

Preliminary recommendations with regards to a "Dutch Uyghur Human Rights Bill"



A photograph on transfer of Uyghur detainees from Korla city of the Uyghur region, (the video was recorded using a drone by an unknown person)



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As per the Universal Declaration of Human Rights¹ adopted on the general assembly of the United Nations on 1948, among the many rights that every human being is entitled to, are included freedom of thought, freedom of belief, freedom of expression and freedom of assembly.

The People's Republic of China has pledged to protect the rights set out in this declaration by signing this major document of the United Nations. Despite this, the rights of the Uyghur people have been severely violated for decades, with significant abuses that have left millions of Uyghurs deprived of any of their human rights, and lead to the current situation of mass-scale imprisonment in internment camps, against the promise to the world "Never Again" that was made in the wake of the Holocaust that took place during World War II.

The Uyghur homeland has been turned into an open-air prison, with descriptions that could be only paralleled by George Orwell's dystopian novel "Nineteen Eighty-Four". The whole region has been transformed into a police state, with millions of cameras and unprecedented levels of high-tech surveillance that make use of the state-of-the-art technologies in Artificial Intelligence (A.I.)² and facial recognition³. Following the revelation of the existence of internment camps to the International Community, which were first denied by China before it admitted them, the Uyghur tragedy has become one of the highlights of the world agenda. As a result, in response to the human rights abuses of the Uyghurs and other Turkic peoples of the region, the House and the Senate of the United States of America recently took the crucial steps of passing a bill that became known as *Uyghur Human Rights Policy Act*. In this context, we, all the members of the Dutch Uyghur Human Rights Foundation, plea the Government of the Kingdom of the Netherlands to similarly consider a "*Uyghur Human Rights Bill (or Law)*" that would allow the protection of the rights of the Uyghur people, and enable adequate measures against the Chinese officials who have been explicitly involved in the human rights violation of the Uyghur Dutch citizens and their relatives abroad in their homeland.

We would like herein to respectfully recommend various aspects for consideration in the drafting of what would become a *Dutch Uyghur Human Rights Law or Dutch Uyghur Human Rights Bill*.

¹English language version: <https://www.un.org/en/universal-declaration-human-rights/>
Mandarin version: <https://www.un.org/zh/universal-declaration-human-rights/>

² <https://www.nytimes.com/2019/04/14/technology/china-surveillance-artificial-intelligence-racial-profiling.html>

³ <https://cn.nytimes.com/china/20190523/china-surveillance-xinjiang/dual/>

It ought to be mentioned that accounts of oppression by the People's Republic of China against Uyghur and other Turkic people in the region, are actually not new, and stem back to the birth of Communist China. When Mao founded the People's Republic of China in 1949, the Chinese government renamed the Uyghur homeland as the "Xinjiang Uyghur Autonomous Region". Shortly afterwards, a paramilitary organisation called the Xinjiang Production and Construction Corps (XPCC) was created by the communist regime, and settled in the Uyghur region. It was an independent body of authority, parallel distinct from the existing Uyghur Autonomous Region Authority. The XPCC initially comprised 175000 members of military personnel. It was abolished in 1975 before being reinstated in 1981, and consists today in a workforce of 2.6 million members that include reservists, militias and economic division supervising the Han colonisation of Xinjiang, through a program of relocation of ethnic Han families from mainland China to the Uyghur homeland.

The existence of the XPCC has made the so-called Xinjiang Uyghur Autonomous Region exist in name only. For this reason, the rights of the Uyghurs have been severely violated for years. During the severe historical periods such as the Great Chinese Famine, or nationwide communist campaigns such as the Great Leap Forward, the Great Cultural Revolution, the Down to the Countryside Movement etc., the education and culture of the Uyghurs were severely damaged, the Uyghur elite and intellectuals were eradicated, and the oppression of the Uyghurs continued relentlessly. By the 1980s, with the Chinese policy of "Economic Reform and Opening-Up" program, demands for "equality, freedom and democracy" among Uyghur youths, with a slight easing of oppression of Uyghurs, were increasingly voiced publicly on various occasions, such as in the Uyghur Student Movement of 1985. They were severely repressed by the Chinese government, and were followed by the Barin uprising in 1990 and the Ghulja uprising in 1997, which both constituted the culmination of Uyghurs' aspirations for freedom and democracy.

The July 5th massacre in 2009 marked a major turning point in China's ethnic policy towards the Uyghur people. According to the 2010 Census, and numerous statistical studies organised by the Chinese state about the Uyghurs, the Uyghur population had, at the time, the fourth largest population in China, with a particularly deep sense of Uyghur national identity, ethnic, cultural, religious, and language differences from the Chinese people. The ethnic policies within China shifted dramatically towards adopting what was called "The Great Chinese Nation Ethnicity" identity to minorities. Shortly afterwards, Hu Angang, the head of the Centre for Chinese Studies (run by the Chinese

Academy of Sciences at Tsinghua University) proposed a “second-generation ethnic strategy”⁴ of China based on a return to Maoist-type policies. This strategy highlights the deep sense of national identity of the Uyghurs, and the fact that the fourth largest population in China is a threat to the Chinese state, and he recommended the Chinese government to start forcing the Uyghurs to adopt the "Chinese National Identity" through very aggressive assimilation policies. Indeed, the Uyghurs have since been subjected to more severe repression in the aftermath of various movements that became all labelled as terrorist or extremist under the new policies. In May 2014, the Chinese government launched a “crackdown on extremism” in the Xinjiang Uyghur Autonomous Region. In the face of the International Community, The Communist government of China have opportunistically used the fears of worldwide terrorist organisations, and China regularly tried to make dubious and fabricated claims that the Uyghurs’ legitimate democratic aspirations were somehow connected to international terrorism. The repression reached dramatic new heights since August 2016 after the appointment of Chen Quanguo, who had been previously a Communist Party Secretary in the Tibet Autonomous Region, and is now the China Communist Party (CCP) General Secretary for the Uyghur Autonomous Region.

To date, the wealth of evidence accumulated by numerous researchers, human rights organisations, investigation journalists, and think tanks around the world are overwhelmingly compelling, and do not leave any doubt that, since 2014, the Chinese government has set up the mass-scale internment of an estimated at least 2 million Uyghur and other Turkic ethnicities, under the pretence of re-education or de-radicalisation. The testimonies of camp witnesses such as Omerbek Ali, Mehriqul Tursun, Zumrat Davut, Gulbahar Jalilova, Tursunai and others about the camps have played a very important role in the emerging international awareness of the Uyghur internment camp tragedy. Authenticated sources include Chinese government's own secret documents about the camps, which have been leaked by prominent media campaigns, such as the China Cables, published in 2019⁵ and 2020⁶, by the International Consortium of Investigative Journalists. There are more than 20 thousand personal testimonies made by the Uyghurs living abroad for their families in their hometown. All these material from so many distinct sources converge to the grim reality that, without the shadow of a doubt, the Chinese Communist Party (CCP) is the

⁴ <https://www.sinoss.net/uploadfile/2011/1229/20111229100022433.pdf>

⁵ <https://www.icij.org/investigations/china-cables/read-the-china-cables-documents/>

⁶ <https://www.icij.org/investigations/china-cables/new-leak-shows-how-china-targets-uyghurs-in-xinjiang/>

master architect of a mass-scale, state-backed, and meticulously organised eradication of the Uyghur identity, in complete violation of the UN Universal Declaration of Human Rights. This shocking enterprise from the CCP is supported the latest technologies that have penetrated modern systems in the recent years, such as Artificial Intelligence systems making use of the so-called deep-learning and neural network-based surveillance methods. Moreover, there is indirect evidence pointing to the possibility that the number of Uyghurs actually imprisoned in these camps could be significantly higher, with data hinting to four or five million. Satellite imaging data on the location these camps are available and have allowed to geographically identify some of them⁷. Some of the most atrocious human rights violation carried out within the past 4 years under Chen Quanguo, qualify as crime against humanity, such as forced organ transplant, biological and chemical experiments on human body, forced labour, DNA collection⁸ and many others. The issue of unethical use of the human body in China has actually surfaced in alarming proportions, and lead, for example, to call to retract the publication of 400 scientific papers in 2019⁹.

Today, in this 21st century, in a so-called "Age of Peace" in the Human History, millions of people in a Uyghur-majority land called the Xinjiang Uyghur Autonomous Region, are suffering from indescribable oppression and torture in hundreds of internment camps and nets above and snare below surveillant system. Added to the threat posed by the Coronavirus pandemic, and the complete severance of contacts with their loved ones back in their homeland, the Uyghurs living abroad are suffering both physically and mentally. The Chinese government's outstretched hand abroad has put the Uyghurs in a precarious situation no matter where they live, harassing them even abroad, as shown in the example of the United Kingdom¹⁰. The Uyghur Human Rights Policy Act, which has been successfully passed in both Senate and House of Representatives of the United States of America, and signed into law, has raised new hopes and strength that the plight of the Uyghurs can be addressed in a

⁷ <https://medium.com/@shawnwzhang/list-of-re-education-camps-in-xinjiang-%E6%96%B0%E7%96%86%E5%86%8D%E6%95%99%E8%82%B2%E9%9B%86%E4%B8%AD%E8%90%A5%E5%88%97%E8%A1%A8-99720372419c>

⁸ <https://www.hrw.org/news/2017/12/13/china-minority-region-collects-dna-millions>

⁹ <https://www.theguardian.com/science/2019/feb/06/call-for-retraction-of-400-scientific-papers-amid-fears-organs-came-from-chinese-prisoners>

¹⁰ https://www.vice.com/en_uk/article/akzww8/china-surveillance-uighur-muslims-uk

democratic way and in accordance of the principles of mutual respect that are the foundation of the International Community.

Such initiatives are merely the first steps in protecting the Uyghurs abroad and holding China accountable regarding its contempt for its responsibilities toward the International Community and its own people. The Uyghurs of this country are deeply and immensely grateful to the Dutch government of the Kingdom on Netherlands for its efforts to protect and guarantee our rights throughout the years. Today however, with a China that has become increasingly bold, assertive and aggressive by the year, our situation is in danger like never before. We heartily plea that the crackdown on the Uyghurs and the human rights abuses, cultural genocide, the imprisonment of millions of people in the camps, will be addressed and recognised through an appropriate legislation.

In this context, our recommendations are as follows:

1. Policy: A comprehensive re-evaluation of the Dutch government's policy towards China based on the recently accumulated documentation of human rights abuses in the Uyghur region. This can be followed by a Committee Debate in the parliament.
2. Preventing perpetrators from studying, working, or doing business in the Netherlands. Chinese government officials and their families, whether in the Netherlands or attempting to visit or do business in the Netherlands, who have been engaged in, or associated with violations of the rights of Uyghurs and other indigenous people in the Uyghur region, should be legally sanctioned and denied visas, in accordance with Global Magnitsky principles. These crimes may include human rights abuses such as extrajudicial executions, corporal punishment, serious breaches of internationally recognised human rights, and large-scale bribery committed jointly by government officials or their senior assistants.
3. Reporting on human rights violations and Dutch policy responses. The Dutch Foreign Ministry should devote a separate section in its annual report on Dutch human rights policy to the Xinjiang Uyghur Autonomous Region.¹¹

¹¹ <https://www.government.nl/documents/reports/2019/10/22/human-rights-report-2018>

4. Family Reunification and Harassment. Assistance and support in resolving the difficulties of Uyghur Dutch Citizens or Residents in terms of family reunification and ability to contact their relatives without any obstruction, and prevent and protect them from Chinese government's cross-border threats and harassments.^{12 13 14}
5. Identifying and holding accountable Dutch-Chinese companies involved in the human rights abuses of ethnic groups in Uyghur region, such as forced labor, scientific experiments on human body, exporting biological or physical surveillance technologies to China.
6. When possible, reviewing the asylum application and repatriation of Uyghurs, reducing the complexity of the asylum applications from Uyghurs since the long-lasting application process can be mentally difficult for Uyghurs, who most often, have already been suffering from the loss of their families and various mental stresses.
7. A medical evaluation of the mental and psychological health of Uyghurs in the Netherlands as a result of the oppression of their relatives in China, and as a result of the severance of their contacts with their families and relatives, and if possible, psychological aid and support to be provided to the most seriously affected.
8. Request the Chinese government to allow Dutch citizens have free access to all parts of the Uyghur region and all parts of the Chinese provinces, and conversely, travel-restrict or visa ban to those Chinese government officials who have been involved in restricting foreign access to the Uyghur region.
9. Finally, a ban on the export of high-tech products of the Dutch companies to China, as this would prevent further contribution to the violation of human rights to protect the Uyghurs, and we also call for the prohibition to the defamation propaganda from the Chinese government in the Netherlands against the Uyghurs.

¹² <https://uhrp.org/press-release/uhrp-report-weaponized-passports-crisis-uyghur-statelessness.html>

¹³ <https://uhrp.org/press-release/fifth-poison-harassment-uyghurs-overseas.html>

¹⁴ <https://uhrp.org/press-release/new-uyghur-human-rights-project-uhrp-report-details-how-chinese-government-engaged>