contemporary Chinese History, Université du Québec à Montreal:

This autonomy is written on paper, which allows China to say that it does not oppress minorities and that they are autonomous, but in reality, all the key positions in the regional administration are held by the Chinese. Uighur executives are junior positions, and if Uighurs want to have a career in the civil service, they must have a perfect command of Mandarin, be members of the Communist Party and openly renounce the Muslim faith and its rites. This is very peculiar. Despite the name, it is not an autonomous region at all, and it can never be.¹⁶

For decades, conflicts between Uyghurs and the PRC government have followed a similar pattern: Uyghurs assert their identity and bring attention to injustices committed against them through acts of civil disobedience or violence and the government responds with force.¹⁷ While the Government of the PRC’s retaliatory measures have been scrutinized and condemned by the international community, the September 11, 2001 attacks on the World Trade Center and the resulting “war on terrorism” provided an opening for China to change the narrative by depicting Uyghurs as terrorists.¹⁸ Alexeeva explained that

After September 11 2001, when the international community committed to fighting international Islamist terrorism, China very skilfully portrayed what it was doing in Xinjiang as part of international efforts to combat terrorism. In a sense, it used the international community’s actions to cover up what it was doing in Xinjiang.

...

The international community was so focused on fighting Islamist terrorism that it somewhat missed what happened.¹⁹

14 Ibid.; Brief: [East Turkestan Government in Exile](#).

15 Brief: [Campaign for Uyghurs](#); and Brief: [East Turkestan Government Exile](#).

16 SDIR, [Evidence](#), 21 July 2020 (Alexeeva).

17 Brief: [East Turkestan Government Exile](#); Brief: [Campaign for Uyghurs](#); SDIR, [Evidence](#), 21 July 2020 (Guy Saint-Jacques, Consultant, Former Ambassador of Canada to the People’s Republic of China, As an Individual).

18 SDIR, [Evidence](#), 21 July 2020 (Alexeeva); Brief: [Campaign for Uyghurs](#).

19 SDIR, [Evidence](#), 21 July 2020 (Alexeeva).

As the Government of the PRC's repression in Xinjiang continued to intensify, discontent among Uyghurs fermented until mass protests erupted in Urumqi, the region's capital, in 2009.²⁰ The government response was so forceful that the event marked a critical change in the relationship.²¹ In a brief submitted to the Subcommittee by Campaign for Uyghurs, it was likened to the events of Tiananmen Square that captured the world's attention in 1989.²²

Guy Saint-Jacques, Former Ambassador of Canada to the PRC, reported that the 2009 event in Urumqi marked a turning point in the Government of the PRC's approach to Uyghurs in Xinjiang and a further escalation of repressive measures.²³ Subsequent years were punctuated by violent attacks on the Han population by Uyghurs and strong retaliatory measures by the PRC government. Saint-Jacques reported that:

in 2013, China began experiencing a wave of unprecedented attacks on its territory. You may recall two high-profile attacks: the October 28, 2013, suicide car bombing in Tiananmen Square, Beijing, killing two and injuring 40; and the March 2014 mass stabbings at the Kunming railway station, killing 30 or so. China was experiencing a terrorism problem and President Xi Jinping wanted to fix it. He cited a serious threat to social stability to justify imposing extremely strict security measures in Xinjiang, including the installation of cameras, the setting up of checkpoints, the closure and destruction of mosques, the ban on beards and veils, and tight control over people's movements.²⁴

While witnesses did not condone the violence committed by certain segments of the Uyghur population, some noted that conditions in Xinjiang were such that anger among Uyghurs and Turkic Muslims was building. These conditions included policies designed to repress and marginalize Uyghurs and other Turkic Muslims, a lack of judicial recourse or avenues to express discontent, as well as disproportionate retaliatory measures against acts of civil disobedience.²⁵ As described by Alexeeva:

This very serious, very tense and very particular political context places Uighurs in an impasse. It feeds the breeding ground for resentment and hatred towards the authorities in Beijing and the Chinese in general. In my opinion, the harshness of the repression could only push young activists, frustrated by this incredible injustice, to opt

20 SDIR, [Evidence](#), 21 July 2020 (Saint-Jacques).

21 Brief: [Campaign for Uyghurs](#); SDIR, [Evidence](#), 21 July 2020 (Saint-Jacques).

22 Brief: [Campaign for Uyghurs](#).

23 SDIR, [Evidence](#), 21 July 2020 (Saint-Jacques).

24 Ibid.

25 Ibid.; SDIR, [Evidence](#), 21 July 2020 (Alexeeva).



for a more violent approach. Therefore, one can only imagine that, in the long term, this policy may lead to conflict.²⁶

While repressive measures in Xinjiang have been intensifying since the 1990s, some witnesses noted a sharp increase since the ascension of Xi Jinping to the Presidency of the PRC in 2013.²⁷ Witnesses also noted a significant surge in state surveillance when Chen Quanguo was appointed General Secretary of the Chinese Communist Party (CCP) for Xinjiang in August 2016.²⁸

Uyghurs have been subjected to repression, discrimination, injustice and abuse for decades. However, as illustrated below, the more recent, unprecedented efforts to assimilate, repress and control this population cannot be explained by the threat of Uyghur nationalism and terrorism alone.²⁹

Why is Xinjiang Important to China?

Xinjiang is one of China's largest regions, representing "about a sixth of the total area of China with a surface area of 1.83 million km²."³⁰ It is sparsely populated, with Uyghurs representing roughly half the population. It borders Russia, Kazakhstan, India, Tibet, Pakistan, Afghanistan, Tajikistan, Kyrgyzstan and Mongolia.³¹ Some of the countries bordering Xinjiang were part of a historically important trade network that connected East Asia and Southeast Asia with South Asia, Persia, the Arabian Peninsula, East Africa and Southern Europe through various land routes. For centuries, China was an important player within the network. It not only expanded and added routes, but it also supplied silk throughout the network, which was a highly valued commodity at the time. In fact, the material featured so prominently along the network that the trade routes eventually earned the name "Silk Road."

While use of the Silk Road came to an end centuries ago, the ease of access it provided Chinese commodities to global markets seems to have inspired President Xi Jinping's Belt and Road Initiative (BRI). Introduced in 2013, the BRI is

26 SDIR, [Evidence](#), 21 July 2020 (Alexeeva).

27 SDIR, [Evidence](#), 21 July 2020 (Omerbek Ali, Uyghur Rights Activist, As an Individual); SDIR, [Evidence](#), 21 July 2020 (Saint-Jacques); SDIR, [Evidence](#), 20 July 2020 (Kovalio).

28 Ibid.

29 SDIR, [Evidence](#), 21 July 2020 (Alexeeva).

30 Brief: [International Support for Uyghurs](#).

31 Ibid.

a comprehensive plan to build land and maritime infrastructure projects that will put China at the centre of international trade. The resulting system encompasses six trade corridors, and includes port facilities, highways, railways, pipelines and fibre optic networks. The initiatives will draw in the raw resources China needs and facilitate access to markets for its products.³²

Since its inception, the BRI has been guiding many of China's domestic politics and foreign relations. Olsi Jazexhi, Professor and Journalist, informed the Subcommittee that "the whole party, state and people were working toward Xi Jinping's great plan of one road and one belt."³³ This is because the BRI is to form part of President Xi Jinping's legacy. As stated by Alexeeva, the BRI "is a project dear to Xi Jinping. In fact, you could say it's his biggest project."³⁴

Xinjiang is an integral part of the BRI.³⁵ It is both figuratively and physically "located most strategically at the heart" of the project.³⁶ Two of the three land routes (Middle Route and Southern Route) connecting China to other countries run through Xinjiang. The 'Middle Route' will link Beijing to Afghanistan, Kazakhstan, Hungary and Paris, while the 'Southern Route' will do the same with Pakistan, Iran, Iraq, Turkey, Italy and Spain. Xinjiang is also an entry point for the China-Pakistan Economic Corridor.

In addition to providing China with physical access to foreign markets, Xinjiang is also a resource rich area. It contains important oil, gas, coal and uranium deposits as well as metal and mineral reserves such as gold, copper and jade.³⁷ Xinjiang also has an ideal climate for cotton. According to Amy Lehr, Director, Human Rights Initiative, Center for Strategic and International Studies, Xinjiang "produces around 20% of the world's cotton and is the third-largest producer of cashmere in China. China is the world's largest cashmere producer."³⁸

32 Canadian Security Intelligence Service, *China and the Age of Strategic Rivalry*, May 2018, p. 55.

33 SDIR, *Evidence*, 20 July 2020 (Jazexhi).

34 SDIR, *Evidence*, 21 July 2020 (Alexeeva).

35 SDIR, *Evidence*, 20 July 2020 (Raziya Mahmut, Vice-President, International Support for Uyghurs).

36 SDIR, *Evidence*, 20 July 2020 (Kovalio).

37 Brief: [International Support for Uyghurs](#).

38 SDIR, *Evidence*, 21 July 2020 (Amy Lehr, Director, Human Rights Initiative, Center for Strategic and International Studies).



Controlling the Region/Historical Tensions

Because Xinjiang is an indispensable component of the BRI and has become interlinked with Xi Jinping's legacy, the PRC government has come to view instability in the region as a national security threat.³⁹ As explained by Alexeeva:

What worries Beijing today, therefore, is that the region is unstable and that this project may be compromised. All kinds of unrest may call into question the reliability of this project and the delivery of gas and oil to China, but also the development of gas and oil resources in Xinjiang itself. The coordination centre for the New Silk Road project should be located in Urumqi, the capital of Xinjiang. It is, therefore, a sort of showcase for the road project to the countries of Central Asia, Pakistan and Afghanistan. So, if everything goes wrong in this region, it cannot be a showcase for the project.⁴⁰

As laid out in the following chapter, the recent amplification of repressive measures and policies demonstrate that the Government of the PRC will go to any length to control the region, including the elimination of Uyghurs. This sentiment was reflected in Tohti's remarks to the Subcommittee when he stated: "I want you to remember that Uighurs are paying the highest price because Uighurs are seen by China as an obstacle to its dream plan of expansionism through the belt and road initiative."⁴¹

CHAPTER 2—MECHANISMS OF SUPPRESSION

Witnesses informed the Subcommittee that the Government of the PRC has subjected Uyghurs and other Turkic Muslims to, among other measures, confinement in concentration camps, pervasive state surveillance, forced labour, and various measures to control population growth. This chapter discusses the repressive measures taken by the PRC government in Xinjiang and the impact on Uyghurs and other Turkic Muslims in that region and abroad. It also underscores the amplifying impact of COVID-19 on these populations, especially in concentration camps and factories where many are forced to work.

39 SDIR, [Evidence](#), 20 July 2020 (Tohti) ; SDIR, [Evidence](#), 21 July 2020 (Alexeeva); Anna Hayes, "Interwoven 'Destinies': The Significance of Xinjiang to the China Dream, the Belt and Road Initiative, and the Xi Jinping Legacy," *Journal of Contemporary China*, Vol. 29, No. 121, 2020, p. 31.

40 SDIR, [Evidence](#), 21 July 2020 (Alexeeva).

41 SDIR, [Evidence](#), 20 July 2020 (Tohti).

Concentration Camps

In 2018, the United Nations (UN) Committee on the Elimination of Racial Discrimination stated that it was “alarmed” by reports of the arbitrary detention and indoctrination of upwards of one million Uyghurs and other Muslim minorities in so-called “re-education camps” in Xinjiang.⁴² The Subcommittee echoed these in its 2018 study on the matter, noting the continued expansion of detention facilities, the significant number of detainees, and the overcrowded and unsanitary conditions in the camps.⁴³

Despite international scrutiny, use of the camps has continued: the Subcommittee was informed that authorities in Xinjiang have now detained approximately two million Uyghurs and other Turkic Muslims since 2017.⁴⁴ Many witnesses referred to these “re-education” camps as concentration camps. Some witnesses indicated that the camps represented the largest mass detention of a minority community since the Holocaust.⁴⁵

Conditions in Concentration Camps

Witnesses informed the Subcommittee of repressive and dehumanizing conditions in the concentration camps. Detainees are prohibited from practising their religion or speaking their language.⁴⁶ For instance, Jazexhi, who visited the camps, stated that PRC authorities were “forcefully locking up [Uyghurs and other Turkic Muslims] in these concentration camps, forcing them to eat pork, which is haram according to the Islamic religion, prohibiting them from practising their religion, their faith, their beliefs, stopping them from speaking Turkish and forcefully sinifying them.”⁴⁷ Detainees are also required to learn Mandarin Chinese and praise the CCP and Chinese President Xi Jinping.⁴⁸ Some

42 United Nations Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fourteenth to seventeenth periodic reports of China \(including Hong Kong, China and Macao, China\)](#), UN Doc. CERD/C/CHN/CO/14-17, 19 September 2018, p. 7.

43 SDIR, [What We Heard: A Summary of Testimony on the Human Rights Situation of Uyghurs and Other Turkic Muslims](#), 19 December 2018, paras. 13-19.

44 SDIR, [Evidence](#), 20 July 2020 (Adrian Zenz, Senior Fellow in China Studies, Victims of Communism Memorial Foundation); SDIR, [Evidence](#), 20 July 2020 (Mahmut); SDIR, [Evidence](#), 20 July 2020 (Kovalio); SDIR, [Evidence](#), 20 July 2020 (Alex Neve, Secretary General, Amnesty International Canada); SDIR, [Evidence](#), 20 July 2020 (Hon. Irwin Cotler, Founding Chair, Raoul Wallenberg Centre for Human Rights).

45 SDIR, [Evidence](#), 20 July 2020 (Zenz); SDIR, [Evidence](#), 21 July 2020 (Azeezah Kanji, Legal Academic and Journalist, As an Individual); SDIR, [Evidence](#), 21 July 2020 (Lehr).

46 SDIR, [Evidence](#), 20 July 2020 (Jazexhi).

47 Ibid.

48 SDIR, [Evidence](#), 21 July 2020 (Ali); SDIR, [Evidence](#), 21 July 2020 (Lehr).



witnesses even raised the horrifying possibility that Uyghurs are being subjected to organ harvesting.⁴⁹

Sexual Violence

Numerous survivors of the concentration camps, especially women, stated that physical, psychological and sexual abuse were common.⁵⁰ Sayragul Sauytbay, an ethnic Kazakh who is an East Turkestan minority activist and recipient of the 2020 International Women of Courage Awards, was among the survivors who shared their stories with the Subcommittee. Sauytbay worked in Xinjiang as a doctor, teacher and director of a school and was placed in a concentration camp where she was forced to teach Chinese.⁵¹ She reported that female detainees were raped “daily” by workers.⁵² The Subcommittee was told that this form of gender-based violence is used to oppress Uyghur women and coerce them to conform to PRC government’s ideals. Sauytbay described one particularly disturbing incident:

In this example, they brought 200 prisoners to the hall, and they picked out one young girl, about 20 years old, and they forced her to accept the guilt for something that she never had done. She was crying and she was saying that she was guilty even though she was not guilty. She accepted it in front of the 200 prisoners. Then the Chinese guards started raping her, one by one, in front of all these 200 prisoners. They went down the line and raped her one by one in front of all the people.

If some of these 200 prisoners showed pain on their faces or in their eyes, or hesitation or any negative emotion, they will say that this prisoner didn't change, didn't become normal, and they will pick these prisoners from the crowd and later they will start torturing them because they didn't change.

After we saw that, we had to accept it and we had to praise the party. This is one of the examples that I was a witness to.⁵³

Gulbahar Jelilova, a Uyghur rights activist, is another concentration camp survivor who courageously shared her story. An ethnic Uyghur, Jelilova was a citizen and resident of

49 SDIR, [Evidence](#), 20 July 2020 (The Hon. David Kilgour, As an Individual); SDIR, [Evidence](#), 20 July 2020 (Mahmut); SDIR, [Evidence](#), 20 July 2020 (Tohti); SDIR, [Evidence](#), 20 July 2020 (Irene Turpie, Canadians in Support of Refugees in Dire Need); SDIR, [Evidence](#), 21 July 2020 (Ali).

50 SDIR, [Evidence](#), 20 July 2020 (Sauytbay); SDIR, [Evidence](#), 21 July 2020 (Ali) ; SDIR, [Evidence](#), 21 July 2020 (Gulbahar Jelilova, Uyghur Rights Activist, As an Individual).

51 SDIR, [Evidence](#), 20 July 2020 (Sauytbay).

52 Ibid.

53 Ibid.

Kazakhstan when she was arrested while traveling to Xinjiang on charges of “committing terrorist acts.”⁵⁴ After refusing to confess to the charges, Jelilova was detained in Sankan prison. During her detainment, among other abusive acts, she was sexual harassed by a guard, forced to ingest unidentified pills, deprived of running water for months, seated on a chair for 24 hours without food and was beaten and electrocuted. Jelilova shared the agony and despair she too often felt – “I was begging them to kill me instead of enduring this torture, where they would put a black hood on me and take me out to rape, to torture me, so I was pleading with them to kill me.”⁵⁵

Forced Birth Control

Female survivors of the concentration camps informed the Subcommittee that some of the extreme acts of violence perpetrated against women and girls include the imposition of various forms of birth control. For example, one survivor described being injected with an unknown substance that caused the loss of her menstrual period.⁵⁶ Jelilova, shared her personal experience and observations:

So the girls would cease having menstrual cycles. If we were hungry, we would not feel hunger and we would lose any feelings of pain, so we were numb after all the procedures. I was not able to recall my own children. I was lost.⁵⁷

The Subcommittee was informed that the efforts to control the growth of the Uyghur population using these invasive birth control procedures was not constrained to concentration camps. As such, the issue will be examined in greater detail in the section “Population Control” below.

COVID-19

Like any confined space, concentration camps have the potential to accelerate the spread of diseases and viruses, such as COVID-19, placing Uyghurs and other Turkic Muslims at greater risk. Nonetheless, Kanji reported that they continued to function throughout the pandemic, even though many institutions were being closed to curb the spread of the virus.⁵⁸

54 SDIR, [Evidence](#), 21 July 2020 (Jelilova).

55 Ibid.

56 Ibid.

57 Ibid.

58 SDIR, [Evidence](#), 21 July 2020 (Kanji).



The Subcommittee is extremely concerned by the Government of the PRC's continued use of concentration camps that repress and dehumanize Uyghurs and other Turkic Muslims in Xinjiang. As such,

Recommendation 1

The Subcommittee recommends that the Government of Canada, in coordination with international allies, condemn the Government of the People's Republic of China's use of concentration camps to unjustly detain Uyghurs and other Turkic Muslims.

Recommendation 2

The Subcommittee recommends that Global Affairs Canada coordinate an international campaign calling on the Government of the People's Republic of China to immediately release unjustly detained Uyghurs and other Turkic Muslims from its concentration camps.

Recommendation 3

The Subcommittee recommends that Global Affairs Canada coordinate an international effort to pressure the Government of the People's Republic of China to allow independent observers unfettered access to Xinjiang to evaluate the situation of Uyghurs and other Turkic Muslims.

Separation of Children from their Families

Some witnesses informed the Subcommittee that children from the families of Uyghurs and other Turkic Muslims are being taken from their homes and placed in state-run schools or orphanages in an effort to assimilate them. While this often occurs when parents are held in concentration camps, it is not uncommon for these children to be taken from their parents when the family unit is still intact.⁵⁹ Kanji testified that close to half a million children have been separated from their families through what Asat referred to as "state-sanctioned abduction of [Uyghur] children."⁶⁰ According to Asat, the

59 SDIR, [Evidence](#), 20 July 2020 (Mahmut); SDIR, [Evidence](#), 20 July 2020 (Zenz); SDIR, [Evidence](#), 20 July 2020 (Turpie); SDIR, [Evidence](#), 21 July 2020 (Ali); SDIR, [Evidence](#), 21 July 2020 (Lehr); SDIR, [Evidence](#), 20 July 2020 (Zenz).

60 SDIR, [Evidence](#), 21 July 2020 (Kanji); SDIR, [Evidence](#), 20 July 2020 (Rayhan Asat, President, American Turkic International Lawyers Association).

separation of children from their families is an important component of the Government of the PRC's efforts to destroy the culture of Uyghurs and other Turkic Muslims:

This is not the kind of government that we could trust to raise these kids with the values that their parents wished for them to be raised with. What happens oftentimes is that these kids, from a very young age, are subjected to political indoctrination that forgoes their language and their culture, and they just don't have any connection with who they are as Uighur people.

I think basically they are trying to raise these kids in a completely different setting that is very foreign to their culture. It truly breaks my heart, because I think that's also a very good way of destroying the culture, destroying the population, because these kids would not be growing up as Uighurs. I think in many countries we do have a dark history of this kind of practice, but again in China this is happening as we speak.⁶¹

Forced Labour

In 2018, the PRC government introduced a "poverty alleviation" initiative, which aims "to move minorities from their traditional rural villages into factory work."⁶² In line with other efforts to control Uyghurs and other Turkic Muslims, the policy has been aggressively applied and has had a marginalizing effect on the population. Many Uyghurs and other Turkic Muslims are separated from their homes and moved to factories, along with others who are brought there from the concentration camps.

Lehr explained that part of the program's effectiveness stems from the fact that local officials are required to meet quotas of transfers into work placements. These quotas create enormous pressure for local officials to transfer Uyghurs and other Turkic Muslims (especially those from rural areas), sometimes coercively.⁶³

Anderson told the Subcommittee that these measures are just another part of the Government of the PRC's strategy to control the region.⁶⁴ Many of the factories to which Uyghurs and other Turkic Muslims are transferred are located outside of Xinjiang – thus reducing the population in the region. She added that all of these measures are

61 SDIR, [Evidence](#), 20 July 2020 (Asat).

62 SDIR, [Evidence](#), 21 July 2020 (Lehr).

63 Ibid.

64 SDIR, [Evidence](#), 21 July 2020 (Anderson).



intended to help the government take control of Xinjiang for “resource extraction and global trade.”⁶⁵

In addition to being forced to work in factories, for meagre salaries, the Subcommittee was told that working conditions are abhorrent. Lehr, described work in these factories as follows:

We learned that they were working for either no income or pay that in the course of a year they should have been paid in a month. They were constantly guarded. They were living in dormitories and with guards. They were going on buses with guards to the factories every day. There was policing of the factories, and security. They had no idea when this would end, or how it would end. All their devices were monitored.⁶⁶

The Subcommittee was also troubled to learn that the Government of the PRC is not the only entity benefiting from the forced labour of Uyghurs and other Turkic Muslims. Some witnesses reported that the products they manufacture are integrated into the global supply chain. This includes that of Western companies who sell products around the world, including in Canada. Asat explained that “[o]ur corporations are unknowingly or knowingly profiting off of Uighur forced labour, and we as consumers are complicit in using these products.”⁶⁷ She even reported that some of the protective masks sold in North America, which have been in high demand due to the COVID-19 pandemic, were made with the forced labour of Uyghurs and other Turkic Muslims.⁶⁸

Some witnesses urged a boycott of products that could potentially be tainted by the forced labour of these oppressed groups.⁶⁹ The Subcommittee was advised that Canada should adopt a “reverse-onus” policy for companies importing products from Xinjiang, or other parts of China where forced labour is prominent. Such a policy would require importing companies to demonstrate that forced labour was not used in the manufacturing of their products.⁷⁰ Other witnesses also urged the Government of Canada to expand the role of the Canadian Ombudsperson for Responsible Enterprise⁷¹ or to put in place a law that would require mandatory due diligence reporting by

65 Ibid.

66 SDIR, [Evidence](#), 21 July 2020 (Lehr).

67 SDIR, [Evidence](#), 20 July 2020 (Asat).

68 Ibid.

69 SDIR, [Evidence](#), 20 July 2020 (Mahmut); SDIR, [Evidence](#), 20 July 2020 (Jewher Ilham, Author, Human Rights Activist, As an Individual); SDIR, [Evidence](#), 21 July 2020 (Jelilova).

70 SDIR, [Evidence](#), 20 July 2020 (Tohti); SDIR, [Evidence](#), 21 July 2020 (Errol P. Mendes, Professor of Law and President, International Commission of Jurists Canada).

71 SDIR, [Evidence](#), 21 July 2020 (Lehr).

companies.⁷² Lehr recommended that the Government of Canada examine its procurement practices in relation to products potentially manufactured with forced Uyghur labour, both in Xinjiang or other parts of China.⁷³

COVID-19

Mahmut indicated that Uyghurs were being used to replace factory workers who were sent home as a result of the pandemic so that profits would not be lost.⁷⁴ Asat alluded to reports that China was taking advantage of Uyghur forced labour during the pandemic to continue the production of masks that are in high demand around the world.⁷⁵ Kanji went as far as to suggest that the COVID-19 pandemic could be being used as a tool to assist in the Government of the PRC's ultimate goal: the eradication of the Uyghur population.⁷⁶

The Subcommittee is concerned that Canada and Canadians are inadvertently purchasing products that could potentially be manufactured by the forced labour of Uyghurs and other Turkic Muslims. As such,

Recommendation 4

The Subcommittee recommends that Global Affairs Canada enhance its import control mechanisms to ensure products made with forced labour are not entering the Canadian market. This should include strong punitive measures for individuals and companies that benefit from the use of forced labour.

Recommendation 5

The Subcommittee recommends that the Government of Canada enhance the mandate of the Canadian Ombudsperson for Responsible Enterprise to ensure the office has the power to conduct independent investigations, the authority to compel documents and testimony from companies and their executives, and the resources to investigate alleged human rights abuses.

72 SDIR, *Evidence*, 21 July 2020 (Mendes).

73 SDIR, *Evidence*, 21 July 2020 (Lehr).

74 SDIR, *Evidence*, 20 July 2020 (Mahmut).

75 SDIR, *Evidence*, 20 July 2020 (Asat).

76 SDIR, *Evidence*, 21 July 2020 (Kanji).



Recommendation 6

The Subcommittee recommends that the Department of Justice develop a comprehensive human rights due diligence law that compels businesses to respect the most current international human rights standards across their global operations and supply chains and be held accountable for harms caused in relation to their operations.

State Surveillance

Several witnesses reported that the Government of the PRC has been aggressively deploying various surveillance strategies in Xinjiang, transforming the area into a “police state.”⁷⁷ In Sauytbay’s words: “East Turkestan became one big prison. Everything everywhere that’s said or any action 24 hours a day is recorded, and they check everything and everyone.”⁷⁸ Lehr told the Subcommittee that the level of state control and surveillance imposed on Uyghurs and other Turkic Muslims is unprecedented – “we’ve never seen anything like it in the history of the world.”⁷⁹ One disturbing example of surveillance described by witnesses is that of Han Chinese being assigned to individually and directly monitor Uyghur women.⁸⁰ Kanji explained that “there are government programs to have Han Chinese officials live in the houses of Uighur people in Xinjiang and even sleep in the bedrooms of Muslim women whose husbands have been detained in the concentration camps.”⁸¹

In addition to this personal surveillance, two broad surveillance strategies appear to have been deployed: a grid-style policing system and the extensive use of surveillance technologies.

Grid-style Policing

In its December 2018 summary of evidence, the Subcommittee highlighted the existence of police patrols or checkpoints in the Uyghur-dominated southern region of Xinjiang. It indicated that they had been built “at almost every street corner, apartment building,

77 SDIR, [Evidence](#), 20 July 2020 (Zenz); SDIR, [Evidence](#), 20 July 2020 (Mahmut); SDIR, [Evidence](#), 21 July 2020 (Kanji).

78 SDIR, [Evidence](#), 20 July 2020 (Sauytbay).

79 SDIR, [Evidence](#), 21 July 2020 (Lehr).

80 SDIR, [Evidence](#), 20 July 2020 (Asat).

81 SDIR, [Evidence](#), 21 July 2020 (Kanji).

shop entrance, mall and bus stop.”⁸² Smith Finley has conducted research on Uyghurs in Xinjiang and has travelled extensively to the region developing contacts. Finley described that she “observed prefab ‘convenience police stations’ every few hundred metres throughout the city: two or three-storey grey structures with barricaded doors, [PRC] flag and flashing lights. There were also mobile police boxes parked at roadsides.”⁸³ At these checkpoints, police perform inspections of identity cards, passports, and cell phones. The Subcommittee noted that the checkpoints are concentrated in Uyghur neighborhoods and Uyghurs are subject to far more intense scrutiny than non-Uyghurs.⁸⁴

Surveillance Technologies

The PRC government uses sophisticated surveillance technologies to repress Uyghurs and other Turkic Muslims and to “control and restrict every aspect” of their lives.⁸⁵ Irene Turpie from Canadians in Support of Refugees in Dire Need informed the Subcommittee that: “Crowds are monitored with facial recognition cameras; all communications are intercepted and inspected with artificial intelligence programs; and individuals are classified, accounted for and tracked through DNA databases, fingerprints and voice prints.”⁸⁶

Zenz indicated that some of the surveillance technologies have been developed with the assistance of Western companies and research institutions. He noted that, while Chinese companies are the ones implicated in Xinjiang, Western companies “directly supply security and surveillance technology that enable the police state.”⁸⁷ Accordingly, witnesses proposed naming and imposing sanctions on companies complicit in providing surveillance equipment to Chinese firms using it to repress Uyghurs and other Turkic Muslims.⁸⁸ Lehr also raised the issue of investments of Canadian and American capital in Chinese companies that assist in the surveillance in Xinjiang.⁸⁹ The Subcommittee agrees

82 SDIR, [*What We Heard: A Summary of Testimony on the Human Rights Situation of Uyghurs and Other Turkic Muslims*](#), 19 December 2018.

83 Brief: [*Joanne Smith Finley*](#).

84 SDIR, [*What We Heard: A Summary of Testimony on the Human Rights Situation of Uyghurs and Other Turkic Muslims*](#), 19 December 2018.

85 SDIR, [*Evidence*](#), 20 July 2020 (Turpie).

86 Ibid.

87 SDIR, [*Evidence*](#), 20 July 2020 (Zenz).

88 Ibid.; SDIR, [*Evidence*](#), 21 July 2020 (Lehr); SDIR, [*Evidence*](#), 21 July 2020 (Anderson).

89 SDIR, [*Evidence*](#), 21 July 2020 (Lehr).



that Canadian companies should not be participating or investing in the development of surveillance technologies used to repress Uyghurs and other Turkic Muslims in Xinjiang.

Chilling Effect of State Surveillance on Uyghurs in Xinjiang and Abroad

The Subcommittee was informed that the PRC government’s repressive measures are having a chilling effect in Xinjiang, leaving Uyghurs and other Turkic Muslims to live in fear of being persecuted. Some avoid family members, friends, acquaintances and public spaces. In part, this is because the surveillance strategies are used to deter these groups from exhibiting their cultural identity.⁹⁰ Additionally, the intensive surveillance measures are coupled with “arbitrary arrests, house searches [and] confiscation of passports.”⁹¹

In her submission to the Subcommittee, Finley shared the following information, which illustrates the chilling effect of state surveillance and the fear of persecution in Xinjiang:

In 2018, the extreme fear of being sent to an internment camp meant that almost none of my longterm Uyghur friends and respondents in Urumchi would meet with me – association with foreigners was one of the criteria that made a Uyghur “untrustworthy” and eligible for internment. I met with one friend, G – a street trader – for just 3 minutes on 30 June 2018. G had previously not responded to my texts and calls, so I went to his outdoor place of work under cover of darkness. A prefab “convenience police station” had been constructed literally 20 metres to the right of the restaurant outside which he worked. I approached quietly from behind, placed my hand on his shoulder, and asked quietly if it would cause him a problem if I stayed to talk. First, G replied: “It is too dangerous to see you now, but I can't help but want to see you” (smiling). Then his smile faded, and he said: “Many of my mates have been taken away”, confirming that he meant to “school” (the local euphemism for internment camps). He said he had not taken my phone calls (made from a foreign-registered mobile, because local Chinese SIM cards were now forbidden to foreign tourists) since “if I had done so, I would not be here now”. I bade him stay safe and left.⁹²

State surveillance is not limited to the borders of Xinjiang or China. In its 2018 report, the Subcommittee addressed the issue of the PRC government’s harassment of Uyghurs and other Turkic Muslims overseas, noting that even living abroad failed to provided

90 SDIR, [Evidence](#), 21 July 2020 (Alexeeva).

91 Ibid.

92 Brief: [Joanne Smith Finley](#).

respite from government surveillance tactics.⁹³ Kanji confirmed the continuing practice of this foreign reach, stating that the “intensive surveillance state,” which invades Uyghur villages, “homes, bedrooms, cellphones and even DNA through mass biometric collection,” also targets Uyghurs living in Canada and elsewhere.⁹⁴ Mahmut described a fear of the Chinese Embassy among the Uyghur population in Canada and urged protection for Uyghurs living in Canada.⁹⁵ Witnesses also recounted intimidation in countries such as Kazakhstan and Turkey, as well as in multiple Western countries.⁹⁶ Jewher Ilham, an author and Uyghur human rights activist living in the United States recounted her experience with Chinese state surveillance:

My laptop, my cellphone, have been constantly monitored, I believe, by the Chinese government. I was invited to a Uighur wedding a few years ago. Because our conversation was monitored, the Chinese police knew that I was going to attend this wedding through our conversation on our cellphones. The newlywed couple were threatened that they should not invite people like me to their wedding.

Also, my and my family's conversations have long been monitored, including through my laptop. The camera would turn on multiple times. The mouse would move by itself frequently. Also, whenever I check the IP address of who has visited my email, I can that see it is from a Chinese IP. I believe this is happening not only to me; it's happening to many other people who are living in the United States and Canada.⁹⁷

Omerbek Ali, a Uyghur rights activist and concentration camp survivor, spoke to the Subcommittee, from the Netherlands, about his experiences of persecution that led him to immigrate to Kazakhstan and of his arrest upon returning to Xinjiang for a business trip.⁹⁸ Since his release, he has spoken out about the treatment of Uyghurs in Xinjiang. While this puts him at risk, he continues to courageously share his story:

As I said, I'm not afraid to die, but since leaving Kazakhstan in 2017 and since giving my first media interview, I have been constantly harassed and threatened with death. I have received death threats. Even when I travelled to Japan, the Czech Republic, Belgium,

93 SDIR, [*What We Heard: A Summary of Testimony on the Human Rights Situation of Uyghurs and Other Turkic Muslims*](#), 19 December 2018.

94 SDIR, [*Evidence*](#), 21 July 2020 (Kanji).

95 SDIR, [*Evidence*](#), 20 July 2020 (Mahmut).

96 Ibid.; SDIR, [*Evidence*](#), 21 July 2020 (Jelilova); SDIR, [*Evidence*](#), 21 July 2020 (Ali).

97 SDIR, [*Evidence*](#), 20 July 2020 (Ilham).

98 SDIR, [*Evidence*](#), 21 July 2020 (Ali).



Sweden and Switzerland, I was constantly harassed. I have received harassing telephone calls. I am not afraid to die; I will make it through this ordeal.⁹⁹

Kamila Talendibaevai, a Uyghur rights activist, provided the Subcommittee with the cautionary tale of her husband, Huseyin Celil. Celil, a Uyghur who had fled China and became a Canadian citizen along with his family in 2001, was arbitrarily arrested in 2006 while visiting family in Uzbekistan. He was subsequently deported to China and sentenced to life in prison. Talendibaevai has not heard from her husband in 14 years. During this time, despite Canadian diplomatic efforts, Celil has been denied consular visits as the PRC government does not recognize his Canadian citizenship.¹⁰⁰ Chris MacLeod, lawyer and founding partner at Cambridge LLP and legal counsel for Celil, and Alex Neve, Secretary General for Amnesty International Canada, called for a special envoy to seek Celil's release.¹⁰¹ In support of this request, MacLeod cited the examples of Michael Kapoustin and Maher Arar, both of whom were released following the appointment of a special envoy.¹⁰²

The Subcommittee recognizes the tremendous risk and sacrifice that Uyghurs face when they speak publicly about the horrors they and their families have endured. Many of those who have been fortunate enough to escape are stateless, unable to secure a permanent refuge. As such,

Recommendation 7

The Subcommittee recommends that Global Affairs Canada undertake a review of Canadian equipment and technologies exported to China to better understand how they are being utilized by end-users in that country. Further to that review, the Government of Canada should implement measures to ensure Canadian individuals, companies and public bodies are not supplying information or technologies that could be used in support of the violation of fundamental human rights.

99 Ibid.

100 SDIR, [Evidence](#), 20 July 2020 (Kamila Talendibaevai, Uyghur Rights Activist, As an Individual).

101 SDIR, [Evidence](#), 20 July 2020 (Chris MacLeod, Lawyer, Founding Partner, Cambridge LLP, As an Individual); SDIR, [Evidence](#), 20 July 2020 (Neve).

102 SDIR, [Evidence](#), 20 July 2020 (MacLeod).

Recommendation 8

The Subcommittee recommends that Public Safety Canada systematically track cases of harassment, by Chinese authorities, of Uyghurs and other Turkic Muslims living in Canada, as well as individuals and groups advocating on their behalf. The Subcommittee also urges the Government of Canada to respond punitively to attempts to repress freedom of expression in Canada and urges it to continue raising the issue with the Government of the People’s Republic of China officials.

Recommendation 9

The Subcommittee recommends that Immigration, Refugees and Citizenship Canada use existing refugee programs and create an exceptional stream to expedite entry into Canada for Uyghurs and other Turkic Muslims in need of protection, especially human rights defenders, because they are fleeing persecution in Xinjiang and elsewhere. The Canada Border Services Agency should suspend the removal of Uyghurs and other Turkic Muslims to China or other states where they are at risk of deportation.

Recommendation 10

The Subcommittee recommends that Global Affairs Canada use all the tools at its disposal to secure the release of Huseyin Celil, including but not limited to the appointment of a special envoy specifically tasked with seeking his release and return.

Population Control

The Subcommittee was disheartened to hear that the situation of Uyghurs and other Turkic Muslims appears to have worsened since it last studied their challenges in 2018. Not only has the Government of the PRC made no effort to mitigate human rights violations, it has ramped up its efforts to repress these vulnerable populations and implemented new strategies to accelerate their decline and possible elimination. These include measures designed to curb the growth of this population, such as the forced surgical insertion of intrauterine devices (IUDs), accompanied by quarterly checks to ensure that they are still in place, and forced and coerced sterilizations.¹⁰³

The Subcommittee learned that the PRC government’s efforts to curb population growth are ongoing and that its policies are evolving. Documents show that in 2019, officials in Xinjiang hoped to subject over 80% of women of childbearing age in the four Uyghur

103 SDIR, [Evidence](#), 20 July 2020 (Zenz); SDIR, [Evidence](#), 20 July 2020 (Turpie); SDIR, [Evidence](#), 21 July 2020 (Jelilova).



majority southern prefectures to birth control measures with long-term effectiveness (e.g. sterilization or the insertion of an IUD).¹⁰⁴ Zenz reported that “[f]amily planning documents from two Uyghur counties show specific target figures for mass female sterilization, stating respectively that 14% and 34% of all rural women of reproductive age are to be subjected to tubal ligation sterilization.”¹⁰⁵ In order to meet these goals, authorities in Xinjiang create incentives to encourage Uyghur women to undergo sterilization operations. Zenz found that “Xinjiang’s health commission budgeted 260 million Chinese yuan (or \$50 million CDN) in 2019 and 2020 to fund free birth prevention surgeries.”¹⁰⁶ Zenz also stated that authorities in Xinjiang had set aside almost \$291 million (CDN) to be distributed as financial incentive to women who “voluntarily” opt for IUD placement or sterilization, despite being legally allowed to have more children under China’s birth-restriction policy.¹⁰⁷

The Government of the PRC has imposed draconian dissuasion measures to ensure compliance with its birth control policies. For instance, Zenz reported that husbands were often placed in concentration camps following their partner’s birth control violations.¹⁰⁸

Disturbingly, efforts to curb population growth among Uyghurs and other Turkic Muslims in Xinjiang have been achieving their objective. Between 2015 and 2018, population growth fell by 84% in Uyghur majority areas of Xinjiang. During the same period, “an estimated two million [of] what we must assume to be Han Chinese migrants moved to Xinjiang from other parts of China, lured by lucrative job offers, free housing and free land.”¹⁰⁹ In 2019, birth rates in regions with large ethnic minority populations fell by an additional 30% to 56%.¹¹⁰

Closing Thoughts

The evidence presented by witnesses make it clear that the atrocities being committed against Uyghurs and other Turkic Muslims in Xinjiang is not only continuing but is escalating. These repressive measures include placing Uyghurs and other Turkic Muslims

104 SDIR, [Evidence](#), 20 July 2020 (Zenz).

105 Ibid.

106 Ibid.

107 Ibid.

108 Ibid.

109 Ibid.

110 Ibid.

in concentration camps, using forced labour, subjecting the population to invasive surveillance, imposing birth control measures and putting ethnic minorities at excessive risk of contracting COVID-19, while using their forced labour to profit from the global pandemic. These violations of fundamental human rights cannot go unanswered and require a strong response from Canada and the international community.

CHAPTER 3—INTERNATIONAL OBLIGATIONS IN RESPONSE TO MASS ATROCITIES

The first two chapters of this report have contributed to the voices of Uyghurs and other Turkic Muslims by providing an understanding of the context and history of their subjugation and by further bringing to light present-day atrocities in Xinjiang. This chapter completes the report by classifying the crimes outlined in Chapter 2 and discussing further responses. The individual acts described in Chapter 2 are clearly inhumane and deserve condemnation from the international community. Their commission as part of a broader attack against a people, one that is intricately planned and carried out by a state, sets them in a category reserved for the most severe crimes of humankind.

This chapter shows how the Government of the PRC’s persecution of Uyghurs and other Turkic Muslims in Xinjiang amounts to the crime of genocide and addresses resulting state obligations. It also considers the occurrence of crimes against humanity and what some witnesses considered Canada’s “Responsibility to Protect”.

Genocide

In response to the atrocities committed during the Second World War, the international community committed to “never again” allow a genocide to occur. As such, on 9 December 1948, the General Assembly of the UN adopted the *Genocide Convention* – the first human rights treaty it ever adopted.¹¹¹ Canada signed the treaty on 28 November 1949 and ratified it on 3 September 1952.

The crime of genocide is defined as follows under Article II of the Genocide Convention:

111 [*Adoption of the Convention on the Prevention and Punishment of the crime of genocide*](#), UN Doc. A/RES/260(III), December 1948.



In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- Killing members of the group;
- Causing serious bodily or mental harm to members of the group;
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- Imposing measures intended to prevent births within the group;
- Forcibly transferring children of the group to another group.¹¹²

Genocide is therefore committed if one, or more, of the five acts is carried out, with the requisite intent, against a national, ethnical, racial or religious group.¹¹³ The definition is widely accepted in international law, as is shown by its inclusion in the founding documents of various international criminal tribunals, including the *Rome Statute of the International Criminal Court* (Rome Statute)¹¹⁴ and the statutes of the International Criminal Tribunal for Rwanda (ICTR)¹¹⁵ and the International Criminal Tribunal for the former Yugoslavia (ICTY).¹¹⁶

The following describes the various components of the crime of genocide and applies them to the acts perpetrated against Uyghurs and Turkic Muslims in Xinjiang. The groups protected under the Genocide Convention are first discussed, followed by the required “intent” or specific goal behind the conduct in question.

112 United Nations [UN] General Assembly, [*Convention on the Prevention and Punishment of the Crime of Genocide*](#) [Genocide Convention], 9 December 1948, UN, Treaty Series, vol. 78, p. 280, Art. II.

113 SDIR, [*Evidence*](#), 21 July 2020 (Kanji).

114 [*Rome Statute of the International Criminal Court*](#) [Rome Statute], (1998) 2187 UNTS 90, Art. 6. China is not a state party to the Rome Statute.

115 [*Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda*](#) [ICTR Statute], UN Doc. S/Res/955, annex, 8 November 1994, Art. 2.

116 [*Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991*](#) [ICTY Statute], UN Doc. S/25704, annex, 3 May 1993, Art. 4.

Uyghurs as a Protected Group Pursuant to the Genocide Convention

Definitions of the groups protected under the Genocide Convention are not included in the Genocide Convention, nor are they included in the various international criminal tribunal statutes. Case law has therefore contributed to clarifying the composition of the groups, particularly the 1998 Trial Chamber decision of *Prosecutor v. Akayesu*¹¹⁷ at the ICTR. Considering the description and history of the Uyghurs in Chapter 1, the Trial Chamber’s definition of “ethnic group” most closely aligns with Uyghurs as a group. The court put it simply: “an ethnic group is generally defined as a group whose members share a common language or culture.”¹¹⁸ Chapter 1 of this report noted the separate language of the Uyghurs, their distinct ethnic, cultural and religious character, as well as their cultural and spiritual attachment to Xinjiang. Moreover, the Government of the PRC itself acknowledges that Uyghurs form one of the “56 ethnic groups identified and confirmed by the Central Government.”¹¹⁹ For these reasons, the Subcommittee understands Uyghurs to be protected as an ethnical group under the Genocide Convention.

The Presence of the Specific Intent to Commit Genocide

For genocide to be deemed to have occurred, any of the five acts listed in Article II of the Genocide Convention must have been committed with the intent to destroy a protected group in whole or in part. Because explicit declarations by states of the intention to destroy a group are rare, the determination of “specific intent” to commit genocide can be inferred from the context of the persecution and facts on the ground. This includes policies implemented by the perpetrator, infrastructure created to carry out the genocide, or the systematic character of the atrocities.¹²⁰ The Subcommittee strongly believes that the intent to commit genocide can be inferred from the historical relationship between the Government of the PRC and the Uyghurs and other Turkic Muslims, as well as the organized persecution presented in Chapter 2 of the report.

117 [*Prosecutor v. Akayesu*](#) (Case No. ICTR-96-4-T), Judgment, 2 September 1998, para. 512.

118 *Ibid.*, para. 513.

119 Information Office of the State Council of the Peoples Republic of China, [*National Minorities Policy and Its Practice in China*](#), Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, September 1999.

120 [*Prosecutor v. Akayesu*](#), para. 523.



Historical Context and Organized Persecution

Chapter 1 of this report explained that measures taken to repress, marginalize and assimilate Uyghurs and other Turkic Muslims into the Chinese population have occurred since China's domination of Xinjiang. It also noted that persecution of these groups has amplified alongside the increasing strategic importance of Xinjiang to the Government of the PRC.

Chapter 2 laid out the various forms of persecution committed against Uyghurs and other Turkic Muslims. Witness testimony revealed that, when viewed as a whole, the actions against these groups must be understood as interlinked and as part of a greater plan. Asat, for instance, stated that the PRC government "is carrying out a multipronged, technologically advanced, systematic program of destroying Uighur people as a whole",¹²¹ while Kanji warned that concentration camps are "just one node of a far more extensive project."¹²²

Likewise, Kanji pointed out that the

very deliberate efforts to transform the Uighur population towards a Han Chinese one, both through the deliberate in-migration of settlers to Xinjiang as well these biological efforts at population engineering ... are very strong signals of the type of genocidal intent described in the genocide convention.¹²³

Witnesses insisted that the Government of the PRC's persecution of Uyghurs and other Turkic Muslims, especially when considered within their historical context, their scale and systematic application, clearly demonstrate genocidal intent. Additionally, however, the Subcommittee was informed that Chinese officials have also made statements that affirm this intention. While highlighting that attention must be paid to utterances of Chinese officials, Kanji noted that "[a]s for the question of intent, when officials describe Islam as an 'ideological virus', an 'incurable malignant tumour', and a 'weed infecting the crops', efforts at eradication are the logical extension."¹²⁴

Meeting the Definition of Genocide

Within this context, and based on the evidence put forward during its hearings both in 2018 and 2020, the Subcommittee is persuaded the acts perpetrated in Xinjiang, by the

121 SDIR, *Evidence*, 20 July 2020 (Asat).

122 SDIR, *Evidence*, 21 July 2020 (Kanji).

123 Ibid.

124 Ibid.

PRC government, against Uyghurs and other Turkic Muslims constitute genocide as laid out in the Genocide Convention. The Subcommittee echoes Kanji’s concise analysis:

Any one of these listed acts [in Article II of the Genocide Convention], when conducted with an intention to destroy a people as a people, “in whole or in part”, qualifies as genocide when committed with the requisite genocidal intent.

In the case of the Uighurs, however, there is evidence of all five categories of genocidal acts having been committed, with reports of deaths in concentration camps; tortures, such as electrocution and waterboarding; forced starvation and exposure to diseases, including the coronavirus, in concentration and forced labour camps; a sterilization campaign, in which 80% of new intrauterine birth control devices in China were installed in Xinjiang, which constitutes less than 2% of the Chinese population; and, the separation of almost half a million children from their families and communities.¹²⁵

In addition to this list, and in keeping with case law from the ICTR, Kanji explained that sexual violence against Uyghur women should also be considered a genocidal act.¹²⁶

With the largest-scale detention of religious minorities since World War II¹²⁷ and with evidence showing that the situation for Uyghurs and other Turkic Muslims in Xinjiang is “getting worse as we speak,”¹²⁸ the time to take decisive action is long overdue. An important first step to underscore Canada’s commitment to prevent further persecution of Uyghurs and other Turkic Muslims is to recognize that these atrocities constitute genocide. As explained below, this simple act not only sends a strong message to the Government of the PRC and the international community, it also substantiates Canada’s obligations under the Genocide Convention.

Declarations

Witnesses were clear: the acts committed against Uyghurs and other Turkic Muslims by Chinese authorities amount to genocide.¹²⁹ While Irwin Cotler, Founding Chair, Raoul Wallenberg Centre for Human Rights, declared that the severity of genocide “obliges us all” to publicly identify genocide when one occurs, he singled out Canada’s Parliament as

125 Ibid.

126 Ibid.

127 SDIR, [Evidence](#), 21 July 2020 (Lehr).

128 SDIR, [Evidence](#), 20 July 2020 (Zenz).

129 Ibid.; SDIR, [Evidence](#), 20 July 2020 (Tohti); SDIR, [Evidence](#), 20 July 2020 (Asat); SDIR, [Evidence](#), 20 July 2020 (Cotler); Brief: [Campaign for Uyghurs](#), p. 8; Brief: [Uyghur Rights Project](#); Brief: [International Support for Uyghurs](#); Brief: [East Turkestan Government in Exile](#). Brief: [Jurat Hamid](#).



having a “distinguishable role” to do so.¹³⁰ Cotler highlighted the precedent of Parliament’s early designation of the persecution of the Rohingya in Myanmar as genocide in 2018.¹³¹ He added that, just as Canada led the way for the Rohingya, “[w]e should become the first Parliament to define what is happening to the Uighurs as a genocide.”¹³² Referencing the Rohingya and Rwandan genocides, Kanji warned of delays among states with respect to the public recognition of genocide out of fear of triggering their obligations to act.¹³³ Other witnesses reinforced the importance of an official declaration by Canada, noting that it could play a role in galvanizing other countries to do the same and contribute to pressure on Chinese authorities.¹³⁴

The Subcommittee released a [Statement](#) on the situation of the Uyghurs on 21 October 2020, followed by a news conference on 12 November 2020. In both instances it declared that the events described in this report amount to genocide. In response to the Subcommittee’s statement, on 22 October 2020, Chinese Foreign Ministry Spokesperson Zhao Lijian stated that Canada should “denounce ideological prejudice, stop interfering in China’s internal affairs under the pretext of Xinjiang-related matters, exercise caution in its words and deeds, and avoid further damage to China-Canada relations.”¹³⁵

The Subcommittee understands that some of its recommendations could evoke criticism from the Government of the PRC. The Subcommittee, however, agrees with Errol P. Mendes, Professor of Law and President of the International Commission of Jurists Canada:

Canada cannot bend its foundational commitments as a society to the rule of law. That is the antithesis of what's happening in Xinjiang. We cannot abandon our often-stated commitments to the promotion and protection of universal human rights embodied in our promise of “never again”. We cannot be seen to be bystanders to the latest, yet again, serious international crimes that come within the definition of crimes against humanity, war crimes, torture and genocide.¹³⁶

130 SDIR, [Evidence](#), 20 July 2020 (Cotler).

131 Ibid.; Canada recognized the crimes against the Rohingya as constituting genocide through a motion in the House of Commons in September 2018. House of Commons, [Journals](#), 20 September, 2018.

132 SDIR, [Evidence](#), 20 July 2020 (Cotler).

133 SDIR, [Evidence](#), 21 July 2020 (Kanji).

134 SDIR, [Evidence](#), 20 July 2020 (Asat); SDIR, [Evidence](#), 20 July 2020 (Tohti).

135 Ministry of Foreign Affairs of the People’s Republic of China, [Foreign Ministry Spokesperson Zhao Lijian's Regular Press Conference on October 22, 2020](#).

136 SDIR, [Evidence](#), 21 July 2020 (Mendes).

For these reasons,

Recommendation 11

The Subcommittee recommends that the House of Commons adopt a motion recognizing the Government of the People's Republic of China's persecution of Uyghurs and other Turkic Muslims in Xinjiang as constitutive of genocide.

Recommendation 12

The Subcommittee recommends that the Government of Canada declare the Government of the People's Republic of China's oppression of Uyghurs and other Turkic Muslims in Xinjiang as constitutive of genocide. As such, the Government of Canada should also condemn the Government of the People's Republic of China for its organized and systematic persecution of Uyghurs and other Turkic Muslims in Xinjiang.

State Obligations to Take Measures to Prevent Genocide

As its full title indicates, the *Convention on the Prevention and Punishment of the Crime of Genocide* includes not only an obligation to punish perpetrators of genocide but also contains an obligation to prevent. This obligation is spelled out under Article I:

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.¹³⁷

Witnesses discussed both the conditions under which a state's obligation to take steps to prevent genocide is activated pursuant to the convention and the extent to which states must act.

As noted by Kanji, the International Court of Justice considered the issue of when the obligation to prevent genocide arises for state parties to the Genocide Convention in 2007. In *Bosnia and Herzegovina v. Serbia and Montenegro*, the Court ruled that

a State's obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed. From that moment onwards, if the State has available to it means likely to have a deterrent effect on those suspected of preparing genocide, or reasonably suspected of

137 [Genocide Convention](#), p. 280, Art. I.



harbouring specific intent (*dolus specialis*), it is under a duty to make such use of these means as the circumstances permit.¹³⁸

Kanji informed the Subcommittee that states are therefore required to take steps to prevent genocide when objective conditions related to the possibility of its occurrence exist: “as soon as the signs of serious risk occur, the duty to prevent is triggered.”¹³⁹ Applied to the situation of the Uyghurs and other Turkic Muslims, she affirmed that the “threshold of serious risk has surely long been passed.”¹⁴⁰ In support of her statement, Kanji noted that “virtually all” the warning signs of genocide established by the UN Office on Genocide Prevention are present in Xinjiang.¹⁴¹ The Subcommittee agrees with Kanji’s assessment – the detailed accounts of planning and persecution of the Uyghurs and other Turkic Muslims described above indicates that the situation has passed beyond a “serious risk that genocide will be committed” and triggers states’ obligation to prevent.

While the Genocide Convention explicitly declares that preventative actions must be taken in the face of genocide, it leaves the type of response to the discretion of member states.¹⁴² Article VIII of the convention provides the option for states to “call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.”¹⁴³ Other than that, responses required by the Genocide Convention are commensurate to a state’s ability to act. That is, if a state has the means to take measures that will have a restraining effect on those suspected of preparing or perpetrating genocide, it is under an obligation to take the measures.¹⁴⁴ With respect to the resulting necessary measures, Kanji reasoned that “not all states have equal power with respect to a situation to stop a genocide” but that all have the obligation to

138 [*Application of the Convention on the Prevention and Punishment of the Crime of Genocide \(Bosnia and Herzegovina v. Serbia and Montenegro\)*](#) [*Application of the Convention on the Prevention and Punishment of the Crime of Genocide*], [2007] ICJ 2, para. 431.

139 SDIR, [Evidence](#), 21 July 2020 (Kanji).

140 Ibid.

141 Ibid. The framework Kanji referred to contains analytical tools for assessing the risk of occurrence of atrocity crimes, including a list of 14 risk factors. Among the risk factors in the framework Kanji referred to are: A record of serious violations of international human rights and humanitarian law; the presence of motives or incentives; the capacity to commit atrocities; the enabling circumstances or preparatory action; and intergroup tensions or patterns of discrimination against protected groups. United Nations, [Framework of Analysis for Atrocity Crimes: A tool for prevention](#), 2014.

142 [*Application of the Convention on the Prevention and Punishment of the Crime of Genocide*](#), para. 427.

143 [Genocide Convention](#), p. 282, Art. VIII.

144 [*Application of the Convention on the Prevention and Punishment of the Crime of Genocide*](#), para. 431.

conduct “due diligence.” That is, states must determine whether they are “taking all concrete measures they can to prevent a genocide and to stop a genocide that’s in action.”¹⁴⁵

For these reasons,

Recommendation 13

The Subcommittee recommends that the Government of Canada support the request of Canada's ambassador to the United Nations Human Rights Council to gather evidence and investigate the Government of the People’s Republic of China’s persecution of Uyghurs and other Turkic Muslims in Xinjiang.

Recommendation 14

The Subcommittee recommends that the Government of Canada call for the establishment of an impartial and independent United Nations mechanism to monitor and report on the human rights situation of Uyghurs and other Turkic Muslims in Xinjiang.

Crimes Against Humanity

In addition to concerns about acts constitutive of genocide, witnesses warned of crimes against humanity in Xinjiang. Neve highlighted the importance of investigating crimes against humanity concurrently to genocide:

[W]e have a situation of massive and widespread crimes against humanity. Even at that threshold, there is a range of obligations on the part of Canada and the international community to take action at all levels. Even while the debate about whether it is or is not genocide continues, there is nothing that should forestall robust, meaningful and much more forceful action than we've seen to date.¹⁴⁶

Moreover, certain acts of persecution of Uyghurs and other Turkic Muslims are more accurately classified as crimes against humanity, happening alongside acts of genocide. For these reasons, the report also addresses the existence of crimes against humanity.

Unlike genocide and the Genocide Convention, the customary international law of crimes against humanity has not been codified in a stand-alone treaty. Article 7 of the

145 SDIR, [Evidence](#), 21 July 2020 (Kanji).

146 SDIR, [Evidence](#), 20 July 2020 (Neve).



Rome Statute, however, reflects the latest international consensus on what the international community considers crimes against humanity:¹⁴⁷

For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- Murder;
- Extermination;
- Enslavement;
- Deportation or forcible transfer of population;
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- Torture;
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- Enforced disappearance of persons;
- The crime of apartheid;
- Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.¹⁴⁸

Crimes against humanity, therefore, represent a wide set of acts that are committed as part of large-scale plan or policy of persecution against a civilian population.

147 Article 6(4) of Canada's *Crimes Against Humanity and War Crimes Act* (S.C. 2000, c. 24) states that "For greater certainty, crimes described in articles 6 [genocide] and 7 [crimes against humanity] and paragraph 2 of article 8 (war crimes) of the *Rome Statute* are, as of July 17, 1998, crimes according to customary international law, and may be crimes according to customary international law before that date."

148 [Rome Statute](#), Art. 7.

Required Intent and Widespread and Systematic Character

As Anderson remarked, genocide and crimes against humanity are “two distinct legal concepts.”¹⁴⁹ While some of the underlying acts may be the same, Lehr pointed out that crimes against humanity do not require a specific intent as is needed for genocide. Rather, she explained, for crimes against humanity to exist, a perpetrator must have knowledge that one or more of the prohibited acts is committed within “a widespread and concerted attack against the civilian population”.¹⁵⁰

Witnesses clearly demonstrated the widespread and systematic character of the persecution of Uyghurs and other Turkic Muslims. The magnitude of the various forms of persecution are reflected in the 1.8 million Uyghurs and other Turkic Muslims detained in concentration camps since 2017,¹⁵¹ the 1 million CCP officials who have been forcibly billeted in Uyghur homes,¹⁵² and the programme of mass female sterilization.¹⁵³ The systematic character of the acts are evidenced by the planning involved, including the implementation of pervasive surveillance, the construction of concentration camps, and the movement of people for forced labour. The systematic character of the various forms of persecution was not lost on witnesses. For example, Zenz maintained that measures taken to prevent births were part of a “systematic state policy”¹⁵⁴ and Turpie warned of “credible and repeated reports of systematic and widespread repression of the Uighur people.”¹⁵⁵

Prohibited Acts

Chapter 2 of this report identified a comprehensive list of acts perpetrated by the Government of the PRC that reflect those encompassed by Article 7 of the Rome Statute. Among them are the rape of women in concentration camps, the torture of detainees, unlawful and inhumane detention, mass forced and coerced sterilization, enforced disappearances, persecution on ethnic grounds, separation of families and

149 SDIR, [Evidence](#), 21 July 2020 (Anderson).

150 SDIR, [Evidence](#), 21 July 2020 (Lehr).

151 SDIR, [Evidence](#), 20 July 2020 (Zenz).

152 SDIR, [Evidence](#), 20 July 2020 (Turpie).

153 SDIR, [Evidence](#), 20 July 2020 (Zenz).

154 Ibid.

155 SDIR, [Evidence](#), 20 July 2020 (Turpie).



forced labour. As explained above, all these acts occurred within a deliberately planned system that targeted Uyghurs and other Turkic Muslims.

Cotler noted the importance of “unmask[ing] and expos[ing] these crimes against humanity” and of “act[ing] upon them, to secure justice for the victims and accountability of the human rights violators.”¹⁵⁶ Mendes called for Canada to not be silent or inactive in the face of “mounting crimes against humanity.”¹⁵⁷ The Subcommittee agrees. While the Subcommittee is persuaded that the actions of the Government of the PRC in Xinjiang amount to genocide, it is also persuaded, based on the evidence put forward during its hearings in 2018 and 2020, that crimes against humanity have also occurred.

Responsibility to Protect

While urging Canada to take action in response to the acts of genocide and crimes against humanity described above, some witnesses evoked the “Responsibility to Protect.” Cotler outlined the concept as follows:

[I]f in any country we are witnessing war crimes, crimes against humanity and, God forbid, the unthinkable, namely genocide, and the government in that country is unwilling or unable to act or, worse, is the author of those crimes against humanity, if not genocide, then there is a responsibility on behalf of the international community to intervene and act to prevent, to punish and to sanction those war crimes, crimes against humanity and genocide.¹⁵⁸

Witnesses highlighted Canada’s role as an “architect” of the principle.¹⁵⁹ In 2001, the International Commission on Intervention and State Sovereignty (ICISS), an ad hoc commission set up by the Government of Canada, published a report on the issue, its main premise announcing that when states are unwilling or unable to “protect their own citizens from avoidable catastrophe – from mass murder and rape, from starvation...that responsibility must be borne by the broader community of states.”¹⁶⁰

Cotler and Mendes also pointed out that, in 2005, Canada's ambassador to the UN was involved in securing the unanimous adoption of the Responsibility to Protect at the UN

156 SDIR, [Evidence](#), 20 July 2020 (Cotler).

157 SDIR, [Evidence](#), 21 July 2020 (Mendes).

158 SDIR, [Evidence](#), 20 July 2020 (Cotler).

159 SDIR, [Evidence](#), 21 July 2020 (Mendes).

160 International Commission on Intervention and State Sovereignty, [The Responsibility to Protect](#), December 2001, p. VIII.

General Assembly.¹⁶¹ The adopted resolution speaks of collective responsibility and state action using diplomatic or military interventions through the UN.¹⁶² Neve, however, urged the Subcommittee to focus on preventative measures such as sanctions, multilateral action, or “justice and accountability measures.”¹⁶³ Mendes concurred, stating that acting in concert with the commitment could include imposing targeted sanctions or working with allies to adopt penalties that would contribute to China ending its persecution of Uyghurs and other Turkic Muslims.¹⁶⁴

The call for sanctions was made by a number of witnesses. Some specifically mentioned Canada’s *Justice for Victims of Corrupt Foreign Officials Act* (Sergei Magnitsky Law), which they explained could be used against Xinjiang or CCP officials.¹⁶⁵ The original architect of Magnitsky sanctions, William Browder, Head of the Global Magnitsky Justice Campaign, noted the main benefit of using the regime is that its sanctions are targeted, thus limiting collateral damage.¹⁶⁶ That is, targeted sanctions affect the perpetrators of violations of human rights while avoiding impact upon the broader Chinese population.

As such,

Recommendation 15

The Subcommittee recommends that the Government of Canada apply targeted sanctions under the *Justice for Victims of Corrupt Foreign Officials Act* against officials responsible for committing gross violations of human rights against Uyghurs and other Turkic Muslims in Xinjiang. The Government of Canada should also encourage international allies and like-minded countries to pursue similar sanctions.

Considering Canada’s obligations under the Genocide Convention and its role in developing the Responsibility to Protect, the Subcommittee urges the Government of Canada to take its recommendations seriously. The Subcommittee will be expecting the

161 SDIR, [Evidence](#), 21 July 2020 (Mendes); SDIR, [Evidence](#), 20 July 2020 (Cotler).

162 United Nations General Assembly, [Resolution adopted by the General Assembly on 16 September 2005: 2005 World Summit Outcome](#), UN Doc. A/RES/60/1, 24 October 2005.

163 SDIR, [Evidence](#), 20 July 2020, 1345 (Neve).

164 SDIR, [Evidence](#), 21 July 2020 (Mendes).

165 Canada’s *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)* foresees sanctions in the form of asset freezes and dealings prohibitions to be imposed against foreign nationals in cases where the Governor in Council has determined that a foreign national is responsible for, or is complicit in, gross violations of human rights and/or is responsible for, or is complicit in, acts of significant corruption. Persons, other than permanent residents, who are subject to such orders are also rendered inadmissible to Canada.

166 SDIR, [Evidence](#), 21 July 2020 (William Browder, Head, Global Magnitsky Justice Campaign).



Government of Canada to respond to its recommendations in short order with an update as to their implementation.

CONCLUSION

The Subcommittee received evidence from credible witnesses that the Government of the PRC is using extraordinary means to persecute and repress Uyghurs and other Turkic Muslims in Xinjiang. The measures employed include:

- pervasive state surveillance;
- prohibition of the practice of religion and destruction of religious symbols;
- unlawful detention in concentration camps and other severe deprivation of physical liberty;
- forced labour;
- enforced disappearances;
- separation of families;
- forced birth control and sterilization.

When taken together, and in consideration of the scale of the campaign as well as the historical relationship between the Government of the PRC and Uyghurs and other Turkic Muslims, the Subcommittee is convinced that these oppressive measures amount to genocide. Not only do the acts clearly meet some of those listed in the Genocide Convention, they are indicative of the Government of the PRC's intent to eliminate Uyghurs.

The atrocities committed are having a devastating impact on Uyghurs and other Turkic Muslims. The level of surveillance and the relentless use of unlawful detentions have had a chilling effect. Uyghurs and other Turkic Muslims cannot practice their religion publicly and they fear their neighbours and friends. The prospect of being arbitrarily placed in a concentration camp or forced to work in a factory outside of Xinjiang, away from their families, is always looming. Coupled with this possibility is the threat of losing their children to state run schools and orphanages.

The birth control measures are having their intended effect. They are imposed to such a high degree that that they are crippling birthrates among Uyghurs and other Turkic Muslims. When combined with policies encouraging Han Chinese people to move to Xinjiang, it is hard to imagine a future for Uyghurs and other Turkic Muslims on their ancestral land.

Despite international attention, the Government of the PRC is showing no sign of remorse or of slowing down. The time to act is now, or it will be too late. The Subcommittee is calling on the Government of Canada to take the lead in calling out the Government of the PRC for committing a genocide, imposing sanctions and rallying the international community to end these atrocities. It reminds the Government of Canada that the commitments it made when it ratified the Genocide Convention include taking steps to prevent genocide. The Subcommittee strongly believes that implementing its recommendations could be a good starting point for the Government of Canada to meet its international obligations.

APPENDIX A LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [webpage for this study](#).

43rd Parliament – 1st Session

Organizations and Individuals	Date	Meeting
American Turkic International Lawyers Association Rayhan Asat, President	2020/07/20	4
Amnesty International Canada Alex Neve, Secretary General	2020/07/20	4
As individuals Jewher Ilham, Author, Human Rights Activist Olsi Jazexhi, Professor and Journalist Hon. David Kilgour Jacob Kovalio, Associate Professor Carleton University Chris MacLeod, Lawyer, Founding Partner Cambridge LLP Sayragul Sauytbay, East Turkestan Minority Activist, Recipient of the 2020 International Women of Courage Award Kamila Talendibaevai, Uyghur Rights Activist	2020/07/20	4
Canadians in Support of Refugees in Dire Need Irene Turpie, Professor Emerita	2020/07/20	4
International Support for Uyghurs Raziya Mahmut, Vice-President	2020/07/20	4
Raoul Wallenberg Centre for Human Rights Hon. Irwin Cotler, Founding Chair	2020/07/20	4
Uyghur Rights Advocacy Project Mehmet Tohti, Executive Director	2020/07/20	4

Organizations and Individuals	Date	Meeting
Victims of Communism Memorial Foundation Adrian Zenz, Senior Fellow in China Studies	2020/07/20	4
As individuals Olga V. Alexeeva, Sinologist and Professor of Contemporary Chinese History, Université du Québec à Montréal Omerbek Ali, Uyghur Rights Activist Gulbahar Jelilova, Uyghur Rights Activist Azeezah Kanji, Legal Academic and Journalist Guy Saint-Jacques, Consultant, Former Ambassador of Canada to the People's Republic of China	2020/07/21	5
Center for Strategic and International Studies Amy Lehr, Director, Human Rights Initiative	2020/07/21	5
Global Magnitsky Justice Campaign William Browder, Head	2020/07/21	5
International Commission of Jurists Canada Errol P. Mendes, Professor of Law and President	2020/07/21	5
Uyghur Human Rights Project Elise Anderson, Senior Program Officer for Research and Advocacy	2020/07/21	5

APPENDIX B LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

43rd Parliament – 1st Session

Canadians in Support of Refugees in Dire Need

Department of Foreign Affairs, Trade and Development

Diliner, Ainiwa

Dillon Hopur, Dilshat

Hamid, Jurat

Smith Finley, Joanne

Talifujiang, Rouzi

APPENDIX C LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

43rd Parliament – 2nd Session

Anonymous Author - Auteur anonyme

Amnesty International Canada

Australian Strategic Policy Institute

Bughda, Enver Tohti

Campaign for Uyghurs

Canadian Labour Congress

East Turkistan Association of Canada

East Turkistan Government in Exile

International Support for Uyghurs

National Council of Canadian Muslims

Uyghur Human Rights Project

Uyghur Refugee Relief Fund

Uyghur Rights Advocacy Project

World Uyghur Congress

Xi Er Mai Mai Ti, Jia Wu Lan

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* of the Committee ([Meeting No. 20](#)) is tabled and copies of the relevant *Minutes of Proceedings* of the Subcommittee on International Human Rights ([Meetings Nos. 1 and 8](#)) of the 43rd Parliament, 2nd Session and ([Meetings Nos. 4 to 6](#)) of the 43rd Parliament, 1st Session are tabled.

Respectfully submitted,

Sven Spengemann
Chair

