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“Silent scream” of the Uyghur minority – human rights violations in the People’s Republic of China

„Niemy krzyk” ujgurskiej mniejszości – prawa człowieka w Chińskiej Republice Ludowej

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Abstract

The observance of human rights in the People’s Republic of China is controversial, and for many years there have been reports of violations of the rights of ethnic minorities, in particular the Uyghur minorities, in the public debate. The reason for this is the Uyghur-Chinese conflict, which has become one of the factors of increased repression against the minority in question. Consequently, the current situation of the Uyghurs in Xinjiang causes consternation in the international community, which seeks confirmation of its concerns about the hallmarks of genocide through international law.

Keywords: Xinjiang, Uyghurs, Human Rights, Rome Statute of the International Criminal Court, United Nations, People’s Republic of China, Communist Party of China

Streszczenie

Przestrzeganie praw człowieka w Chińskiej Republice Ludowej budzi wiele kontrowersji, od wielu lat w debacie publicznej pojawiają się doniesienia o łamaniu praw mniejszości etnicznych, w szczególności ujgurskiej. Przyczyną takiego stanu rzeczy jest konflikt ujgursko-chiński, który stał się jednym z czynników nasilonej represji wobec omawianej mniejszości. W konsekwencji obecna sytuacja Ujgurów w Xinjiangu wywołuje konsternację

wśród społeczności międzynarodowej, która szuka potwierdzenia swoich obaw dotyczących znamion ludobójstwa za pomocą prawa międzynarodowego.

Słowa kluczowe: Xinjiang, Ujgurzy, prawa człowieka, Rzymski Statut Międzynarodowego Trybunału Karnego, Organizacja Narodów Zjednoczonych, Chińska Republika Ludowa, Komunistyczna Partia Chin

Introduction

Human rights in the People's Republic of China (PRC) have been a problematic issue for years as understood by democratic states and non-governmental organizations. As a result of the 1971 decision of the United Nations General Assembly to restore the PRC to its structures and return Beijing's seat as a permanent member of the Security Council, international recognition of Communist China was achieved. These factors led to a breakthrough and intense Chinese interest in the science and practice of international law, with a particular focus on the possibility of pragmatically restoring the PRC's position as a superpower in the international arena¹. It is noteworthy, however, that despite the initiated process of China's gradual opening to the world, the recognition of international human rights law has only occurred since the 1990s. Unprecedentedly, the events of June 1989 in Tiananmen Square showed that in the political context, the Chinese government definitely did not conform to international human rights standards.

The purpose of this article, therefore, is to highlight the issue of human rights, with a particular focus on the living situation of the Turkic Muslim minority – the Uyghurs. For this purpose, the status of ethnic minorities in the People's Republic of China will be presented, as well as the government policy applied to them. Subsequently, the article will address the Chinese-Uyghur conflict, its causes, and its consequences for Uyghur society. Also analyzed will be the Chinese Communist Party's (CCP) governmental practices toward this community, which, in terms of international law, are detrimental to the human rights ascribed to every human being regardless of race, religion, ethnicity.

An important point of reference, in this case, will be international law documents on the observance of human rights, as well as reports created by international organizations such as Amnesty International and Human Rights Watch that address violations of Uyghur rights in the People's Republic of China. The methodology adopted is a historical approach that will reconstruct the events of the Uyghur-Chinese conflict that had a direct impact on the violation of the rights of the Muslim minority. In addition, a comparative method will be used to show the difference in the perception of human rights by the PRC and Western countries.

¹ China's "opening up" was also influenced by the Cultural Revolution and the 1978 reforms carried out by Deng Xiaoping and his "Great Leap Forward" policy.

This procedure will also make possible an analysis of the Rome Statute of the International Criminal Court and its application to the Uyghurs². The author will use an analysis of available press sources, as well as scholarly sources, of which there are relatively few due to the fact that this is a controversial topic, and the People's Republic of China rejects the allegations, claiming that there is no one universal model of human rights.

The topics covered within the article are relevant and necessary, as they concern what seem to be the most important rights, namely human rights. In the opinion of many researchers, they are and will continue to be violated in the People's Republic of China unless the international community takes decisive steps and holds the Chinese authorities accountable.

Ethnic minorities in the People's Republic of China

In popular opinion, the People's Republic of China appears to be a kind of monolith in terms of nationality. Few people realize that among the 1.41 billion citizens of this most populous country in the world are representatives of 56 ethnic groups³. The largest of the communities is the Han people, who make up 91.1 percent of the population, living in the central and eastern areas of the country, namely the Zhu and Huang He riverine territories. The remaining total number of ethnic group members was determined by the 2000 census to be 105.2 million people, accounting for 8.9 percent of the total population and living in the west, north, and south of the country. It is worth noting that ethnic minorities thus occupy as much as two-thirds of the country's land area. The most numerous of these are: Zhuang – 18 million, Manchus – 11 million, Hui – 9 million, Miao – 9 million, Uighurs – 8.68 million, Yi – 8 million, Tujia – 8 million, Mongols – 5.8 million, Tibetans – about 6 million, Dongs – 3 million, Yao – 3 million, Buei – 2.5 million, Kazakhs – 2.2 million, Koreans – 2 million, Bai – 1.86 million, Hani – 1.5 million, Li – 1.25 million, Dai – 1.15 million.

The above ethnic groups are at different levels of social, cultural, and economic development. Their rights are guaranteed by the PRC Constitution, as well as in numerous pieces of legislation, such as the 1984 Regional Ethnic Minority Autonomy Law, the New Regulations for the Implementation of the 1984 Regional Ethnic Minority Autonomy Law, and the National Human Rights Action Plan⁴. Despite numerous assurances from the Chinese side, the campaign against terrorism, introduced in May 2017, was significant in its impact. The Chinese government began a systematic abuse of power against Muslims living in the Xinjiang Autonomous Region, which directly targets Uighurs and

² The Rome Statute of the International Criminal Court is an act of international law signed on July 17, 1998. It emphasizes that perpetrators of the most serious crimes of an international nature, including those guilty of genocide, will be tried by the Criminal Court.

³ *Mniejszości etniczne w ChRL*, <https://www.statista.com/statistics/278556/share-of-ethnic-minorities-in-the-chinese-population-by-region/> [access: 5.05.2022].

⁴ D. Jarema, *Polityka Chińskiej Republiki Ludowej wobec mniejszości etnicznych*, "Zeszyty Naukowe Ruchu Studenckiego" 2013, nr 2, pp. 50–52.

other followers of Islam⁵. The PRC justifies the introduction of this practice with the alleged threat of terrorism, in fact, Chinese policy shows by its conduct a clear intention to collectively invigilate Uyghurs on the basis of religion and ethnicity.

Evolution of the Chinese-Uyghur conflict and respect for human rights

In referring to the Uyghur Autonomous Region of Xinjiang, interchangeably called Xinjiang, Uyghuristan, or East Turkestan, the author will use the name Xinjiang, which means translated into Chinese as a *new territory* or *new frontier*. Xinjiang encompasses the historic area of East Turkestan, which was conquered by the Chinese Empire in 1759 with the breakup of the Dzungar state. The province in question is China's largest area, with an area of 1,664,897 square kilometers; however, it is a relatively low-density residential territory. The Statistical Yearbook of the People's Republic of China in 2013 reported that the province's population is 22.32 percent or 1.6 percent of the total PRC population. The region is bordered by Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Afghanistan, Mongolia, India, as well as Pakistan⁶.

The origins of the phenomenon of Uyghur separatism should be traced to Chinese expansion into East Turkestan (nowadays known as Xinjiang). Originally, these lands were inhabited by Turkic-speaking Uyghurs, who were genetically related to people who also spoke Turkic languages from Siberia and Central Asia. The common feature of this community is the professed faith – Islam, moreover, in Eastern Turkmenistan, the Uyghurs are a historical people who have manifestations of their own statehood, such as traditions and culture. It is worth noting that the mentioned region was conquered by the Han only in the 18th century, so it had time to develop its own cultural identity. Since then, the Uyghurs have disagreed with the policies of the Middle Kingdom and rebelled against Beijing, strenuously trying to throw off the Chinese yoke. Three periods can be distinguished in the Chinese-Uyghur conflict.

The first dates to 1865–1878, at which time the Uyghur people were the progenitors of a series of uprisings led by Yaquba Beka. These revolts contributed to the liberation of the Uyghurs from Chinese rule for a period of thirteen years (during which time there was a state called Yettishar⁷). This period was crowned by another attempt by the Chinese Empire to subjugate and take control of the rebellious region. For this purpose, the Chinese asked Russia for support, which proved to be a good military move for the Chinese Empire, which managed to regain control of the northern part of the region. After China regained

⁵ T. Szyszlak, *Czynnik religijny w konfliktach etnicznych na przykladzie konfliktu chińsko-ujgurskiego*, "Zeszyty Naukowe" 2012, nr 2, pp. 167–169.

⁶ P. Wieczorek, *Konflikt w Ujgurskim Autonomicznym Regionie Xinjiang i jego wpływ na bezpieczeństwo w regionie*, "Wschodnioznawstwo" 2015, nr 1, pp. 335–336.

⁷ In Uyghur, Yettishar means seven cities and Transylvania, the cities were Kashgar, Hotan, Jarkand, Korla, Turfan and Kucha.

the province, the Treaty of St. Petersburg was signed in 1881 and the Treaty of Pamir in 1895, and the lands that had been seized by the Russians were returned to Chinese rule⁸.

The second period of the conflict in question is 1933–1934 when The Turkic Islamic Republic of East Turkestan was proclaimed to give the Uyghurs their coveted sovereignty. This new state entity was created as a result of the civil war in China and lasted only a few months. The last attempt at Uyghur independence was in 1945–1949 when the formation of the East Turkestan Revolutionary Republic was proclaimed, which this time received support from the USSR and created its own armed army. The Uyghurs succeeded in establishing the rudiments of statehood in the form of a flag, currency, offices, and state organs. The Turkestan Republic was supported by the USSR, while being used as a machine to fight the Chinese Kuomintang, and also to help bring about the revolution in China. In 1949, when the Communists won, Soviet policy toward the Turkestan Republic was transformed⁹. There was pressure on the government of Akhmetzhan Kasimi at the time to approve the incorporation of the Turkestan Republic into the structure of the People’s Republic of China. Despite Uyghur resistance, that same year the USSR’s goal was realized. This occurred under peculiar conditions, namely, members of the government headed by Kasi were traveling to Beijing, where negotiations on the Republic’s incorporation into China were to take place, when suddenly, for unexplained reasons, there was a plane crash, and all the passengers on the plane died.

The Xinjiang Uyghur Autonomous Region was created in 1955 and still exists today. This state of affairs, however, did not resolve the widespread opposition of the Uyghurs to Chinese policies, as there was more unrest just a year later, in 1956. The situation was exacerbated by the policy of absolute subjugation of Xinjiang introduced by China. This included the practice of birth control and discrimination against the Uyghur religion of Islam. Subsequently, the settlement of the Han population began on the territory of the region. All these actions led to the mass emigration of the Uyghur minority to areas of the USSR.

The policy of forced assimilation, which was designed to equalize the number of Han and Uyghurs, has continued uninterrupted since the late 1940s. While the Chinese People’s Liberation Army occupied Xinjiang, only one in twenty residents was Han. Today, the proportion of the population between Uyghurs and Han has leveled out and is about 40 percent each, with the rest including Kazakhs (also subject to repression), a sign of China’s successful policy to reduce Uyghur influence in the region.

Today, the escalation of the Chinese-Uyghur dispute is influenced by Uyghur dissatisfaction with high unemployment. This is a consequence of the job discrimination applied to Uyghurs, which consists of accepting only Chinese citizens who have settled in Xinjiang territory for new positions. This is evidenced, among other things, by the words of social activist of Uyghur origin Khashir Wachidi, according to whom 80 percent of Xinjiang’s indigenous community lack decent living conditions and live on the poverty line. The Chinese government’s discriminatory policy toward the Uyghur minority is also practiced

⁸ The St. Petersburg Treaties and the Pamir Treaty divided the sphere of influence between China and Russia.

⁹ P. Wiczorek, *op. cit.*, pp. 337–339.

with regard to indigenous Uyghur culture and language, which is no longer taught in schools. In addition, the practice of traditional religious rituals has been banned, including the five pillars of Islam: shahada (profession of faith), zakat (almsgiving), prayer, fasting, and haj (pilgrimage). It is noteworthy that Islam is viewed by PRC representatives as a practice based on fundamentalism, and Uyghurs practicing it are considered terrorists with connections to Islamists originating in Afghanistan. This reluctance intensified after the September 11, 2001 attacks in the United States, which resulted in George W. Bush's declaration of war on terrorism. At that time, the Chinese media portrayed Uyghurs as being educated in al-Qaeda camps; moreover, the East Turkestan Islamic Movement was added to the US list of terrorist organizations. This fact was exploited by the Chinese government, which explained the human rights violations by concern for the integrity and security of Chinese citizens¹⁰. The view that Uyghurs are terrorists has no factual justification; most of them are followers of Sufism, and consequently, any activity of the Salafi school, from which terrorist organizations based on extreme fundamentalism, such as al-Qaeda, originate, is seen by Sufis as unacceptable. This by no means undermines the fact that Islam permeates the lives of Uyghurs both in the city and on the outskirts, and is an integral part of Uyghur culture and tradition.

A factor that has a direct impact on the escalating conflict between the Uyghur minority and the authorities in Beijing is the exploitation of the region's natural resources. This process took on particular importance when the Western Land Development Program was launched in 1999. This was the pretext for seizing individuals' right to exploit mineral resources. Xinjiang is rich in oil and natural gas, however, their extraction benefits other regions, and all production is exported outside Xinjiang County. These natural riches also represent an opportunity for the Uyghurs to regain independent Uyghur territory. Behind this firmly established policy of exploitation, moreover, is a major change in the architecture of Uyghur cities. An example is Kashgar, where the tradition and culture of the centuries-old city is disappearing, to be replaced by modern commercial construction. It constitutes the direct cause of the disappearance of the Uyghur national heritage¹¹.

A restrictive birth policy is being practiced against Uyghurs. Data analyzed by the Australian Strategic Policy Institute (ASPI) from 2011 to 2019 shows that there were sharp declines in the birth rate among Uyghurs in 2017¹². The latest data on births in the Xinjiang region, where Uyghurs currently make up 45 percent, shows that the birth rate dropped even further in 2019 – by 47.74 percent compared to 2017. Moreover, in Bachu County alone, where Uyghurs make up 94 percent of citizens, the Chinese government has put forward a plan to target a birth rate of more than 4 per thousand citizens, compared to 51.5 in 2017. The People's Republic of China explains that these measures are a plan to improve economic and health policies. As the aforementioned ASPI study by James

¹⁰ N.J. Sienko, *Ujgurskie dziedzictwo kulturowe w starciu z Chińską Republiką Ludową*, "Sprawy Narodowościowe, Seria nowa" 2018, nr 50, pp. 2–4.

¹¹ *Ibid.*, pp. 63–80.

¹² K. Wójcicka, *Aborcja na życzenie partii. Działania Chin wobec Ujgurów mogą świadczyć o ludobójstwie*, 2021, <https://www.gazetaprawna.pl/wiadomosci/swiat/artykuly/8165596,dzialania-chin-wobec-ujgurow-moga-swiadczyz-o-ludobojstwie.html> [access: 6.05.2022].

Leibold and Nathan Ruser shows, the results illustrate a greater decline in births than in any region of the world in more than 71 years¹³. It is worth mentioning that the research included the 1994 genocide in Rwanda, as well as that which occurred in Cambodia between 1975 and 1979. The PRC rejects accusations that it has been perpetrating forced sterilization on the Uyghur population while pointing out that the current birth control in Xinjiang does not target any ethnic minority. The ASPI report shows that since 2017, women living in the region have been subjected to forced contraception, including being forced to use IUDs. Authorities in Beijing add that the practice of birth control is voluntary, however, there are very high fines for violating existing laws. This is demonstrated, among other things, by the fact that during a four-month period in 2017, the Chinese state imposed fines of 6 million yuan on 629 families who resided in Qapqal County in Xinjiang as punishment for pregnancies that were illegal under Chinese law. Deliberately in areas inhabited by Uyghurs, the authorities set up special phone lines to report rule-breaking neighbors. The U.S.-based New York Times highlights that from 2015 to 2018, there was a six-fold increase in rates depicting sterilization in Xinjiang while adding that there has been a sharp decline nationwide. China’s practice reflects a nationwide demographic crisis, with the government encouraging in other regions and approving the expansion of the family with additional offspring.

In order to achieve indoctrination, political and coercive cultural assimilation, the government has begun to conduct arbitrary detentions of a mass nature. There has been widespread detention of both men and women, usually of Islamic ethnic groups. More than a million people have been sent to centers called re-education or training centers, while the remaining hundreds of thousands have been sent to heavily guarded prisons. The people in the re-education camps experience psychological and physical violence. The Chinese government is practicing extreme measures to prevent the creation of reliable documentation on the situation in Xinjiang. Amnesty International conducted in-depth interviews from October 2019 to May 2021 with dozens of former prisoners who have been in Xinjiang since 2017. The testimonies largely corroborate almost all of the public statements made about the re-education camps¹⁴. The evidence Amnesty International has collected provides a wealth of new information to depict crimes against the population committed by the Chinese government, such as physical deprivation of liberty, violations of international law, persecution, and torture¹⁵.

All of the 55 people interviewed by Amnesty International are detainees for actions that are punishable according to Chinese government officials according to the law, however, there is no legal basis for this under international law. It can be considered that the

¹³ The results were based on fertility data collected by the United Nations.

¹⁴ Amnesty International is an international non-governmental organization whose primary goal is to prevent all human rights violations. To this end, it organizes peaceful civil actions, from writing letters to the governments of rights-breaking countries and sharing information about these violations, to providing real legal and financial assistance to those affected.

¹⁵ “*Like we were enemies in a war*”. *China’s mass interment, torture and persecution of muslims in Xinjiang*, Amnesty International, 2021, pp. 90–92, https://amnesty.org.pl/wp-content/uploads/2021/07/ASA-1741372021ENGLISH_raport_chiny.pdf [access: 5.05.2022].

incapacitation of internees is beyond the reach of Chinese domestic law and the Chinese criminal system. Indeed, according to state documents and statements, criminal law does not apply to those in the camps, as they are there voluntarily and have not been criminalized. Meanwhile, according to a report by Amnesty International, the detainees are forcibly detained, and the existential conditions in these places offend human dignity. Many of those detained said that the reasons for taking away their freedom were not strictly related to specific actions. Often they were only informed that their incapacitation was caused by being classified as suspects, extremists, or terrorists. Reasons for confinement included travel, study, living abroad, and interpersonal contacts with people who traveled. In addition, detentions occurred as a result of using banned mobile apps or engaging in practices related to religious faith, such as praying and possessing evidence in the form of photos, or videos attesting to being a Muslim.

Based on the information gathered by organizations and journalists, the thesis is that people are being blamed for assumptions rather than actual rule-breaking. Moreover, they are not guilty under international law. Concentration camps are characterized by constant surveillance and strict discipline, there is no room for personal autonomy, and detainees are monitored while sleeping, eating, and taking care of their physiological needs. Prisoners who fail to comply with established orders are physically punished. Conversation with other inmates is also forbidden, and self-expression can only take place in Mandarin, which, as one might expect, most elderly people or those from rural Xinjiang do not know. The camps lack health care, sanitation facilities, drinking water, and fresh air. Detainees are subjected to disciplinary measures involving memorization and recitation of revolutionary songs that praise the People's Republic of China or the Chinese Communist Party. The main purpose of these classes is to teach the Chinese language, history, ideology, and law. The teaching is also based on instilling inmates with the conviction of the evils associated with Islam and promoting the excellent policies of China and President Xi Jinping. Each of the people interviewed by Amnesty International experienced torture and inhumane treatment. Based on the testimonies, there are two broad categories of torture. The first relates to mental and physical torture, as well as other forms of abuse that detainees were subjected to as a result of daily life in the camp. The degrading existential conditions and control of detainees' lives can be described as degrading and cruel treatment¹⁶.

The second category is physical torture and other forms of abuse during interrogations carried out, and as punishment for misbehavior according to camp rules. This category of torture includes electric shocks, beatings, use of handcuffs, waterboarding, isolation, sleep deprivation, and suspension. During an interview, Amnesty International documented a case of a death in a camp that occurred as a result of torture. One eyewitness to this tragedy testified that a man was tortured with a tiger chair¹⁷. He was restrained and immobilized for more than three days. Other fellow prisoners were forced to watch him and were forbidden to give the man any help.

¹⁶ Ibid.

¹⁷ The tiger chair is one of the instruments of torture used in the People's Republic of China, involving tying a tortured person to a chair, who sits in the same position for several hours to several days. People who have experienced this torture have complained of the steel burning off their buttocks and limbs.

Uyghur rights under international law

Amnesty International is not the only one to produce reports on human rights violations in the PRC; in 2021, Human Rights Watch also published a report with the stirring title *Break Their Lineage, Break Their Roots*¹⁸. The organization’s reports also indicate that the People’s Republic of China is committing crimes against humanity by violating the fundamental rights of Turkish Muslims in Xinjiang. Both the literature and case law on genocide refer to such actions as the most serious international crime. According to international law, the commission of crimes against humanity is the basis for individual criminal responsibility not only before domestic national authorities but also before international tribunals and before national courts outside the country on the basis of universal jurisdiction. It is also worth mentioning that this individual criminal responsibility with its reach extends both to those who carry out criminal acts, as well as to individuals who order their execution or who grant, facilitate or instigate the crime¹⁹.

To this date, an international convention on crimes against humanity has not yet been established, but many countries support the project. There is, however, the Rome Statute of the International Criminal Court, which contains a list of acts constituting the commission of crimes against humanity, in broad and systematic attacks against any civilian population, for national, political, ethnic, racial, or religious reasons. The following are considered to be factors implying genocide: murder, imprisonment, or other severe deprivation of physical liberty in which standards of international law have been violated, torture, persecution, enforced disappearance, and other inhumane acts. Moreover, the statute defines these acts as “committed as part of an extensive or systematic attack directed against any civilian population, with knowledge of the attack.” The aforementioned definition can be divided into four components, which are the requirements that determine whether an act has criminal characteristics. First, the attack must be systematic or widespread, second, the attack is directed at the civilian population, third, the acts are committed knowingly, and fourth, these acts “are promoted by the state or organizations that encourage attacks on the civilian population.” It is worth examining these guidelines and relating them to the Uyghur minority to see if indeed this definition is an appropriate description for the livelihood situation of this population. According to the aforementioned Human Rights Watch report, the mass imprisonment of the Uyghur minority meets the requirement of a widespread and systematic attack, Uyghurs unprecedentedly also constitute a specific civilian population, so the second requirement is also met. Documents circulated among CCP officials also provide key evidence of the crime against the minority. In them, one can find such formulations, such as: “assault-style re-education” of prisoners who do not cooperate.

¹⁸ Human Rights Watch (HRW) is a non-governmental organization dedicated to the protection of human rights, HRW’s headquarters are located in New York. The organization has five departments in Asia, Africa, the Middle East and the Americas.

¹⁹ “*Break their Lineage, Break Their Roots*” *Chinese Government Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims*, Human Rights Watch, 2021, pp. 40–42, https://www.hrw.org/sites/default/files/media_2021/04/china0421_web_2.pdf [access: 10.05.2022].

The last requirement, that genocidal acts “are promoted by the state or organizations that encourage attacks on civilians,” is somewhat controversial. Many commentators argue that the politicization of these acts was added later at the Rome Conference to express a consensus that isolated acts would not be treated as crimes against humanity²⁰.

Organizations such as Human Rights Watch and the Stanford Human Rights Clinic agree that the Chinese state’s policy is to carry out the genocidal attacks against the Turkish Muslim population described above. The accounts of individuals who were in various re-education facilities and on whom forced political indoctrination were practiced are very similar, indicating the existence of an organized policy²¹. Those who oppose CCP policies are punished, as was former Chinese official Wang Yongzhi. Initially, he followed the orders of his leaders and detained Turkish Muslims en masse in the Yarkend region²². In subsequent years, he stopped his actions, stating that they had devastating effects on the region’s economy, as well as creating social tensions. As a result, he ordered the release of more than 7,000 prisoners from the political education camp in September 2017. For this act of disobedience, he was openly condemned in court, by whose verdict he was demoted from his post. It is worth mentioning that the said official was not an exception, as in 2017 the party launched 12,000 investigations, 20 times more than the previous year, and thousands of officials were punished in the same way. The government’s insistence on state secrecy regarding the camps’ operations is also telling. The camps are prohibited from using any tracking or recording devices. The same applies to the documents signed by the “re-educated” in which they pledged not to disclose information about camp practices.

In the case of some acts indicative of crimes against humanity, there are also enshrined or recorded government practices, such as laws prohibiting Islamic religious practices. The call to openly oppose Islamic influence is also evident in the media. One example is China’s leading national newspaper, *The People’s Daily* (Renmin Ribao), which published the following annotation on May 29, 2014: “We must insist to our family and friends that it is necessary to firmly oppose the influence of religious extremism and firmly defend ethnic unity and national integration,” now using this and other media avenues to promote the fight against religious manifestations.²³

The above information shows that the People’s Republic of China is committing constitutional acts of crimes against humanity, which are listed in the Rome Statute of the International Criminal Court. This is also evidenced by the forced labor of Turkish Muslims, as well as arbitrary detention in political education centers. Many organizations similar to Amnesty International and Human Rights Watch show that Chinese authorities have imprisoned around one million Turkish Muslims in the aforementioned camps. The remainder are held in prisons and detention centers. Violations of the Rome Statute can be evidenced by torture carried out, defined in that act as “the deliberate infliction of severe pain and suffering” of a mental or physical nature. It should be added that the rationale

²⁰ Ibid.

²¹ Ibid., pp. 43–44.

²² Jarkend is one of the counties in western China, located in the Xinjiang autonomous region.

²³ “*Break their Lineage, Break Their Roots*”..., op. cit., pp. 45–47.

for torture, i.e., for what purpose it is used, for example, to obtain information, is not relevant. Torture is prohibited by international law, including both the Rome Statute and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, adopted by the United Nations General Assembly on December 10, 1984. The People’s Republic of China joined the United Nations on October 25, 1971, so it is obliged to comply with the Convention in question. Meanwhile, the PRC uses interrogation with “tiger chairs,” electric shocks, as well as other brutal measures against Uyghurs, such as sexual violence, deprivation of water and food, prolonged solitary confinement, and physical violence.

In addition, persecution, defined in the act as “deliberate and severe deprivation of fundamental rights contrary to international law on the basis of group or collective identity,” as well as on national, racial, political, cultural, gender, and other grounds, can be considered a violation of the Statute. The PRC’s formal as well as informal legislation against Uyghurs regarding their names, dress, traditions, and religious rituals meets the requirements to be considered a form of persecution. Other acts that also qualify as cultural persecution include the destruction of mosques, the ordering of contraceptives by Muslim women, and the forced assimilation of Han culture. The International Law Commission notes that long-standing and systematic devastation of religious traditions is being applied to the Uyghurs.

It is impossible to ignore the issue of surveillance, which affects society as a whole, although ethnic minorities in particular. This highly invasive technology makes it possible to locate and identify Turkish Muslims. The Chinese government has allocated huge funds for this purpose. Such actions violate citizens’ rights to privacy, freedom of movement, and free speech. According to those under surveillance, as well as organizations looking at the situation in the region, the intrusive monitoring includes: networks of surveillance cameras, including facial recognition, a network of checkpoints in the form of police stations, and collection of biometric data such as facial and iris scans. In addition, an unlimited search of communication devices is used, including interpersonal and financial history. The data collection enables the government to strictly control and track the activities of ethnic minorities²⁴.

Allegations of sexual violence, primarily rape, forced sterilization, and other procedures that harm an individual’s sexuality, have been made against PRC policies. The International Criminal Court Elements of Crimes notes that sterilization performed without the patient’s consent is treated as a crime against humanity, but at the same time recognizes that birth control measures that are not permanent (do not have a lasting effect) should not be considered crimes. Such an observation makes it difficult to include the use of contraceptive intrauterine devices in Turkish Muslim women in the discussed category of crimes against humanity²⁵.

²⁴ Ibid., pp. 63–80.

²⁵ The International Criminal Court Elements of Crimes (ICC) has its headquarters in The Hague, the Netherlands. It is the only permanent international court to prosecute and try perpetrators of international crimes of genocide, war, and crimes against humanity. The ICC began its activities with the entry into force of the Rome Statute of the International Criminal Court on July 1, 2002. The People’s Republic of China has not acceded to or signed the Statute, and condemns the ICC’s activities. See: *About the Court*, <https://www.icc-cpi.int/about/the-court> [access: 10.05.2022].

From the perspective of international law, China is committing criminal acts against Uighurs and other Turkic Muslims in the northwestern region of Xinjiang. Since the beginning of the Chinese authorities' "Strike Hard Against Violent Extremism" campaign since 2014, there has been increasing repression – so far without any accountability.

Summary

The People's Republic of China is a country vying for the title of world power, it is here that one can find cutting-edge technology and countless cultural riches. However, there is another face to this idyll, where mass surveillance is practiced, being "different" is a crime, and capital punishment is the order of the day. Evidence of the dualism we face in China is the situation of respecting the rights of ethnic minorities. The massive scale of detentions, torture confessions, religious persecution, birth control, and contraceptive orders are just a few examples recognized by international law as acts evidencing crimes against humanity.

The purpose of the article was to present the human rights situation in the People's Republic of China with a special focus on the Uighur ethnic minority. In response to such a formulated research objective, the background of the Chinese-Uyghur conflict, which has a significant impact on the policy of the Chinese government towards the minority in question, was analyzed, and the perspective of international organizations, as well as the standards of international law on human rights issues was presented. An analysis of reports, scholarly and newspaper articles revealed manifestations of violations of Uyghur rights, that is, the human rights of every human being. Despite tragic examples from the past, such as the Holocaust, the Rwandan genocide, and many others, citizens of the world continue to witness human rights violations. Numerous countries, including France, Canada, the United States, and Lithuania, openly call the situation of the Uighurs a genocide. The international community is no longer afraid to use the phrase, and the policy practiced by the People's Republic of China's policy on the Uighurs remains unchanged.

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