

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on minority issues; the Special Rapporteur on the right to privacy; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on trafficking in persons, especially women and children and the Working Group on discrimination against women and girls

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19 December 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur in the field of cultural rights; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on minority issues; Special Rapporteur on the right to privacy; Special Rapporteur on freedom of religion or belief; Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on trafficking in persons, especially women and children and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 49/10, 44/15, 46/9, 45/3, 44/3, 43/4, 50/17, 51/21, 43/8, 46/16, 49/5, 51/15, 43/20, 44/4 and 50/18.

We would like to follow-up on our engagement with Your Excellency's Government since 2017, in particular regarding the Xinjiang Uyghur Autonomous Region (XUAR). We thank the Government for the detailed responses provided to some of our communications and the information received through the China Human Rights Newsletter that your representation in Geneva shares with different stakeholders, including Special Procedures.

In our dialogue with your Excellency's Government, since 2017, we have sent eight communications, respectively on 19 July 2017 ([UA CHN 7/2017](#)), 12 January 2018 ([OL CHN 1/2018](#)), 12 November 2018 ([OL CHN 21/2018](#)), 1 November 2019 ([OL CHN 18/2019](#)), 7 July 2020 ([AL CHN 14/2020](#)), 10 February 2021 ([AL CHN 21/2020](#)), 12 March 2021 ([AL CHN 18/2020](#)), and 10 June 2021 ([AL CHN 5/2021](#)). Your Excellency's Government has replied to seven of them and we welcome the

responses dated respectively [19 September 2017](#) (UA CHN 7/2017), [15 March 2018](#) (OL CHN 1/2018), [16 December 2019](#) (OL CHN 18/2019), [19 November 2020](#) (AL CHN 14/2020), [23 May 2021](#) (CHN 21/2020), [13 October 2021](#) (AL CHN 18/2020) and [9 August 2021](#) (AL CHN 5/2021).

We wish to recall that the Special Procedures mandate-holders have raised concerns with your Excellency's Government about alleged widespread and grave violations of the rights of Uyghurs and other predominantly Muslim ethnic minorities in the XUAR, including on the basis of their religion or belief, and on grounds of national security and preventing extremism.

These allegations include the prohibition of religious practices or their peaceful manifestations, as a form of “extremism”; the denial of communities of the right to engage in religious education and to select their religious leaders; the mass undue surveillance of persons because of their religious beliefs; the arbitrary detention, indoctrination and cruel, inhuman or degrading treatment or punishment; enforced disappearances; sexual and gender-based violence; and forced labour. On 31 August 2022, the High Commissioner for Human Rights released the “OHCHR assessment of the human rights concerns in the Xinjiang Uyghur Autonomous Region” (hereafter “OHCHR assessment”). The assessment reiterated many of the concerns that had been raised by the UN Special Procedures as well as the Treaty Bodies in relation to the treatment of Uyghurs and other predominantly Muslim minorities in the XUAR, in particular between 2017 and 2019. The assessment concluded that “the extent of arbitrary and discriminatory detention of members of Uyghur and other predominantly Muslim groups, pursuant to law and policy, in context of restrictions and deprivation more generally of fundamental rights enjoyed individually and collectively, may constitute international crimes, in particular crimes against humanity”.¹

Since 2017, we have sent eight official communications jointly, raising concerns about the treatment of the Uyghurs and other ethnic minorities in the XUAR.² Two of these communications addressed the underlying laws, regulations, and policies — namely the XUAR Regulation on De-extremification and the Counter-Terrorism Law of the People's Republic of China and its Regional Implementing Measures — that underlie individual allegations of human rights abuses. In June 2020, 50 Special Procedures mandate-holders issued a joint statement reiterating their concerns regarding the repression of fundamental freedoms in China, including “the collective repression of the population, especially religious and ethnic minorities, in Xinjiang,” and calling for “renewed attention on the human rights situation in the country.”³

In June 2022, we renewed these concerns through a press release that urged the Government “to address specific and systematic human rights violations”, including the treatment of ethnic minorities in the XUAR.⁴ The former Special Rapporteur on

¹ “OHCHR assessment of the human rights concerns in the Xinjiang Uyghur Autonomous Region, PRC,” 31 August 2022, para. 148. (<https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>). The State's response to the assessment is available at:

https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/ANNEX_A.pdf

² [UA CHN 7/2017](#); [OL CHN 1/2018](#); [OL CHN 21/2018](#); [OL CHN 18/2019](#); [AL CHN/14/2020](#); [AL CHN 18/2020](#); [AL CHN/21/2020](#); [AL CHN 5/2021](#)

³ [UN experts call for decisive measures to protect fundamental freedoms in China](#), 26 June 2020.

⁴ [China must address grave human rights concerns and enable credible international investigation: UN experts](#), 10 June 2022

freedom of religion or belief also highlighted these concerns in three of his thematic reports to UN intergovernmental bodies, including his latest report to the Human Rights Council.⁵ The Special Rapporteur on the promotion and protection of human rights while countering terrorism has similarly reiterated concerns regarding the mass arbitrary detention of the Uyghurs and other ethnic minorities in the XUAR in her latest report to the Human Rights Council.⁶ The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, equally expressed concern regarding the human rights situation in XUAR in his latest report to the Human Rights Council.⁷ He noted, inter alia, that “given the nature and extent of powers exercised over affected workers during forced labour, including excessive surveillance, abusive living and working conditions, restriction of movement through internment, threats, physical and/or sexual violence and other inhuman or degrading treatment, some instances may amount to enslavement as a crime against humanity, meriting a further independent analysis.”

We note that your Excellency’s Government has responded to most of these communications.⁸ However, we regret that, to date, we have not received a response to the remaining communication nor any positive response to the requests of sixteen Special Procedures to undertake a country visit,⁹ in accordance with the [Terms of Reference for country visits](#) by Special Procedures, including an official independent and unhindered visit to the XUAR. We reiterate our call to Your Excellency’s Government to “invite mandate-holders, including those with a mandate to monitor civil and political rights, to conduct independent missions and to permit those visits to take place in an environment of confidentiality, respect for human rights defenders, and full avoidance of reprisals against those with whom mandate-holders may meet.”¹⁰ In that regard, we also refer to the June 2022 press release of a group of UN experts which called on authorities to ensure full and transparent cooperation with the totality of the UN’s human rights system, including allowing “visits by UN Special Procedures mechanisms and granting full access, particularly to places of detention”¹¹.

⁵ See [A/HRC/46/30](#) (2021) paras 29, 35 and 45; [A/75/385](#) (2020), para. 20; and [A/HRC/49/44](#) (2022) paras 25 and 30.

⁶ [A/HRC/49/45](#) (2022).

⁷ [A/HRC/51/26](#), paras 23/24.

⁸ In each instance in which it has responded, it has denied the allegations. See [Response of the government of China to Communication No. UA CHN 7/2017](#); [Response of the Government of China to communication No. OL CHN 18/2019](#); [Response of the Government of China to communication No. AL CHN 14/2020](#); [Response of the government of China to Communication No. AL CHN 18/2020](#); [Response of the Government of China to communication No. AL/CHN 21/2020](#); [Response of the government of China to Communication No. AL CHN 5/2021](#), Human Rights Council, 43rd regular session, 15th meeting, [Interactive dialogue with the Special Rapporteur on freedom of religion or belief](#) (2 March 2020), United Nations General Assembly, Third Committee (October 2020); Human Rights Council, 49th regular session, 20th -21st meeting, Interactive Dialogue with the Special Rapporteur on freedom of religion or belief (10 March 2022), Human Rights Council, 49th session, Interactive Dialogue with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms (15 March 2022).

⁹ Special Rapporteur on the right to adequate housing, Special Rapporteur on the promotion and protection of human rights while countering terrorism, Working Group on the use of mercenaries, Special Rapporteur on the rights of persons with disabilities, Special Rapporteur on human rights and the environment, Special Rapporteur in the field of cultural rights, Special Rapporteur on trafficking in persons, especially women and children, Independent Expert on the promotion of a democratic and equitable international order, Special Rapporteur on minority issues, Special Rapporteur on freedom of religion or belief, Special Rapporteur on toxics and human rights, Special Rapporteur on freedom of opinion and expression, Special Rapporteur on torture, Working Group on business and human rights, Working Group on enforced or involuntary disappearances, Special Rapporteur on the right to privacy.

¹⁰ <https://www.ohchr.org/en/press-releases/2020/06/un-experts-call-decisive-measures-protect-fundamental-freedoms-china>

¹¹ <https://www.ohchr.org/en/press-releases/2022/06/china-must-address-grave-human-rights-concerns-and-enable-credible>

In furtherance of our communication dated 1 November 2019 (OL CHN 18/2019), we specifically **encourage review and reconsideration of the counter-terrorism legislative framework applicable to the XUAR**. We welcome further concrete and specific dialogue with your Excellency's Government to ensure that the existing counter-terrorism laws, regulations, and policies are in full compliance with international law, including pursuant to the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights (ratified by China on 27 March 2001), International Convention on the Elimination of All Forms of Racial Discrimination (acceded to on 29 December 1981), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified on 2 March 1992), and International Covenant on Civil and Political Rights (signed on 5 October 1998). As stated in AL CHN 14/2020, we underline that upon signing the International Covenant on Civil and Political Rights (ICCPR), your Excellency's Government was obliged to refrain, in good faith, from acts that would defeat the object and purpose of the treaty. We note, further to the communication of the Special Rapporteur on the promotion and protection of human rights while countering terrorism of 14 February 2022 (OL CHN 3/2022), that the ICCPR is applicable to the implementation of The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, including where individuals are detained in the Hong Kong Special Administrative Region and subsequently transferred to mainland China for interrogations, prosecutions, and judicial proceedings.

Best international practices encourage States to independently review counter-terrorism and emergency law regularly to ensure they remain necessary and international law compliant.

To this end, we outline below key recommendations and benchmarks, in line with our previous communications, which we consider necessary to facilitate substantive reform in accordance with your Excellency's Government's international law obligations.

1. *Ensure the legality, proportionality, and non-discrimination of any applicable counter-terrorism and preventing violent extremism laws or regulations that may impinge on the rights to freedom of religion or belief, freedom of expression and opinion, cultural rights and minority rights—on their face or in practice.*

We have repeatedly raised concerns with the Government of China that its laws and policies aimed at countering terrorism and extremism restrict the rights of Uyghurs and other minorities to manifest their religious beliefs, to manifest their own culture, and identity and engage cultural practices of their choice, and that official regulations and policies prohibit many forms of peaceful expression of Muslim religious identity on the grounds that it is a form of "extremism" indicating the presence of actual or potential future intention to commit terrorism. The same concerns were also raised by the OHCHR in its assessment, which found that the counter-terrorism and counter-"extremism" framework is vulnerable to arbitrary and discriminatory application, unjustifiably limits the exercise of legitimate rights, potentially subjects individuals to arbitrary detention, and fails to provide adequate safeguards to protect against abuse. In the context in which this system is implemented and by associating "extremism" with

certain religious and cultural practices, it also carries inherent risk of unnecessary, disproportionate, and discriminatory application to the ethnic and religious communities concerned.¹²

In July 2017, we expressed concern to your Excellency's Government in [UA CHN 7/2017](#) regarding allegations that authorities had compelled Uyghurs who were studying in Egypt to return to China by detaining their family members in China, and then allegedly subjected some of those returning to detention and enforced disappearance and others to torture, or cruel, inhuman or degrading treatment or punishment, for allegedly "spreading extremism."

We also expressed alarm at reports that the Chinese government had subsequently sought the assistance of the Egyptian authorities to detain more than 150 Uyghur studying at Al-Azhar University, a leading school of Islamic law, and their families, held them incommunicado in locations, including the Chinese embassy in Cairo, and returned them to China — in breach of the international legal prohibition on non-refoulement, a well-recognized norm of customary international law.¹³ The Government of China responded to the communication by asserting that the allegations were groundless and that the Government of Egypt had undertaken arrests of foreigners on its own initiative and had not targeted Chinese people or students in particular in doing so.¹⁴ A communication concerning these violations was also addressed at the time to the Government of Egypt ([UA EGY 10/2017](#)). The Government of Egypt replied on 15 September 2017.¹⁵

In November 2018 ([OL CHN 21/2018](#)), we expressed particular concern about the revision of the XUAR Regulation on De-extremification. Raising concerns that the regulation was one of a progressively repressive series of policies affecting minority populations including the Uyghurs that began with the adoption of the "Strike Hard Campaign Against Violent Terrorism" policy for the XUAR in 2014. We noted that the regulation defines "extremification" to comprise "speech and actions under the influence of extremism, that spread radical religious ideology, and reject and interfere with normal production and livelihood." Among the speech and acts constituting "extremification" under the regulation are "interfering with normal cultural and recreational activities," "spreading of religious fanaticism through irregular beards or name selection," and "publishing ... or possessing articles, publications, audio or video with extremism content." We expressed concern that this definition would encompass even "habitual Islamic practices" and risked unlawful infringement of the right to freedom of religion or belief and rights to freedom of opinion and expression, as well as the rights of ethnic, linguistic and religious minorities. We also noted that the stated aim of the regulation — to "make religion more Chinese and under law, and actively guide religions to become compatible with socialist society" — is not a legitimate objective for which governments are permitted to restrict rights under international human rights law. We regret that the Government has not replied to this communication to date.

¹² See OHCHR assessment, para. 35.

¹³ Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

¹⁴ Response of the government of China to Communication UA CHN 7/2017, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33714>

¹⁵ Response of the government of Egypt to Communication UA EGY 7/2017 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33705>

Similarly, in a communication sent to the Government of China in November 2019 ([OL CHN 18/2019](#)), we expressed alarm regarding China’s 2015 Counter-Terrorism Law and its Implementing Measures. This legislation, which calls for “preventing and punishing extremist activities,” appeared to provide a legal basis for the authorities to punish peaceful manifestations of Muslim religious identity by linking religion to terrorism and criminality in an overbroad manner — for example, by identifying individuals’ adherence to Muslim dietary requirements as an indicator that they pose a potential terrorist threat. In this regard, we expressed concerns regarding the broad definition of terrorism and unqualified references to extremism. We underlined the observation of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism that the term “extremism” absent the qualifier of “violent extremism conducive to terrorism” has no purchase in binding international law and when operative as a criminal legal category, is *per se* incompatible with the exercise of certain fundamental human rights. We raised our concern also that the law allows your Excellency’s Government to reach bilateral agreements with third countries on counter-terrorism measures without a specific requirement, transparency or due process. We added that this may permit the detention and forced return of Uyghurs to China who may be at risk of arbitrary detention, enforced disappearance and other human rights violations, and that it would be contrary to the principle of non-refoulement. We further reiterated that all returns of nationals must be formally documented and undertaken in accordance with the law in order to avoid disappearances during those processes. We thank the Government for the response to this communication in which it indicates that the Counter-Terrorism Law “sets out that counter-terrorism work must respect the freedom of religious belief and the customs and habits of the people, and it prohibits any discriminatory practices based on geographical, ethnic or religious grounds,” and states that “[t]here is no question of an excessively ‘broad’ definition that could potentially lead to the criminalization of a peaceful dialogue on human rights and religious activities.”

In his report to the Human Rights Council at its 43th session, the Special Rapporteur on freedom of religion or belief expressed concerns about recent reports alleging that the Government of China had imprisoned Islamic scholars.¹⁶ The Special Rapporteur also expressed concern about the forcible “renovation” of mosques in China.¹⁷ During the interactive dialogue at the 43rd session of the Human Rights Council, a representative of China denied the veracity of the allegations by asserting that the Chinese Constitution provides that citizens cannot be discriminated based on religious grounds. Its response also indicated that China was living in religious harmony and their country had hundreds of mosques.¹⁸

In this regard, the November 2022 recommendations of the Committee on the Elimination of Racial Discrimination¹⁹ (CERD Committee), through its early and urgent action procedure, recommended China “to undertake a full review of its legal framework governing national security, counterterrorism and minority rights in the

¹⁶ See A/HRC/46/30 paras 29, 35, 45.

¹⁷ See A/HRC/46/30 paras 29, 35 and 45.

¹⁸ Human Rights Council, 43rd regular session, 15th meeting, Interactive dialogue with the Special Rapporteur on freedom of religion or belief (March 2, 2020) <https://media.un.org/en/asset/k1w/k1wsrth17>.

¹⁹ https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CHN/INT_CERD_EWU_CHN_9624_E.pdf

XUAR to ensure their full compliance under the International Convention on the Elimination of All Forms of Discrimination”.

Benchmark 1: (a) Repeal the XUAR De-extremification Regulation due to its impermissible aim and unlawful impingement on the rights to freedom of religion or belief, freedom of expression and opinion, of peaceful assembly and of association, as well as of cultural rights; and (b) amend the Counter-Terrorism Law and implementing regulations by revising the definition of “terrorism” in line with the model definition developed by the Special Rapporteur on the promotion and protection of human rights while countering terrorism.

2. Ensure compliance of surveillance programmes and activities with international human rights law, including the requirement of non-discrimination and the right to privacy.

In July 2020, we expressed concerns about reports indicating that the Government was carrying out a mass surveillance program aimed at collecting detailed information on activities allegedly carried out by the Uyghur population and other predominantly Muslim minority communities (AL CHN 14/2020). Such information was recorded in a complex system called the Integrated Joint Operations Platform for the purpose of alerting authorities to indicators of suspicious behavior, including non-violent manifestations of freedom of religion or belief, such as praying, assembling to participate in religious ceremonies, observing a particular dietary regime and being a member of a household with a “dense religious atmosphere.”²⁰ We specifically raised concerns about the arrest and detention of 300 individuals because of behaviors tracked by this surveillance campaign. The Government of China rejected the allegations in its response by indicating that the installation of cameras in communal areas “does not target any specific group”. Its response also mentioned that “there is no such situation whereby ‘over 300 individuals belonging to minorities’ have been monitored.”²¹

In this regard, we also refer to the September 2018 Concluding Observations of the CERD Committee, which referred to similar “[r]eports of mass surveillance disproportionately targeting ethnic Uighurs, such as frequent baseless police stops and the scanning of mobile phones at police checkpoint stations; [and] additional reports ... of the mandatory collection of extensive biometric data in the Xinjiang Uighur Autonomous Region, including DNA samples and iris scans, of large groups of Uighur residents.”²² Similar concerns were further confirmed by the OHCHR assessment, which found that “the broad powers given to public officials in XUAR generally, with limited independent oversight and procedural safeguards against abuse, are already of considerable concern, and are exacerbated by the far-reaching and highly invasive methods of surveillance.”²³

We emphasize that any physical or digital surveillance programmes or systems must be expressly, exhaustively, precisely and clearly established by law; that they

²⁰ AL CHN/14/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25374>; see also OL CHN 21/2018, p. 8.

²¹ Response of the Government of China to communication AL CHN 14/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35739>

²² CERD/C/CHN/CO/14-17, para. 40(b).

²³ OHCHR assessment, para. 102

should be truly exceptional; that they should be limited to what is strictly necessary for the fulfilment of imperative purposes, and subject to rigorous independent oversight. We refer in this regard to the guidance on this subject developed by the former Special Rapporteur on the right to privacy (A/HRC/37/62). We further reaffirm the related recommendation of the CERD Committee that “all collection, retention and use of biometric data is regulated in law and in practice, is narrow in scope, transparent, necessary and proportionate to meeting a legitimate security goal, and is not based on any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin.”²⁴

Benchmark 2: Ensure all surveillance programmes and activities are approved for use against a specific person only—as authorized by a competent, independent, and impartial judicial body—and subject to appropriate, express limitations on the time, manner, place and scope of the surveillance permitted in accordance with international human rights law.

3. Ensure detention practices are aligned with international law standards, including the obligation to promote and protect the right not to be arbitrarily deprived of liberty, the absolute prohibition of enforced disappearance and the freedom from torture, and other cruel, inhuman, or degrading treatment or punishment.

In November 2018 (OL CHN 21/2018), we expressed concern about the reported arbitrary detention and enforced disappearance of a significant proportion of Uyghurs and other minorities in the XUAR in so-called “occupational skills education and training centers” for reasons including peaceful expressions of Muslim belief and noted that the likely effect had been to prevent many from practicing their religion. In this communication, we raised allegations that the construction by authorities of at least 28 detention facilities, as confirmed by satellite imagery, between 2017 and November 2018, and the detention of a reported one million Uyghurs in such camps for the purpose of subjecting them to “de-extremism ideological education” reflected a “large-scale and ongoing...policy” aimed at the “homogenization of society.” It is alleged that no formal charges were laid against these detained persons, that they were held incommunicado, with no access to legal remedies, or contact with the outside world, and that they were detained for unspecified periods of time which was tantamount to enforced disappearance and arbitrary detention, a situation that increases the risk of being subjected to torture and other ill-treatment.²⁵

We added that international law recognizes the right to be held in officially recognized places of detention; to be brought before a judicial authority promptly after the detention; to provide accurate information on the conditions of detention to the family, legal representatives and persons with a legitimate interest as soon as possible; and to maintain updated registers of detainees in each place of detention. We further recall that the General Assembly Resolution, A/C.3/77/L.45, adopted in November 2022, reminds all States, in paragraph 18, that “prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of

²⁴ CERD/C/CHN/CO/14-17, para. 42(e).

²⁵ OL CHN 21/2018, see also A/HRC/WGEID/115, annex I and A/HRC/39/57, para. 88.
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24182>

such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that prolonged incommunicado detention and secret places of detention and interrogation are abolished.” We regret that, to date, we have not received any response to this communication by the Government of China.

In November 2019 (OL CHN 18/2019), we reiterated our concerns about the alleged large-scale detention of Uyghurs and other minorities in the XUAR, and especially of the so-called “educational placements”, which may result in extended and unlimited detention. We further raised concern about the very high number of enforced disappearances in China which reportedly escalated with the introduction of “re-education facilities”. In this regard, we noted that enforced disappearances had a detrimental effect on the economic, social and cultural rights of family members including gendered consequences for women victims. We also observed that the CERD Committee’s 2018 Concluding Observations similarly raised concerns, citing allegations that between 1 million and 1.5 million of ethnic Uyghurs and other minorities had been arbitrarily detained in the facilities, as well as allegations of deaths in custody and physical and psychological torture and other forms of abuse.²⁶ The CERD Committee also expressed alarm at “[n]umerous reports of the detention of large numbers of ethnic Uyghurs and other Muslim minorities, held incommunicado and often for long periods, without being charged or tried, under the pretext of countering religious extremism.”²⁷

In July 2020 ([AL CHN 14/2020](#)), we raised concerns that government officials had allegedly detained Uyghur and other Muslim minorities in “re-education camps” on the basis that their religious expression indicated that they were “infected by unhealthy thoughts” and would only release them “when this ‘virus’ in their thinking would be eradicated and they would recover their good health.” In his 2020 report to the General Assembly, the Special Rapporteur on freedom of religion or belief reiterated his concerns that Chinese authorities were detaining Uyghurs and other minorities for publicly displaying belief in Islam / religious beliefs, pursuant to laws and regulations authorizing the official “de-extremism” campaign.²⁸ On 12 March 2021, we reiterated our concern that the government’s campaign to eradicate extremism appeared to amount to repression to the rights of Uyghurs and other minorities to freedom of religion or belief ([AL CHN 18/2020](#)). The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism also reaffirmed these concerns in her report to the Human Rights Council in March 2022, reiterating that the term ‘extremism’ has no purchase in binding international legal standards.²⁹

The Government of China responded to AL CHN 14/2020, OL CHN 18/2019 and AL CHN 18/2020. In its reply to OL CHN 18/2019, it denied allegations that it was engaged in the mass arbitrary detention of Muslims or that its actions violated China’s human rights obligations. Its response also indicated that:

²⁶ CERD/C/CHN/CO/14-17, paras. 38-40.

²⁷ CERD/C/CHN/CO/14-17, para. 41(a).

²⁸ A/75/385 (October 2020), undocs.org/a/75/385, para. 20.

²⁹ A/HRC/49/45, para. 33.

“The Chinese government... severely punishes the very small number of key members of terrorist organizations and those who are involved in terrorist crimes. On the other hand, for the overwhelming majority who have been deceived into participation in some activities organized by the East Turkistan organization, it has taken educational measures to help them turn over a new leaf and return to normal.”

The government also indicated that “the Xinjiang vocational skills education and training centres are educational transformation institutions aimed at assisting with employment and eliminating extremism... [T]he spread of extremist thought is in essence closely related to poverty and a low level of education. Vocational education and training play a positive role in transforming people deeply affected by extremist thought. The study of the national language, laws and regulations and vocational skills and an understanding of the national traditions and culture, the acquisition of general knowledge of laws and regulations and an understanding of the country’s development and the situation of the international community assist in broadening outlooks. This helps to avoid extremist thinking, promote employment and foster personal development. It helps people to better adapt to and integrate into modern society and to ward off the corrosive effect of extremist ideas and eliminate terrorism at its source... In Xinjiang, illegal religious activities, propaganda materials and Internet broadcasts have been brought under control, in accordance with the law. This has effectively curbed the propagation and spread of religious extremism. In addition, the Chinese Government has continued to fight against poverty, making great efforts to improve people’s living standards, popularize the oral and written use of the national common language, spread knowledge of the law and guide citizens to pursue a modern, civilized lifestyle and to shun religious extremism.”³⁰

The Government denied the veracity of the allegations expressed in OL CHN 14/2020 and qualified the affirmation that “Xinjiang arbitrary locks up, detains and arrests ethnic minorities without judicial procedures” as “a completely unfounded lie.”³¹

In the context of sustained allegations of mass arbitrary detention and enforced disappearances, we reaffirm and endorse the recommendation of the CERD Committee to “[h]alt the practice of detaining individuals who have not been lawfully charged, tried and convicted for a criminal offence in any extralegal detention facility,”³² as well as the recommendations of the CERD and CAT Committees to ensure that all custodial deaths and allegations of torture and ill-treatment “are promptly, impartially and effectively investigated by an independent mechanism.”³³ These recommendations have been further reinforced through the November 2022 early warning and urgent action procedure of the CERD Committee which called upon the Government to “immediately release all individuals arbitrarily deprived of their liberty in the XUAR, whether in vocational education training centers or other detention facilities”.

³⁰ Response of the Government of China to communication OL CHN 18/2019, HRC/NONE/2020/SP/5, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35050>

³¹ Response of the Government of China to communication OL CHN 14/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35739>.

³² CERD/C/CHN/CO/14-17, para. 42(b).

³³ CERD/C/CHN/CO/14-17, para. 39 (b); CAT/C/CHN/CO/5, para. 41.

Additionally, we reiterate the absolute and non-derogable prohibition of enforced disappearances, a norm of international law that has attained the status of *jus cogens*. We regret the information indicating that the government authorities consistently fail to inform families immediately after arrests about the whereabouts of the detainees, their physical and psychological integrity and the conditions of detention. The failure to acknowledge a deprivation of liberty by state agents or the refusal to acknowledge detention are constitutive elements of an enforced disappearance, regardless of the duration of the deprivation of liberty or concealment concerned.

States do have a heightened duty of care when detaining individuals as they assume responsibility for their lives and well-being. In this regard, state obligations are also invoked specifically with respect to women detainees and children victims of their parents' enforced disappearance. In its General Comment on women and enforced disappearances, the Working Group on Enforced or Involuntary Disappearances noted that the State has the obligation to recognize the particular types of harm that women and girls suffer based on their gender, including sexual violence and sexual and reproductive care, and the resulting psychological damage and social stigma and the disruption of their family life.³⁴ In this regard, the Working Group also noted in its General Comment on children and enforced disappearances, that children of disappeared parents are prevented from exercising their rights, including their economic, social and cultural ones, due to the legal uncertainty created by the absence of the disappeared parent. Given the continuous nature of the crime of enforced disappearance, its specific adverse effects on a child could continue well after reaching adulthood.³⁵

We would also like to draw your attention to the conclusions of the OHCHR assessment, which raised concerns regarding the “trend of increased number and length of imprisonments through the criminal justice system in XUAR strongly suggesting there has been a shift towards formal incarcerations as the principal means for large-scale imprisonment and deprivation of liberty. This is of particular concern given the vague and capacious definitions of terrorism, “extremism” and public security related offences under domestic criminal law, that may lead to criminal prosecutions and the imposition of lengthy custodial sentences, including for minor offences or for engaging in conduct protected by international human rights law.”³⁶ This suggested trend, requires clarification by the authorities.

Benchmark 3: Immediately close any mass arbitrary detention facilities in the XUAR and take effective measures to prevent and put immediate end to the practice of enforced disappearances, including incommunicado detentions. Invite relevant Special Procedures mandates to conduct country visits, and grant them full and unimpeded access to current and former places of alleged mass arbitrary detention, as well as the capacity to confidentially interview persons who may have been detained and others with relevant information, without reprisals, consistent with the [Terms of Reference](#) for Special Procedures mandate holders.³⁷

³⁴ A/HRC/WGEID/98/2 para. 5

³⁵ A/HRC/WGEID/98/1 paras 6-7

³⁶ OHCHR assessment, para. 68.

³⁷ [Terms of reference for Special Procedures visits](#)

4. *Safeguard in all education and training programmes and activities in the XUAR the right to hold opinions without interference and to enjoy the right of freedom of expression in the context of detention.*

In November 2018 ([OL CHN 21/2018](#)), we expressed concern that, pursuant to the XUAR Regulation on De-extremification and the revision therein, individuals detained in “re-education centres” are subject to specific “reeducation and vocational training programmes,” “which may amount to indoctrination for unspecified periods of time.”

We noted in [AL CHN 21/2020](#) that violence against detainees in detention centers that are used to complement re-education camps when they reach full capacity, combined with strategies to prevent inmates from cherishing and expressing their cultural identity, including their language and religious beliefs or practices, lead to indoctrination and forced assimilation of people, in contradiction with the right to freedom of opinion and expression, freedom of religion and belief, the right to education and cultural rights, including the right to choose and express one’s own identity. The Government of China responded to AL CHN 21/2020 on [23 May 2021](#), denying the allegations brought to their attention.

The Special Rapporteur on freedom of religion or belief raised concerns in his 2020 report to the General Assembly about allegations that Uyghurs were forced to renounce their religion as a component of indoctrination programs within the re-education camps and are punished with violence if they do not do so.³⁸

In July 2020, we expressed concerns that Uyghurs were subjected to forced neurological interventions and indoctrination programs within “re-education” camps, in violation of their right to hold, express and manifest peacefully religious and other opinions ([AL CHN 14/2020](#)). In this communication, we emphasized that the freedom of thought and conscience and the freedom to hold opinions or beliefs without interference are absolute rights under international law — citing the Human Rights Committee, which has concluded that these rights require freedom from undue coercion in the development of an individuals’ beliefs, ideologies, reactions and positions (General Comment No. 34, para. 28 and General Comment No. 22 paras. 3 and 5). We therefore concluded that indoctrination programs, such as “reeducation camps” violate international law.³⁹

In its [19 November 2020](#) response to AL CHN 14/2020 Your Excellency’s Government denied the allegations, indicating that “the vocational education and training work in Xinjiang never interferes with the freedom of belief of the students” and that they are “in no-way so-called ‘political education camps’”. The response also emphasized that “[i]n the education and training process” the Government “strictly adhere[s] to the Chinese Constitution and laws, fully guarantee[s] the inviolability of students’ personal dignity and prohibit[s] insults or abuse of students in any form.”⁴⁰

³⁸ See [A/75/385](#), paragraph 20.

³⁹ Similar concerns were expressed in the OHCHR assessment, in which it stated that “the nature and functional purpose of the educational programmes in VETC facilities also pose concern given their orientation towards political re-education.”, see para. 50.

⁴⁰ Response of the Government of China to communication AL CHN 14/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35739>.

In this regard, the former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, has assessed that “in contexts of confinement and deprivation of liberty, violations of the right to health interfere with fair trial guarantees, the prohibition of arbitrary detention and of torture and other forms of cruel, inhuman or degrading treatment, and the enjoyment of the right to life. Violations of the right to health emerge as both causes and consequences of confinement and deprivation of liberty” (A/HRC/38/36, para. 18).

Benchmark 4: Put an immediate end to forced indoctrination and assimilation through so-called education or other programmes. Mandate a review of all existing education and training programmes, classes, or activities conducted in the XUAR and revise existing State curricula to ensure their compatibility with international standards, particularly with respect to the rights to freedom of opinion, belief, expression and education, and cultural rights, including the right to choose and express one’s own identity.

5. *Institute gender-specific measures to protect against sexual and gender-based violence in the context of arbitrary detention and beyond.*

In February 2021, we expressed concern about the alleged arbitrary detention and ill-treatment including gender-based violence of a specific individual in the XUAR on suspicion of “helping terrorist activities” ([AL CHN 21/2020](#)). The allegations included that prison authorities regularly subjected women in detention facilities to forced medication, including daily pills and weekly injections that caused cognitive impairment and the cessation of their menstrual cycles. The Government responded to AL CHN 21/2020 on 23 May 2021 and noted that the content of communication was “completely fabricated and slanderous,” denying that “sexual harassment or sexual violence” and “coercive use of pills or injections for any criminal suspects at the prison unit” were occurring in prison.⁴¹

The Working Group on discrimination against women and girls has highlighted that safeguards and protocols that ensure privacy, confidentiality and free and informed consent and decision-making, without coercion, discrimination or fear of violence, are necessary to guarantee the equal enjoyment of sexual and reproductive health rights for women and girls and has recommended States to ensure access to respectful and non-coercive sexual and reproductive health services for all women and girls and take additional steps to build trust with communities that have been historically subjected to discrimination, coercion and/or violence (A/HRC/47/38).

In his 2020 report to the Human Rights Council ([A/HRC/46/30](#)), the former Special Rapporteur on freedom of religion or belief expressed concern about “state initiatives to strip Muslim women of their religious identity” in China that are characterized as necessary to “rescue” Muslim women from oppressive religious dictates concerning reproduction. In his 2020 report to the General Assembly ([A/75/385](#)), he also raised concern about reports that Chinese authorities were carrying out forcible sterilization of Uyghur women, and that the population growth rates among Uyghurs had plummeted by 84 per cent.”⁴² The Special Rapporteur also expressed

⁴¹ Response of the Government of China to communication AL/CHN 21/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36333>.

⁴² See A/75/385, para. 20.

serious concerns at reports that Uyghur women had been systematically raped, sexually abused and tortured in so-called “re-education” camps in the XUAR.⁴³ During the interactive dialogue of the Special Rapporteur at the Human Rights Council 43rd session on 2 March 2020, a representative of the Government of China asserted that all women’s rights, including the right to freedom of religion or belief, are protected in China.⁴⁴

The Working Group on discrimination against women and girls has noted that the heightened policing of certain populations, owing to racial and ethnic biases intersecting with gender, poses risks for some women. Women from racial and ethnic minorities and indigenous women face specific and deeply damaging stereotypes and are disproportionately targeted for control. The Working Group has urged States to provide universal adequate, accessible and affordable education, health, legal and social services, and expand social protection systems in a manner that does not discriminate on the basis of gender and incorporates an intersectional and a women’s human rights perspective (A/HRC/41/33).

In this respect, we note the CEDAW Committee’s concerns about “reports that ethnic and religious minority women” — including Uyghurs and other ethnic minorities — “continue to experience multiple and intersecting forms of discrimination,” and the recommendation to your Excellency’s Government to vigorously pursue efforts aimed at eliminating the multiple and intersecting forms of discrimination experienced by ethnic and religious minority women, among others.⁴⁵ The Committee on Economic, Social and Cultural Rights recommended to take further action to prevent and criminalize effectively the use of coercive measures, such as forced abortions and forced sterilization, across China.⁴⁶ Similarly, the OHCHR assessment found that “descriptions of detentions in the Vocational Education and Training Centers (VETCs) in the period between 2017 and 2019 gathered by OHCHR were marked by patterns of torture or other forms of cruel, inhuman or degrading treatment or punishment, other violations of the right of persons deprived of their liberty to be treated humanely and with dignity, as well as violations of the right to health.” The OHCHR assessment also referred to allegations of “instances of sexual and gender-based violence (SGBV) in VETC facilities, including of rape, which also appear credible and would in themselves amount to acts of torture or other forms of ill-treatment.”⁴⁷

We reaffirm the finding of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in her report to the Human Rights Council 49th session, that, where State practices give rise to the concern that systematic and grave violations of international law may be occurring, particularly where they may reach the threshold of crimes against humanity, it is imperative that *free and unhindered* access, meaningful fact-finding missions, and close scrutiny are guaranteed.⁴⁸

⁴³ A/HRC/46/30 paras 29, 35 and 45.

⁴⁴ Human Rights Council, 43rd regular session, 15th meeting, Interactive dialogue with the Special Rapporteur on freedom of religion or belief (March 2, 2020) <https://media.un.org/en/asset/k1w/k1wsrtmh17>.

⁴⁵ CEDAW/C/CHN/CO7-8, para. 46.

⁴⁶ E/C.12/CHN/CO/2, para. 26.

⁴⁷ OHCHR assessment, para. 78.

⁴⁸ A/HRC/49/45, p. 17.

Benchmark 5: Put an immediate end to any policy or directives that provide for forced sterilization and birth control in the XUAR or otherwise discriminate against women and contravene fundamental reproductive health rights; and amend detention provisions as well as administrative and judicial safeguards to ensure comprehensive reporting and effective investigation of allegations of sexual and gender-based violence.

6. *Protect individual workers, including Uyghur and other minority workers, against human rights abuses by businesses within the XUAR and across mainland China in line with international human rights and labour rights standards.*

In the 2020 report to the General Assembly, the Special Rapporteur on freedom of religion raised concerns about allegations that Chinese authorities had sent thousands of victims of arbitrary detention in “re-education camps” to work for little or no pay in tightly controlled factories.⁴⁹

In March 2021 ([AL CHN 18/2020](#)), we raised concerns about evidence that the Government had subjected tens of thousands of Uyghurs and other minorities to forced labour, arbitrary detention, and trafficking in persons for the purpose of labour exploitation as a component of its policy to eradicate ‘extremism’. In this communication we referred to allegations that XUAR authorities had forcibly transferred tens of thousands of Uyghurs and other minorities who previously had been detained in re-education facilities to factories inside and outside of Xinjiang province; that Uyghurs were required to work in closed factories surrounded by fencing under tight surveillance, including by Government minders and dedicated security personnel, and not permitted to leave the facilities or have more than strictly controlled contact with their families, with no indication of whether and when they would be released, for little or no pay and in sub-standard conditions and under threat of being returned to detention and/or the intimidation of their family members. We expressed concern that Uyghurs and other minorities in these facilities were being subjected to torture or other cruel, inhuman or degrading treatment and were denied the right to manifest and practice their religion in the workplace and outside work hours.

We drew the Government’s attention to indications that these violations were being carried out pursuant to official Government policies, including the “industrial Xinjiang Aid” policy and that XUAR authorities advertised the availability of the Uyghur workers for year-long contracts, compensated both the sending institutions and the companies receiving Uyghur workers, and offered 24-hour police assistance to factories receiving them ([AL CHN 18/2020](#)). Similarly, the OHCHR assessment, found that “there are indications that labour and employment schemes, including those linked to the VETC system, appear to be discriminatory in nature or in effect and to involve elements of coercion, requiring transparent clarification by the Government.”⁵⁰

In addition, the Working Group on the issue of human rights and transnational corporations and other business enterprises shared these concerns in separate communications to over 150 companies domiciled in the territory of China, subject to its jurisdiction or sourcing items from factories in China, that were potentially involved

⁴⁹ A/75/385 para. 20.

⁵⁰ OHCHR assessment, para. 128.

in these abuses. It also shared these concerns with the Governments of Canada (CAN 6/2020), Denmark (DNK 2/2020), Finland (FIN 1/2020), France (FRA 3/2020), Germany (DEU 2/2020), Italy (ITA 6/2020), Japan (JPN 2/2020), Republic of Korea (KOR 6/2020), Spain (ESP 4/2020), Sweden (SWE 2/2020), the United Kingdom of Great Britain and Northern Ireland (GBR 10/2020), and the United States of America (USA 26/2020), due to the potential involvement of companies domiciled within their territories or subject to their jurisdiction in these abuses through their supply chains.⁵¹

The Government of China replied to AL CHN 18/2020 on 13 October 2021 firmly denying these allegations and indicating that “there is no such thing as ‘forced labour’ or ‘surveillance’ of ethnic minority workers anywhere in China” and that “the allegation that a number of enterprises (...) are potentially involved in ‘the human rights violations detailed (in the letter)’ is a fabrication”. Its response also emphasized that the “aforementioned enterprises are all legally registered and operate in accordance with the laws and regulations.”⁵²

Benchmark 6: Put an immediate end to any state policy and directive that authorizes the involuntary transfer of Uyghur and other minorities from detention facilities to work in factories in the XUAR or across the country; and grant companies with supply chains in China, including in the XUAR, free and unhindered access to factories and workers to conduct human rights due diligence in accordance with the Guiding Principles on Business and Human Rights⁵³ and investigate any alleged abusive or forced labour practices in factories in China.

7. Provide access to an effective remedy for Uyghur and other minorities subject to any of the foregoing allegations in the XUAR and across the country.

As we previously conveyed to your Excellency’s Government (OL CHN 21/2018 and AL CHN 14/2020), article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, establishes the right of everyone, without any distinction, to equality before the law in the enjoyment of human rights and fundamental freedoms; and article 6 the right of everyone to effective protection against and remedies for any acts of racial discrimination.⁵⁴ Accordingly, the CERD Committee recommended in its 2018 Concluding Observations that the Government of China “allow those wrongfully held [in any extralegal detention facility in the XUAR] to seek redress” and “[u]ndertake prompt, thorough and impartial investigations into all allegations of racial, ethnic and ethno-religious profiling, holding those responsible accountable and providing effective remedies, including compensation and guarantees of non-repetition.”⁵⁵

As stated in AL CHN 18/2020, we reiterate that the right to “accessible and effective remedies to vindicate... rights” is also part of article 2(3) of the ICCPR.⁵⁶ We also emphasize, Principle 26 of the UN Guiding Principles on Business and Human

⁵¹ AL CHN 18/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25545>

⁵² Response of the government of China to Communication AL CHN 18/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36605>.

⁵³ [Guiding Principles on Business and Human Rights](#)

⁵⁴ AL CHN 14/2020, p. 7; OL CHN 21/2018, p. 4.

⁵⁵ CERD/C/CHN/CO/14-17, para. 42(c).

⁵⁶ HRC General Comment No. 31 (2004).

Rights (A/HRC/17/31) which states that “States should take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy.”⁵⁷

We also emphasize in this regard the observation of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, in her 2022 report to the Human Rights Council, that, in considering extradition or transfer of persons to mainland China for investigation, detention, or prosecution, the principle of non-refoulement must be fully respected.⁵⁸

Benchmark 7: Amend China’s Counter-Terrorism Law, and any other applicable laws and regulations in the XUAR context in line with the fair trial guarantees and due process safeguards required under international human rights law. We also respectfully recommend the full and prompt implementation of the recommendations contained in paragraphs 39 and 42 of the Concluding Observations adopted in 2018 by the Committee on the Elimination of Racial Discrimination.

Conclusion

We look forward to an open, continued and meaningful dialogue to discuss the concerns and allegations expressed in this and previous communications and to be better placed to review policies and practices through the lens of China’s international human rights obligations.

We acknowledge the engagement of the Government of China with Special Procedures, and welcome the responses received from the Government to most communications, and for the information provided. That information was duly considered in our ongoing assessment. In this regard, we note that all communications have been transmitted to the Government after we sought to corroborate the information and allegations available to us with credible sources inside and outside the country including witnesses and other verifiable information, including satellite imagery and official State documents that have been assessed for their reliability. Nothing however could replace an in-situ visit to conduct, in the spirit of cooperation guided by the terms of reference for such visit, an objective, impartial and independent assessment.

It is against this background and in this spirit that we submit again our main concerns regarding the allegations of what appears to be a pattern of repression against the Uyghur population and other predominantly Muslim ethnic minority communities in the XUAR, including those who are suspected by the authorities to support, or harbor sympathies for, alleged extremist views or movement—giving rise to profound concerns of widespread and systematic rights violations. In this respect, we respectfully reiterate our recommendation to your Excellency’s Government to repeal the XUAR Regulation on De-extremification and review the other applicable laws and regulations in the region to ensure the compliance of the policies and practices applied to the Uyghur population and other ethnic minority groups with China’s international human rights law obligations. The purpose of the seven benchmarks above, is to offer a

⁵⁷ AL CHN 18.2020, p. 10.

⁵⁸ A/HRC/49/45, para. 51; see also communication CHN 3/2022.

framework to guide such a review. We stand ready to provide technical advice, legal analysis and assistance to the relevant authorities in this process.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information of how the XUAR De-extremification Regulation and the Counter-Terrorism Law and implementing regulations comply with China's international and human rights law obligations, particularly with respect to the rights to freedom of religion or belief, to freedom of expression and opinion, to liberty and personal security, as well as cultural and minority rights.
3. Please indicate what safeguards and limitations exist to ensure that surveillance programmes and activities approved for use, including with regard to Uyghur and other predominantly Muslim ethnic minorities, align with the international law requirements of the right to privacy and to the legitimate exercise of fundamental freedoms, including legality, proportionality, necessity, and non-discrimination.
4. Please explain what measures have been taken to guarantee the right of detainees in the XUAR not to be deprived arbitrarily of their liberty or subject to enforced disappearance, torture, cruel, inhuman, or degrading treatment, sexual and gender-based violence, including violations of fundamental reproductive health rights, their right to health, and forced labour.
5. Please provide information on the type of measures put in place to ensure the detainees' rights to the highest attainable standard of physical and mental health.
6. Please provide information regarding measures in place to prevent acts of enforced disappearances, especially with regard to the registration of persons deprived of their liberty, and to ensure timely access to accurate information about the fate and whereabouts of detainees by family members, legal representatives of their choosing and persons with a legitimate interest; and how these measures are effectively applied. Please indicate any measures taken to investigate promptly, effectively, independently, impartially and thoroughly any allegations of enforced disappearances, and to prosecute those responsible.
7. Please indicate any steps that have been taken to review and reform existing education and training programmes and activities in the XUAR in line with China's international human rights law obligations, including the obligation to promote and protect the fundamental rights to liberty, to personal security, to physical and mental integrity, as well

as the freedom of religion or belief, opinion, expression, and education, and cultural rights, including the right to choose and express one's identity.

8. Please indicate what legislative, administrative and other measures are being taken to protect minorities such as the Uyghur and other predominantly Muslim ethnic minority communities in the XUAR, to prevent the re-occurrence of the allegations, including concrete steps that your Excellency's Government has taken to ensure authorities impartially investigate them, prosecute those responsible, and guarantee to victims access to an effective remedy and redress.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Fernanda Hopenhaym
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Tomoya Obokata
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Alice Jill Edwards
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punishment

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Dorothy Estrada-Tanck
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