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Racial Profiling: Discrimination, Minorities & Cultural Genocide

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This article explores the issue of racial profiling, discrimination and cultural genocide happening in China which targets the minority community living in its territory. The article begins by explaining the meaning and concept of racial profiling, discrimination, and cultural genocide. Further, it explores the historical background of the minority communities- Uyghur Muslims, Mongolians and Tibetans in China including their connection with China and its history. There is a detailed study of the current situation of these communities in China. It explains the severity of the situation there considering the policies and actions taken against the minorities which damages their cultural and ethnic identity. The basic human rights of the individuals are hindered and violated. In the later part, the article delves into the responses of international organisations and major nations against these practices of China and its response and stand on the international level against the sanctions and allegations posed against it. The main focus of this article is on the impact of racial profiling, discrimination and cultural genocide on the cultural minorities and Chinese society.

Keywords: *racial profiling, discrimination, minorities, cultural genocide.*

INTRODUCTION

Racial Profiling can be defined as actions taken because of safety and security concerns or public protection, but based on stereotypes regarding race, ethnicity, religion, place of origin, colour,

or a combination of all these grounds without any reasonable justification or suspicion. Further, it leads to individuals suffering through scrutiny and indifferent treatment from others and makes them victims of discrimination. Racial profiling is different from other profiling as it is typically based on prejudice, segregation and isolation based on stereotypical views rather than individuals' actual information, behaviour and other factors which are more important factors and aspects of profiling.

There are many cases throughout the world regarding Racial Profiling happening to people based on their religion, race, ethnicity, place of origin, colour, etc. After 9/11 in many countries, Muslim people were targeted and kept under strict surveillance. Afro-American/ Latin-Americans were often judged or charged with much more severe punishments under the law due to their colour and race. Many people consider certain people as threats and that they can cause violence solely based on their race, religion, ethnicity, etc.

Discrimination is any unfair treatment or arbitrary distinction based on a person's race, sex, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other status.¹ Discrimination may be an isolated event affecting one person or a group of persons similarly situated or may manifest itself through harassment or abuse of authority.²

The definition of 'genocide' is given in the International Law Article II of the Convention on the Prevention and Punishment of the Crime of Genocide 1948. It includes the following:

Any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

- Killing members of the group;
- Causing serious bodily or mental harm to members of the group;
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

¹ 'Prohibition of discrimination, harassment, including sexual harassment and abuse of authority' (*Secretary-General's Bulletin Year*, 11 February 2008) <<https://hr.un.org/content/prohibition-discrimination-harassment-including-sexual-harassment-and-abuse-authority>> accessed 04 June 2024

² *Ibid*

- Imposing measures intended to prevent births within the group;
- Forcibly transferring children of the group to another group.³

Cultural Genocide is the systematic destruction of traditions, values, language and other elements that make one group of people distinct from another.⁴ Cultural genocide is still a significant international issue. This destruction is a contribution of various factors such as war, foreign invasion territorial occupation, etc. Sometimes cultural destruction happens in times of peace within the territory among the groups of the same nation. During times of war, foreign invasion or territorial expansion the country/ state having the upper hand tries to eliminate the existing culture of groups and individuals residing in that particular area either by mass killing or forced conversion. These issues and destructions were faced by many groups in the past and some are still going through the consequences of cultural genocide. E.g., the mass killing of Jews committed by Hitler, Conflicts in Iraq and Syria, the occupation of China in the Tibet region and many more.

A Minority group is defined as a group of citizens of a state, constituting a numerical minority and in a non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics that differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and law.⁵

The minority groups in China consist of Mongols, Tibetans, and the Uyghur community. The individuals belonging to these minority groups are excluded from political participation and education, they have little to no say in governance and policies concerning their community, and women belonging to these minority groups have to face much more difficult situations. Even though areas in which these minority communities are living are rapidly developing, they are still not able to get access to these developments. They are subject to discrimination in various situations and aspects. Many times, the land of minorities is used for military expansion

³ Convention on the Prevention and Punishment of the Crime of Genocide 1948, art 2

⁴ Elisa Novic, *The Concept of Cultural Genocide: An International Law Perspective* (Oxford University Press 2016)

⁵ Heiner Bielefeldt and Michael Wiener, 'Declaration of The Rights of Persons Belonging To National Or Ethnic, Religious And Linguistic Minorities' (*United Nations Audiovisual Library of International Law*, 14 January 2023)

<https://legal.un.org/avl/pdf/ha/ga_47-135/ga_47-135_e.pdf> accessed 04 June 2024

by the Chinese government or the resources found there are used for the economic development of major geographical areas hence resulting in the exploitation of the rights of minorities. Due to the lack of policies made by the government inequality, discrimination and violation of the human rights of minority groups are rapidly increasing in China.

HISTORICAL BACKGROUND

Uyghur Muslim Community: The Uyghur Muslim Community is ethnically similar to the Turkish community and they see themselves culturally and ethnically very close to Central Asian communities.⁶ They have a language of their own which is similar to that Turkish language. The community is residing in the Xinjiang Uyghur Autonomous Region in northwest China. This community makes up more than half of the Xinjiang population.⁷ Uyghur community have a very vast and rich history.

The Uyghurs' origins can be traced back to the nomadic tribes in the region of Central Asia. During the 8th Century, they established Khaganate which is now known as Xinjiang Uyghur Autonomous Region. Islam entered Xinjiang province during the 10th century when individuals started getting influenced by Muslim traders and people residing in nearby regions and henceforth became the central part of their culture and tradition. Xinjiang province was annexed by the then-Chinese ruler in the 18th Century which further led to mass Chinese migration and the ruler tried to integrate the province under his empire. The province saw short-lived independence movements after the fall of the Qing dynasty in 1911, but still, it remained under the control of the Chinese government. In 1949, Xinjiang province became part of the People's Republic of China after the Chinese Civil War. Later in 1955, Xinjiang was administratively changed from a province into an autonomous region.

Tibetan Community: Tibet is located on the Tibetan Plateau in Central Asia. It has a rich history with its own unique culture, religion and political system. The Tibetan community is mostly influenced by and follows Buddhism. Buddhism was introduced in Tibet in the 7th Century and

⁶ 'Who are the Uyghurs and why is China being accused of genocide?' *BBC* (24 May 2022)
<<https://www.bbc.com/news/world-asia-china-22278037>> accessed 04 June 2024

⁷ *Ibid*

its impact and influence are visible in its culture, tradition and society. Tibet has been independent and autonomous but it was many times influenced by the surrounding territories like China. During the Qing Dynasty, some power was exerted over Tibet but after the fall of the dynasty in the early 20th Century Tibet regained its independence and autonomy from Chinese expansion. In 1913, the 13th Dalai Lama issued a proclamation reaffirming Tibet's independence and the country maintained its own national flag, currency, stamps, passports and army.⁸ After the Chinese Revolution in 1948, the People's Republic of China was created and the Communist Party of China came into power. In 1950, it invaded Tibet and thus, Tibet was forced to give up its independence. In 1959, the 14th Dalai Lama (Tibet's political and spiritual leader) at that time due to a failed uprising against the Chinese government fled Tibet and took exile in India along with thousands of other Tibetans. Since then, the Chinese Government has been exercising total political control over Tibet.⁹

Mongolian Community: The Mongols originated from the steppes of Central Asia. The Mongol Empire was established by Genghis Khan in the early 13th Century. In 1279 Khubilai Khan established the Yuan Dynasty in China.¹⁰ The Yuan Dynasty fell in 1368 thus leading to the end of Mongolian rule in China. Later Mongols fell under the control of China for 700 years. In the 20th century, Mongolia as a nation was established but the Inner Mongolian Autonomous Region (IMAR) which lies in southern Mongolia remained as part of China. The People's Republic of China promised regional autonomy and protection to Mongol culture. The Chinese government implemented many policies which led to a large number of migrations of the Han Chinese groups in IMAR. Today, Han Chinese have outnumbered Mongols in IMAR.¹¹ Due to the ethical, cultural and language differences between the Mongolian Minority community residing in IMAR and the Han Chinese groups conflicts keep on arising.

⁸ 'History of Tibet' (*Free Tibet*) <<https://freetibet.org/freedom-for-tibet/history-of-tibet/>> accessed 04 June 2024

⁹ *Ibid*

¹⁰ 'Mongolians in China' (*Language Conflict Encyclopaedia*, 06 September 2021)

<<https://www.languageconflict.org/conflict/mongolians-in-china/>> accessed 04 June 2024

¹¹ *Ibid*

CASE STUDY ON THE UYGHUR COMMUNITY IN XINJIANG

Xinjiang Province is home to the Uyghur community. Though it is known as an autonomous province the Chinese government still use its power and control over the individuals belonging to the minority communities. There is high surveillance of individuals including their facial recognition, biometrics and use of mandatory apps to monitor their daily activities, communication, and, in short, their day-to-day routine and conversations, which hinders their right to privacy.

The Chinese government has reportedly arbitrarily detained more than a million Muslims in 're-education camps' since 2017.¹² Most of the people who are incarcerated in Re-education camps have no criminal charges or legal avenues for their detentions.¹³ The people who are detained are targeted based on their travel or contact with twenty-six countries that China considers sensitive, attending services at mosques, having more than three children or sending texts/messages containing Quranic verses.¹⁴ In the camps, Uyghur women are being subjected to forcible mass sterilisation to suppress their population growth.¹⁵ These camps also lead to family disruption. In many cases, parents are sent to re-education camps and children are sent to live in orphanages. Some people have reported prison-like conditions, with cameras and microphones monitoring their every move and utterance, some were tortured and subjected to sleep deprivation during interrogations. Women have even shared stories about sexual abuse, including rape.¹⁶

The reason for these treatments in Xinjiang province is that since 1949 when the Communist Party of China came into power it claimed the province under its territory. Whereas, the Uyghur community referred to it as an independent territory. The borders of the Xinjiang province are shared by eight countries including Pakistan, Afghanistan and Kazakhstan, and China views it as a threat to its national security, peace and integrity. Xinjiang province takes up one-sixth of

¹² Lindsay Maizland, 'China's Repression of Uyghurs in Xinjiang' (*Council on Foreign Relations*, 22 September 2022) <<https://www.cfr.org/backgrounder/china-xinjiang-uyghurs-muslims-repression-genocide-human-rights>> accessed 05 June 2024

¹³ *Ibid*

¹⁴ *Ibid*

¹⁵ Who are the Uyghurs and why is China being accused of genocide? (n 6)

¹⁶ Maizland (n 12)

China's total landmass.¹⁷ The Uyghur community is often prohibited from following their religious beliefs, and many cases regarding the demolition of mosques and other religious institutions are arising every day in Xinjiang region and other regions of China. Uyghur community is subjected to forced and extensive labour in re-education camps, they are even deprived of attaining basic education. The working conditions provided to them are very harsh with a minimum wage rate (not enough to sustain them and their family). Many cases regarding not recognising children of Uyghur community after three children are reported, which leads to many individuals remaining unrecognized. Even in the employment sector individuals belonging to the Uyghur community face discrimination. Han Chinese people are prioritized over Uyghur individuals even in Xinjiang province. They are provided with limited social services, healthcare facilities and even necessities. The government has even restricted their movement and travel within Xinjiang province and China and some are even banned from traveling abroad. In short, their freedom of movement is controlled and restricted by the Chinese government.

CASE STUDY ON THE TIBETAN COMMUNITY IN TIBET

Tibetans recognise their territory Tibet as an independent and autonomous province. Earlier Tibet had its flag which was introduced by the 13th Dalai Lama in the early 20th Century to show Tibet's independence and remained Tibet's official flag until China's invasion in 1950. Currently, the Tibetan flag is banned in the Tibet Autonomous Region and is considered a symbol of separatism by the government. Tibet has its own political and spiritual leader known as Dalai Lama. Most of the Tibetan population are followers and believers of Buddhism. Tibet used to have a currency of its own known as Tibetan Srang but it has no circulation and is now replaced by the Chinese Yuan since 1950. Though Tibet is said to be autonomous and independent still the local government have very limited power and many decisions are controlled and taken into account by the central government of China. Many individuals and groups who stood against these suppressing policies of the Chinese government were subjected to imprisonment, torture and other inhuman practices. Even protests peacefully done against the government and

¹⁷ *Ibid*

keeping law and order are subjected to violence by the government.¹⁸ Many Tibetan Buddhist monasteries and religious decisions are controlled by Chinese authorities. Though earlier religious decisions regarding the appointment of spiritual and religious practices, leaders, nuns, and monks were taken by the community in itself now it is controlled by the Chinese government. Many historical sites, monasteries, monuments, etc which played a very significant role in the history, culture and tradition of the Tibetan community were destroyed. Traditional religious practices and festivals are restricted in certain cases and even their gatherings are monitored and interfered with by the authorities. The Tibetan language in schools and other educational institutions has been replaced by the Mandarin language which harms the Tibetan cultural identity. Since China exercises its control over Tibet and claims it as its territory, the authorities also interfere with employment in the region. Since 1950 there has been a large migration of Han Chinese people to Tibet which hinders with employment of the native people, and the government also discriminates and brings policies and developments that solely work for the growth and benefit of Han Chinese people living in Tibet. Due to a large number of Chinese migrations in Tibet, the locals have become minorities in their territory.¹⁹ The natural resources found in the Tibetan region are exploited by Chinese officials and are only used for the benefit of China ignoring the needs of the Tibetan community and degrading the environmental conditions of the valley. It also hinders the peace existing in the valley by trying to use it as a military ground against India. Locals of Tibet have very limited access to healthcare facilities, necessities, and infrastructure. Most of the hospitals and healthcare institutions in Tibet region are not properly regulated and very limited financial support is provided. The Chinese government also follows strict surveillance in the Tibetan region. Individuals' biometrics, facial recognition and other personal details are collected and their communication and network are also regulated and often checked by Chinese personnel which breaches their right to privacy. Tibetans are often subjected to suspicion of being involved in separatist movements and they are not allowed to freely move within Tibet or China. The government also sometimes restrict them from travelling abroad and keeps check on their connections. Many times, Tibetans are restricted from performing their religious pilgrimage to different

¹⁸ 'Chinese Occupation of Tibet' (*Free Tibet*) <<https://freetibet.org/freedom-for-tibet/occupation-of-tibet/>> accessed 05 June 2024

¹⁹ *Ibid*

monasteries abroad or within Tibet or China which restricts their freedom of religion. There are many reports and cases of Chinese authorities trying to homologize Tibetans with Han Chinese culture by restricting their traditional, cultural and ethnic identity. There are even cases of forced sterilization and other population control measures being practised on Tibetan women. Around 800,000-900,000, Tibetan children were separated from their families and forced to undergo education in colonial boarding schools, where they were subject to training regarding the ideologies of the Communist Party of China. Even children face abuses of their freedom and human rights.²⁰ The policies and practices of the Chinese government and authorities try to standardize Tibetans into Han Chinese culture, suppress disagreement and objection and erase Tibetan cultural and religious identity.

CASE STUDY ON MONGOLS IN INNER MONGOLIAN AUTONOMOUS REGION

The ethnic Mongols, live in the Inner Mongolian Autonomous region of China. They face various forms of discrimination, racial profiling and cultural genocide. In the education sector, the Chinese government implemented policies regarding prioritizing the Mandarin language over the Mongolian language which threatens the culture and tradition of the Mongolian community. The Chinese government restricts them from practising their religious traditions and beliefs similar to the Tibetan Buddhists and Uyghur Muslims. Monasteries of Mongolian Buddhists are heavily monitored by the Chinese authorities. Natural resources like coal and minerals found in Inner Mongolia are exploited and used for the development of Han Chinese people rather than Mongolians living in the region. Even their lands are occupied by the Chinese government and companies in the name of development, mining and other projects which does not even benefit the locals. Many Mongolians depend upon cattle herding for their livelihood and due to development policies of the government and companies the environment is degraded leading to economic hardships for the locals. In recent years Chinese authorities have started a new policy named ‘recovering grassland ecosystem’, by which hundreds of thousands of Mongolian herders and their families are forcibly removed from their traditional pastoral lands.²¹ Similar to Tibetans and the Uyghur community, Mongolians living in the Inner

²⁰ *Ibid*

²¹ ‘Mongols in China’ (*Minority Rights Group*) <<https://minorityrights.org/communities/mongols/>> accessed 05 June 2024

Mongolian Autonomous Region are subjected to strict surveillance and monitoring. Their every activity and movement are captured by the authorities. They also face strict travelling rules and restrictions even though they are travelling within China. The important cultural and heritage sites related to the history and cultural identity of Mongolians are often destroyed by Chinese officials. They are often restricted from practising their religious beliefs and celebrating festivals, or their cultural events are strictly regulated by the Chinese authorities. The Chinese government often tries to intermix ethnic Mongolian tradition with Han Chinese by discouraging Mongolian dresses, languages and customs. There are strict regulations and rules regarding family planning and population control for Mongolians similar to the other minorities in China.

All these actions taken by the Chinese government count as racial profiling, discrimination and cultural genocide under International Law mechanisms. As mentioned in the definition of 'genocide' by the United Nations, the acts done by China on the minority community count as an act of 'genocide'.

RESPONSE OF INTERNATIONAL ORGANISATIONS ON THE ISSUE

The world saw the aftermath and huge destruction after the Second World War ended in September 1945. After the First World War, the League of Nations was created in 1920, to maintain World peace and security. However, it proved to be a failure after the Second World War. One of the main reasons as stated by historians and scholars was the lack of participation of important states and nations. League of Nations had four core members: Britain, France, Italy and Japan. In 1945 after World War II ended, the then-existing powerful countries like the USA, Britain, USSR, etc decided to form another International Organisation that would participate in every big and small nation existing on the face of Earth. Hence, the United Nations and its Agencies were created.

Today's World is interconnected and interdependent. Events happening in one state affect other states too. The international organisation sees through all the affairs which can affect world peace and security and it also keeps the nations in check if they are promoting or doing any

activity which can affect world peace. United Nations and its various agencies promote human rights for every individual and also make sure that those rights are not hindered by anyone.

In the case of racial profiling, discrimination and cultural genocide of minorities happening in China different UN agencies have taken their stand against it.

The Office of the High Commission for Human Rights has called on the People's Republic of China to investigate all the allegations regarding Human rights violations in Xinjiang Uyghur Autonomous Region, and also of torture, ill-treatment, sexual violence, forced labour, enforced disappearance and deaths in custody.²² The committee also called on China to immediately release all individuals who are deprived of their liberty in Xinjiang Province in the re-educational camps or training, centres and also to provide detailed information on the status and well-being of those who are detained or disappeared to their relatives.²³ The OHCHR has always condemned China's policies and practices towards minority communities and urged the government to comply with international human rights standards.

Amnesty International: Similar to the OHCHR Amnesty International has also published various detailed reports regarding the violation of human rights, forced labour, torture, discrimination, cultural elimination, unfair detention and other unfair practices done against the minorities. Amnesty ran various campaigns to raise awareness regarding these issues and violations happening in China and to also put some pressure on the Chinese government regarding the same. Like the OHCHR Amnesty also called on China to release the individuals who are kept in detention centres, re-education camps, etc.

Human Rights Watch: Human Rights Watch is an international non-governmental organisation that conducts research and works to protect the human rights of individuals. The purpose of this organisation is to protect and defend human rights worldwide by investigating and exposing human rights abuse and advocating for the protection of rights. Therefore, HRW plays an important role in exposing the violations of human rights and other inhuman practices

²² United Nations, 'Elimination of Racial Discrimination calls for probe into Xinjiang rights violations' (*Office of the High Commissioner*, 24 November 2022) <<https://www.ohchr.org/en/press-releases/2022/11/china-un-committee-elimination-racial-discrimination-calls-probe-xinjiang>> accessed 06 June 2024

²³ *Ibid*

happening in China against minorities. It has published various reports detailing the repression caused by the Chinese government in its territory on minorities, including the surveillance, detention, and restriction of freedom of movement and expression of Tibetan, Mongolian and Uyghur minorities.

USA & EU: The USA and the European Union have political dominance and they exercise this power on many countries. In 2021 EU imposed sanctions on many Chinese officials who were involved in human rights abuse in China. EU and USA are big markets that purchase Chinese products, and many times they have imposed sanctions upon China as a consequence of human rights abuse happening there. The USA even imposed a ban on the import of goods that are produced through forced labour done by the Uyghur Muslim community, which puts China in a tough spot in the global scenario.

CHINA'S VIEWPOINT ON THE ISSUE

China always defended its policies and actions towards individuals living in Xinjiang province, Tibet, the Inner Mongolian Autonomous Region and other minorities. China argues that its policies and actions in Xinjiang are to counter terrorism and ensure security for all citizens. It also claims that individuals living in these (Xinjiang, Tibet, Mongolian) provinces are included in separatist movements which are dangerous for the integrity and security of China as a state. China claims the Tibetan and Mongolian territory as its own and wants to exercise its full ownership there by using such extreme measures. It also states that the policies used in the Xinjiang, Tibetan and Mongolian provinces are to improve the economic development in the area. Chinese officials claim that using the resources found in the region for infrastructural development and other financial projects they are creating more job opportunities for minorities living in the area. Still, in reality, most of the high-profile and high-salary jobs are given to migrated Han Chinese people in the province. They claim to work for better living standards and quality of life for minorities. The Chinese government argues that the actions and decisions taken by them for the minorities are needed for cultural integration and unity in the nation. They claim that promoting the Mandarin language among the minority community is needed to strengthen the feeling of nationality and unity among the minorities. In defence of the re-education camps, China claims that they are needed to train the individuals with valuable skills

and to help them get better job opportunities. It also insists that all the policies are according to Chinese law and international human rights standards. China argues that all the international criticism from the West is to stop the growing influence and power of China on the international level. Thus, China defends its strategies and policies targeting minorities by arguing that they are needed for national peace, security, integrity, economic development and counter-terrorism.

CONCLUSION

The issues and actions of China involving the minority communities- Uyghur Muslims, Tibetans, Mongolians as well as other minority groups living within its territory are severe violations of human rights. It is not only a problem and issue within the Chinese territory but it is also a global issue that needs international opinions, justice and assistance. In Xinjiang province, individuals are forced into labour and detention camps without any profound legality. Most of them become victims of harsh treatment, violations of their basic rights and other injustices happening there. In Tibet, the Tibetan community is treated as a minority even in their territory. Freedom of Religion and political freedom of Tibetan individuals are being violated. Inner Mongolians are prevented from using their languages and cultural practices. In educational institutions, their language is being replaced by the Mandarin language. This situation is also similar to the Tibetan community, the Mandarin language is also replacing the language in their region. These actions and policies against the minority community are suppressing their identity, be it cultural, traditional or their identity as human beings. The forced detention and assimilation of cultural identities of the minority group, disrupting their religious and cultural practices, forced sterilisation, birth control methods, eliminating their languages, etc is seen as cultural genocide. Even spiritual and cultural monuments like mosques and monasteries, are being demolished. Religious leaders are getting imprisoned which hurts the religious and cultural sentiment of the community. China is a major global power, which further interrupts the response and actions taken by international organisations, institutions and other countries. The situation in China challenges the mandate and effectiveness of the UN and its organs and other international organisations that work for the development of human rights. China advocates its policies and actions by claiming it to be a beneficiary for its country's integrity and security. The treatment of Uyghur Muslims, Tibetans, Mongolians and other

minorities in Chinese territory are examples of human rights violations, cultural suppression, and discrimination. Many individuals belonging to minority communities are forced to carry their identity verification. They are likely to receive much harsher punishments as compared to individuals belonging to majority communities. In many cases, they are denied job or educational opportunities just based on their minority, cultural or ethnical identity. These minority communities face challenges every day to protect themselves, as well as their cultural, ethnic and traditional identity. As all the affairs in today's world are connected, the racial profiling, discrimination and cultural genocide happening in China are also global issues, they are not only affecting the peace and security of the minority groups but of the world itself.