CHINA’S VIOLATION OF HUMAN RIGHTS IN UYGHUR RE-EDUCATION CAMPS

The Chinese Government has been implementing economically and culturally discriminative policies towards the Uyghurs, an ethnic group based in North Western China, Xinjiang, in which the majority of them are Muslims. Uyghur Muslims have been deprived of their religious freedom, with government officials forbidding them to fast during Ramadan and campaigning against halal foods. Even in Xinjiang, the state-sponsored migration of ethnically Han Chinese during the 1950s has made most of the work opportunities closed for the Uyghurs, while Han Chinese migrant workers have an easier time finding jobs. These economic and cultural oppression has caused several cases of riots and public unrest, the earliest being the Baren Township Riot in 1990.

As of 2017, Government efforts to suppress Uyghurs have escalated. Reportedly two million Uyghurs and other Moslem minorities in China have been held in re-educational camps in Xinjiang. These camps have been likened to a detention camp in regards of their treatment towards the detainee. Plenty have been detained without any explanation about the crimes they committed, nor legal resources to challenge the detention. The Chinese Government insists that the camps serve as a vocational education, while accounts of the detainees describe harrowing details of psychological indoctrination programs where they’re asked to study the communist propaganda and renounce their beliefs. Those who refused will be subjected to various physical torture ranging from handcuffs and ankle cuffs to waterboarding.

The international community has been vocal in condemning China regarding their treatment towards the Uyghurs and the massive, systemic violation of human rights happening in Xinjiang detention camps. 22 countries have signed a joint statement condemning China and called for China to uphold its international obligations relating to respect for human rights.

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and religious freedom in Xinjiang. Various UN bodies and independent agencies, such as Amnesty International and Human Rights Watch have also released reports and statements condemning China’s action in Xinjiang.

Through the actions committed towards the Uyghurs, China has violated a series of international regulations concerning human rights. The most prominent of which is the violation of the International Covenant on Civil and Political Rights (ICCPR). Even though China has yet to officially ratify the ICCPR, most of the rights contained within it have crystallized as a customary international law, thus making it binding towards China. Article 9 of the ICCPR provides that everyone has the right to a lawful arrest, that no one should be subjected to arbitrary arrest or detention, and that no one should be arrested or detained without going through the judicial process. This means that shall there be an arrest or detainment, the detainee should be informed of the crimes they’re detained for and that they should be detained for committing crimes against existing legal statute after being put through proper due order of law. This does not necessarily happen in Xinjiang, where most of the detainees were detained for crimes they had no knowledge of without being put through the proper legal process. Another cornerstone of human rights violated by China is the right to freedom of religion, as guaranteed by Article 18 of the UDHR and Article 18 of the ICCPR. The extensive restrictions imposed by China range from destroying several mosques and religious symbols in Xinjiang, forcing Uyghurs to refrain from practicing their prayers, to forcing Uyghurs to drink liquor and eat pork, both of which prohibited in Islam. These egregious policies clearly violate the Uyghur’s fundamental right to freedom of religion.

China has also violated Article 2 of the Convention Against Torture (CAT), in which China is a State party to through its ratification in 1988. The CAT explicitly stipulated that State parties should take legislative, administrative, and judicial measures to prevent acts of torture from happening under its jurisdiction. CAT also stated that no circumstances or order from superior shall justify torture from happening. In the case of Uyghur detainment, not only had China done nothing to prevent acts of torture towards the detainees in the Xinjiang re-education camp, the government was the perpetrator of the torture conducted towards the detainees.

Another issue of grave concern are allegations that China has violated the Genocide Convention, which China ratified in 1983. According to Article II of the Convention, genocide is defined as:

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7 ICCPR, Article 9
8 International Covenant on Civil and Political Rights, Article 9.
9 UDHR, Article 18; ICCPR, Article 18.
11 Convention Against Torture, Article 2
'any of the following acts committed with intent to destroy, in whole or a part, a national, ethnical, racial or religious group, as such: (a) killing members of the group, (b) causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (d) Forcibly transferring children of the group to another group'.

By being a State party to the Genocide Convention, China agrees that genocide, whether it was done in times of peace or in times of war, is a crime under international law which they undertake to prevent and to punish. A recent study conducted by Adrian Zenz, a prominent researcher on Xinjiang and Tibet, alleges the existence of a systematic State campaign to suppress minority births, while simultaneously encouraging a mass influx of new Han Chinese workers and settlers. If true, this provides strong evidence that Beijing’s actions in Xinjiang also meet the physical genocide criterion cited in Section D of Article II of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide: “imposing measures intended to prevent births within the [targeted] group.” Furthermore, China has demonstrated its failure in abiding to the Genocide Convention by actively partaking in causing serious bodily or mental harm to members of the Uyghur ethnic group with the intention to destroy them.

Furthermore, China can be held directly responsible as a state for its violations. According to the ILC Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA), the conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central Government or of a territorial unit of the State. This means that China could be held responsible under international law for the actions of its state organs, including the actions of Xinjiang Uyghur Autonomous Region Government that has been operating the re-education camps that detain the Uyghurs.

Unfortunately, there is significant difficulty in holding China responsible for their violations. As for the CAT and Genocide Convention, China has submit their reservation on all articles concerning dispute settlement in ICJ. Furthermore, China has not ratified the

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12 Genocide Convention, Article 2
13 Genocide Convention, Article 1
ICCPR, and even if they were a State Party, inter-State complaint mechanisms under Article 41 of the ICCPR may only be initiated upon the declaration of both parties to recognize the competence of the Human Rights Committee.\textsuperscript{17}

\textsuperscript{17} ICCPR, Article 41(1).