



Foreign Affairs Committee

Oral evidence: Xinjiang detention camps, HC 800

Tuesday 15 December 2020

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Members present: Tom Tugendhat (Chair); Chris Bryant; Neil Coyle; Alicia Kearns; Stewart Malcolm McDonald; Andrew Rosindell; Bob Seely; Henry Smith; Royston Smith; Graham Stringer; Claudia Webbe.

Business, Energy and Industrial Strategy Committee members present: Ms Nusrat Ghani.

Questions 1-51

Witnesses

I: Dolkun Isa, President of the World Uyghur Congress, and Schona Jolly, QC, Chair of the Bar Human Rights Committee.

II: Professor Fionnuala Ní Aoláin, United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, and Nury Turkel, Commissioner at the United States Commission on International Religious Freedom.

Written evidence from witnesses:

Bar Human Rights Committee

<https://committees.parliament.uk/writtenevidence/19000/html/>.



Examination of witnesses

Witnesses: Dolkun Isa and Schona Jolly, QC.

Chair: Good afternoon and welcome to this afternoon's session of the Foreign Affairs Committee. We are very lucky to have with us two very good witnesses for this session about the persecution of the Uyghur Muslim community in Xinjiang. Will our first witness, Dolkun Isa, briefly introduce himself?

Dolkun Isa: Good afternoon, dear Chairman and hon. Members of the Foreign Affairs Committee. First, I would like to thank you for holding this evidence session to throw a light on what I say. I am Dolkun Isa, the president of the World Uyghur Congress. I have been in Germany since 1996. My entire family are direct victims of the Chinese genocidal campaign and the concentration camps. Like all the Uyghurs in the diaspora, I am an indirect victim and a genocide expert. They call us secondary survivors. We have suffered unbearable trauma for nearly four years. I received political asylum in Germany in 1996. I have not seen my parents since I left my homeland. In May 2018, I heard that my mother died in one of the concentration camps. Then in January this year I learned from the *Global Times* that my father was dead.

Chair: Mr Isa, forgive me. This bit is just for you to give a one-line introduction as to who you are. I will take chair of the World Uyghur Congress as the introduction and we will come to other bits in a moment. Ms Jolly, over to you.

Schona Jolly: My name is Schona Jolly. I am a QC practising at Cloisters Chambers in London. I am here in my capacity as chair of the Bar Human Rights Committee of England and Wales.

Q1 **Chair:** Thank you. Mr Isa, perhaps this would be a better opportunity for you to address some of these questions. This question is for both of you, but don't feel the need to repeat anything if the other has already said something that you would have said. Mr Isa, how would you describe the UK's overall response to the Xinjiang crisis?

Dolkun Isa: The UK Government has been vocal in condemning the atrocities of the Chinese Government against the Uyghurs in East Turkestan¹, particularly at the UN human rights level. The US Government made a joint statement, and last year in March and October five countries called a UN side event in the General Assembly in New York and at the Human Rights Council in Geneva: the US, Germany, Netherlands, UK and Canada.

¹ Explanatory footnote: 'East Turkestan' is an alternative name for 'Xinjiang' often used by those who do not accept that the area is a territory of the People's Republic of China.



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Also, in September this year, 39 countries, including the UK, signed a joint letter to the UN. We appreciate this effort, but the UK has not taken any concrete action. The UN has not actually done anything to honour its obligations under the UN's Genocide Convention. The Uyghur crisis should be a matter for the UN Security Council, which is mandated to prevent and halt genocide. The UK, as a permanent member of the UN Security Council, should raise this issue, but it does not. The Security Council has not acted. The General Assembly has not acted. The UN Human Rights Council has not acted. The targeted Magnitsky sanctions against individuals or institutions, like Chen Quanguo, the US already did, but we have not seen any such action from the UK side.

On the trade measures, particularly cotton imported from China, 85% of all cotton in China is from forced labour in East Turkestan, and globally more than 22% of cotton is from forced labour in East Turkestan. National legislation is needed to ensure that UK companies are not profiting from the Uyghur forced labour. So we can say that the UK and the UN Human Rights Council were already active, but so far we have not seen any concrete actions.

Also, not enough effort has been made to commission a tribunal to probe evidence of atrocities through the courts of law. Cross-party amendments were adopted seeking a UK court to make an elementary ruling on the genocide. We hope Members of Parliament will support a trade amendment Bill that raises the question of the genocide at the UK court.

Q2 **Chair:** Thank you very much indeed. Ms Jolly, what are your thoughts on the UK's response?

Schona Jolly: I am going to start with the positive, which is that there have been very welcome diplomatic efforts to express the grave concern at the credible allegations that have been uncovered. I know that there have been diplomatic efforts behind the scenes, which of course have led to the increase in the number of signatories for letters that the UK has promoted in this respect. But I think you have to set this in the context of the severity and widespread nature of the allegations we are looking at. You have to think about the fact that we have this increasing number of allegations sweeping across the range of international human rights and criminal law violations, from forced labour to torture, detention camps, sexual violence, forced reproductive violence, forced organ harvesting and so on, and when you look at the wide range of those allegations and the severity of them, it is my view that the UK response has not been sufficiently robust.

Notwithstanding some of the limitations that exist in international law, which no doubt we will come on to talk about, there is sufficient scope for more steps to be taken pursuant to international law, in pursuit of the diplomatic and political means available to the UK and also in a joined-up approach at domestic level, considering laws on corporate accountability, the position on asylum for Uyghur asylum seekers and so on. So there is a range of measures that we will come on to talk about that could and should be adopted by the UK to give weight to the rhetoric. I accept that it



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is not just rhetoric—the UK has taken some action to criticise and condemn—but it is not enough, given the severity of the allegations.

Chair: Thank you very much. We will come to some of those areas, and I am sure people will mention the BBC report on the cotton harvest in Xinjiang that has come out this morning—a very impressive piece of work went into demonstrating that.

Q3 **Chris Bryant:** Thank you very much for joining us today. Have the UK Government done enough specifically for Uyghurs who are in this country? Are there any particular groups that might be more at risk than others?

Dolkun Isa: Uyghurs and diaspora members have faced difficulty from time to time. The Uyghur community living in the UK have not had many problems, but Uyghur refugees have a lot of problems in other countries. For example, in 2015, 109 Uyghur refugees were forcibly deported from Thailand to China, and in more than five years we have not been able to get any news. We witness such a refugee crisis from time to time, but in recent months three Uyghurs were deported from Indonesia to China. In 2009, 22 Uyghur refugees were deported from Cambodia to China, so there is a long history of this, and that is why the UK can co-ordinate the efforts to stop the deportation of Uyghur refugees.

In 2017, more than 20 Uyghur students from Egypt were deported to China—students are another issue. There are also stateless Uyghurs in Turkey and other countries, because some of the Uyghur diaspora's passports have expired and China's consulates and embassies do not want to extend them, so those people have automatically become stateless. Some Uyghur children have been born in Turkey and other countries, but if the Chinese Government does not provide them with birth certificates, they become stateless.

The UK Government can support the case of 54 Uyghur refugees who have been in detention centres in Thailand for seven years because no country has accepted them. The UK Government can establish aid for them and offer emergency financial support, basic subsistence and medical, psychological and legal support.

Another significant issue for us is that the BBC is an influential broadcaster, but there is no Uyghur-language broadcasting. It is very difficult to get information from China. We have lost contact between us—the diaspora and our families. Personally, I lost contact with my family since 2017. So, a BBC Uyghur language service should be implemented. It should be broadcast in the Uyghur language. There is only one broadcaster, Radio Free Asia, in the Uyghur language, so the BBC should now.

Another issue is that UK universities should end co-operation with the Chinese Ministry of Education. Hundreds of Uyghur professors and intellectuals are confirmed disappeared and detained. That is how the UK can help the Uyghur refugees, mostly in Turkey. Without legal documents,



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they cannot enrol in university, so the UK can assist Uyghur refugees, students and intellectuals.

Chris Bryant: Professor Jolly?

Schona Jolly: Ms Jolly.

Chris Bryant: Ms Jolly—sorry, I am getting all my titles mixed up today.

Schona Jolly: I do not want to add too much to what Mr Isa has just said. I would emphasise the point that there has been a policy of forcible returns from a number of other countries that Mr Isa was talking about. The one positive step that the UK could make to assist the Uyghur diaspora, the Uyghur asylum seekers who are here, is to adopt a formal asylum policy not to forcibly return ethnic Uyghur Muslims to China.

I know that was called for in the summer by various MPs and members of the diaspora. This is not my area of expertise—I do not practice in immigration and asylum law—but, as I understand it, the country information on China that the Home Office publishes is two years old and in the normal way requires people to demonstrate that they are likely to be at risk. In the wake of the evidence that we have, and is there and available, that should be an automatic assumption, given the circumstances.

Q4 **Chair:** May I ask a quick question of Ms Jolly: is China a slave state?

Schona Jolly: By which you mean the evidence for forced labour that exists in China.

Chair: Yes.

Schona Jolly: I am not sure I would use the language “slave state”. What there appears to be—indeed, in the report that was published this morning—is a very significant increase in the available evidence for forced labour in Xinjiang. Previously, we had estimates from the Australian Strategic Policy Institute, which put something like 80,000 Uyghurs at risk of forced labour or concerned with the forced labour camps, to which there had been transfers from the detention camps. That is how there was evidence of forced labour.

That number, in the report that Adrian Zenz produced and launched this morning, has now increased to well over half a million. Previously, the evidence for forced labour was related to other areas of garment production, for example. This is now in respect of the picking of raw cotton, so there now appears to be evidence of potentially half a million people involved in forced labour in the picking of raw cotton in Xinjiang, which amounts to over 20% of the world’s cotton, including some very high-quality cotton.

That means that the wider fashion industry, or the garment industry, can no longer be satisfied that the material that they use, the raw material that they source from Xinjiang, is not tainted by forced labour. That is a



very serious escalation of the allegations of forced labour that we have known to date.

- Q5 **Chair:** In the 1800s, in the UK, we used to get sugar bowls that had African slaves painted on the bottom of them, so we knew quite certainly that our sugar had been made from the blood of people. Do you think that we should be looking at Chinese cotton in the same light?

Schona Jolly: In light of the allegations that we have had today, I do not think it is a safe assumption that any cotton that has come from Xinjiang is not tainted by forced labour. What that means is that anything that any of us are wearing now which may contain that cotton may be tainted in the same way.

There was one interesting piece that came out of the BBC reporting on this this morning. The BBC apparently approached 30 major international brands to ask them whether they would now stop using cotton that was imported from China. Of those that replied, only four—M&S, Next, Burberry and Tesco—confirmed that they had a strict policy not to use that cotton. That is extremely worrying, in light of other calls, from for example the Better Cotton Initiative and other civil society organisations, who have been campaigning with the information that they have on the use of that cotton in all kinds of fashion brands around the world. We are into very different territory on forced labour as a result of what we have seen in the last day or so.

- Q6 **Henry Smith:** My appreciation to our witnesses for their evidence today. So far, you both seem to have suggested that the UK's diplomatic representations have not been as robust as they could have been. In your view, what should the UK be doing in terms of making representations to China regarding the treatment of Uyghurs? Should the focus be on a more robust public naming and shaming, for example, or on a more subtle direct engagement?

Dolkun Isa: Actually, the UK can do a lot. The UK vocally supports the Uyghur issue but, as I said, we have not seen any visible action.

The UK can demand an independent UN mechanism to investigate, closely monitor and annually report on the crimes against humanity and genocide committed against the Uyghurs and other Muslims in East Turkestan, and the call for wider special experts. So far, there has been no single resolution from the UN Human Rights Council, no act by the Security Council, no urgent session at the UN Human Rights Council and no special rapporteur. The UK, as a member of the Security Council, can push for a UN mechanism.

Besides that, the UK can hold China accountable through co-ordinated sanctions with allies—Magnitsky-style sanctions against state and non-state individuals. This year, the US State Department took some concrete action and sanctioned four high-level Chinese Communist Party officials, who are directly related to the genocide, including Chen Quanguo and Zhu Hailun. The UK can do that, and take action against companies and institutions facilitating the persecution of the Uyghur, and the companies



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importing produce from China, through asking them to investigate their supply chains for Uyghur forced labour in their supply chains from China.

Another complication is the 2022 Beijing Winter Olympics, which obviously China host. China should not have the right to host the Olympics. So many human rights organisations and the Uyghur community are campaigning that the Olympic Committee should change the decision, but so far it continues to plan to hold the 2022 Winter Olympics in Beijing. The UK can boycott that—the UK National Olympic Committee can boycott the 2022 Winter Olympics.

Q7 Henry Smith: Thank you for that very comprehensive and clear answer. Ms Jolly, I would be grateful for your thoughts.

Schona Jolly: I think the question that you asked was whether the approach should be subtle or the UK should adopt a louder, naming and shaming strategy. In all honesty, I think that one should adopt both. I think that you will have been unsurprised to hear me say that, and I am sure that most ambassadors would be unsurprised to hear me say it. I don't think I really need to comment on the "subtle" point—I hope that that activity will always, in any event, be going on behind the scenes. So I think the question is whether there should be a loud naming and shaming—loud diplomacy—as well. I think the answer to that has to be yes, and there are two or three key reasons for that.

The first is that the Chinese have met all these allegations with an active denial. You may have seen, for example, the Chinese ambassador to Britain on "The Andrew Marr Show" in the summer, when he was shown footage alleged to be of Uyghur people being blindfolded and handcuffed, with their hands tied behind their backs, and led on to trains. It was alarming footage, and the ambassador claimed not to know about that.

What we have is a constant denial saying, "The Uyghur people are happy. Look at them. They're smiling. They're wearing their national costumes. They're very happy. This is all voluntary"—the detention camps are all voluntary. I think that, in situations where you have such an active denial, a subtle approach just can't work; that has to be called out.

The second point as to why I think it is so important to name and shame is that China has embarked on this intense lobbying campaign—following on from its belt and road initiative—actively seeking to engage Muslim-majority states. For example, it has responded to the UK-led letter of criticism by gathering a bigger number of states to say, "Actually, international law is nobody's business—what is happening is China's business. Everyone else should mind their own." So China's response is not only to deny what is happening, but to actively seek to engage a wide part of the international community to support it. Of course, that is not only detrimental to the situation faced by Uyghur Muslims and others in Xinjiang; it is also very detrimental to the international order and the point of international law in the first place. So I think states have a duty—we may talk about this later—to act in concert to call this out, because we are



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not talking about minor breaches; we are talking about the most egregious human rights violations.

The third point, which calls for that also, is that China has blocked, pointedly, all attempts at external investigation. I think we will probably come on to talk about that later, if we are talking about some of the international mechanisms, so I won't say much now, but one of the only ways in which we can make progress is to have independent and impartial investigators enter Xinjiang.

So I think there does need to be a calling-out of China. Indeed, I would say that China needs to be called on to cease and desist, effectively, all violations and to uphold its obligations, and that will include allowing in international investigators. *[Interruption.]* Sorry, my phone was switched off, but the inevitable just happens sometimes on Zoom. In short, for those three reasons, yes, I think there does need to be much louder diplomacy.

Henry Smith: Thank you very much. That was very clear—*[Interruption.]*

Schona Jolly: It's all switched off. I'm so sorry about that.

Q8 **Ms Ghani:** It is good to finally see on screen Mr Isa and Ms Jolly. I believe that you were involved in my BEIS Committee inquiry, which is looking at UK business supply chains that link back to the region of Xinjiang.

I want to refer to one of the issues that you raised, Mr Dolkun, which is that countries such as Indonesia and Cambodia are sending Uyghur back to China. When Uyghur are going on pilgrimage to Saudi Arabia, Saudi Arabian officials are also detaining and deporting them back to China. Could you shed light on how China has been able to persuade the broader majority-Muslim countries to side with them? What can we do to stop them siding with China on Xinjiang?

Dolkun Isa: As you say, many countries, particularly Muslim-majority countries, have chosen not to condemn the human rights atrocities against the Uyghur by the Chinese Government, or have even given their local support to the Chinese authorities. We have seen in the UN, this September, that 39 countries condemned the Chinese atrocity against Uyghurs, but another 50 countries supported the Chinese Government. Most of them were Muslim-majority countries.

One of the main reasons for that is that China has heavy economic leverage that it has been able to build up through programmes like the belt and road initiative. It is mostly economic interest. A second reason is that that kind of country, or most of them, also have their own human rights violations. They have a lot of human rights problems. During the international platform of the Human Rights Council session, China and those countries set up a coalition to co-operate together and protect each other.



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In this way, the UK, some western countries and European countries are happy to condemn China, but that is not good enough. So the UK, some European countries, the United States and other countries should set up a coalition. So far, there are very few, because China undermines western countries as well. The split of western countries and western democracies means they cannot be as one voice. Sometimes they are so split. When there is a difference of voice, China uses that opportunity to undermine or manipulate the UN and other international organisations. So the UK, the United States, the European Union, Germany—all those countries—should set up a coalition with one voice to make pressure. That is the only way.

Another issue is that we are trying to encourage Muslim countries. I personally had a meeting, a standard conference organisation, with the ambassadors to the United Nations. They personally sympathise with the Uyghur issue, but the problem is that the majority of countries—Pakistan, Egypt, Saudi Arabia—blocked any statement against the Chinese Government, and blocked even support of that.

Institutions in the UK should use their own capacity to encourage and talk to those countries. That is the only way. Because the UK has so many economic interests and diplomatic relationships with Muslim countries it should ask them and encourage them to stop the deportation of Uyghur refugees and stop supporting the Uyghur genocide committed by the Chinese Government. Because a continued silence about the Uyghur genocide is approval of the genocide itself. The issue must be raised by the UK. That would be a good way.

- Q9 **Ms Ghani:** Ms Jolly, if I can come to you next. It is obvious that the Chinese are interfering in national economies and trying to collaborate on denying human rights abuses, because those national countries have their own issues that they want to withhold going into the public domain. Is there any chance that we will be able to persuade enough of those countries—not the ones that Mr Dolkun mentioned in the west that are already trying to campaign on the issue, but the other ones that are engaged in working with China and keeping the abuse of the Uyghur hidden? Is there any hope that we can get them to come forward and work with us?

Schona Jolly: Yes, I think there is a possibility that we can encourage further countries to speak out. One of the reasons for my optimism in that regard is that, although China was recently re-elected on to the Human Rights Council, which was obviously disappointing for all kinds of reasons, nevertheless its share of the vote dropped quite substantially, so I think there is the possibility of persuading other countries to speak out. In order to do that, there has to be a very concerted effort to take concrete steps. I don't know whether you want me to talk about some of those steps now or whether that will be in response to another question. The international community needs to take a number of steps, using all available means, including the means at states' disposal, in terms of international law, domestic law and using the UN mechanisms.



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If there is, for example, a finding by a treaty body—in this instance, I am thinking particularly of the CERD committee in respect of the convention on race discrimination—an advisory opinion by the ICJ about the kind of issues that we are talking about, or a finding by an independent tribunal that states support and makes findings as to these effects, there is the scope and capacity for public support in some of those countries, such as Turkey, Pakistan, Malaysia or Indonesia, to turn. It is not enough to hope that diplomatic measures behind the scenes might encourage that. Actual determinations, in so far as they are possible by treaty bodies, tribunals, a special rapporteur or a body with investigative possibility and determination powers, can be part of that multi-pronged approach internationally to get that sort of support. I think there needs to be that, rather than a private, subtle campaign of diplomacy to encourage it.

- Q10 **Ms Ghani:** Thank you, Ms Jolly. I think we are going to have to use formal measures if we are going to expect any change. Maybe you could shed some of your insight on the issue of Uyghur being extradited back to China. What levers can we use to discourage third countries, or not allow them to have the power to extradite Uyghurs back to China?

Schona Jolly: There are two or three answers, and some of them interlock. The first point is that if Britain wants to lead the way on this issue, it has to be prepared to take steps itself and lead in that process. Those steps, in respect of the specific question that you asked about deportation, involved the question that I answered before when I said that a powerful step for Britain is to say, “We ourselves have an automatic policy of not forcibly returning Uyghurs or other ethnic Muslims to China.” If we have that policy—other countries have adopted such a policy—it becomes much easier. If we don’t have that policy, it is much more difficult to say to other countries, “Do what we say but not what we do.” That is a real problem in this regard, and that is why we need to take active steps.

I also think that if you start to interweave some of the other facets that I have been talking about and you have a determination from a treaty body such as the committee for CERD or an advisory opinion from the ICJ, that may not have legal weight, but it has very substantial moral weight. Those are the sorts of tools and levers that we can then use to put pressure on countries, whether it is Turkey, Egypt, Saudi Arabia or some of the other countries we know have been returning Uyghurs to China. We have to be actively involved and take those steps ourselves first.

- Q11 **Stewart Malcolm McDonald:** Thanks to both our witnesses for joining us. I wanted to ask about a similar issue. I wonder if I can go to Mr Isa. I wanted to ask about non-state actors in particular. What I am interested in, if you can share any information with us, is individuals or organised groups of, for example, academics who are involved in any kind of denial of what is happening in Xinjiang.

I would compare it to, for example, the situation where there is a group of eminent professors at various universities here in the United Kingdom who deny what is going on in Syria. I just wondered whether there is any



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kind of organised effort that is similar in relation to Xinjiang that you would want to draw the Committee's attention to—the kind of people who would be denying the genocide, or standing up for what is happening in Xinjiang.

Dolkun Isa: Yes, it is one of the serious issues today. China's Government are not only trying to monopolise the international system, like the United Nations, Interpol or the World Health Organisation; they are also trying to manipulate and undermine in the academic area. China has spent a lot of money on this—for example, Confucius Institutes. China's Government uses soft power to establish Confucius Institutes around the world, and they are trying to undermine western democracy. Today, the CCP uses such kinds of ways, and they are trying to control some western scholars, in Germany, the UK and the United States. In several countries, we have unfortunately witnessed that these scholars also advocated for the Chinese Government.

So much evidence is already published. For example, Adrian Zenz uses China's resource and the published reports. There is *The New York Times* report, the Karakax list, the Aksu list, the BBC reports, and the camp survivors—so many camp survivors are now making testimony to US Senators, the United Nations and the international media.

So there is not any reason to continue advocating the Chinese Government's genocidal policy against the Uyghurs, but unfortunately China pays them money, and for some western scholars it is really shameful. That is why this country's Government should take action. China's Government uses money and also buys some scholars, to use the scholars to spy. We have a lot of witnesses about this. China's Government even uses some Chinese students to spy for the Chinese Government.

So in this situation at the beginning I am saying that UK universities should stop co-operating with the Chinese Minister of Education. That is the only way to stop this.

Q12 **Stewart Malcolm McDonald:** So there are several organised useful idiots around the world, you would say. On the Confucius Institutes—I was hoping you would mention them—are you of the view that they are whitewashing the crimes being committed against Uyghurs? Could you just answer yes or no?

Dolkun Isa: Yes.

Q13 **Stewart Malcolm McDonald:** Again, just yes or no—I think I know the answer here—are you therefore of the view that we should be closing down Confucius Institutes in this country?

Dolkun Isa: It is necessary—they must be closed down. Some countries already closed them, but some countries continue not to realise the dangers of them. So they must be closed.

Q14 **Stewart Malcolm McDonald:** On broader engagement between universities, academic institutions and the Chinese state—I use the term



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“state” rather than just “Ministry of Education”—you can think, for example, of the LSE taking over £100,000 from Huawei, and there are other examples of that in different western universities.

How should our state respond to these kinds of things? Should we have legislation to prevent universities taking that kind of cash or involving themselves in these types of relationships? How do you think we should legislate for these types of things? Or should we not?

Dolkun Isa: I am not expert in the law. Maybe Ms Jolly can answer this better. I can only say that Confucius Institutes in the economic area must be closed, and there should be a Government review of academic initiatives with China, but maybe Ms Jolly could better answer on what kind of legal action there should be.

Q15 **Stewart Malcolm McDonald:** Ms Jolly, I wonder if you want to comment on that? I think I am right in saying that Scotland has more Confucius Institutes per head than anywhere else in the world. That is not something I am particularly proud about.

I get nervous when we talk about forcing universities not to do things, or to do things a certain way, but this debate needs to be had. Is it possible to legislate, with human rights in mind, to prevent universities from engaging companies of the Chinese state? How do we better regulate these Confucius Institutes? Could we just close them down? What is your view, as an eminent QC?

Schona Jolly: I have to say that it is not something I have really studied. I don't think I can give a view as an expert to this Committee on that point. However, there are two points that arise out of it that I would like to make to you.

The first is that you talked about the Huawei money that was given to one of those institutes. I don't know whether the Committee is aware that last week there was evidence published by the *Washington Post* that that tech company had been involved in the production of facial recognition technology that was used to systemically discriminate against Uyghur people in Xinjiang. That evidence came out, I think by co-incidence, on the same day that a report was published by Human Rights Watch relating to a leaked prisoner list, which also showed the systemic use of technology to discriminate against Uyghurs in Xinjiang.

That raises other issues. It is certainly relevant to the issues of systematic human rights violations, and whether Uyghur UK should be raising a dispute in front of CERD. It is also relevant to a wider question that the Committee may consider, not right now but in the future, on the reframing of not just human rights norms, but tech norms, which must be viewed within a human rights framework or lens. This demonstrates the capacity for that sort of technology to be rolled out on a much wider scale, beyond the dangers of what is taking place in Xinjiang. That is a very worrying aspect that exists alongside the actual violations.

My second comment was that while I can't comment on the point relating



to universities, I believe that there are mechanisms to pursue corporate accountability: due diligence laws, and improved modern slavery provisions that we haven't yet got in the UK, but which, no doubt, Ms Ghani is looking at as part of her BEIS investigation. Those may prove relevant, in due course, to the kind of issues that you are considering.

Stewart Malcolm McDonald: Thank you very much.

Q16 **Neil Coyle:** Thank you to both witnesses, especially Dolkun. We know that the persecution of people abroad by the Chinese Government is a real risk, so thank you for being brave enough to provide us with this information.

Unfortunately, there are still some who dispute the evidence base. Often those who claim to believe in human rights, when it comes to Communist party transgressions, suddenly fall very quiet. We have not had any organisation submit evidence disputing the situation in Xinjiang. I wonder if either of you are aware of any credible organisation in this country or anywhere else that disputes the evidence of widespread atrocities.

Dolkun Isa: Human Rights Watch and the Australian Strategic Policy Institute have published a credible report, and also this morning maybe you heard that Adrian Zenz has a new report; the BBC has published it. Quite a lot of international organisations—Amnesty International—have published things, as well as Human Rights Watch and ASPI. Those kinds of organisations have already published very useful reports.

Also there are victims who have become survivors: in Sweden, Sayragul escaped; Ömir Bekali and another, Qelbinur Sedik, are now in the Netherlands seeking political asylum, and there are another three or four ladies now in the United States. They are all foreign citizens and that is why they were released, because of the intervention of the countries. Before they were released, China's Government also threatened them: "Don't speak out." If they speak, their family will be in danger.

So far we know of 100 such camp survivors living in Kazakhstan and Kyrgyzstan, but their people cannot speak out because on one side the Chinese Government threatens their family members. Most of their family members still live in East Turkestan and, besides that, Kazakhstan is a country that also co-operates with China and asks them not to speak. That is why they have all come somewhere they cannot stay, in Kazakhstan or Kyrgyzstan. They leave these countries and come to European countries and the United States, and then they speak out. *The New York Times* already published a document, and recently another very credible document was leaked from my country, Aksu, saying that more than 2,000 Uyghurs were detained there, and brought to the concentration camp, and setting out what conditions they faced.

Q17 **Neil Coyle:** Schona, are you aware of any credible organisation that disputes the evidence? What is the motivation of those who do dispute this?

Schona Jolly: I am not aware of any credible organisation that disputes



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the evidence, and I should say, on the contrary, I don't know the extent to which the Committee is aware of the work being done by the Uyghur tribunal. The Uyghur tribunal is of course an independent tribunal that has been set up to try to investigate the allegations and the evidence, with the intention of producing a determination, I think, by the end of next year or the beginning of the year after. That tribunal exists in the absence of the ICC or the ICJ being able to be seized of these matters. I understand that the tribunal has been provided with a very significant number of evidence submissions—perhaps more than any other body has received—from a very wide range of sources. I think there will be public hearings next year in which that evidence will be released. That will be very important for the Committee to be aware of.

The Committee may be aware that yesterday the ICC effectively kicked out the case that was before it brought by Uyghurs affiliated with the East Turkestan group. That case was brought on the basis that although China was not a signatory to the ICC, Cambodia and Tajikistan were, and there had been forcible deportations from those countries, and therefore the ICC's jurisdiction was engaged. Yesterday the ICC said no, that was not the case. It would not surprise me if there were an attempt by some to use that to say, "There's evidence that there is no abuse," which is, of course, not what the prosecutor said in her report; that was about a very specific provision relating to what had happened in respect of the deportations. Otherwise, no, I am not aware of any credible source. Obviously, the Chinese Government deny it.

Q18 Alicia Kearns: Thank you to both witnesses. I, too, would like to start by expressing my heartfelt sympathy to you, Mr Isa, for the losses that you have suffered, and for the heartbreaking and horrifying losses of all the Uyghur community. My heart is very much with you.

Ms Jolly, stopping a genocide being committed by a superpower is an enormously difficult challenge, and one that we have not really faced as a nation before, and that we as MPs are struggling with. China will do all that it can to obfuscate and prevent international focus on its actions, or any prosecutions relating to what it is doing. Looking at the full spectrum of international law, do you believe that the international framework for genocide prevention and, indeed, our domestic legal framework, and institutions in their widest forms, are fit for purpose? If not, what reform do you think is needed, so that we can limit, prevent and stop these sorts of appalling atrocities and acts of genocide in the future?

Schona Jolly: That is a big question to condense into a short answer. It is quite clear that the international framework has serious shortcomings in many ways. One of those is that China, like Russia, was just voted on to the Human Rights Council, which is meant to serve as the font of protection over many of these aspects. There are some fundamental problems with that, and without doubt there has to be an attempt to reform. However, the fact that we do not have the best framework at the moment—indeed, it may even be unfit for purpose—should not be an excuse for taking no steps.



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One troubling aspect is that the language of genocide has so often, particularly post Rwanda, been very politicised. It can be used as a football; people can say that unless we have a determination of genocide, pursuant to the complicated and difficult definition in the genocide convention, states are not under an obligation to act, because perhaps this is not the most serious level of crime being committed. That is a serious problem, because whether we are talking about genocide or crimes against humanity, when you look at the evidence and the scope of the allegations, there is no doubt that there is evidence of potentially very serious harm being committed.

Whether we are talking about crimes against humanity focused on the individual, or a genocide focused on the group, we are still talking about the most egregious type of harm. While our system, and perhaps even our definitions, may not be ideal, or even fit for purpose, they are what we have to work with. We have to be creative and look for the solutions that exist, while seeking to reform the system so as to improve it.

Those solutions—or at least concrete steps—do exist. An example is what the UN special rapporteurs did in their unprecedented call. I think you had 50-plus special rapporteurs all together write in June about this issue. In fact, it was not just about Xinjiang; it was also about Hong Kong. It was a response to China more formally. What they were looking for was a mandate for an office-holder on China, and for a special session of the Human Rights Council to be set up.

With the UK's role on the Human Rights Council, notwithstanding the difficulties that will exist with China also being on the council, I think there is potential for headway to be made, not least because China lost a great share of its vote, even though it was re-elected. That means that there is quite significant concern, even if it is quietly held, about the actions that China is taking, so there is the potential to take further steps.

The other point to make in that regard is that, in so far as our hands are tied with regards to the ICJ or the ICC, they are not completely tied with regards to international institutions. There is the potential for the UK or other third-party states to seek to resolve a dispute under the CERD convention in front of the committee. That is likely to have very significant moral weight and potentially a persuasive authority among countries that currently do not support. So, too, would an advisory opinion from the ICJ, and I see no reason why the UK would not be using its diplomatic skills of persuasion to persuade the organisations that can approach the ICJ for that opinion to do so.

The Uyghur tribunal, which was established just three or four months ago, has before it an independent panel and researchers. With remarkably little resource, it has put together a very interesting and comprehensive tribunal. Of course it is not the same as one of the international criminal bodies, but it is nevertheless an independent investigatory mechanism that, at the end of this, will reach a conclusion. That conclusion may be that there is evidence of genocide, but it may not be. The conclusion may be that, on the balance of proof, there is evidence of crimes against



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humanity. We have a Government whose position has been, “Well, we won’t say ‘genocide’—that is for a court or tribunal to determine.”

One way of supporting the international mechanisms and legal system that we have would be to support a finding, whatever that finding is, of an independent tribunal. That could lead to further repercussions in the international community. If the system is not impotent, it is far from perfect, and our hands are bound in many ways by the fact that China has effectively refused individual and state petitions, but there are avenues that can be and should be pursued.

Q19 Alicia Kearns: Thank you. That was incredibly comprehensive. I think the Chair and I might come back to you in a moment about the terminology of genocide, but I have one more question before I hand over to Claudia Webbe. You mentioned having to go to an international tribunal or a competent court. Does that exclude domestic courts from being able to make that designation, or could a UK court make a designation of genocide?

Schona Jolly: A UK court potentially could, and I know that there are actions in play at the moment to see whether that is something that could become a proper means of accountability. There is of course the potential for criminal prosecutions under our ICC legislation domestically. One of the issues is that there are considerable challenges with evidence-gathering and all those sorts of things. That is one of the reasons why this tribunal is so interesting. Of course, it could be that the interested parties may seek to make some application to the High Court, and the High Court may well say to the tribunal, “Stop what you’re doing. We want to see your evidence.” I have no doubt that, in those instances, the tribunal would hand over the evidence that it has, but I do not know whether that is going to happen. Dealing in the realms of where we are, we definitely have a tribunal that is independent. At the end of the process, it will be able to reach a conclusion that should and could be usable.

Chair: Thank you very much. Claudia, you wanted to come in.

Q20 Claudia Webbe: I don’t really want to add too much, but I think it is important for us to try to understand why, in your view, there is not greater worldwide condemnation or action to prevent what is being claimed. I obviously sit here as a direct descendant of the transatlantic slave trade. As somebody who sits here in the UK, where we have not yet had a truth, reconciliation and reparations approach, what in your view would it take to get us to that situation of learning the lessons here, even some 400-plus years after slavery?

Have we got the right organisations across the world able to address this issue? It seems to me that the claims being made are so serious that it goes beyond racial discrimination and therefore requires some major action. What is preventing that world action?

Schona Jolly: At the risk of repeating what I said before—I will try to be short on this point—there is no doubt that China is a superpower and has enormous influence around the world in all kinds of ways, including



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economically. The belt and road initiative has meant that it has enormous sway over many countries, not only in its immediate neighbourhood but across the world—for example, in Africa and parts of South America. That economic influence inevitably buys silence. There are no two ways about that.

There is real politics behind it, but there is also the reality that China has not signed up to, or expressed reservations on, certain treaty mechanisms, so there is a limit to what international bodies can do and can declare in their absence. We are tied by the reservations that exist within the international legal system, and ultimately by a state's saying, "We don't care what you say. This is not happening. We deny it is happening—there are smiley faces."

Q21 Claudia Webbe: Are you saying that the other superpowers refuse to act, or are complicit in not acting?

Schona Jolly: I do not think it is for me, as a lawyer, to draw those conclusions. As an international human rights lawyer, I can say that it does not appear to me, as I said right at the beginning, that the response of the international community, including the UK, has been robust enough. It does not begin to be robust enough in circumstances where, after the second world war, the world said, "Never again," and then the architecture of international criminal law and international human rights law was developed as a direct response. What we see now, 75-plus years later, is that that architecture is not able to function in the way that its architects foresaw.

There needs to be political will, and I think the reality is that political will, in terms of moving forward on human rights, is impacted by states' views of trade or other aspects of their communications. There are ways of challenging that. There are ways—through a trade Bill or free trade agreements, for example—of dealing with that. If the question is whether I think Britain has done enough, the answer is no, for all the reasons that I am setting out. I hope to convey all the positive means by which I hope Britain can engage and take steps on both the international and domestic level.

Q22 Claudia Webbe: I don't know whether you also want to respond, Dolkun. I am really trying to understand. You are saying to me that it is an economic driver that prevents world powers from acting. Evidence has been presented here of forced labour and genocide—human beings being effectively slaughtered. Are you saying that the UK and other superpowers are not acting because of economics, or is there something much deeper? I am really trying to go a bit deeper than what you were saying.

Schona Jolly: I am not sure I can help you. Ultimately, I am here an expert lawyer. I just want to be clear and not. What I am saying is that there is a real-world influence of economic power by a superpower, which impacts an awful lot of countries. We have seen an awful lot of countries



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come forward to support China, or remain silent. I am not saying that that is Britain; I am saying that that is what has happened.

I am also saying that there are trade deals, trade agreements and companies—that is the political trade reality in which we operate. I am not giving a cause for what Britain has or has not done; that is not within my knowledge or expertise. I am able to say what I think Britain should and can do, and that is the evidence that I am giving you. There are steps in both international law and pursuant to domestic law—we have not talked about all those—that can be taken and which Britain can support both on its own and in concert with its allies. I hope that is helpful.

Q23 Claudia Webbe: Okay. I do not know if Dolkun wants to comment.

Dolkun Isa: Thank you. Seventy-five years ago, the world promised, “Never again”. It is happening again in China today, but why? Most of the world continues to be silent. Some democratic nations, such as the UK, have spoken, but we have not seen any real action. The reason, in my view, is their economic interests. China has the second biggest economy today, and the UK, European countries and others continue to do business with China. That is why we demand that it should not be business as usual. Those countries should stop that business, because forced labour and modern slavery continues to be implemented for Uyghurs in China.

Some authoritarian countries also have economic interests. However, besides that, China is one of the superpowers and commits human rights violations, and some other authoritarian regimes have human rights problems as well, so those countries set up coalitions with China. They support each other and hide each other’s atrocities. That is why most of those countries are silent.

However, it is genocide—the Chinese Government have committed genocide against Uyghurs and some other Muslim people in China. There are 3 million innocent Uyghur in concentration camps—the largest detention since the second world war. There is mass sterilisation of Uyghur women, forced labour, destruction of the unique cultural Uyghur identity, family separations, children put in orphanages. This is all happening, but unfortunately most countries continue to co-operate and do business with China.

Q24 Claudia Webbe: That is partly it from me, Chair. I only add that I do not know whether part of the problem exists because a significant number of countries have signed in support of China and its actions, and whether that in itself poses conflict, in terms of world action. I do not know if anybody wants to comment on that.

Schona Jolly: At the risk of repeating myself—

Q25 Chair: Ms Jolly has already expressed a view on that and stated that she will not, as a lawyer, address politics. I will just ask one quick follow-on. Legally, is the culpability of using slaves, capturing slaves and imprisoning people as slaves the same as not putting the same pressure on the Government to end this practice?



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Schona Jolly: Enslavement itself may be a crime against humanity. It may also be part of the genocide definition. Ultimately, the international community, through the combination of treaties, obligations and customary international law, has an obligation to act where it knows these acts are taking place. It is in pursuit of that obligation on third states—in other words, states that are not China—that I seek to address my representations. I seek to say that, actually, there is a legal obligation on states other than China to act when we know these things are taking place or suspect they are taking place and have good evidence in front of us.

There is good evidence in front of us on enslavement and on crimes against humanity that may or may not fit the definition of genocide. There is therefore in international law an obligation on states to take steps to ensure that jus cogens, or the peremptory norms of general international law, are upheld and/or that the obligations that are owed to the international community as a whole are enforced. It is for those reasons that my organisation—the BHRC—has sought to draft a paper to set out where the steps are that can be taken by states, including Britain, under and pursuant to those international obligations.

Chair: Thank you very much. Neil Coyle wanted to come in, then I will very briefly bring in Bob Seely. Then we will draw this element of the session to a close.

Q26 **Neil Coyle:** Thanks, Chair. This links directly to the point just made. Given those obligations to take extra steps, and your earlier point about loud diplomacy versus quiet action and a more subtle approach, Schona, is there not more that the UK Government—in particular, BEIS—could be doing now to influence private sector choices about who they choose to link into their supply chains? Can it basically say in advance, given the evidence base and the growing concern, that choices in the future may become untenable? Is there not more that human rights organisations in the UK could be doing to influence consumer choice, linked to the Better Cotton Initiative and other measures that you touched on previously—apologies if I missed it, but I had to go and vote.

Schona Jolly: There is certainly pressure that can be placed on companies, in terms of consumer choice, and that is a route and an action available. However, it seems to me that in many ways that misses the point. There are obligations that can be enforced in law that give that sense of moral pressure proper weight and authority.

We have talked about the reports on cotton and forced labour within the system. I have absolutely no doubt that you cannot operate in a vacuum of international law and say, “International law must apply, and we can take x, y, z step to apply it,” but forget about the domestic setting. In the domestic setting, I have talked about asylum policy and immigration policy, but we haven’t talked about corporate accountability. It seems to me that it is the wrong way round—it is topsy-turvy—to look at the question of influencing consumer choice, which is important and relevant, when we are not addressing the question of supply chains and the human rights abuses of corporations.



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We are behind the curve in this country in that respect. France has already passed a corporate duty of vigilance, the EU is consulting on the same—I think the consultation period is due to end in February—and there are discussions in Germany about this. There is very much an international movement for due diligence laws. In fact, our Government announced a consultation on due diligence laws in respect of forest risk, but that is a very limited obligation and it doesn't go to supply chains. Our own Modern Slavery Act, even in so far as there has been an announcement that it will be strengthened, goes to pressure, publicity and naming and shaming, but it doesn't go to concrete action. We don't have a legal mechanism by which that could properly be enforced.

There are some tortious remedies available in the courts, but they are very complicated and difficult, and so too are the criminal liabilities. It seems to me that, in circumstances where we have very good reason to believe that there is very substantial forced labour in supply chains, and human rights abuses in a number of different industries relating to Xinjiang, we ought to get our own house in order and we ought to be considering due diligence laws, and the mechanisms that enforce them, as soon as possible. The current consultation on forest risk needs to be extended so that it is a consultation on human rights due diligence, and not a limited environmental risk on commodities companies.

I want to correct something that I think I said earlier in response to the Chair, I think when you asked me about enslavement and I was talking about genocide and crimes against humanity. I just want to be very clear about my evidence. Enslavement can form part of crimes against humanity, and because we have evidence that that exists, or we have very credible allegations that that is taking place, in those circumstances it seems to me that our obligations as third states, pursuant to international law, are engaged to take all available measures that we can.

Q27 Chair: Thank you very much. That is still not quite the same thing as being responsible for it in the first place.

Schona Jolly: No, we may not be responsible for it in the first place, but it also depends on what we mean by "we". That is why it is very important to think about the corporate accountability, because—

Q28 Chair: Forgive me, Ms Jolly—I think there is an essential difference between the potential culpability of buying things that may or may not have been made by slaves, of which you may or may not be aware, and actually taking slaves and forcing them at gunpoint into cotton fields.

Schona Jolly: Of course.

Chair: That is the point I am trying to make.

Schona Jolly: Of course, it goes absolutely without saying that the primary obligations, both in international law and in any form of moral or ethical view, and the culpability plainly lies with those abusing the rights. In this instance, that appears to be, on the evidence that we have, China. There is absolutely no doubt about that. Just to be clear, what I am saying



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is that the fact that there are imperfect solutions in international law does not absolve third parties of their own obligations in international law to take steps to counter that.

Chair: Thank you. That is all I wanted to clarify.

Q29 **Bob Seely:** Very briefly, can I ask two questions, mainly for clarity? I am sorry that I had to drop out during a bit of your testimony, so apologies if you have said this. What is the difference between enslavement and forced labour, because there is a difference, isn't there?

Schona Jolly: Enslavement can constitute a crime against humanity. Forced labour may be that, and there are some varying shades of technical differences about definitions, but forced labour can also be a human rights abuse without necessarily being a crime against humanity. We are into the fine points of definitions.

Q30 **Bob Seely:** Okay, but the law understands a difference between being a slave and being involved in forced labour.

Schona Jolly: There may be. You are looking at different provisions in different conventions or treaties. There may be, but it really depends on what you are looking at. It depends on what the evidence is. There are shades of distinctions.

Q31 **Bob Seely:** A slave is a very emotive term.

Schona Jolly: It is.

Q32 **Bob Seely:** Is it recognised in the law, or is anything in this sort of sphere pretty much of a muchness?

Schona Jolly: Forced labour has different components, and there are different aspects that could impact on forced labour. That is not necessarily the same as enslavement, as within crimes against humanity, so there are different legal definitions and different evidential burdens that one would want to meet. That is why throughout this I have tried to step back from the language of "slave", just because it does have very emotive connotations. I wanted to keep within the legal terminology.

Q33 **Bob Seely:** Is forced labour a crime against humanity in itself? It is, isn't it—in extreme circumstances or in pretty much all circumstances?

Schona Jolly: Well, enslavement would be.

Q34 **Bob Seely:** Do you think enslavement here has been proven?

Schona Jolly: I am not in a position to be able to answer that in the same way that I am not in a position to be able to answer whether there has been genocide, because those have to be determined on the evidence.

What I have seen is probably what you have seen. I may have seen more than you have seen, because I have seen a huge pile of evidence. There is certainly credible evidence of enslavement.

Q35 **Bob Seely:** Okay. I will just briefly follow up on Neil Coyle's point. As I



understand it, we cannot bring legal action against companies that use forced labour in their supply chains because our law does not allow it. So if we wanted to bring action against companies that use forced labour in the Xinjiang province or elsewhere in the world, we would have to change our laws to do that.

Schona Jolly: Yes—well, yes and no. There is some case law that supports civil tortious liability against companies, where there are parent companies, for example, and a sufficiently close connection can be established. There are some complicated scenarios, which are difficult to prove evidentially and difficult legally, in which companies may be accountable for human rights abuses that take place within them.

However, the really short answer is that, whatever the scope that may exist pursuant to those avenues of accountability, we do not have straightforward supply chain accountability by law. The Modern Slavery Act goes only so far in terms of the publishing of statements and so on, and it contributes towards a moral pressure that may exist, but it does not act as a due diligence human rights law, either for the initial acts of human rights abuses or for the abuses that occur in supply chains. And for that, we do need a new due diligence corporate accountability law.

Chair: May I thank both our witnesses for their evidence? Thank you very much indeed, Mr Isa and Ms Jolly. We are very grateful.

Examination of Witnesses

Witnesses: Professor Fionnuala Ní Aoláin and Nury Turkel.

Q36 **Chair:** Now, if I may, I will turn to our next witnesses. Professor, may I ask you to introduce yourself very briefly, in one sentence? Then—for no reason other than you are left to right on my screen—I will ask Commissioner Turkel to introduce himself very briefly as well.

Fionnuala Ní Aoláin: Good morning. I am Professor Fionnuala Ní Aoláin, the United Nations special rapporteur on the protection and promotion of human rights and fundamental freedoms, while countering terrorism. I should just clarify that I am here to provide an informal, unsworn oral briefing to this hearing in the framework of your inquiry, but nothing in my remarks should be understood to waive, express or imply the privileges or immunities of the United Nations. Its experts are officials on mission pursuant to the 1946 convention on the privileges and immunities of the United Nations, and I will express my personal opinions and views on the matter, and authorisation for this is in full accordance with the independence of my mandate, and it was not sought or given by the United Nations Human Rights Council, the High Commissioner or any other officials associated with those bodies—just so I keep myself in check with my obligations and mandate.

Chair: Thank you. We have had such comments from UN officials before, so I completely respect your position.



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Nury Turkel: Good afternoon. My name is Nury Turkel. I am a commissioner with the US Commission on International Religious Freedom, more commonly known as USCIRF, which is an independent, bipartisan advisory body established by the International Religious Freedom Act of 1998. We are tasked—legislatively mandated—to monitor religious freedom around the world, using international standards, and to make recommendations to the President of the United States, the Secretary of State and Congress, to ensure that religious freedom is an integral part of the US foreign policy agenda. I was appointed to the Commission this past May by the House Speaker, Nancy Pelosi. I will be happy to take any questions that you may have today.

Q37 **Chair:** Thank you very much indeed. Can I ask very briefly, as part of your perspectives on the Xinjiang crisis, where you think Britain could be doing more? Professor, maybe you could start.

Fionnuala Ní Aoláin: I think I can't speak specifically to Britain, but I can speak to what the obligations of states are more generally in this arena.

As one of your earlier witnesses noted, the UN special procedures mechanisms have made a number of interventions on the question of Xinjiang. In November 2019, we issued a comprehensive overview, signed by 10 special rapporteurs and two working groups, addressing the legal framework that the Government of China use to regulate the Xinjiang territory or province.

Before that, as you will perhaps be aware, there were nine communications concerning matters related to human rights protection in Xinjiang between 2018 and now. Most recently, and highly unusually, in June of this year over 50 UN special procedure mechanisms joined together in one clear, coherent and united voice to express their concerns about a range of human rights issues in China, including, but not limited to, Xinjiang, and also addressing matters in Hong Kong.

In that regard, I think the UN special procedures, and in particularly my own mandate, have been speaking unequivocally on the need for systemic attention and a consistent international voice—beyond the voice of independent experts and the voices of states—to address the matter in Xinjiang with some urgency.

Q38 **Chair:** Thank you. Commissioner, do you have a view on this?

Nury Turkel: Yes, I am particularly pleased with the recent public statements from the United Kingdom, getting on the same page as the United States, which has been particularly vocal in the past two years. The UK was one of the countries that co-sponsored a side event during last year's UNGA, along with a few American allies. I was one of the speakers fortunate enough to participate in that discussion. We are very grateful that the UK was one of 39 countries that recently issued a joint statement demanding that the Chinese Government respect the rights of religious and ethnic minorities.



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Another thing we would like to see is targeted sanctions, as has been the case in the United States. The US Government imposed global Magnitsky sanctions on four Chinese officials and one paramilitary entity. Also, the Department of Commerce has been adding Chinese entities to the entity list. As we speak, that includes nearly 50 entities in China. All the police departments in the Uyghur region have been added to the entity list.

On top of that, the United States Congress has been legislating. In June, the Uyghur Human Rights Policy Act of 2020 was enacted. The Uyghur Forced Labor Prevention Act is actively being considered—it was recently voted on in the House and is currently with the Senate. We anticipate that it will be passed either in this Congress or the next.

Those are the things that the UK can do in tandem with the United States. I am particularly interested in seeing a collaborative effort by Five Eyes countries. When I mention the Five Eyes countries, there is no geostrategic purpose to that. There is already a collaboration and all five countries have a significant, sizable Uyghur population that has been affected by the ongoing humanitarian crisis.

Finally, I would like the UK and other members of the UN Human Rights Council—we only need a third of the 47 countries—to convene an emergency session to discuss this matter. In the face of the ongoing atrocities in the Uyghur region and the scale and scope of the abuses committed against the Uyghur people, no resolutions or emergency sessions have been organised at the UN. We have not seen any country, including my own, take diplomatic action. The actions have mostly been taken in the Capitol, in the Executive and legislative branches.

In the earlier panel the question was asked, why not? I think there is one significant problem that I have observed and experienced, as someone very immersed in this work: lack of acknowledgment of the problem. Dolkun Isa mentioned how the international community calls it business as usual, and that is part of the problem. Unless you recognise a problem and identify the issues, there will not be a solution to it. This is more evident in Europe in particular, and it is mind-boggling, to say the least, that a continent of countries that experienced fascism and Nazi Germany is still tiptoeing around the issue. I am grateful for the leadership that you in the UK Parliament have shown. More definitely can be done. The sky will not fall for taking a bold decision or position against communist China.

Q39 Graham Stringer: Can I follow up the point about the United Kingdom trying to pull together the Human Rights Council? Can both our witnesses give us some insight into why, in the 73rd and 74th sessions of the Human Rights Council, there was no mention of the Uyghur problem in Xinjiang? That is a surprise to me, for a body called the Human Rights Council.

Fionnuala Ní Aoláin: I think it is deeply regrettable, given the scale of the response from special procedures mandates in particular and the range of concerns relating to arbitrary detention, forced disappearances, the absence of judicial oversight and procedural safeguards and

restrictions of all kinds—many of you have discussed these this morning—including freedom of expression, thought, conscience, religion, assembly and so on. So there is an enormous challenge.

As you are aware, a number of special procedures mandates have sought access to document and undertake their independent work of assessment, and those invitations have not been accepted. It is noteworthy that the High Commissioner for Human Rights has not yet visited China. One of the big challenges we face here is not only the lack of a clear political response in the Council, which special procedure mandates have called for in a way that is quite extraordinary—there is unity of voice across all these independent experts, and you would be hard pressed to find another issue on which that voice has been so clearly and consistently expressed. The challenge here is clearly a political one and it requires a political solution.

Nury Turkel: To our dismay—especially those of us who work in human rights—in October 2020, China was elected to the United Nations Human Rights Council. The Chinese mission to the UN quickly posted a social media message celebrating itself, hailing support from member states and pledging to promote and protect human rights. What they did not say was the more uncomfortable truth that support for China at the time of its election was its weakest since the Council was founded in 2006. China tallied just 139 votes, having lost the support of 41 member states from its previous election. These figures are explained by China aggressively trying to manipulate the UN and the international system while accusing other countries that speak out against human rights abuses in China of interfering in China’s domestic affairs.

Let’s also look at the disappointing aspect of China’s election to the Human Rights Council, given its dismal human rights record in general and the horrendous repression of the Uyghurs, Tibetans and other ethnic and religious minorities. The resolution that established the Human Rights Council clearly states and expects that, “when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto”. China has an obligation now, as a member of the Human Rights Council.

When you look at the resolution and at the practices being formulated, engaged and implemented in China, it defeats the purpose of being in the Human Rights Council. China is not only implementing these horrendous policies in daylight; it is also manipulating the UN system and engaging in what the experts call a three c’s influence campaign: corrupt, corrosive and coercive.

Q40 **Graham Stringer:** You give a very clear view of a problem that is to be overcome. How big is the hill that has to be climbed in order to overcome the problem? What more can the UK do to change the situation so that we have more satisfactory input from the UN, particularly the Human Rights Council?



Fionnuala Ní Aoláin: There are some aspects of that question that are outside the scope of my mandate, but I will say the following. It seems to me that we need clear and unequivocal leadership by states on the importance of the protection of human rights. Let me add the context. The context of the legislative and legal framework in Xinjiang is one that is framed as extremism and terrorism. One of the most challenging cover pieces of this is the use of that language, which is ubiquitous, to justify a range of measures that are extensive, wide-ranging and deeply corrosive of human rights.

I would say the problem is twofold. There is certainly a problem at the Council, but bear in mind that this is part of a broader global problem with the misuse of counter-terrorism and extremism language by multiple states. If we see China in isolation from the broader protective shield that is offered by framing certain kinds of domestic policies and practices under the framework of extremism, we are missing the point. Part of the reason why there is political cover here is precisely because the framework offers that kind of permissible environment globally.

I would also stress that much of the conversation of this Committee has been focused, perhaps rightly, on the Human Rights Council. But let me say that the space for the permissible environment, which enables the legislative and policy framework in Xinjiang and Hong Kong, is not coming from Geneva; it is coming from New York. It is coming from the Security Council and the language of CT and extremism. It is coming from the architecture that has been created by states. We have an enormous framework, which is not a Geneva framework but a security framework that is elsewhere. It would be a mistake to view the object of advocacy here solely as a Geneva human rights advocacy space, although that is important. In fact, you have to understand that the broader framework of permissibility in which China and many other states have operated is a permissibility that emanates from New York and the security space.

Q41 **Graham Stringer:** Thank you. That is very interesting. Do you have anything to add, Commissioner?

Nury Turkel: The professor is right in saying that the focus must be in New York. As you may know, Secretary-General Guterres—to this day—has not said a word. Actually, he is dodging questions about the ongoing atrocities in the Uyghur region, despite the fact that the UN was established after the second world war for the precise reason of protecting human rights. There is a leadership failure, and some top officials at the UN headquarters still believe China's claim that this is being engaged to counter terrorism, extremism and separatism.

Back in 2002 and 2003, some politically charged decisions were made at the UN and in Washington. To Secretary Pompeo's credit, he recently revoked the ETIM—East Turkestan Islamic Movement—designation. I think it is very significant, simply because when you challenge the Chinese officials, when you bring up this industrial-scale prison system that they set up, China's attempt to pollute the global supply chain and economic system, or the manipulation of diplomacy and diplomatic relationships



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through its economic influence, they always say, "Well, we're trying to fight terrorism."

Some capitals, some Government bureaucrats and some professionals in international organisations sadly still believe that China has a legitimate claim, and that they are fighting against terrorism. That counter-terrorism narrative should be debunked and rejected, even if that holds any water.

The camps that have come to our attention started to be built in early 2017. Draconian policies are being implemented with the enactment of what is called the de-extremification measure of 2017, which was enacted or implemented from 1 April 2017. There is no citable, quotable event or incident prior to 2015. So the Chinese are engaging in pre-emptive policing, with the aid of artificial intelligence and with the help of its league of nations in the international community, who also have horrific track records of human rights abuses.

The issue is much, much bigger than one might think. It is related to individual countries' national security interests. In some instances, it also relates to sovereignty issues, because China has been actively threatening and harassing activists or dissidents in expat communities here at home, in Australia and in Europe.

I always say this in literally every public speaking that I do: this is not just another human rights issue. I perfectly understand that the world is on fire. We are fighting for our lives, to keep our jobs and to support our families, but what is happening in the Uyghur region can no longer be ignored.

When you go to the store and reach out to the shelf, especially to the cotton products, don't forget that a quarter—a fourth—of the world's cotton products are made in China and sourced in the Uyghur region. When you reach out to the shelf to pick up a beauty item—a wig—you have a chance of buying a Uyghur prison woman's hair, which is made into a product in the store. When you buy baby pyjamas in your stores, you have a chance of buying a product made by enslaved Uyghurs. When you reach out for electronic devices, the chance of there being a component made by Uyghur slaves is pretty high.

In the face of all these public discussions and media scrutiny in the last two or three years, the export volume from the Xinjiang region to Italy increased by 200% during the period from April 2019 to April 2020. During the same period, in the face of all the happenings in Washington—historic, unprecedented policy responses—the United States remains the largest export destination for Xinjiang-produced products. According to the report by the Centre for Strategic and International Studies in Washington, during the same period that I cited, the export volume to the United States has increased by 250%.

This is not something that is exclusively for the Uyghur people or an oppressed religious minority to look at. We live in a very different world. I think it is time for the leaders in business communities, in various



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Parliaments and in Government offices to re-examine their position. The so-called engagement, or looking the other way and feigning ignorance, is untenable.

Chair: Thank you very much. Forgive me, I am going to push for slightly shorter answers, if I may, because we are going to try to get through more of these questions. Claudia, you wanted to come in.

Q42 **Claudia Webbe:** Obviously, China is facing charges of genocide and forced labour, among other acts in breach of international humanitarian law. I guess you have touched on this, but what do you believe is preventing a consistent international voice of acknowledgement and condemnation?

Nury Turkel: It took a very long time for China to get where it is diplomatically and economically. I do not think that the international community was, first, prepared to see this level of brutality committed by a partner to much of the world, namely the PRC. We mentioned the cotton trade; when you hear the term in the United States, it reminds you of the history of the African Americans. Also, when you mention "concentration camp", it goes without saying that it reminds you of the Holocaust. The international community was not prepared.

Also, to China's benefit, the business community is lobbying against the Government taking bold action. As we speak, in the United States Congress, as reported in *The New York Times* and the *Washington Post*, some global brands are lobbying against a Uyghur Forced Labour Prevention Act that is being actively considered, with specific provisions to address modern-day slavery. The business community is still either feigning ignorance or being controlled by the Chinese Government's interests, because of business activities in the PRC.

The disinformation campaign engaged in by the Chinese Government has also been very effective. The irony is that when you go to some Muslim countries or speak to some Muslim Government officials, business leaders or journalists, to this day they think that this is something made up by the United States Government to serve President Trump's trade war with China. There is a very active disinformation campaign. It was displayed by the Chinese ambassador to the UK on the BBC when the forced sterilisation report was published. The same is true in Washington. Cui Tiankai shamelessly tells the world that the international community must learn how to live with the rising power of China. Basically, the Chinese are telling the world that we need to get used to it, to come to grips with the reality. They have also been using social media to spread misinformation.

A whole host of issues, therefore, are preventing countries, individuals, business communities and consumers from taking action. I could not be more proud of my Government in the United States for the historic, unprecedented policy decisions put out in the past several months in particular. Please do not mix that up with a particular political leader; we are talking about a Government. There is a whole Government approach. I never imagined that the Attorney General, the National Security Adviser



and the Secretary of State would all speak with one voice—Commerce and the Treasury, too. A whole Government approach is being implemented and utilised. This could be a model for other countries to look at, putting aside the political differences between different parties.

Q43 **Claudia Webbe:** Thank you for that. Professor, should the UK push for a fact-finding mission or commission of inquiry into Xinjiang?

Fionnuala Ní Aoláin: While the words “genocide”, “forced labour” and others are being used, they are being used in ways that we cannot substantiate legally, unless we have independent fact finding. That is an absolute essential in this context. There are ways to do that. Ms Jolly, in the previous discussion, made it clear that we have mechanisms, including the CERD mechanism; an ICJ advisory opinion; a press to have a fact-finding body established by the Human Rights Council; or even open debate on the council. All those things are reasonable things to assume could be done.

I want to make it clear that if you ghettoise this conversation to the human rights mechanisms, which are the least well funded and the least well equipped, and are neatly tucked away in Geneva, the scale and the challenge facing you will not be fully addressed. That is why, while those human rights mechanisms are extremely important, this conversation has to move into the counter-terrorism space, which includes discussions on the Security Council about the ways in which cover is given to the use of the language of extremism.

We have a global counter-terrorism strategy, which is in the process of negotiation this spring at the United Nations, where these issues will be front and centre—what is and is not allowed, and where human rights fit in the framework of states’ use of the language of CT and of extremism to justify these kinds of practices. We have an office of counter-terrorism. We have a counter-terrorism committee.

To be clear, these debates and discussions should move into those bodies, some of which have fact-finding capacity; for example, UNCTED has visited China officially and prepared a country report on its compliance with its obligations under the UN Security Council in respect of counter-terrorism. Again, while those reports are not public, the UK is privy to that process as a permanent member of the Security Council. We need to think carefully about which spaces the conversation is happening in.

The second thing I would say is that it would be unfortunate if this was viewed as a one-country or two-country crusade in the context of China. It is really important that we seek to have a multilateral and multi-layered dialogue with other states about this, because it will require that for it to be addressed politically and legally.

Q44 **Claudia Webbe:** If I might follow up on that, what in your view are the obstacles that the UK will face? What do you see as the possible outcomes from the actions?



Fionnuala Ní Aoláin: I do not have a crystal ball. Many of us have already alluded to the clear political challenges. This is true not only of China. This is an extremely hostile environment, globally, in which to raise issues of human rights compliance on a massive scale. This is not the only country of which that is true.

The currency of human rights in multiple arenas is severely degraded. The resources, capacity and willingness of Governments to use the currency of rights in their dialogues with other states is minimal. We see that in multiple contexts. The major political challenge is a challenge of political will, for obvious reasons that I think every member of the Committee understands.

The second challenge is the structural challenge of ensuring that states—we see some positive progress in the unity of voice on the scale of the violations—are prepared to act on that. The mechanisms that you have are weak mechanisms, partly because they are created that way, and partly because they are underfunded and they cannot do their work in the way that would allow the kind of robust independent oversight that states want.

The key challenges here are the obvious ones, such as political will. If you are going to burden human rights bodies with the task of engaging on these issues, they have to be adequately supported. The third is the political obstacle of moving these conversations into spaces where they are not welcome. The most obvious space in that context is the counter-terrorism and extremism space, where the permissible environment that enables these kinds of harms to occur is entrenched and well-established.

Chair: Thank you very much. Alicia, you wanted to come in.

Q45 **Alicia Kearns:** Thank you, Chair, and thanks to both witnesses. Commissioner, you and the Uyghur people have my sympathies for everything that you have faced, and my heartfelt thoughts are with you. I think we can all agree that the UN and other international bodies are failing to deliver what we need and, ultimately, what the Uyghur people need and deserve. How, in your experience, how does China obfuscate those bodies' actions at an international level, and how does it seek and effectively secure the support of other nations, leaving the UN castrated and unable to act?

Nury Turkel: Thank you for the question. For the record, I was born in a re-education camp at the height of the cultural revolution. My young mother was locked up. She gave birth while being physically injured. I spent the first few months of my life in this world in detention, while my father was serving in a forced labour camp. What we are seeing today is nothing new to me, or to the Uyghur people in general. What is surprising to me is that until I appeared on BBC "HARDtalk" a couple of years ago, I had never even mentioned the horrific way that I was born into this world. I never thought that I would be talking about the horrific experience that my mother and I experienced almost five decades ago, but here we are.



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I am a naturalised US citizen—I have been living in the United States for the last 25 years—and now, I am a Government official. I have a professional life, a nice family with children, and there are a lot of things that I should be grateful about, but in the last two or three years, my life and the lives of other professional Uyghurs in the United States and elsewhere have been destroyed. It would be dishonest for me to say that I have a normal life; I do not have a normal life. I wake up to this kind of news. Every day you see horrific stories, told by witnesses and survivors who were victims of the ongoing atrocities, or you read credible news reports, such as those published by the BBC yesterday, based on Adrian Zenz's recent report on forced labour. That is the reality that we deal with.

To address your question directly, because of the technology that western democracies helped China to foster, develop, and expand around the world, the Uyghurs have been cut off from their family members. A close friend of mine who lives in Canada—a Canadian citizen—recently told us that he has not heard from his mother for three years. You heard Dolkun Isa's story: he found out about his mother's death through a Radio Free Asia report, for God's sake. That is so wrong in many, many ways.

People here in America—very successful business executives and engineers—call me regularly, saying, "Can you find out if my family are okay? Can you talk to someone at the State Department or embassy and try to find out? If there is something that I should know, and I could get closure, I could continue to have a life like this."

I cannot speak out, because I worry about the remaining family members who might be sent to camps. If I do speak out, it makes me feel good, but I will end up endangering them. Not speaking up is just tearing me apart. I am an American; I should be free to speak, but that is not happening. China is controlling the information, through the technology that it has put in place. Every Uyghur on the ground was forced to install a compulsory app, allowing the Chinese to monitor inbound and outbound phone calls. Random data scans are very common—they even have QR codes on their doors.

That kind of manipulative, pervasive surveillance is why Uyghur families made a conscious decision to cut off contact with overseas families. That creates anxiety, and prevents first-hand information leaving the country.

Q46 Alicia Kearns: Thank you very much for your testimony. Professor, I am very sympathetic to your points about counter-terrorism being used as a get out of jail free card. That is unacceptable, and I have made those points directly to the Chinese ambassador to the UK. I said to him that in my time working to defeat terror threats, we did not forcibly sterilise, enslave or eradicate the language and culture of those responsible for terrorist actions. I am very grateful for your work on this, and I am relieved to hear that you will be leading that, and continuing to do it, because it is absolutely key.

I recognise that the UN is at the mercy of its members, and there is always a question of whether the members or the infrastructure are to



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blame, but I have to admit that I am losing hope. I have sat in Geneva and watched negotiations fail to save lives in Syria. The stories of the commissioner are echoed by those in Syria; Yazidis told me they had no idea whether their loved ones were alive, tortured or worse. They sat with me, looking at pictures of those who had been murdered by the Assad regime, to see if we could identify their loved ones from those pictures.

We sit and watch those guilty of appalling human rights abuses being elected to these bodies responsible for policing the world. The commission has evidence that this has been going on for decades, yet it does not stop. What hope is there that the next group that decides to massacre on a small scale, let alone on an industrial scale, will be stopped? We have to improve and strengthen our multilaterals against malign interference, and be more effective at saving lives.

What signs can you give me that there is hope that the UN and other bodies will become more effective? It is very hard not to lose complete hope when you have sat at those tables and seen the devastation at first hand.

Fionnuala Ní Aoláin: Thank you for that question. I think it is very difficult for all of us who work in this field. I use the analogy of Sisyphus's rock: we are constantly pushing rocks up mountains, only to watch them roll away from us, and we are fighting the same fights over and over again. The historic resonance of these fights, and the feeling that we are living in Groundhog Day, whether in relation to forced labour, massacre or genocide—all of that is true. It is extremely difficult. No one—I include all the members of this Committee—who engages in this work ever walks away feeling, "This is an easy day of work," and that we are not continuously fighting the same fights.

What do we need? We need a values debate in the international arena. We need states to hold firm to their values. That sounds very Pollyanna-ish, but at the heart of it, unless states hold to these values, we give a green light to these behaviours—we enable and facilitate them, and effectively condone them and ensure their perpetuation. Values, the words we use, and the places where we give cover to other states matter, because they understand the doublespeak.

That is why this space of security with human rights is so critical, in two ways. One is precisely because it is providing the cover. We have to be consistent. I say this to the UK: you have to be consistent in New York and Geneva, because when you are not, states like China spot the gap and understand that what you say in the human rights space is different from what you say in the security space, and they understand the permissibility of the space that you are offering to them.

Secondly, the mechanisms we have are not perfect—QC Jolly said that also—but they are what we have, so you need to support them. I and the 50 other independent experts who signed the position on China in June do our work with no pay and no support. We raise our own funds to do this work for states. If you really want to talk about how you support this, and



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the route forward, then support the folks doing the work. That is also a political choice to be made by states that say that their values matter to them, and that they will support their values with action.

Thirdly, we should use the old-fashioned devices we have. I think we need to enlarge our circle of friends. We are 20 years out from the events of 9/11—we are coming up to a 20-year anniversary. That should matter, when it comes to how we hold to account states that violate human rights under the banner of terrorism and extremism. We simply draw lines. This is an auspicious year in which we ought to be drawing those lines.

The hope is in the voices you have heard. The thing that I know from sitting at those tables—I have had the profound privilege of hearing people speak who have escaped from China and other countries, having experienced massive human rights violations—is that the truth and the power in those voices is what keeps this on the table. You have to continue to create space for those profoundly uncomfortable conversations, because those are the voices that push the work, and that is where the hope is.

Nury Turkel: May I add something, Ms Kearns?

The three areas where China is always very keen to “engage” with the world—economic issues, counter-terrorism and climate change—are a case of other Government officials oftentimes thinking, “Just keep talking to them, and that will get us where we want to be.” But when you look at all three areas, it is hard to find an area where that sort of “co-operation” or “engagement” with China got us what we wanted and where we wanted to be. I think the Governments, including my own, keep making the same mistake. Just following the process without a clear objective in our relationship with the PRC has not really yielded any desirable outcome.

The human rights dialogue is one example. Every time, during the Obama Administration, that the United States engaged in a human rights dialogue, the Chinese sent lower-level officials. The idea was, “Just sit it out. Just let the time expire.” That is the process—where is the endgame? I always encourage politicians around the world, and particularly in the western democracies, to think clearly and see that the engagement is, to the Chinese, buying time—buying time and letting the time expire, allowing them to achieve their objective.

Now we have another danger. We have an incoming Administration, next month. A former Secretary of State has been appointed as the climate tsar. I worry, as other people do, that China may use this as if climate change only matters for the western democracies or the United States, as if China is in a different universe and climate change is not as important as it is to us in the west. This kind of intricacy needs to be addressed, talked about and remembered, especially by those who are in power.

Also, let’s talk about the ones who are not speaking up. I think this is a matter of conscience. I wholeheartedly agree with the professor—words matter. Where are the Germans? Where are the French Government



officials? Where are the Belgians? We only talk about the ones who have been doing something: the Australians, the British and the Americans. How about the ones who have not spoken out? What do you tell your children that you did that day at work when you hear about this kind of modern-day slavery, when you hear about the concentration camps, when you hear about people being subject to genocidal policies? What do you tell your kids? If this does not wake you up, does not move you, I don't know what will.

Q47 Alicia Kearns: Thank you, Commissioner. I agree with you completely. The frustration for all of us is that we will never be able to do enough as individuals. But we have to try. Your point leads me to my final question, which is for both of you. At what cost will China stop their actions—the industrialised genocide? What is their cost? Is there one?

Nury Turkel: If I may, I will start, since I have been working on this and advocating on it. Two things have to continue to be carried out. One is public condemnation. Closed-door diplomacy, private conversation, is not going to get us anything. We are talking about lives; we are talking about millions of people. The District of Columbia, the nation's capital, has 750,000 people, but we are talking about at least 1 million and maybe 3 million. There are different numbers; it doesn't matter. Those people have names, lives, families and aspirations, just like any of us in this room. We are dealing with real lives, and time is ticking.

So that is one thing. You have to call the Chinese officials out. You have to speak up. This is one thing that they really care about. The Chinese officials care so much about how they have been portrayed in public, in the international media. That is why they have been kicking out and refusing to renew visas for international journalists. The presence of western journalists in China is shrinking. Why? Because they are reporting, and the Chinese officials do not want to be portrayed in such a negative light.

Secondly, I think we need to find a way to globally come together to address the forced-labour issue, because that will directly affect China's economic health. The Chinese economic might is actually manipulating global international relations, as well as giving them the excuse to engage in these modern-day genocidal policies. So I think the United States Government was spot on to go after this entity, the Xinjiang Production and Construction Corp, which is a paramilitary organisation with 800,000 shell companies around the world. Simply put, this has to be a collectively, not individually, tackled issue. The United States Government cannot do this alone. This has to be a multilateral approach. This must be a global effort. The boat is simply too small to tackle this threat. So we need to call them out and focus on China's economic interest.

Q48 Alicia Kearns: Thank you. Professor, do you want to add anything?

Fionnuala Ní Aoláin: I will just add briefly that, like any special procedure of the UN, we engage at multiple levels. My office has a consistent and I would say ongoing and productive, if not agreed, dialogue



with China on these issues. I continue to believe that you have to speak bilaterally, and you have to do so on multiple levels. We also engage in the ongoing documentation where we can. We elevate these issues and provide clear legal advice and sound analysis to states about what their third state obligations are in relation to this—for example, non-refoulement, where there is a clear obligation on states not to return individuals where there are well-founded fears of persecution, and that is certainly the case here.

We would also say that we need to optimise the use of the frameworks that we have, but bear in mind we are not only talking about UN frameworks. We should also talk about regional frameworks, and that includes the EU, but also other organisations and regional entities. There is a framework here that is also part of this discussion—the Shanghai framework—which has largely affirmed and used much of the framework that we are talking about around extremism and the use of certain measures to regulate what is defined as extremism. So we are not talking about a one-country context; we are talking about a much larger context in which the legal framework has enabled the rights concerns that we are talking about today. But that is actually a spreading phenomenon, so if you only see it in the context of China alone, we fail to grasp the implications of its spread, adoption and structural reception in other places.

Here, too, I would stress the significance of technology and technology transfer. We have some regulation in the area of dual use, but it is insufficient for the kinds of technology transfers we are seeing, particularly in the surveillance, tracking and data use arena. We also need to have a much more robust conversation about the legal obligations of corporations. We have due diligence obligations and guiding principles that encourage companies to do the best thing. We would be insufficiently sophisticated if we see this simply as a singular country conversation. I think it is much bigger and, as a result, much more pernicious than that.

Alicia Kearns: Thank you for your latitude, Chair, and thank you, witnesses, for your answers to my questions. It is appreciated.

Chair: Thank you. Neil, do you want to come in on this?

Q49 **Neil Coyle:** Professor, you made the point that globally we fight again and again on this same issue, which has been personified in the Commissioner's testimony of being born in a Chinese re-education camp and now campaigning against Xinjiang abuses of a similar nature. Is the UK doing enough to collaborate with like-minded countries on Xinjiang specifically?

Fionnuala Ní Aoláin: My view is that I cannot speak to UK foreign policy, but I can speak to my observations of state coherence and state co-operation in addressing the alleged scale of these human rights violations, and I think we see gaps in that regard. There is a need not only to think of old friends, but to think of new friends: countries that would be open to discussions. It seems to me that part of the challenge we face is that there



are no magic bullet solutions in some of these contexts, Syria being the prime one, but it is the failure to think long game and the failure to think about who your friends and allies are in this conversation. Who are the unexpected allies? Where can you bring together a larger consensus of states beyond western and aligned states? This ought not to belong to any one region or group. That is the point.

Q50 **Neil Coyle:** Professor, specifically, which countries should we be working with? What opportunities can you identify for collaboration on this?

Fionnuala Ní Aoláin: I talk more broadly about a commitment to human rights, which is not uncomplicated in certain regions. If we look, for example, at the GRULAC states and the leadership of countries such as Mexico on the insertion of human rights into counter-terrorism and extremism discourses, those states have been consistently strong on arguing for that and pushing back against the misuse and mislabelling of these spaces. I think there are opportunities with the Non-Aligned Movement—not all of it, but we certainly have strong leadership in the movement at this time on these human rights issues.

There is a failure to look outside regional groupings and to be a bit siloed in thinking about them, and then the ownership of it looks like a political game. The point is that these are universal human rights and they belong to a large range of states. That point is better made by a large and diverse group of states operating in concert, just as we saw in the aftermath of the second world war, when we look at the diversity of states that produced the universal declaration. Its strength is its diversity. That is a really important move. It is not one that happens in an instant, but I think it can reshape the discourse. Part of the challenge here is reshaping the conversation as a strategic objective.

Q51 **Neil Coyle:** Thank you. Commissioner, thank you for your personal testimony. Apologies that I have to leave, but the Commons is voting very soon. Aside from the US and UK, obviously, which other countries would you specifically seek for us to collaborate with to tackle the problems you have identified?

Nury Turkel: Thank you very much for that important question. In my personal and official capacity, I have been reaching out to several Governments that I thought might be helpful. Based on my experience, our Parliaments, Congresses, lawmakers and legislatures are ahead of the people in the Executive branch. The IPAC, an inter-parliamentary group, is one example. It has been a very effective organisation. I think we should utilise that coalition, focusing not too much on the geopolitical aspect but on the existing coalition of parliamentarians to engage or urge people in an Executive position to take action.

This is interestingly the same case in Turkey, for what it is worth. The Government has not said anything in particular, other than speaking out in the mildest terms. The Turkish Parliament and several parliamentarians in the Opposition party have been vocal. That is the only example that I can give of a Muslim country.



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The countries with a sizable Uyghur population have a particular reason to be more vocal. We have already talked about Canada, the UK and the United States, but other countries that I would like to see are the Netherlands, Norway, Belgium, Sweden and Germany. Those countries have a sizable Uyghur population, which is very vulnerable. Some of them are refugees or asylum seekers. They have not become citizens of their adoptive countries, and they cannot publicly speak out. They have been in contact with their Government representative, but to this day we have not seen impressive actions taken in those capitals.

The model that I would like to suggest is that, since we already have inter-parliamentary co-operation and collaboration, we should look at ways to legislate for something that allows the Governments to go after human rights abuses. The global Magnitsky Act is a model that Governments should look into. Governments that have already put in place a similar legislative mandate should utilise it. Laws are made to be enforced. They are not put on the books so that we feel good about them. We have to be able to use the existing legal tools that we have to go after those Governments.

Also, just like the way that Governments came out, particularly parliamentarians, in support of Australia in the recent conflict with China, the various Parliaments should regularly and frequently issue statements to keep the issue alive. I worry that as this goes on longer it may become a new normal, and we will not be able to take it as an urgent matter. The international community was tested on the case of the Rohingya. Nothing happened. It was tested in the case of the Yazidis. Nothing happened. That sent the wrong message to the leadership in Beijing and they started these modern-day demographic, cultural or straight-out genocidal policies in 2017. It is past time for action.

Chair: Thank you very much indeed. I am extremely grateful for your contributions this afternoon. This has been a fantastic session and I am particularly moved by much of the testimony that I have heard. In summary, I shall cover the points that I have taken away from this. There is the consistent voice that we need in the United Nations, on not just security but human rights. Professor, you were very clear on that. There is the credible evidence of slavery that we heard from our witness in the earlier session, Ms Jolly, and the senior attendance at the UN Human Rights Council throughout the proceedings, which I think was an extremely important point, Commissioner. I must say I am also grateful for the views on calling out the focus on the economy.

Before we end, it is worth paying tribute to Adrian Zenz and Azeem Ibrahim who produced the report that was so brilliantly covered by John Sudworth of the BBC. Also, on a personal note, I pay tribute to the Chief Rabbi of the United Kingdom, Ephraim Mirvis, who has today published an extremely moving account in *The Guardian* about standing up to persecution and, indeed, about the Uyghur persecution in Xinjiang. On that basis, I say thank you very much indeed to both our witnesses.