

# **Journal of Multi-Disciplinary Legal Research**

## **Human Rights Violations In China**

Yashasvi Bhede

### **ABSTRACT**

The study provides an insight about the human rights violations happening in China. It helps us to recognize the grounds behind China's criticism of its policies. China has waged a repressive campaign against the minority Muslim Uyghur community in the northwest region of Xinjiang for the past two decades in the name of counterterrorism. Its policies have been widely condemned by Western countries. Beijing, on the other hand, appears unaffected by such complaints, particularly because the Muslim world has either remained silent or has endorsed China's efforts in the region. This paper discusses China's Xinjiang policies, existing international responses, and the case for India's proactive involvement.

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Legal Research

## **WHAT ROLE DO HUMAN RIGHTS PLAY IN MORAL, POLITICAL AND LEGAL DEBATE AND PRACTICE?**

In today's world, [human rights](#) are nearly a religion. They are the gold standard by which a government's treatment of its citizens is judged. In the twentieth century, a strong consensus arose on terminology that sets nation-state judgments against an international moral code that prescribes certain advantages and treatment for all individuals merely because they are human. Many countries are embroiled in political debates regarding the denial or misuse of human rights. Even in rich, democratic countries like Canada, most of the public debate is couched in rights rhetoric. Unfortunately, human rights are far more complicated phenomena than that.

The mainstream view to the normative basis of international human rights, according to moral philosophers, sees human rights as moral entitlements that all human beings share because of our shared humanity. According to this perspective, a positive legal instrument or institution does not decide what constitutes a human right. Positive international human rights law comes before and is apart from human rights. Just because something is declared to be a human right by a legal order does not make it such. In contrast, the lack of international legal protection for a human right doesn't mean that it isn't a human right. The field's purpose is to provide the international legal protection of universal aspects of what it means to be human.

Human rights, on moral grounds, preserve essential characteristics or features that we all share, notwithstanding the numerous historical, geographical, cultural, communal and other factors that define our lives and relationships with others in unique ways. They give rise to certain responsibilities that we all owe to one another as an ethical acknowledgment of what it means to be human. If we owe each other obligations for reasons other than our shared humanity – such as friendship, kinship or citizenship - these obligations are not human rights and should not be recognised as such by international legal instruments. Human rights are defined by political concepts in terms of their rhetorical function in global politics.

Human rights legal theorists, on the other hand, usually begin with the assumption that international law, not moral philosophy or political practice, establishes their existence. Because the International Covenant on Economic, Social and Cultural Rights enshrines such a right, there is an international human right to food, for example. In international law, human rights are the legal consequences of intense political debates about the international legal

validity of specific types of power. The enactment of an international instrument that enshrines a human right in international law does not end the debate. Individual or collective disputes requiring international legal resolution, opinions offered by international legal actors on state compliance with treaty obligations, juridical determinations of the boundaries between domestic and international legal spheres, and negotiations among state actors yielding binding agreements are all examples of contestation over its nature and scope. <sup>1</sup>

## WHO ARE UYGHURS?

The [Uyghurs](#) are a Turkic ethnic group with roots in Central and East Asia that are primarily Muslim. They speak a language that is akin to Turkish and consider themselves to be culturally and ethnically related to Central Asian countries. <sup>2</sup>The Uyghurs are considered to be one of China's 55 officially recognised ethnic minorities. China, on the other hand, China only recognises the community as a regional minority and denies that they are an indigenous people. The ethnic community currently has the greatest population in China's Xinjiang region. They also live in neighbouring Central Asian nations such as Uzbekistan, Kyrgyzstan, and Kazakhstan where they make up a sizable community. Xinjiang is theoretically China's largest autonomous territory, rich in minerals and sharing borders with eight nations including India, Pakistan, Russia, and Afghanistan. <sup>3</sup>

## CHINA'S ANTI-UYGHURS 'STRIKE HARD CAMPAIGN'

China competes with global powers in economic growth, military power, technical innovation and manufacturing strength in the twenty-first century. Indeed, the country's economic progress over the last four decades, which has been dubbed a "miracle," has lifted

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<sup>1</sup> Patrick Macklem, What are human rights? Moral, political, legal debate (2015), <https://blog.oup.com/2015/12/what-are-human-rights-moral-political-legal-theory/>. (last visited Nov 18, 2021).

<sup>2</sup> Uighur Muslims, Drishti IAS (2021), <https://www.drishtiiias.com/daily-updates/daily-news-analysis/uighur-muslims> (last visited Nov 19, 2021).

<sup>3</sup> *ibid.*

large swaths of the population out of poverty. At the same time, the Chinese government is under fire for its authoritarian practises, particularly from the West and other democracies. Among them is its harsh attitude toward Turkic-speaking Uyghurs in the Xinjiang, Autonomous Region of northwest China. The Chinese government is detaining Uyghurs in large numbers in order to homogenise their cultural, religious, and political beliefs with those of the Han majority. It has been conducting broad and all-pervasive surveillance, forced sterilisation of women, torture and execution inside detention centres, targeted harassment, and forced labour in Xinjiang, according to human rights organisations.

As part of the '[Strike Hard Campaign](#) Against Violent Extremism, China has been conducting a Sinicization campaign against the Uyghurs, initially targeting computers and other modern gadgets. Muslim religious texts that were not sanctioned by the government were confiscated in the early phases of the campaign. Chinese police raided Uyghur Muslim settlements in Xinjiang looking for concealed religious manuscripts, DVDs, audio cassettes and other religious materials.<sup>4</sup> The effort has since turned into one of the harshest types of repression the world has seen in the twenty-first century, with many describing it as a full-fledged "culture" campaign.

Most of them are detained without charges and often kept inaccessible to their families. Many were detained for travelling to or contacting people from any of the 26 countries that China considers as "sensitive". Inmates are beaten, deprived of sleep and forced to study Mandarin; they are forced to read materials supporting Chinese nationalism, and they are taught the tenets of communism inside the overcrowded camps. Women have been sexually abused inside the camps according to reports. Forced abortions have also been reported as well as the forced implantation of intrauterine contraceptive devices in some of the women. Beards are prohibited for men, and veils are prohibited for women and pilgrimages to Mecca are likewise prohibited. The Chinese government maintains that its actions in Xinjiang are anti-terrorist. Ethnic rioting between Han Chinese and Uyghurs killed 200 people in Urumqi in 2009. Protests organised by Uyghurs against the state-sponsored migration of Han Chinese to Xinjiang sparked the rioting. Following the riots, Beijing became apprehensive, and the authorities began to see the entire Uyghur people as potential terrorists. The communist party's fears were only heightened by attacks carried out by the East Turkestan Islamic

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<sup>4</sup> Khalid Shah, China's Xinjiang Policy: The Imperative for India ORF (2021), <https://www.orfonline.org/research/chinas-xinjiang-policy-the-imperative-for-india/>. (last visited Nov 19, 2021).

Movement. Many analysts, on the other hand, have described Beijing's activities in Xinjiang as "cultural genocide."

Indeed, the demographic mix of the province has changed so much since 1949 that it is unlikely to return to its previous status. Uyghurs made up 75% of the population in 1949, while Han Chinese made up 7%. According to the 2010 census, Uyghurs made up 46% of the total population, Han Chinese made up 40% and Kazakhs and Kirgiz made up the rest. Many Uyghurs have sought asylum in countries such as Turkey, Malaysia, Kazakhstan and Egypt to avoid persecution in China. The Chinese government, on the other hand, can utilise diplomatic channels to compel countries to return fleeing Muslims to China; Thailand, Egypt, Malaysia, Afghanistan, Bulgaria, Cambodia, the United Arab Emirates and India have already done so. Alternatively, Chinese officials have contacted Uyghurs who have attempted to live in other parts of the world and urged them to return, threatening their families with persecution and detention if they do not comply.<sup>5</sup>



## HUMAN RIGHTS VIOLATIONS IN CHINA

### Internment Camps

The [Xinjiang](#) autonomous region government runs these internment camps also known as vocational education and training centres. Uyghurs have been indoctrinated in these camps. It is estimated that up to 3 million individuals were held in these camps. Chinese officials initially denied the existence of such camps but the government is now portraying them as authorised education camps aimed at combating extremism.

### Uyghur culture is being dismantled

Suppression of the Uyghurs religious freedom has been used to dismantle their religion and culture. China has enacted a law requiring the implementation of anti-Islam measures within the next five years. The regulation tries to give Islamic religion a Chinese flavour and is a means of suppressing Uyghur faith. The authorities have forced inmates to forsake their religious views and ethnic identities. They have made it illegal for parents to give their

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<sup>5</sup> ibid.

children Islamic names and they have compelled Muslims to consume pork and drink alcohol, all of which are prohibited in Islam. Mosques have been under increased scrutiny by the government, which sees them as breeding grounds for Islamic "extremism" and anti-Chinese attitude. In 2017, authorities ordered the demolition of thousands of mosques under the guise of "mosque renovation."

The right to practise one's religion is a fundamental freedom protected by various international treaties. All people's cultural rights are guaranteed by Article 1 of the International Covenant on Economic, Social and Cultural Rights. Article 2 bans discrimination on the basis of race, colour, sex, language, religion, political or other beliefs, national or social origin, property, birth, or other status and Article 15 guarantees people's cultural freedom. Everyone has the right to freedom of thought, conscience and religion according to Article 18 of the Universal Declaration of Human Rights. China is a party to all these treaties but through its policies it appears to have grossly violated the provisions of these conventions.<sup>6</sup>

### **Surveillance of people's houses**

China has gone to great pains to increase surveillance inside people's homes. Cadres are sent to reside in the homes of minority groups in Xinjiang as part of the "Pair up and Family Program" to monitor and indoctrinate the Muslim minority. In Xinjiang, official servants are allocated to households with whom they must visit and stay on a regular basis. Families have no choice but to allow the cadres to visit them, and if they refuse, they will be imprisoned or transported to the extrajudicial camps. The Program has effectively turned households into prisons from which there is no way out. Children of Uyghurs are taken away from their families and forced to attend schools in predominantly Han populated cities.

"Family" is recognised as a fundamental group unit of society in Article 16 of the Universal Declaration of Human Rights and is entitled to protection by the state and society.

Surveillance of a person's house infringes on his or her privacy and family life. All of these actions are flagrant violations of the Uyghurs' human rights.

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<sup>6</sup> Shreya Srivastava, December 28, 2020 – Cambridge International Law Journal Cambridge International Law Journal (2020), <http://cilj.co.uk/2020/12/28/> (last visited Nov 18, 2021).

## Birth control

The Chinese government is enacting birth control tactics against the Uyghurs. They appear to be suppressing the Uyghur Muslim community and attempting to ethnically cleanse the province's population. To reduce the birth rates of Uyghurs and other minorities, harsh restrictions have been applied. Pregnancy tests, intrauterine devices, unconsented sterilisation and even abortions are performed on minority women in Xinjiang. They are threatened with mass detentions if they do not cooperate with the birth control measures. For having too many children, people are transported to prison camps. As a result, Uyghur women's birth rates have dropped dramatically. According to government figures, birth rates in the Uyghur regions of Hotan and Kashgar fell by more than 60% between 2015 and 2018.

Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide defines genocide. The imposition of measures intended to restrict births within a group is defined as genocide in Article II(d).<sup>7</sup> Clearly, Chinese officials actions appear to fit under the criteria of genocide and could be considered an act against humanity

## CHINA'S STAND ON THE ISSUE

China claims that its Xinjiang strategy is intended to combat separatism, extremism and terrorism. To be sure, Xinjiang is home to extremism and terrorism and the region has seen violence in the past. The state's response to the entire population, on the other hand, has been extremely disproportionate. In the past, China has blamed violent incidents on a small group of Uyghur extremists. China has exploited the US war on terror as an excuse to Sinicize and ethnically cleanse the Uyghur community since 9/11.

[China's strategy](#) was to deny the existence of the camps. China eventually changed its policy in the face of relentless media criticism of the camps existence and the mistreatment of the detainees. Following previous denials of the camps existence, Chinese officials were forced to concede their existence, referring to the institutions as "re-education camps" or "schools" to combat radicalization and terrorism. Authorities in Xinjiang have often said that the detainees are given free meals and lodging as well as skill development courses.

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<sup>7</sup> *ibid.*



Western criticism of China's Xinjiang policy has been labelled "conspiracy" and "misinformation" by Chinese media. When Europe, the US, UK and Canada prohibited the travel of top officials of the federal government in Xinjiang and seized their assets, Beijing replied by placing a travel restriction on members of the European parliament who have condemned China, as well. Chinese officials have used religious extremism and terrorism as justifications for mass detention and suppression of the country's Muslim population. They claim that the re-education camps were successful in weaning the kids away from extremism and providing them with job training for a better life.

In February 2021, China censored the Clubhouse social media platform after discussions on the newly launched social media app centred on reconciliation and the realities of Uyghur life in Xinjiang. Around 1,000 netizens joined the conversation which turned emotional when a Han girl living in mainland China apologised to a Uyghur woman for the brutality faced by her family.<sup>8</sup> This rare conversation went on for 12 hours without interruption by Chinese censors, as the newly launched Clubhouse app was still not under the radar of the government at the time. However, the Chinese government within days sought to disconnect the people from the app by imposing a massive firewall on its use.

## CONDEMNATION AND APPROVAL ON GLOBAL SCALE

### Western Democracies

China's Xinjiang policy has drawn widespread [condemnation](#), particularly from Western countries. Leaders from the United States, the United Kingdom, Australia, New Zealand and European Union (EU) countries have condemned China's anti-Uyghur campaign. Sanctions were imposed on two Chinese Communist Party leaders and a Chinese firm for their roles in human rights violations against the Uyghurs. Months later, the Trump administration halted importation of goods made by five Xinjiang-based enterprises that have been tied to forced labour. In 2019 and 2020, the EU passed two resolutions condemning widespread

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<sup>8</sup> Khalid Shah, China's Xinjiang Policy: The Imperative for India ORF (2021), <https://www.orfonline.org/research/chinas-xinjiang-policy-the-imperative-for-india/>. (last visited Nov 19, 2021).



imprisonment and urging European corporations to cut relations with Xinjiang entities involved to forced labour.

At the United Nations in July 2019, the UK asked China to halt its mass arbitrary detentions and related violations on behalf of 22 nations. At the Committee for the Elimination of Racial Discrimination's Third Committee Dialogue on October 29, 2019, these countries reaffirmed their position. They sought accurate information and urged Beijing to grant UNHCR and UN Special Procedures "immediate, unrestricted, and meaningful access to Xinjiang." In 2020, Germany published a similar statement, which was co-signed by 38 countries. Notably, 16 more countries have joined the group of 22 democratic nations that have criticised China.

### **Islamic countries**

China has been able to sway a huge number of countries in its favour, which observers attribute to its economic and strategic clout. Following a statement issued by Western countries in July 2019 denouncing China's activities in Xinjiang, 37 countries, half of which are Muslim-majority, came to China's defence.<sup>9</sup> They praised Beijing's counter-terrorism efforts in a joint statement. Cuba made a second counter-statement in support of China's Xinjiang policies the following year, which was co-signed by 44 countries. In reaction to Western criticism, China has enlisted the help of African and Middle Eastern countries, primarily those that have signed on to its major infrastructure project, The Belt and Road Initiative [BRI].

### **Turkey**

Turkey was once the only Islamic country to publicly criticise China's Xinjiang policies. Turkish Foreign Minister Mevlut Cavusoglu encouraged China to distinguish between terrorists and innocent people as well as to safeguard human rights and religious freedom, in February 2019. He requested complete safeguarding of the Uighurs and other Muslims cultural identity. Turkey on the other hand, capitulated after a meeting between Turkish President Recep Tayyip Erdogan and Chinese President Xi Jinping in July 2019. During a visit to Beijing, Turkish President Recep Tayyip Erdogan used kinder language in his

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<sup>9</sup> *ibid.*

remarks about the Uyghurs, asking for a solution that takes into account the sensitivities of the Uyghur people.

## **Bahrain**

Bahrain is the second Islamic country in the world to criticise China for its persecution of Uyghurs. The Council of Representatives in Manama expressed concern in January 2020 over widespread detentions, deprivation of human rights and oppression of Uyghur religion. It urged the international community to rescue the lives of innocent Uighur Muslims by putting an end to human rights atrocities against them.

## **Saudi Arabia**

Saudi Arabia's crown prince, Mohammed bin Salman, is one of China's most vocal defenders.<sup>10</sup> Salman praised China's approach during a visit to Beijing in February 2019, saying that the government has the right to carry out anti-terrorism and de-extremization efforts for its national security.

## **Malaysia**

With the change of government in Malaysia in 2020, the country's stance on the Uyghur problem has shifted. Prime Minister Muhyiddin Yassin said in September 2020 that the country will not deport Uyghurs to China, instead providing them with safe passage to a third country. The government, on the other hand, has opted "not to interfere" in China's domestic affairs and has not publicly condemned Beijing for its policy.

## **WHY HAVE MUSLIM COUNTRIES CHOSEN TO BACK CHINA'S POLICY OF XINJIANG?**

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<sup>10</sup> *ibid.*

The solution is mostly economic in nature. Turkey, for example, which had initially slammed China, finally gave in after receiving financing worth US\$ 1 billion from China as part of BRI projects.

Similarly, the China Pakistan Economic Corridor (CPEC), which is seen as the BRI's crown jewel, is crucial to Pakistan's willingness to protect China or its silence on other occasions when presented with the issue. The CPEC includes \$62 billion in infrastructural projects that are critical to Pakistan's development. Similarly, in August 2017, Saudi Arabia's leaders announced deals worth \$70 billion with Beijing. Many OIC nations are participants in the BRI, and others have trading ties with China. The risk of losing assets outweighs the Uyghur's concerns. There's also the worry of Chinese retaliation, which isn't unjustified given China's enormous campaign against H&M for discontinuing its cotton imports from Xinjiang. For these [Islamic countries](#) businesses, market access remains a major challenge. Perhaps more importantly, the OIC countries do not have a good track record when it comes to human rights in their own countries. Internal politics and the possibility of bolstering religious ardour overseas drive their selective concern for Muslim affair.<sup>11</sup>

### INDIA'S STRATEGIC SILENCE

Despite the fact that many countries around the world have taken a [neutral stance](#) on China's Xinjiang policy, India stands out as one of the few that has remained silent. India, which has the world's second-biggest Muslim population and prides itself on being the world's largest democracy, has spoken little about the situation of the Uyghurs. Uyghur dissidents have repeatedly requested India to take a proactive stance. After Chinese intrusions in eastern Ladakh and the Galwan battles, which resulted in casualties on both sides, the call for a firm stance on the matter has gotten stronger. Maintaining silence on the Uyghur issue is similar to giving Beijing carte blanche when it comes to its bad human rights record. Rather than appeasing China on the matter, India should bolster its image as a global defender of democratic values and a vocal arbitrator of human rights in the area. More importantly, by raising its voice against the Uyghur genocide and the Muslim world's duplicity, India will send a strong message to Pakistan and its people. Maintaining neutrality on the Uyghurs

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<sup>11</sup> *ibid.*

would make sense if China had shown any respect for India's domestic issues or reciprocity on subjects that are sensitive to India.

## CONCLUSION

The world is noticing China's double standards on terrorism. Internally, it is committing cultural genocide in the name of counterterrorism, yet it has no qualms about aiding and abetting terror attacks on Indian soil. This is sufficient justification for India to adopt a firm stance on the subject. India could approach the issue in a number of ways. Taking it to the UN may not be the wisest course of action, as it risks China's increasing Kashmir activism. It is not a wise decision to join the global coalition of democratic countries. However, India's political leaders might take the initial move by issuing remarks criticising China.

India can use its diplomatic clout in the region to pressure countries like the Maldives, Bangladesh, and Afghanistan to act. These countries, like India, have kept silence on the issue. Given the new Maldives government's anti-China stance, which is also a Muslim-majority country, India's support may encourage its officials to be more vocal on the subject. If India is successful in turning around Bangladesh and Maldives, Pakistan will face enormous pressure to address internal concerns<sup>12</sup>. Given their tense relations and China's rising belligerence, India would immensely benefit from adding the Uyghur card to its diplomatic arsenal. China must close its vocational training centres and religious and political detainees must be released from prisons and detention camps. It should embrace multiculturalism and recognise China's Uighurs and other Turkic Muslims as ordinary citizens on par with Chinese nationals.<sup>13</sup>

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<sup>12</sup> *ibid.*

<sup>13</sup> Uighur Muslims, Drishti IAS (2021), <https://www.drishtiias.com/daily-updates/daily-news-analysis/uighur-muslims> (last visited Nov 19, 2021).

## REFERENCES

1. Uighur Muslims, Drishti IAS (2021), <https://www.drishtiias.com/daily-updates/daily-news-analysis/uighur-muslims> (last visited Nov 19, 2021).
2. Shreya Srivastava, December 28, 2020 – Cambridge International Law Journal Cambridge International Law Journal (2020), <http://cilj.co.uk/2020/12/28/> (last visited Nov 18, 2021).
3. Patrick Macklem, What are human rights? moral , political, legal debate (2015), <https://blog.oup.com/2015/12/what-are-human-rights-moral-political-legal-theory/>. (last visited Nov 18, 2021).
4. Khalid Shah, China's Xinjiang Policy: The Imperative for India ORF (2021), <https://www.orfonline.org/research/chinas-xinjiang-policy-the-imperative-for-india/>. (last visited Nov 19, 2021).



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