

# Social, Cultural Humanitarian Committee

CIMUN



Topic 2: Addressing the persecution of the Uyghur Muslims in the  
People's Republic of China

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## INTRODUCTION

One of the main cornerstones in international politics and legal standards is Human Rights, which grants everyone by birth, regardless of one's race, gender, ethnicity or religious beliefs, certain Human Rights. This means that those rights apply to all humans and may not be violated.

The Universal Declaration of Human Rights (UDHR) is a document which presents the history of Human Rights. It was drafted by numerous representatives with different cultural and legal backgrounds from all the different regions of the world. The UDHR was pronounced by the United Nations General Assembly in Paris on the 10<sup>th</sup> of December in 1948 (General Assembly Resolution 217 A).

Human Rights are known to be soft law, which means it is non-binding legally. However, Human Rights are progressively, throughout the years, converted to hard law that is legally binding, through various means that link Human Rights to international criminal law, Corporate Social Responsibility (CSR) and due diligence, as well as economics. Hence, politicians are increasingly forced to focus on adhering to international Human Rights standards, because it is becoming more and more apparent, that violation Human Rights on a political level, increasingly has severe national economic consequences, which in turn may cut politicians career short in democratic societies, cause uprising in autocratic societies, and in general generate a negative image of their nation. The latter may cause a decrease or lack of foreign direct investments and tourism, as well hurt international commercial trading and businesses across borders.

Addressing the current persecution of the ethnic minority of the Uyghur Muslims in the Peoples Republic of China (China) is highly relevant and significant regarding all the issues stated above, as there are numerous allegations of China violating Human Rights and International Criminal Law, such as allegations of committing crimes against humanity and genocide. There are claims that the Chinese government is conducting extreme oppression of the Uyghur Muslim community, systematically violating the fundamental Human Rights of the Uyghur Muslim population.

The region, Xinjiang, the Uyghur Muslims inhabit is rich in several important tradable goods and commodities that generate substantial income/revenue, thus numerous businesses worldwide trade with the region that hence is an important party in the international businesses supply chain. Thus, there are economic factors to consider when evaluating the issues related to the persecution of the Uyghur Muslims.

This report covers the background information on this complex topic, as well states the issues, and offers possible solutions that may help end the persecution of the Uyghur Muslims in China. The report finally addresses the crucial questions that must be addressed in order to resolve the issues.

## KEY WORDS

Autonomous Region: “An autonomous country, organization, or group governs or controls itself rather than being controlled by anyone else.”<sup>1</sup>

Coordinated International Action: “Coordinated action per definition involves a variety of skills and expertise, and the idea is that participants together can achieve more than each participant could achieve alone. It is a challenge, however, to find clear definitions of roles and responsibilities for each of the participants in the programme.”<sup>2</sup>

Corporate Social Responsibility (CSR): An obligation that derives from social demand and the social pressure indirectly transforms CSR from soft law (non-binding) to hard law (binding), hence a CSR check has become part of due diligence.

Crimes Against Humanity: Article 7 of the Rome Statute, includes (1) widespread or systematic attack, (2) attack launched against a civilian population, (3) knowledge of the attack, (4) intent to participate.

Due Diligence: Traditionally focuses on flagging the legal risks that might emerge from a company’s contracts or financial obligations. It then developed into a more prevalent public corporate discourse, where industries and inter-governmental policy forums began to require due diligence procedures for certain corporate concerns, such as corruption.<sup>3</sup> In the last decade due diligence “has become the cornerstone of developing international legal framework to regulate corporate behavior relating to human rights.”<sup>4</sup>

Genocide: “The murder of a large number of people from a particular nation or ethnic group, with the aim of destroying that nation or group”<sup>5</sup>

Human Rights: “Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, due process, equal protection and recognition before the law, freedom of opinion and expression, the right to work and

<sup>1</sup> <https://www.collinsdictionary.com/dictionary/english/autonomous-region>, visited July 2, 2021, at 08:21

<sup>2</sup> [https://academic.oup.com/fampra/article/25/suppl\\_1/i25/544062](https://academic.oup.com/fampra/article/25/suppl_1/i25/544062), visited July 5, 2021, at 05:09

<sup>3</sup> International Association of Oil and Gas Procedures, Guidelines for Reputational Due Diligence, report No. 356, September 2004

<sup>4</sup> Olga Martin-Ortega, Human Rights Due Diligence for Corporations: From Voluntary Standards to Hard Law at last (Netherlands Quarterly of Human Rights, Vol. 32/1, 2014, p 44-74

<sup>5</sup> Oxford dictionary

education. Everyone is entitled to these rights, without discrimination.”<sup>6</sup> Furthermore, the Declaration on the Right to Development (DRTD) is at the core of the UN Sustainable Development goals.<sup>7</sup>

International Human Rights Law: Lays down the obligations of governments to act or refrain from acting in certain ways, as to promote and protect fundamental freedoms and Human Rights. It is a work in progress because it does not derive from International Law but rather a social expectation that is slowly finding its way into compulsory and binding legislation and regulatory framework.<sup>8</sup>

Human Rights Court: There exists several Human Rights Courts across the globe, however one of the most significant is the European Court of Human Rights (ECtHR), which is the court this report mainly refers to. “The Court’s transformation has contributed to an explosive growth in its caseload, most notably since 2000. In its first decade of operation, 1959 to 1969, the Court delivered ten judgments; in 2008, the ECtHR delivered its ten-thousandth judgment. Its current docket includes more than 70.000 pending applications and it delivered 891 judgments in 2014 alone.”<sup>9</sup>

International Criminal Court (ICC): Located in the Hague, founded on July 1, 2002, upon the enactment of the Rome Statute and is complementary to national courts and deployed as a last resort if a certain state is unable or unwilling to prosecute international crimes within its borders. Article 5(1) of the Rome Statute states that the ICC jurisdiction is limited to the most serious crimes of concern to the international community as a whole, namely: crimes of genocide, crimes against humanity, war crimes and the crime of aggression.<sup>10</sup>

Persecution: “The act of treating somebody in a cruel and unfair way, especially because of their race, religion or political beliefs”<sup>11</sup>

Terrorism: “In the Code of Federal Regulations as “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives”<sup>12</sup>

Uyghur Muslim: “A member of a mainly agricultural Turkic people inhabiting the Xinjiang region in China”<sup>13</sup>

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<sup>6</sup> <https://www.un.org/en/global-issues/human-rights>, Visited July 7 at 05:55

<sup>7</sup> Declaration on the Right to Development, adopted by the UN General Assembly resolution 41/128 of December 1986, can be retrieved on [www.ohchr.org](http://www.ohchr.org)

<sup>8</sup> Olga Martin-Ortega, Human Rights Due Diligence for Corporations: From Voluntary Standards to Hard Law at last (Netherlands Quarterly of Human Rights, Vol. 32/1, 2014, p 44-74

<sup>9</sup> Madsen, Mikael Rask, The Challenging authority of the European Court of Human Rights: From cold war legal diplomacy to the Brighton declaration and backlash, Copenhagen University, 2016, p 142

<sup>10</sup> Schiff, Benjamin N., Building the International Criminal Court, Cambridge University Press, 2008

<sup>11</sup> Google Dictionary

<sup>12</sup> [https://www.fbi.gov/stats-services/publications/terrorism-20022005#:~:text=Terrorism%20is%20defined%20in%20the,or%20social%20objectives%E2%80%9D%20\(28%20C.F.R.](https://www.fbi.gov/stats-services/publications/terrorism-20022005#:~:text=Terrorism%20is%20defined%20in%20the,or%20social%20objectives%E2%80%9D%20(28%20C.F.R.), Visited July5, 2021 at 03:26

<sup>13</sup> <https://www.thefreedictionary.com/Uyghur>, Visited July 5, 2021 at 04:56

## BRIEF HISTORY OF UYGHUR MUSLIMS AND XINJIANG

The Uyghur Muslims are a Turkish ethnic group that are recognized as natives of the Xinjiang Uyghur Autonomous Region located in north-west China. The Uyghur Muslims have their own language, which has partial origin to the Turkish language, and they view themselves both ethnically and culturally close to the Central Asian Nations.

Xinjiang is officially not a province but rather a “autonomous region” because of its substantial non-Chinese population. There exists approximately 11 million Uyghurs Muslims in Xinjiang. Due to Xinjiang’s location the region is extremely rich with cotton, natural gases, and oil. Xinjiang is recognized for producing about a fifth of the world’s cotton, making it an important supply chain for multiple different major commercial brands. Thus, the region is an important income for China.

In the early 20th Century, the Uyghurs Muslims briefly declared independence for the region, but it was brought under the complete control of China’s new Communist government in 1949. Over the past few decades there has been observed a mass migration into the Xinjiang region of Han Chinese who are recognized as China’s ethnic majority. China has been accused of choreographing this migration to weaken the minority population of Uyghur Muslims that is already present in this region. Furthermore, there are numerous accusations against China for destroying Mosques and banning religious figures and practices from the Uyghur Muslims culture. Xinjiang is mostly recognized as a desert region; it holds some self-governance; however, the region is still today subjected to the extreme restriction by the central government of China.

## BACKGROUND INFORMATION

There are numerous examples of religious and cultural beliefs being the core to vast challenges and problems throughout history and across the world. However, in current times there is a demand for change internationally – a change where individuals do not have to hide in fear of practicing their religion due to threats of torture or abuse. One country under scrutiny currently is China, who is accused of persecuting the Uyghur Muslim community due to that community’s religious beliefs. However, China argues they are protecting their nation against extremists and terrorism.



Source: [https://en.wikipedia.org/wiki/Xinjiang\\_internment\\_camps](https://en.wikipedia.org/wiki/Xinjiang_internment_camps)

The accusations of widespread government surveillance and multiple different abuses committed against the Uyghur Muslims, includes among others, forced labor and genocide. These facts are increasingly gaining more attention from the public and the UN, and answers are demanded from China. However, China refuses to forsake any of these allegations and continue to operate a network of facilities that China has named “re-educational” facilities.

These facilities have held some eight-hundred thousand to two-million Uyghur Muslims, detained since April 2017.



Source: <https://www.dw.com/en/dw-interview-uyghur-woman-remains-unfree-despite-release-from-re-education-camp/a-53493328>

There exists substantial evidence from former detainees that the claims and allegations made are real and legitimate, that the Uyghur Muslims are in fact forced into labor, sexually abused, subjected to torture and forced sterilization, brainwashed and separated from their families. Additionally, the Uyghur Muslims that are forced into labor are subjected to abusive living conditions. These allegations come from multiple different sources, and among these



sources,

also from the Chinese Human Rights Defenders, who reported that 21% of all arrests recorded in China in 2017 were in Xinjiang, and that the majority have been detained without criminal charges and they have no legal authorities, who can challenge their detention. China disregards all the above stated accusations and instead claims that their “re-educational” facilities are to combat separatism and Islamism militancy, and terrorism in this specific region.

In sum, the Uyghur Muslims seems to - thus - have been labeled extremist simply by practicing their religion, which is why they were sent into the “re-educational” camps. On this basis, many global leaders and NGOs argue that the Chinese government is undergoing extreme oppression of the ethnic minority of the Uyghur Muslim community and is systematically violating the fundamental Human Rights of the Uyghur Muslim population, as well are in breach with

International Criminal Law, such as genocide and crime against humanity.



Source: <https://www.bbc.com/news/world-asia-china-56533560>

## MAIN COUNTRIES AND ORGANIZATIONS INVOLVEMENT

The UN and the NGOs play a significant and extremely important role in regard to addressing the persecution of the Uyghur Muslims in China, specifically in Xinjiang. As China is an extremely totalitarian one-party state, under the leadership of the Chinese Communist Party (CCP), it is hence increasingly difficult to monitor and obtain information about how and if Human Rights are being upheld by the Chinese nation.

Therefore, it is extremely important that the UN is addressing the issues, as is a general global concern when a nation violates Human Rights and/or violates International Law – especially International Criminal Law.

Furthermore, NGOs are a major driving force exposing and addressing Human Rights

violations and breaches of International Law and policies in general. In the case of the Uyghur Muslims the Chinese Human Rights defenders are, in particular, involved and they are an important asset for the global community in obtaining information and evidence of Human Rights violations and international crimes committed.



Source: <https://hrite.co/16640?lang=en>

## RELEVANT UN REPORTS OR PREVIOUS RESOLUTION

The UN respectfully urges the Government of China to immediately cease any measures that are not in full compliance with international law, norms and standards related to Human Rights, which includes the rights of minorities. The UN experts have written to the Government of China, and as well to private businesses, both inside and outside of China, that may be implicated in the alleged abuse accusations.

The UN has also contacted authorities in 13 different countries of the relevant business's headquarters. These governments have been reminded of their duty to ensure that businesses under their territory or jurisdiction, respect Human Rights throughout their operations, in line with the UN Guiding Principles on Business and Human Rights.

### HELPFUL SITES:

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

International Covenant on Economic, Social, and Cultural Rights (ICESCR) - Signed 27<sup>th</sup> October 1997 – Ratified 27<sup>th</sup> March 2001

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) – Signed 26<sup>th</sup> June 1987 – Ratified in 1988

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

International Convention on the Elimination of All Forms of Racial Discrimination (CERD) – Signed 1981

## PREVIOUS ATTEMPTS TO RESOLVE THE ISSUE

Numerous businesses are aware of these allegations directly through their supply chains, which is the reason it is stressed that businesses must conduct meaningful and truthful Human Rights due diligence that are in line with the UN guiding principles, where corporate Human



Rights due diligence standard is clearly defined. This is an important element in the prevention of Human Rights abuses directly linked to the goods and services provided by Xinjiang and other Chinese industries.

Additionally, there have been multiple different Human Rights projects presented to help aid the Uyghur Muslim community, such as volunteer work, petitions, donations etc. Thus, it cannot be stressed enough how important it is, that multiple different measures are taken, to help this ethnic minority, because only a combination of various means, will avoid employing unintentionally harm to the Uyghur Muslims, while promoting the objective of adherence to Human Rights and International Law.

#### HELPFUL SITE:

<https://www.cfr.org/backgrounders/chinas-repression-uyghurs-xinjiang>  
Council on Foreign Relations – March 1, 2021

#### POSSIBLE SOLUTIONS

As the Chinese government has failed to stop the crimes committed against the Uyghur Muslim community, as well failed to punish those who are responsible, it combined indicates the need for coordinated international action. Coordination can be defined as the process of integrating activities that remain dispersed across subsidiaries.<sup>14</sup>

Possible solutions may include the following: visa bans, targeted individual sanctions and travel bans on the authorities who are responsible for the above stated inhumane violations and crimes.

Further, filing lawsuits against businesses that do not adhere to their own written Human Rights policies will result in the businesses stocks decreasing in value. A target company may make statements in their code of conduct or voluntary Corporate Social Responsibility (CSR), and those statements may put them at legal risk if they do not adhere to those statements, hence a potential merger and acquisition (M&A) may be jeopardized. More buyers want to know whether the target company has lived up to its CSR commitments, as they want to refrain from buying a company that carry with it the risk of Human Rights lawsuits. This development is the same for investors that increasingly demand CSR that includes Human Rights related to their investments. For those businesses that do not have written Human Rights policies negative media attention will affect their stocks as well income/revenue.

Furthermore, filing legal cases with the Human Rights Court for violation of numerous Human Rights of individuals, will create negative media attention and may end up costing states a substantial amount of money directly and indirectly, through the payment of compensation as well as lack of tourism and attraction of foreign direct investments and international commercial trading.

Finally, filing a case with the International Criminal Court with the charge of genocide, will hurt China in various serious manners, as it will affect substantial areas that are important for the Chinese economy.

On this basis it should be noted that there are multiple other solutions that could be utilized to combat China's oppression and abuse of the ethnic minority of the Uyghur Muslims in Xinjiang.

In conclusion, there is a significant amount of evidence presented with reference to the multiple abuses towards the Uyghur Muslim community, hence there exist an alleged consequential violation of Human Rights from the People's Republic of China that must be addressed and resolved in order to obtain justice and a decent life for the Uyghur Muslims.

#### HELPFUL SITE:

<https://www.vox.com/2020/7/28/21337081/china-uyghurs-muslims-trump-forced-labor-help>  
5 real steps the US could take to help Uyghurs in China- Published July 28, 2020

#### HELPFUL SOURCES FOR DELEGATES + QUESTIONS

<https://www.hrichina.org/en/un-treaty-bodies-and-china>

UN Treaty Bodies and China – what China has signed

[https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/217\(III\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/217(III))

Universal Declaration of Human Rights

<https://www.un.org/en/genocideprevention/documents/atrocities>

[crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf)

United Nation – Office on Genocide Prevention and the Responsibility to Protect

<https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

Rome Statute- adopted 17<sup>th</sup> July 1998 entered into force on 1<sup>st</sup> July 2002

#### QUESTIONS – ISSUES TO ADDRESS:

- Would a coordinated international action help end the persecution of the Uyghur Muslims in China? How?
- How should the UN approach China's refusal of allowing international observers access

to Xinjiang?

- Will the Washington Uyghur Human Rights Policy Act be enough to combat China's oppression of Uyghur Muslims?
- Will visa bans, targeted individual sanctions and travel bans on responsible Chinese authorities force China to adhere to Human Rights and International Law?
- Will filing lawsuits against businesses that do not adhere to their own written Human Rights policies in regard to China and the Uyghur Muslims affect those businesses' stocks - decreasing their value?
- For those businesses that do not have written Human Rights policies, will negative media attention related to China and the Uyghur Muslims affect their stocks as well income/revenue?
- Will filing legal cases against China with the Human Rights Court for violation of specific Human Rights of the Uyghur Muslims have any impact? Create negative media attention? Cost China a substantial amount of money directly? Indirectly – how?
- Will filing a case against China with the International Criminal Court with the charge of genocide, hurt China? How? What would be the outcome of such a trial? What are the criteria for genocide? What facts may be used as evidence of genocide?
- Will filing a case against China with the International Criminal Court with the charge of crimes against humanity, hurt China? How? What would be the outcome of such a trial? What are the criteria for crimes against humanity? What facts may be used as evidence of crimes against humanity.

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“Xinjiang Cotton: Western Clothes Brands Vanish as Backlash Grows.” *BBC News*, BBC, 26 Mar. 2021, [www.bbc.com/news/world-asia-china-56533560](http://www.bbc.com/news/world-asia-china-56533560).