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# **Should the Country Abolish Freedom of Religion to Counter Terrorism?**

## *Haruskah Negara Menghapus kebebasan Beragama Demi Melawan Teroris?*

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### **Abstract**

This paper is offer an assessment of the situation regarding freedom of religion in Xinjiang China. It argues that the Xinjiang authorities and the China government responsible for freedom of religion violation under their counter terrorism action. Even though, the freedom of religion is derogable right however the reason shall be under the national security and public order situation but, what the government do is too far and could lead Uighur religion eradication. To investigate the Xinjiang authorities and China government action, the paper collects the data from many Non-governmental organization and United Nation Report and analysis the fact with the international regulation and national regulation that China follow or have.

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## Background

Human rights violations in the Xinjiang Uyghur Autonomous Region (XUAR), which is a territory of the People's Republic of China (PRC), has attracted the attention of many parties. Violations that were committed toward the Uyghur people and several Muslim minority groups in XUAR territory have incited the rage of the international community. On the other hand, the government of China affirms that what had happened in China were only the actions of the government of China to counter terrorism that is thought to persist in XUAR territory. These actions also have to objective to halt the spread of terrorism in China.

Many parties have regretted the efforts of China in preventing and eradicating terrorism, which are considered excessive to the point of disrupting human rights. Countries such as the United States, Australia, Netherlands, and even Britain have firmly stated their disapproval of the actions that China had taken toward the Uyghur people. On the other hand, supporters of the government of China also have stated that the actions that the government of China had taken are a very good breakthrough and need to be followed by other countries where terrorism is an emergency. Major Islamic countries such as Turkey have instead taken to support China. Meanwhile, Indonesia has chosen to remain silent.

XUAR itself is the westernmost territory of, and among the largest in, the PRC. The territory is quite rich in natural gas and oil. Chinese people of Han ethnicity also have entered the territory of Xinjiang in great numbers; having once had a Muslim-majority population, their number has now almost matched the number of Han Chinese people. The ever-greater migration of Han Chinese people have casted aside the people of Uyghur. Acts of discrimination toward the people of Uyghur have become more and more open. In addition to acts of discrimination, acts of violations of human rights have also occurred, including violations toward freedom of religion, freedom of culture, freedom of movement, and freedom of opinion, as well as wrongful imprisonment and many other acts.

These violations are not something new; they are due to long-standing problems that occur between the PRC and the Uyghur people.[1] A report by Amnesty International in 2013 stated that the government of China have criminalized what they term as "illegal religion and separatist activities"[2] in the Muslim-majority territory of Xinjiang.[3] With this statement having been made, the Uyghur people in Xinjiang, of whom the majority are Muslims, are significantly affected.

In 2014, the government of China issued regulations that prohibit fasting during the month of Ramadan for Muslims in the XUAR.[3] This prohibition on fasting remains in place even today. Thus, Muslims of Xinjiang have since been unable to follow their religious teachings. This prohibition has become rather burdensome for Muslims in Xinjiang. Although the objective is to be tolerant of each other, what happens instead are acts of intolerance. If people are found to be fasting, then the government of China in the XUAR will not hesitate to place them into "re-education camps". These "re-education camps are places that are specially designed to contain people who are considered to not be nationalists and to have extremist views.

Up to 2017, more than 900,000 Uyghur people have been detained in "re-education camps" in XUAR territory.[4] This detainment is intended to correct the ideology of the Uyghur people, which is thought to be radical and may be able to affect the peace in China. Many people in Uyghur have been arrested because of lengthening beards, wearing a veil (for women), performing daily prayers, possessing books related to Islam, or even installing an Al-Quran app on their phones.[5]



| Year      | Criminal Arrests in Xinjiang | Year-on-Year Change in XUAR | Criminal Arrests in China | Xinjiang Arrests as Percentage of China Total |
|-----------|------------------------------|-----------------------------|---------------------------|---|
| 2008-2012 | 81,443                       | ---                         | ---                       | ---   |
| 2013      | 13,900 (est*)                | ---                         | 879,817                   | 1.58%   |
| 2014      | 27,164                       | ↑ 95%                       | 879,615                   | 3.01%   |
| 2015      | 34,568                       | ↑ 27%                       | 873,148                   | 3.96%   |
| 2016      | 27,404                       | ↓ 20%                       | 828,618                   | 3.31%   |
| 2017      | 227,882 (est**)              | ↑ 731%                      | 1,068,802 (est***)        | 21.32%  |
| 2013-2017 | 330,918                      | ↑ 306% (from 2008-2012)     | 4,531,000                 | 7.30%   |

(Sources: Tianshan Net, Xinjiang People's Procuratorate Annual Work Reports (2014-2017), Supreme People's Procuratorate Annual Work Reports (2013-2017))

**Figure 1.** The number of Criminal Arrests in Xinjiang Compare to criminal arrests in whole China[6]

Considering the above [Figure 1](#), for the annual increase in the number of people who are detained in the XUAR, 2017 was the year with the largest annual detainment increase, with approximately 731% just for the XUAR territory; when compared with the number of detainments across all of China, Xinjiang contributes 21.32% of the total detainments of people in China. This increase is also accompanied by the increasingly stubborn attitude of the government of China to eradicate and prevent acts of terrorism. The following is a chart of those numbers:

The government of China itself in its constitution ensures religious freedom for all the people of China, but in several regulations, the government of China also implement limits on religion in social, political, and cultural living. In the case of the XUAR, the creation of "The Xinjiang Regulation on Religious Affairs"[7] in 2014 has since further worsened the discrimination that occurs in the XUAR. The following are the regulations that are related to violations of religious freedom in the legal regulations of the XUAR:

1. "Ban any form of appearance - including facial hair and clothing - that is interpreted to "whip up religious fanaticism, [and] disseminate religious extremist ideologies";
2. Require that all Hajj (pilgrimages to Mecca) must be organized by the state;
3. Require that the use of "halal" be restricted only to certain food products (meat, dairy and edible oils) and ban such labels for other purposes;
5. Prohibit the creation, possession, consumption, and dissemination -including on the internet - of a range of materials defined so broadly and vaguely that any expression can be construed as prohibited. For example, they include anything that "undermines national unity, social stability, economic development, or scientific and technological progress" or that "affects religious harmony";
6. Prohibit the circulation of many types of documents relating to religious and ethnic policies which would routinely be public information in other countries, such as drafts of religious laws and regulations

From these regulations, it is clear that the government of China has systematically conducted a restraining of the freedom of religion of Uyghur people and other Muslims present in the XUAR.

The limits established by a country toward rights that may be derogated and limited become the right of that country in order to carry out its governance. However, it is also necessary to know that those limits cannot be



easily applied; the required process for this must be appropriate according to applicable laws in the international community.

Indeed, in its execution, freedom of religion may be limited, but the question is whether the reduction of religious rights is proportional and necessary, and becomes the final measure that the government of China may take in order to suppress views of terrorism or extremism in the XUAR and to create “national security” and “public order”. Based on the above explanation, the problems are how the actions of the government of China, who violates religious freedom in the XUAR, are to be regarded, and whether as part of the preemptive action to counter terrorism it is permitted to commit violations of freedom of religion.

## Discussion

### Violations of Freedom of Religion and Belief

Freedom of religion and belief is one of the human rights that are recognized by the international community and is included as one of the civil rights in the International Covenant on Civil and Political Rights (ICCPR). In Article 18 of the ICCPR, it is very clearly stated that the government must protect the religious rights of its people:[8]

1. *Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*
2. *No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*
3. *Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.*
4. *The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.*

The article very clearly states the form of protection toward citizens to believe in a particular religion or belief, as long as it does not conflict with the regulations of a country or state, or compromise national security. Countries themselves must also reduce, eliminate, or refrain from creating regulations that result in the right of religious freedom to not be fulfilled, respected, and protected.

Article 18 Paragraph (1) explains that the freedom to worship also develops not only in the public realm but also in the private realm. The people and the public in general may realize their religious teachings in their everyday lives. This trust is also covered in the freedom to carry out worship, possess places of worship, and provide lessons to those who are fellow followers of the religion or belief.

The second paragraph states that countries or other parties are not allowed to compel citizens to perform actions that can destroy the religious teachings or beliefs that they possess. States or countries as the providers of the right to religious freedom become a very important factor in instituting protection, in order for citizens to not feel unjustified in practicing their religious teachings.

In the case of Uyghur, the government of China is actually one of the state parties of the ICCPR, which should also mean respecting the freedom in following religions. Therefore, all people of China without exception are given freedom in determining the religion that they wish to follow. The government can only carry out protection, fulfillment, and respect of this right to religious freedom.

In addition, Article 36 of the constitution of the government of China that was adopted in 1982 and amended in 2004 also states that its citizens are to “enjoy freedom of religious belief”[9]. The article clearly states that the right to religious freedom in China is very much respected by the government. However, after the incident of suicide bombing at the Urumqi market in 2014 by a Uyghur resident that killed 39 people, President Xi Jinping stated that China has declared war on terrorists, which then led to a “crackdown” of religious freedom in China, particularly among the Uyghur people themselves.[10]

The statement from the President has put the Uyghur minority group under greater pressure. Furthermore, the Government of Xinjiang also puts pressure on Uyghur by stating that [10]. This has caused the Uyghur people in Xinjiang to be further unable to perform their religious activities. The government itself has not clearly differentiated which teachings are misguided, extreme, or directed towards acts of terrorism; they only take legal action inconsiderately, without attempting to seek the truth.

Amnesty International has also regarded the problems that occur in Xinjiang. In one of the articles on its web site, Amnesty International has stated that the government of China has forbidden the Uyghur people to carry out the

observance of Ramadan, including fasting, as well as other religious activities.[11] A report from the VOA also stated the same finding, in that the government of China implemented a “restriction” on religious activities during Ramadan.[12] The restriction implemented by the government of China, according to a Chinese diplomat residing in Pakistan is stated to be implemented only for government officials who need to serve the public as well as students who need energy to receive their education, and therefore they are not allowed to fast. Another NGO, the Human Rights Watch in its annual report stated that the government of China also prohibited all religious activities even though the activities are the basic activities of Muslims, such as reading the Al-Quran, praying five times daily, and fasting during the month of Ramadan.[13]

The prohibition on religious activities became more severe with a government regulation that dealt with the establishment of “re-education camps” in 2014. The establishment of the camps was directed to provide vocational education to the Uyghur people, but many parties considered that what the government of China conducted was the forcing of ideologies on the Uyghur minority group. NGOs also stated that the objective of establishing the camps is to replace all activities related to religion and ethnic identities with secular and patriotic-political views, and thus little by little the culture and religion in Uyghur will disappear.[14]

This is further the case since the execution of the “De-Extremification” program or what is more commonly known as “transformation-through-education”, which in Chinese is called “*jiaoyuzhuanhua*” as conducted in 2017.[15] The existence of the program has resulted in greater numbers of Uyghur people who cannot practice their religious teachings or continue their traditions. Moreover, the government of Xinjiang has the attitude of being quick to take legal action on Uyghur people who are suspected to be still conducting religious or cultural activities that are not in accordance with those of Beijing.

According to one of the Uyghur people who had been interviewed by Amnesty International, the person stated that the government very much limits the usage of the Uyghur language and limits the people in practicing their religious teachings. One of the regulations for the XUAR states:

*“Ban religion from education and punishes teachers for failure to stop or report any activities that has “hints of religion” in schools; Ban children from participating in religious activities and prohibit anyone, including parents and teachers, from introducing religion to children, including at home; Ban high school students from dropping out of school for religious reasons”*[15].

The article very clearly prohibits the teaching of religion in schools as well as the practice of religious teachings in schools. The regulation also prohibits parents from teaching religion at home. The regulation furthermore prohibits the following:[15]

1. *Ban any form of appearance – including facial hair and clothing – that is interpreted to “whip up religious fanaticism, [and] disseminate religious extremist ideologies”;*
2. *Require that all Hajj (pilgrimage to Mecca) must be organized by the state; • Require that the use of “halal” be restricted only to certain food products (meat, dairy and edible oils) and ban such labels for other purposes;*
3. *Prohibit the creation, possession, consumption, and dissemination –including on the internet – of a range of materials defined so broadly and vaguely that any expression can be construed as prohibited. For example, they include anything that “undermines national unity, social stability, economic development, or scientific and technological progress”[15] or that “affects religious harmony”[15];*

*Prohibit the circulation of many types of documents relating to religious and ethnic policies which would routinely be public information in other countries, such as drafts of religious laws and regulations;*

Considering the regulation, it is quite evident that the local government of the XUAR or the central government of China very much forbids any activities that are related to religion, particularly Islam. The prohibition is very much excessive, because almost all the components of worship of Muslims are forbidden to be performed by Uyghur Muslims while they are in the XUAR. The prohibition also applies for an indefinite period of time, which will very much affect the teaching of religion in the XUAR.

In addition, usage of names that contain religious elements is forbidden in the XUAR. The prohibition is founded on the assumption of the government of China that the Islamic names have an “excessive religious fervor”[16].

Considering all the actions that were taken by the Government of China or the government of XUAR, violations were committed on the right of freedom of religion and belief of the Uyghur people. The prohibition of worship, whether at home or public places of worship, clearly violates Article 18 of the ICCPR.

Furthermore, the usage of Islamic names is something that should not be limited or forbidden by the government. Names are not things that should be considered as excessive fanaticism.

The prohibition of fasting for government employees as well as active students in school, even with the reason of respecting non-Muslims or for students to be able to receive their education, cannot be justified. The fasting performed by the Uyghur people is not something only performed by them, as the fasting during Ramadan is an

obligatory fasting that must be performed by all Muslims no matter where they are. Thus, the prohibition should not be enforced in order to respect the religion or the followers of Islam in practicing their religious teachings. As a result, the actions of the government of China also violate Article 18 of the ICCPR and the Constitution of the Government of China itself.

In addition, the creation of camps that are directed to weaken the values of belief or religion of a person is an action that violates human rights. The state should be more careful in handling issues of religion and should not spontaneously assume that because of the fault of one person, every person of a particular ethnic group or religion should be universally blamed.

The prohibition of teaching religion and the prohibition of parents or teachers to teach religion at home and in school, whether directly or indirectly, will result in the younger generation not being able to recognize culture and religion in their ethnicity later on in life. Gradually, this process will eliminate the culture of the Uyghur people, because religion is one of the additional factors in the emergence of culture among people.

Considering everything, the Government of China has significantly violated a human right of the Uyghur people, as the freedom of religion and belief. The Government of China, with all the regulations and prohibitions it has enforced, has caused the violation of human rights for the right of freedom of religion and belief according to Article 18 of the ICCPR.

The government of China should perform actions that protect and respect religions or beliefs that exist among its people. Moreover, the government of China is one of the parties of the ICCPR, who should prioritize respect for human rights. The existence of protection and respect, and the elimination of discrimination, will allow China to advance further in the future.

## **Counter-Terrorism as the Basis for Human Rights Violations toward Uyghur People in the XUAR, China**

The Constitution of the People's Republic of China itself in actuality recognizes and protects freedom of religion and the cultural rights of its people. The religious group could enjoy the freedom only if they inline with the majority national voice, shared the common burdens, aim and idea of the party.[17] The right is provided with the requirement that the right does not disturb "social order"[17] and additionally national security. In addition, the government of China also stated in its constitution that all ethnic groups present in China are equivalent and there is no discrimination for any particular ethnicity.[17] The government of China forbids discrimination based on religion as well. However, in reality, many violations were committed.

Yet various reports from NGOs, groups of Uyghur people who live outside of China, Uyghur people who successfully escaped from China, and several countries such as the United States, Canada, the Netherlands, Britain, and others, have stated that human rights violations have occurred, particularly for the right of freedom of religion and belief, and the right to obtain religious education. Many NGOs who conducted interviews with Uyghur residents found that it was stated that human rights violations had occurred in the XUAR.

However, several countries such as Cuba, Saudi Arabia, and Turkey through statements by their heads of state declare that "there are no human rights violations in Xinjiang", and 35 countries have stated their defense of the actions of the Government of China for their conducted efforts to counter terrorism and perform de-radicalization in the territory of Xinjiang.[18] The countries have openly praised the actions of China for its counter-terrorism efforts as has occurred in Xinjiang. In the letter that was signed by the countries that would be sent to the UN, it is stated that the actions of China constitute "remarkable achievements in the field of human rights" and for "protecting and promoting human rights through development"[18].

Vladimir Voronkov, a Russian diplomat who is also the chief of the UN anti-terrorism agency, has visited Xinjiang and stated that there was "no reference to human rights concerns there, an omission that human rights groups saw as a propaganda gift to Chinese authorities".[19] According to Voronkov, no human rights violations occurred in the XUAR, only actions from other groups that wish to propagandize the government of China. On the other hand, John Fisher as the Director of Human Rights Watch in its Geneva Office stated that "The joint statement demonstrates that Beijing is wrong to think it can escape international scrutiny for its abuses in Xinjiang, and the pressure will only increase until these appalling abuses end,"[19].

In the 31<sup>st</sup> Session of the Universal Periodic Review Working Group in 2018, the government of Australia stated that the Government of China must take immediate action to resolve the problems in Xinjiang, set free human rights activists who have been arrested by the government of China, and protect in full the right of freedom of religion and belief of the people by ensuring the creation of laws or regulations that protect that freedom.

Having gained a large amount of support from various countries around the world, the government of China has rebuilt "re-education camps" that are more covertly located, although there are still many other countries that condemn the usage of those camps[20]. The government of China itself has become further assured that the act of rebuilding the re-education camps is the best course of action to be performed to lessen the will of the people to

become involved in extremist groups.

The government of China itself has stated that what they had built were not detention centers or education camps, but only vocational schools or training centers for the people to be able to reflect upon their mistakes and become better human beings.[3] The camps were also for the purposes of the de-radicalization of terrorists and prevention of terrorist ideologies from spreading to other people in China.

Many Muslim countries themselves have also stated support for the government of China instead of rejecting the policies of China for the Uyghur people present in Xinjiang. As quoted from a CNN Indonesia news article, Muslim and Muslim-majority countries such as Pakistan, Qatar, Syria, United Arab Emirates, and even Saudi Arabia have become some of the countries that support the Government of China in enacting anti-terrorism policies[21]. The support of these countries have become a source of confusion for the international community. The confusion becomes reasonable because the Uyghur people constitute a Muslim community that should be supported by those countries. [22]

The support from Muslim and Muslim-majority countries have created further uncertainty in the international community. The international community, who is only informed from NGO reports, have been confounded further by the statements of those Islamic countries. Further questions continue to be raised on whether the actions of China can truly be justified as well as whether the Islamic people in Uyghur are actually terrorists.

At present, the countries are divided on whether to support the actions of China, oppose the actions of China, or even not to take a stand at all. Even the UN has stated that what has occurred in Xinjiang must be stopped at once.

Regardless of the controversy of support or opposition from several countries, the establishment of “re-education camps” is itself one of the ways that the PRC has desired to perform in order to suppress and eradicate terrorism in its territory. The fact that a number of attacks have been carried out by parties who are considered as terrorists and originate from the Xinjiang region, and a number of people of Xinjiang descent have become perpetrators of terrorism in the territory of other countries, has caused the Government of China to be very uncomfortable with the Xinjiang people or ethnicity.

The government of China itself established the camps with the objective of conducting de-radicalization with the slogan of “re-education” toward Uyghur people who are considered to possess the potential of being directed toward radical acts. The government of China itself has performed a variety of actions such as the installation of security cameras in several regions with Uyghur-majority residents, and the reduction or even elimination of subjects of education on the religion and culture of Islam and Uyghur.

If what has happened in the XUAR is indeed truly as has been reported by several NGOs, countries opposed to the actions of China, the Uyghur people, and even the UN itself, then the actions that have been performed by China have been committed in violation of human rights. With the pretext of eradicating terrorist movements in China, the government of China has targeted the Uyghur people to have their human rights derogated (reduced) or limited.

The act of “derogation” or “limitation” of human rights becomes the right of the state, especially for rights that can possibly be derogated or limited. Meanwhile, the right of religious freedom, right to obtain an education, and right to culture may be derogated or limited by the reason of national security or public order however, those action could not be done if the restriction targeting one’s religion or belief only[23]. Frédéric Mégret stated that *“Human rights can be limited if first, “some treaty provisions explicitly provide circumstances in which enjoyment of a right may be limited” and second, “state have the possibility of derogating from their obligations in a time of emergency justifying exceptional measures”[24].* Pendapat yang lain menyatakan bahwa *“the limitation could be done if first, “prescribed by law”; second, “pursue legitimate aim”; third, “necessary in a democratic society”[24].*

In other words, the government of China can perform derogation or limitation by the reason of terrorism, because terrorism is an action that threatens national security and disrupts public order. Therefore, there is actually no violation of international law if China performs actions for the derogation or limitation of those rights. However, it is necessary to analyze further regarding whether the actions of China may be able to be justified with the above reasons or not.

In the case of what has occurred in Xinjiang, the government of China had enacted derogation and limitation to all Uyghur Muslims in the XUAR because it is considered that the residents of the area possess extremist ideologies and they disrupt the nationalism of China. In addition, there have been many terrorist perpetrators who originate from the Uyghur Muslim ethnicity, and as a result, the government enacts regulations that are quite controversial.

However, the limitation is in conflict with the Constitution of China itself, in that the Constitution of China very much respects differences in religion or ethnicity. The limitation that is enforced by way of national law is quite excessive and overgeneralized without conducting investigation in a proper manner. The government of China did not seek the clear source of the problem; they only find a single source and refuse to understand the problem fairly and carefully.

Even if all three rights in the ICCPR or the ICESCR may be able to be limited, the method of execution as carried out by the government of China is much too excessive. As a result, the performed actions instead become torturous for its own people. Furthermore, the statement that China is in a terrorist emergency may possibly be justified, but the question is whether all Uyghur people should be restricted in practicing their traditions and religious teachings. Yet, if the government of China is willing to view Islam more openly or even in general, it becomes impossible to state that a large group consists of extremists just from several of its members.

According to another theory,[25] the act of limitation that was performed by China is allowed to be done. First, its regulation is permitted by international law and the law in China. Second, it is performed to achieve a legal objective, being the prevention of and battle against terrorism, which is also permitted by international law, but not by the method of elimination of a culture and prevention of worship of a religion that in other countries is not regarded as a terrorist religion. Third, it is necessary for a democratic society; it is assumed that perhaps in China the act is necessary for its society, but again, the elimination of a culture and a religion is not an action that is needed for a democratic society. Furthermore, the performed actions are not proportional. The reason is because the government of China did not fairly and impartially perform the efforts for the Uyghur people. They only view that the Uyghur people have the wrong ideology, and that their religion contains incorrect teachings, with the result being no way for the people to declare themselves that not all the Uyghur people are terrorists.

Counter terrorism effort through the limitation of various rights may be taken, yet it also needs to be considered that the elimination of a culture and a religion is not an option that is proper to be taken. The elimination of religious protocols or traditions is not a realistic effort for the eradication of terrorism. If wrongly performed, the efforts will instead create armed conflict later on in the future. Inglehart also stated that if religious security is in short supply it could turn violent resistance to the government.[26]

In addition, if the government of China conducts reduction or derogation of the aforementioned rights, there must be a situation of public emergency, the action must be necessary and proportional, and the right must be a right that may be derogated[24]. Indeed, the government of China may see that the country is in a state of emergency because of the terrorist attacks that occur in several regions of China that are caused by perpetrators who originate from Uyghur. Yet, the performed actions constitute actions that are very much necessary in order to restore conditions to the way they once were and within a prompt timeframe. In the case of the Uyghur people, the prohibition of religious freedom should not be implemented because in general their religion of "Islam is not a religion of terrorism"[27]; instead, they should be given guidance in order to not be misled into committing acts of terrorism. Furthermore, the derogation of rights is not proportional, even more so with the sending of Uyghur people to camps to increase nationalistic values. The actions of the government of China are too excessive, and they will not create a condition that will rule out the possibility of terrorist acts.

The religion followed by the Uyghur people themselves is also not a religion or a culture of terrorism. The government should target people who are actually considered as suspects of terrorism, and not blindly arrest people. Reports from various NGOs have stated that there are no investigative processes or legal verdicts that declare a person as being guilty of acts of terrorism, and yet, they are still sent to camps in order to be purified from teachings that the government considers as teachings of terrorism.

The Special Rapporteur for Human Rights and Counter-Terrorism gave the recommendation of "*abandonment of profiling based on group characteristics and its replacement with a combination of universal controls affecting everyone equally, genuinely random searches coupled with proper monitoring to secure that they do not transform into unregulated de facto targeting specific groups, and profiling based on individual conduct instead of group membership*"[28]. The official has the view that the handling of the issue of terrorism must be done carefully in order to not incite violations of human rights by the targeting of specific groups for whom it is not certain that all those in the group are to be blamed. The government should investigate those who are suspected to commit terrorism in a proper way and not just decide that, by way of a single suspect in a particular group, the entire group is suspected to be terrorists. If the government 'fail to distinguish between the innocent and the terrorist in a group', it could lead state counter terrorism becomes terrorism[29].

Moreover, Henne stated that "counter terrorism is not valid excuse for state infringing on religious freedom"[30]. Therefore, the actions of the government of China that result in violations of freedom of religious and belief cannot be justified with the reason of derogation or limitation of human rights to eradicate terrorism. The government is not allowed to target a single group (the Uyghur people) as a whole with the reason of misguided teachings simply because of the misunderstandings of several people. The government must be more open toward differences that exist in its country, and not instead get rid of differences by forcing the culture, religion, and education system that the central government desires.

## Conclusion

Considering the reports of several NGOs and Uyghur people, the government of China has clearly committed violations of the freedom of religion and belief. Although the government of China has possessed a constitution that protects all ethnicities with their cultures and religious beliefs, what actually happens in the XUAR is very much different from what is written in the Constitution of the country.



In addition, the usage of justification for the actions to counter and prevent terrorism cannot be applied under international law. Although actions to counter terrorism are permitted by international law, what has been committed by China is greatly excessive, and the elimination of culture as well as religion is not something that must be supported or performed in order to achieve the objective.

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