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Beyond Borders: Evaluating China's Xinjiang Policies through the Lens of International Human Rights Law

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Abstract: Policies of the People's Republic of China in the Xinjiang Uyghur Autonomous Region are studied using international human rights law. Various leaked papers and images, sightings from witnesses and testimonies from rights groups point out that Uyghurs endure mistreatment on several occasions. It involved organizing labor camps, monitoring everyone closely, having them work and denying people places of worship or access to their traditions. Using human rights ideas from a variety of backgrounds could solve the issues in Xinjiang and make individuals in Xinjiang feel involved. Chinese regulation, existing treaties and customary international law make it possible to consider some actions in China as arbitrary detention, acts of religious and ethnic discrimination and crimes against humanity or cultural genocide. It ends by pointing out that actions by other countries to enforce their principles are shaped by a range of interests and an upholding of sovereignty, and it advises cooperation, proper investigations, and law improvements to address and prevent any more abuses in Xinjiang.

Introduction

The Xinjiang Uyghur Autonomous Region (XUAR) in northwestern China is home to approximately 12 million Uyghurs, a Turkic-speaking, predominantly Muslim ethnic group with a distinct cultural and religious identity. For many years, Uyghurs have followed traditions that often differ from the Han-majority values promoted by the Chinese government. Since the 1990s, there have been periods of unrest in the region, which Chinese authorities have labeled as separatist or extremist (Zenz, 2018). In 2016, China began a major campaign in Xinjiang focused on security and controlling ideology, officially framed as efforts to fight terrorism and extremism. This included building large networks of "re-education" or "vocational training" centers, using advanced surveillance technologies, and promoting forced cultural assimilation. Government records and eyewitness reports describe using artificial intelligence, predictive policing, and biometric data to monitor Uyghurs and silence dissent (Roberts, 2020; Ruser et al., 2020).

Many international scholars, organizations, and governments have accused China of violating important international human rights law principles. Issues raised by humanitarian experts cover arbitrary detention, forced labor, curbing religious freedom, and possible cultural genocide (Byler, 2021). In 2022, the United Nations Office of the High Commissioner for Human Rights published a report showing solid proof of torture, large-scale imprisonment, and widespread discrimination (OHCHR, 2022).

Therefore, it is important to review what China has done in Xinjiang according to guidelines set out by international human rights law. The study checks whether China fulfills its international obligations concerning Xinjiang policies by qualitatively reviewing the UDHR, ICCPR, CERD, and Genocide Convention.

Two central Research Questions Guide this Inquiry

- Do China's policies in Xinjiang violate international legal norms concerning human rights, minority protection, and cultural autonomy?
- How has the international community responded to alleged violations, and what are the legal and political barriers to accountability?

Central Research Questions on Xinjiang

Research Question 1	Research Question 2
<p>Do China's policies in Xinjiang violate international legal norms related to human rights, minority protection, and cultural autonomy?</p> <p>Key Focus Areas:</p> <ul style="list-style-type: none"> - ICCPR, ICESCR - Genocide Convention - UNDRIP 	<p>How has the international community responded to the alleged violations? What are the legal and political barriers to holding China accountable?</p> <p>Key Focus Areas:</p> <ul style="list-style-type: none"> - UN mechanisms and limits - Political interests & sovereignty - ICC/ICJ jurisdiction challenges

These questions guide the legal and political investigation into China's policies in Xinjiang.

Reflecting on these points, the paper aims to be critical of the world's most pressing human rights situations.

Methodology

A doctrinal method is used for law, with critical policy analysis and a comparative evaluation of human rights. This approach focuses on fundamental laws, how countries interact, and the accepted understanding of the law.

Legal Texts and International Treaties

It explains the role of international agreements within legal procedures. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights often determine whether a country has violated international human rights rules.

State Practice and Opinio Juris

To assess **customary international law**, the research analyzes **state practice** (how states act about their obligations) and **opinio juris** (whether states believe their actions are legally required). Particular emphasis is placed on how **China** interprets, implements, or deflects these obligations through legislation and public diplomacy.

Domestic Legislation and Government Publications

The research examines laws in China dealing with national security, fighting terrorism, and the policies that manage ethnic and religious minorities. We also examine what is said in white papers and official documents from the Chinese government to see how human rights are described in their policy framework.

Primary Source Leaks

Critical insights are also drawn from **leaked primary sources**, which offer rare internal perspectives on policy execution:

- The China Cables (leaked secret documents from China's security system) clearly show that people in Xinjiang are being watched and locked up.
 - The Karakax List shows detailed rules used to decide which Uyghur people should be detained, proving there is a planned system of control.
- Other helpful sources include various reports and studies that support the legal evidence.
- Reports and investigations by **non-governmental organizations (NGOs)** such as *Amnesty International* and *Human Rights Watch* document patterns of abuse and gather survivor testimony.
 - Documentation from the United Nations, including reports by the UN Special Procedures and the High Commissioner for Human Rights.
 - **Peer-reviewed scholarship** that provides theoretical frameworks and critiques relevant to international law, state sovereignty, and human rights enforcement.

Methodology Framework



Comparative Policy Analysis

The research also undertakes a **comparative analysis of international responses and analogous cases**, including:

- China has faced criticism for its treatment of ethnic minorities, including the Uyghurs and Tibetans.
- In Myanmar, the Rohingya people have faced violence, and many countries have called it genocide.
- Canada is working on admitting past wrongs and making up for them through its Truth and Reconciliation Commission. Experts use law of politics, and ethics to understand and deal with these issues thoroughly

Legal and Political Background

• China's Domestic Legal Framework

Laws for managing ethnic minorities in China, mainly the Uyghurs in Xinjiang, are frequently found to be perplexing and inconsistent. Although the central government theoretically allows people to make laws, it holds much power. Groups have equal rights in China, and regions with many minorities may exercise some local self-governance, according to the Constitution (Articles 4 and 112–122).

The **Regional Ethnic Autonomy Law (REAL)**, passed in 1984, also gives ethnic minorities certain rights, such as managing local affairs, keeping cultural traditions, and using their languages in schools and government. However, these rights are often restricted or overridden by national policies emphasizing unity and central authority (Zhou, 2020). The Regulations on Religious Affairs (REAL) were later made less critical than national security and political unity. In 2018, the updated rules gave the government more control over religious groups and made any unapproved religious activity illegal. As a result, mosques were closed, Muslim gatherings were monitored, and Islamic education was stopped in Xinjiang (Trevaskes et al., 2022).

• Strategic Importance of Xinjiang

Xinjiang is very significant to China because it is strategically located and has many valuable resources. Almost one-sixth of China's territory is in Xinjiang, which borders eight other countries, such as Pakistan, Afghanistan, and Kazakhstan. Xinjiang helps in China's Belt and Road Initiative, a central passageway for trading routes and oil and gas pipelines like the China-Central Asia Gas Pipeline. Also, security in Xinjiang is essential for achieving China's regional ambitions (Zenz, 2019). The region is rich in natural resources, including oil, gas, coal, and minerals. It is also being developed for renewable energy and textile production. As a result, the Chinese government has increased security measures and relocated people from other areas of China to Xinjiang to enhance its integration with the rest of the country (Clarke, 2020).

• Historical Context

Episodes of unrest against Chinese rule by the Uyghur people have happened for decades, most prominently in the 1990s and early 2000s. Examples of these incidents are the 1997 Ghulja Incident and the 2009 Urumqi riots, for which China used severe methods of control. Following these events, Chinese authorities increasingly framed the unrest in Xinjiang as driven by "terrorism, separatism, and religious extremism"—the so-called "three evils" justifying ever-tightening surveillance and control measures (Byler, 2021).

Since 2014, under President Xi Jinping's leadership, policy toward Xinjiang has shifted decisively toward what scholars call "**preventive repression**," targeting not just acts of resistance, but cultural and religious identity markers that might be perceived as threats to state ideology (Leibold, 2020). Because the government is focusing on ideology instead of threats, it has allowed for mass internment, mandatory conformity, and the elimination of religion.

Documented Practices in Xinjiang

• Mass Internment and "Re-Education" Camps

One million Uyghurs and other Muslims have been held in extra-legal 're-education camps' in China since 2017, officials referring to the measure as vocational training and counter-extremism. Both government papers, photos captured by satellites and accounts from survivors tell us about forcing

people to accept Party ideology, abandoning their religion, learning only Chinese and strict disciplinary actions on those who disobey (Zenz, 2019). This practice goes against international law because it violates both due process and freedom from arbitrary detention (Campbell & Kehoe, 2021).

- **Surveillance and Predictive Policing**

The **Integrated Joint Operations Platform (IJOP)** is the technological backbone of China's surveillance state in Xinjiang. It aggregates data from facial recognition cameras, biometric checkpoints, internet usage, and mobile activity to flag "suspicious" behavior, often for benign religious or cultural acts such as praying regularly or abstaining from alcohol (Ruser et al., 2020). This system enables **predictive policing**, where individuals are detained based on algorithmic risk assessments rather than evidence of criminal activity (Leibold, 2020).

- **Forced Labor and Economic Transfers**

In China, the government places Uyghurs in government jobs under "poverty alleviation" programs if they return from re-education camps. Many sources report that, in Xinjiang and China, they are sent to factories and closely monitored to do tasks without being able to object (Byler, 2021). Most of these transfers assist companies in the government's network and are administered with official targets, which go against the principle of unforced and willing labor (Zenz, 2020).

- **Religious and Cultural Suppression**

Religious freedom in Xinjiang has been effectively dismantled. Reports confirm the closure or demolition of thousands of mosques, bans on Islamic names, dress, fasting during Ramadan, and Qur'anic education (Trevaskes et al., 2022). Cultural expression is similarly targeted; Uyghur language instruction has been reduced or eliminated in schools, and state campaigns have sought to replace Uyghur heritage with Sinicized narratives (Clarke, 2020).

- **Population Control Measures**

Perhaps the most alarming aspect of the Xinjiang campaign is the documented use of **forced sterilization, IUD implantation, and birth control injections** targeting Uyghur women. Official data revealed dramatic drops in birth rates in the majority-Uyghur regions, with some counties seeing declines of over 60% between 2015 and 2018 (Zenz, 2020). These policies appear to be aimed at controlling the growth of the Uyghur population. Based on Article II(d) of the Genocide Convention, such actions can constitute genocide by trying to prevent new births among the community. The documented practices as a whole show how China is erasing other people's cultures, forcing them, and trying to assimilate them, which raises issues about its legal obligations to the world.

International Legal Framework

- **Key Human Rights Instruments**

China's treatment of Uyghur Muslims in Xinjiang must be assessed in light of a robust body of international human rights law, composed of treaties, customary norms, and principles of *jus cogens* (peremptory norms from which no derogation is permitted).

- **Universal Declaration of Human Rights:** Although the UDHR is not a legal agreement, it is recognized as the primary foundation of human rights and is seen as customary international law by many. It is prohibited by Article 5 to engage in torture and inhumane or degrading acts, Article 9 bans unjustified arrest and detention, and Articles 18 and 27 safeguard people's beliefs and cultural activities. The norms are important when examining how Uyghurs are treated in re-education camps and how Islam is being suppressed in China (Zenz, 2020).
- **International Covenant on Civil and Political Rights:** Although China signed the ICCPR in 1998, it has not ratified it, limiting its binding force. Nevertheless, a signature entails an obligation not to defeat the object and purpose of the treaty (Vienna Convention, Article 18). ICCPR Articles 7 (freedom from torture), 9 (liberty and security), 18 (freedom of religion), and 27 (minority rights) are directly implicated by the mass internment, coercive surveillance, and religious suppression in Xinjiang (Leibold, 2020).
- **Convention Against Torture:** China ratified the CAT in 1988. The Convention prohibits torture and cruel treatment under any circumstances (Articles 1 and 2), and requires investigation and prosecution of such acts (Articles 12–14). The widespread use of torture-

like practices in camps, including sleep deprivation, beatings, and psychological abuse, would breach these obligations (Campbell & Kehoe, 2021).

- **Convention on the Elimination of Racial Discrimination:** China ratified CERD in 1981. CERD obliges states to eliminate racial discrimination and guarantee equal enjoyment of human rights regardless of ethnicity (Articles 2–5). The Chinese government's targeting of Uyghurs and other Turkic minorities through discriminatory detention, forced labor, and denial of religious and cultural expression arguably constitutes **systematic racial discrimination** (OHCHR, 2022).
- **Genocide Convention (1948):** China joined the Genocide Convention in 1983. Article II includes genocide as acts committed to entirely or partially destroy a national, ethnic, racial, or religious group, like preventing children from being born or transferring them forcibly. So far, there are signs that mass sterilization, forced abortions, and forced birth control are being used against Uyghur people, but the key point is whether they are intended as genocide (Zenz, 2020).

- **Customary International Law and Jus Cogens Norms**

Certain international norms—such as the prohibitions on torture, genocide, racial discrimination, and arbitrary detention—are considered *jus cogens*, binding all states irrespective of treaty ratification. These peremptory norms are non-derogable and universally enforceable. China's practices in Xinjiang, particularly forced sterilization and mass detention without trial, may thus violate global legal standards even outside specific treaty regimes (Byler, 2021).

- **China's Treaty Status and Obligations**

China is a party to **six of nine core UN human rights treaties**, including CAT, CERD, and CEDAW, but notably **has not ratified** the ICCPR. It has reservations about specific treaty provisions, particularly those that could invite international monitoring. However, through **Universal Periodic Reviews (UPR)** and ongoing participation in treaty bodies, China remains under legal and diplomatic scrutiny.

In addition, China's position as a top nation in world affairs and a permanent member of the UN Security Council requires it to comply with international law. Because it does not accept outside investigations and rejects findings by the OHCHR, people are pushing even more to create independent inquiries and accountability systems (OHCHR, 2022).

Assessment of China's Compliance

This section evaluates China's policies in Xinjiang against its obligations under international human rights law. Drawing on treaty provisions, legal interpretations, and credible reports, it identifies areas of non-compliance with binding and customary legal standards.

- **Arbitrary Detention under ICCPR and CAT**

Many Uyghur Muslims have been put in “re-education” camps without any charges or the chance to talk to a lawyer. This breaks Article 9 of the ICCPR, which says people should not be arrested or detained without a good reason. Even though China has not wholly joined the ICCPR, by signing it, China has agreed not to go against its main goals (as stated in the Vienna Convention). Also, keeping people in these camps for a long time without trial goes against Article 1 of the Convention Against Torture (CAT), which bans cruel treatment that causes severe physical or mental pain (Rakhima & Satyawati, 2019).

- **Torture and Cruel, Inhuman, or Degrading Treatment**

Videos and witness accounts show that torture was common in the camps. This included beatings, stopping people from sleeping, giving them tiring medicines, and isolating them. These actions break Articles 1 and 2 of the Convention Against Torture (CAT), which ban torture.

Articles 12 to 14 also say that if someone is tortured, there must be a quick investigation and fair compensation. However, the inquiry found that abuse of power is happening everywhere, and no clear steps are being taken to fix it (Ryan, 2021).

- **Persecution and Discrimination Based on Religion**

The actions by China stopping Muslims from practicing Islam through clothing, nam, a nd Ramadan, and by either destroying or reusing mosques, are not permitted by Article 18 of the ICCPR. They also go against Article 27, as this protects minority groups in practicing their own culture and

religion. These acts count as ethnic and religious discrimination, according to the rules of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) that China has ratified (Syfullah, 2024).

- **Cultural Genocide and Crimes Against Humanity**

The Chinese government has been trying to wipe out Uyghur culture by banning their language, changing their way of life, destroying important cultural sites, and forcing political beliefs on them. Experts call this “cultural genocide.”

Even though “cultural genocide” is not officially listed in the Genocide Convention, these actions still fit the meaning of crimes against humanity under Article 7 of the Rome Statute. This includes things like targeting people because of who they are and locking them up without reason, especially when it is done on purpose and to many people at once (Clarke, 2021).

- **Genocide Debate**

The Genocide Convention (Article II) declares that genocide occurs when acts are carried out to destroy, either fully or partially, members of a national, ethnic, racial, or religious group. “Imposing measures to stop members of the group from having children” is included in subsection (d).” Official Chinese documents and demographic data reveal sharp declines in Uyghur birth rates, by over 60% in some regions, attributed to forced sterilizations, birth control implants, and coerced abortions. While proving specific intent (*dolus specialis*) is legally challenging, recent scholarship and documentation, including those by Adrian Zenz and others, support the argument that these policies could fulfill the legal definition of genocide under international law (Zenz, 2020; Slawotsky, 2021).

Dealing with the Impact of Indigenous Peoples’ Rights Internationally

There is now greater worry among nations about what is happening in Xinjiang, which includes taking various actions such as lawsuits, protests, and pressure on the economy. Still, significant barriers, law-related, organizational, and geopolitical, have made it difficult for these steps to be practical.

- **UN Measures**

In a report issued in 2022, the United Nations High Commissioner for Human Rights (OHCHR) found that what is happening to the Uyghurs in Xinjiang might break international laws and could be crimes against humanity. The report added that torture, detention without cause, and discriminatory actions were reported in Lithuania.

Many UN Special Rapporteurs and Working Groups, especially those focused on minority matters, religious freedom, and torture, have repeatedly asked to visit Xinjiang independently. Unlike in the past, China now hosts some limited UN groups, but it rejects full cooperation, which raises issues about the region’s transparency and accountability (OHCHR, 2022). Despite numerous requests, the Human Rights Council has still not authorized an investigation to clarify the impact of politics on large institutions and who calls the shots regarding China.

- **Targeted Sanctions and Legislative Responses**

In response to mounting evidence, several Western governments have imposed targeted sanctions on Chinese officials, state entities, and corporations implicated in the repression of Uyghurs:

- The United States invoked the Global Magnitsky Act, freezing assets and restricting travel of key Chinese officials. It also passed the Uyghur Forced Labor Prevention Act (2021), which bars imports suspected of being produced through forced labor in Xinjiang unless companies can prove otherwise (Eichensehr, 2022).
- The European Union, the United Kingdom, and Canada issued coordinated sanctions targeting individuals and surveillance technology firms. These sanctions represent a rare consensus among democratic states on human rights accountability, prompting retaliatory cooperation measures, including countersanctions and diplomatic pressure (Kriebitz, 20, 22).
- The Organization of Islamic Cooperation's attitude towards the issue has mostly been influenced by economic, political, and ideological reasons, and this is visible especially from its leading members, who either stay silent or openly back China.

- **International Legal Pathways: ICC and ICJ**

China's accountability through international legal institutions faces significant limitations:

- The International Criminal Court (ICC) cannot take action against China because China has not joined the Rome Statute. In some cases, the ICC can still act, like it did with Myanmar, but that only worked because the crimes crossed into another country. This option does not apply to Xinjiang unless the UN Security Council steps in—but China is a permanent member and would likely block it.
- Another option is the International Court of Justice (ICJ), which handles legal disputes between countries. Since China has signed the treaty against racial discrimination (CERD), other countries could take China to court. A similar case happened when The Gambia took Myanmar to court over the Rohingya genocide. However, no country has tried this with China, even though some legal experts say they should, to put pressure on the Chinese government (Botticelli, 2024).
- Some suggest using "universal jurisdiction," where courts in other countries prosecute serious crimes no matter where they happen. However, this is rarely used against powerful countries like China because of political and diplomatic risks.

- **Barriers to International Accountability**

Several structural and political barriers limit the global community's capacity to enforce accountability:

- China's permanent membership in the UN Security Council prevents the ICC from handling cases and passing resolutions for international investigations.
- The principle of state sovereignty, deeply embedded in the UN Charter, complicates external scrutiny of internal affairs, especially when the accused state invokes national security or anti-terrorism rationales.
- China has increasingly promoted a "development-based" model of human rights that prioritizes economic growth and social stability over civil and political rights. This narrative resonates with many states, particularly in Africa and Asia, where China has cultivated strong economic and diplomatic ties.
- Finally, China's strategic use of economic coercion and soft power—from Belt and Road Initiative investments to UN diplomacy—has discouraged many states and institutions from confronting Beijing over its human rights record.

Recommendations: From Assimilation to Integration

To solve the grave human rights abuses in Xinjiang and stop forcing assimilation, a mix of policies and respect for human rights is needed.

- **Reform Ethnic Policy**

China needs to move swiftly and give true cultural freedom to its ethnic groups. It is more important than the protection of human rights, helping to unite people in a society. Both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) state that people can freely pursue their culture and religion.

Even though UNDRIP has no legal authority, it offers useful advice on how to treat minorities and still protect national unity (OHCHR, 2022; Leibold, 2020). These principles have a major role in guiding how China deals with ethnic cultural freedom.

- **End Religious Repression**

Beijing must repeal the Regulations on Religious Affairs (2018) and similar policies that criminalize Islamic practices. The government should restore demolished mosques, reopen religious schools, and permit faith-based education under community oversight (Syfullah, 2024). Ensuring religious freedom is a core obligation under the ICCPR and CERD.

- **Close Internment Facilities**

The fast closure of re-education camps is a priority. Detainees are entitled to release or transparent trials which are required by Articles 9 of the ICCPR and 12–14 of the CAT. Having independent monitors watch over this method guarantees that there is accountability (Ryan, 2021).

- **Promote Inclusive Development**

Economic growth in Xinjiang should stop involving forced labor transfers and monitoring at workplaces. Uyghurs should be supported by the government in running their own firms and labor programs should respect the ILO's Forced Labour Convention (No. 29).

- **Strengthen Anti-Discrimination Laws**

China should enact and enforce national laws prohibiting ethnic, racial, and religious discrimination, fulfilling its commitments under CERD Articles 2–5. Effective legal remedies for discrimination must also be accessible domestically (Karamik, 2022).

- **Enable International Monitoring**

Allowing unrestricted access to UN Special Rapporteurs, treaty bodies, and human rights organizations is critical for building trust and demonstrating compliance. This includes cooperation with the OHCHR and a standing invitation to all UN human rights mechanisms (OHCHR, 2022).

- **Invest in Intercultural Dialogue**

China needs to start nationwide campaigns that teach minority cultures and languages and fight racism. Information campaigns aimed at the general public can lessen the impact of ethnic stereotypes and unite people (Clarke, 2020).

Conclusion

This research has demonstrated that Chinese government actions in Xinjiang Uyghur Autonomous Region (XUAR), including the mass detention of people, torture, suppression of culture and religion, forced labor, and coercive population control, are in serious breach of international human rights laws. By doing this, China is violating provisions in the ICCPR, CAT, CERD, and the Genocide Convention (Zenz, 2020; Slawotsky, 2021; Ryan, 2021).

Even though the international legal system is strong, enforcement is not widely practiced. China has restricted government accountability because of its authority in world politics, permanent UN Security Council seat, and focus on national sovereignty (Botticelli, 2024; Karamik, 2022). In addition, a lack of confrontation from many states is partly due to their dependence on the Chinese market and investment, and weakening world power.

Even so, there is not enough global response, which causes lasting problems for the Uyghurs and leads to an awakening of rights advancement efforts. Fast action by law enforcement, global cooperation, preserving local customs, and recognition of human rights are all required. Adhering to these standards helps ensure justice in Xinjiang and protects the whole international human rights system.

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