

# **VIOLATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948 FOR CRIMES AGAINST HUMANITY IN MYANMAR AND CHINA**

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## **Abstract**

Since the birth of the Universal Declaration of Human Rights in 1948, it has been a marker and guide in which it is hoped that in the future, there will be no more violations of human rights around the world, every human being has the right to a decent life and a peaceful life, free to embrace religion and life without discrimination, But this is not the case in Myanmar and China. So far, various facts have shown human rights violations committed by the Government of Myanmar and China, acts of discrimination, restrictions on freedom of religious rituals, and acts of severe crimes against humanity such as Genocide. Countries that should be the subject of international law that protects the human rights of their citizens are perpetrators of human rights crimes against them, international organizations such as the United Nations cannot do much in dealing with human rights violations and crimes against humanity that occur, this paper will discuss how the judicial review of UDHR violations against crimes against humanity that occurred in Myanmar and China and how the United Nations should play a role. The research method used is normative legal research using secondary data, primary legal materials, namely the 1948 UDHR and international legal instruments, and secondary legal materials of a literary nature such as books, journals, articles, and newspapers from internet sites that the author considers relevant related to the object written discussion.

**Keywords;** Human Rights Violations, Myanmar, China, UDHR 1948.

## **I. INTRODUCTION**

The concept of the right to life, security, the right to defend one's life and life, and all other forms of rights are known as human rights. Human rights are absolute rights that humans have had since they were born. The rights as above are not granted on the recipient's status nor because of the rule of law in a country but because of the nature of human nature itself.<sup>1</sup> Thus it is said that human rights are rights that are given to every human being without exception. The protection of

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<sup>1</sup> Jack Donnelly, *Universal Human Rights in Theory and Practice* (Cornell University Press, 2013).

human rights is the responsibility of the human being given the right and the responsibility of the state. Many international organizations have been formed that deal with human rights issues, such as the United Nations (UN), regional organizations such as ASEAN, and unique religious organizations such as the Organization of Islamic Cooperation (OIC).

Today, human rights violations have entered a very worrying realm because they become a threat that disturbs a country's security, peace, and stability. Human rights violations have the same meaning as a violation of state obligations because the party authorized to maintain and protect human rights is the state (state responsibility). Human Rights as an absolute right, its existence cannot be ignored considering that human rights are an absolute right that must be respected, upheld, and protected by law in a country. The existence of human rights cannot be revoked (inalienable), cannot be ruled out (interrogable), and must not be violated by any party.

The party that has the primary role in fulfilling and protecting human rights for its citizens is the state. This is in line with the theory of state sovereignty, where the state is responsible for its territory and people. The state places itself as the main subject in international law. The 1948 Universal Declaration of Human Rights also recognizes that humans are subjects of international law in addition to the state. The United Nations has issued many Declarations and Covenants dealing with human rights. These various rules became known as the three generations of human rights.<sup>2</sup>

Violations of human rights often occur in various countries. Several cases currently getting great attention are human rights violations in Myanmar, especially against the Rohingya ethnicity and China, especially against the Uighurs. The violations committed against these two ethnicities can be seen from ostracism and different treatment based on race, skin color, descent, and nationality carried out by the country's government. The actions aimed to cancel and reduce the recognition of the existence of these ethnic groups in the country.<sup>3</sup> In the case, as happened in Myanmar against the Rohingya ethnic, it was found that there were violations committed by the Government of Myanmar where the government, which was

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<sup>2</sup> A.A.B. Perwita and Y. M. Yani, *Pengantar Ilmu Hubungan Internasional* (Remaja RosdaKarya, 2008).

<sup>3</sup> P. Alston and F.M. Suseno, *Hukum Hak Asasi Manusia* (PUSHAM UII, 2015).

supposed to be the protector of the citizens, acted as the party that did the omission and even acted as the subject who heeded the violation. Furthermore, referring to the principles of human rights, various actions taken by the Myanmar government reflect acts of discrimination against a race contrary to the principles of non-equality and non-discrimination.

Another problem with the occurrence of violence in Myanmar against the Rohingya is because the Myanmar government implements a policy that is essentially a violation of human rights that the Rohingya are not citizens of Myanmar. The Myanmar Citizenship Act (Citizenship Act) of 1982 explicitly does not recognize its Rohingya people as citizens of Myanmar. Thus, without a clear status, the rights of citizens in any form cannot be claimed, especially those relating to guarantees and protection from all forms of threats that endanger the existence of the Rohingya ethnic in Myanmar.

Violations of human rights as happened in Myanmar against ethnic Rohingya also occur in the Uighurs in China. The form of violations in the Uighur tribe is related to problems that have penetrated the religious realm. The Chinese government prohibits religious activities against Uighur Muslims such as praying, reading the holy book the Koran, and other religious activities. In addition, there are also forms of discriminatory treatment where the Chinese government also prohibits and inhibits the Uighurs from getting an education, jobs, to acts that lead to physical activities such as torture and harsh treatment carried out by the Chinese government.

In principle, the right to citizenship status and the right not to be discriminated against are rights that have been guaranteed in both national and international law as contained in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), Convention on Economic, Social and Cultural Rights, and other International Legal Instruments. Based on the explanation of the events above, the writer is interested in studying further regarding the form of the 1948 UDHR violation of crimes against humanity in Myanmar against the Rohingya and Chinese against the Uighurs, and how the role of international organizations in resolving crimes against humanity that occurred in Myanmar and China.

### **a. The subject of International Law**

Within the scope of international law, several law scholars say that the subject of international law is only a nation-state, a group of subjects of international law. In international law, theoretically, it can be stated that the legal subject is only a country where the rules of international law are a rule that the signatory countries must obey. This does not mean that humans are not subjects of international law. A different view, which in this case according to J.G Starke's view in his book entitled *An Introduction to International Law*, describes several subjects of international law that can be meaningful<sup>4</sup>:

- a. Holders of Rights and Obligations in International Law
- b. Holder of the procedural privilege to bring charges before the International Court of Justice
- c. Owners of interests governed by International Law.

The development of the subject of international law in the 20th century has experienced significant development. However, in this case, the state is the main subject of international law, while this is also non-state actors (non-state entities) recognized internationally and universally. The subjects of international law through their universally recognized developments to date include:

- 1. International organizations
- 2. Non-Governmental Organizations / International non-Government Organization (INGO).
- 3. Individual (Natural Person)
- 4. National Liberation Organizations Fighting for Their Rights
- 5. Belligerent (Rebel).

### **b. Human Rights**

Humans are a special and unique creature that God Almighty, special have created in that case is that humans can think and determine their destiny, Humans are also gifted with rights by God, namely the right to live, in the perspective of Islam and Religion itself that humans have rights, one of which is the right to live where life is given by the almighty God, in a legal perspective the rights referred to are human rights which are rights that are attached to every individual/human being.

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<sup>4</sup> Joseph Gabriel Starke, *Introduction to International Law* (Butterworth-Heinemann, 1989).

There are so many definitions of human rights nowadays, just as some experts have put forward the notion of human rights and doctrines concerning the nature of human rights, the notion of human rights can also be viewed from various perspectives such as etymologically, Human rights which in short are human rights which are rights that humans have solely because they are human and human beings have them not because they were given by society or based on positive law, but solely based on their dignity as human beings.<sup>5</sup> According to the United Nations, there are 30 forms of human rights listed in the UDHR, namely:

1. The right to freedom and equal dignity
2. The right to equality of race, color, sex, language, religion, political opinion, nationality, property rights
3. Right to life
4. The right not to be enslaved as a human being
5. Right not to be tortured
6. The right not to be tortured and not to be cruelly or inhumanely treated
7. The right to recognition of the law as a private person
8. The right to obtain equal legal protection without discrimination
9. Right of recovery
10. The right not to be arbitrarily detained or disposed of
11. Right to a fair and impartial trial
12. Right to privacy
13. Right to travel to other countries
14. The right to seek refuge for refugees/asylum
15. Right to have citizenship
16. Right to marry
17. The right to own property
18. Right to embrace belief/Religion
19. Right of opinion
20. Right of assembly and association
21. Right to politics
22. The right to social, economic, socio-cultural security

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<sup>5</sup> Donnelly, *Universal Human Rights in Theory and Practice*.

23. The right to a job and remuneration
24. Right to rest and vacation
25. The right to obtain health and welfare facilities
26. The right to a proper education
27. Right to be responsible
28. The right to establish a social and international order
29. The right to self-development
30. The state, group, or person must not intervene in actions that can damage the rights and freedoms of a person.

**c. Crimes against humanity**

Crime against humanity is a crime and is a term in international law. In the Rome Statute, especially in Article 7, the definition of an act of crime against humanity is an act or action committed as part of a widespread and systematic form of attack that is aimed at directly by the civilian population, which has the following objectives:

- a. Murder
- b. extermination
- c. Slavery
- d. Expulsion or relocation of residents
- e. Deprivation of liberty
- f. Persecute
- g. Rape
- h. Torture
- i. The forced disappearance of a person
- j. The crime of apartheid
- k. Other inhumane acts are carried out intentionally that cause suffering, serious injury both physically and mentally.

**II. RESEARCH METHODS**

This scientific article is the result of research conducted by the author with the type of normative legal research. The definition of normative legal research is research by collecting data and materials needed in research, such as reviewing the

literature, studying secondary data.<sup>6</sup> This research is also conducted using document studies that aim to find facts and truths based on science and examine literature studies that are the basis for secondary research. In this scientific article, the author also describes the subject and object of the research, such as the research subject consisting of the Rohingya ethnicity in Myanmar and the Uighur tribe in China. The research object is human rights violations committed by the Myanmar state against the Rohingya ethnicity and China against the Uighur tribe.

### III. DISCUSSION

#### 3.1. UDHR violations of 1948 for crimes against Rohingya in Myanmar and Uighurs in China

##### 1. *Rohingya in Myanmar*

Rohingya are one of the ethnic groups living in Myanmar, with a population of about 600,000 people. The Rohingya ethnic group currently lives in an area of the northern part of Rakhine or also known as the city of Arakan. Looking at the historical level, the Rohingya have inhabited Myanmar since the 7th century AD. Even though the Rohingya have been living in Myanmar for a very long time, the Myanmar government does not consider and recognize the existence of the Rohingya as part of Myanmar or Myanmar citizens. It assumes that the Rohingya are ethnic Bengali (Bengal), a nickname for the ethnic population. From Bangladesh.

Human rights violations committed by the Government of Myanmar against the Rohingya ethnic minority stem from the Myanmar government, which considers that the Rohingya ethnicity is not an original ethnic group that has lived in Myanmar's territory. The birth of regulations in the Myanmar Citizenship Act (Citizenship Act) in 1982 further abolished the Rohingya ethnicity's existence. It is said so because this law explicitly does not consider and recognize the existence of Rohingya people as citizens of Myanmar. As a result, the citizenship status of the Rohingya ethnicity becomes non-existent (stateless person).

Regarding a person's citizenship status, in this case, it has a relationship and relationship with the 1954 Convention to the Relating of Stateless persons

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<sup>6</sup> Soerjono Soekanto and Sri Mamudji, "Penelitian Hukum Normatif, Cetakan Ke-13," *Jakarta: Raja Grafindo Persada* (2011).

(International Convention Concerning Residents who do not have citizenship status 1954). The birth of this provision is due to the urgency of not recognizing the existence of an ethnic group in a country which leads to their citizenship status not being recognized so that their status is only as refugees whose existence must be protected under international law.

Acts of human rights violations against the Rohingya ethnicity in Myanmar on the rights of the Rohingya ethnic population status from the Myanmar Citizenship Act (Citizenship Act) 1982 which is influenced by several factors, such as the history of British colonialism in 1824, which colonized Burma/Myanmar which At that time there were many forms of Population Migration. One of them was the Rohingya ethnicity during the colonial period, so the Myanmar government considered the Rohingyas illegal residents and not an ethnic origin from Myanmar but ethnic migrants from Bangladesh/India.

This is also, of course, a deviation and a violation of human rights against the Rohingya ethnicity in Myanmar, as stated in article 15 of the UDHR, which reads:

**Article 15**

1. Everyone has the right to a nationality
2. No one can be arbitrarily deprived of his nationality or refused only to change his nationality

The article emphasizes that everyone has the right to something of their nationality and citizenship, in this case, cannot arbitrarily revoke one's citizenship, the right to citizenship is a human right to personal freedom, but in fact, what happens to the Rohingya is the opposite, this is undoubtedly an act of human rights violations and violations of the rules in international law.<sup>7</sup>

The status of citizenship is essential for every individual, and international law gives special attention to individuals, which is mainly concerned with the protection of citizens in a country, in various international legal instruments, one of which is the right of a person to obtain citizenship. Furthermore, the prohibition to arbitrarily revoke one's citizenship.<sup>8</sup>

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<sup>7</sup> Ketut Arianta, Dewa Gede Sudika Mangku, and Ni Putu Rai Yulianti, "Perlindungan Hukum Bagi Kaum Etnis Rohingya Dalam Perspektif Hak Asasi Manusia Internasional," *Jurnal Komunitas Yustisia* 3, no. 2 (2020): 166–176.

<sup>8</sup> Paul Sieghart, "The International Law of Human Rights," *VRÜ Verfassung und Recht in Übersee* 20, no. 1 (1986): 110–111.

Acts of discrimination and discrimination against the Rohingya ethnicity by the Myanmar government, in this case, can also be seen in an attempt to reduce and eliminate the recognition of the Rohingya ethnicity in the territory of the state of Myanmar, in international legal instruments, this has also been regulated in one of the one international Convention, namely ICERD (International Convention on the Elimination of All Forms of Racial Discrimination) which is an international convention on the elimination of all forms of racial discrimination, regarding the definition of racial discrimination contained in article 1 of ICERD which reads:

*"all forms of distinction, exclusion, limitation, or priority based on race, color, descent or nationality or ethnicity, which have the purpose or effect of nullifying or impairing the recognition, achievement or implementation, on an equal basis, of human rights and basic freedoms in the political field, economic, social, cultural or other areas of community life."*

The purpose of establishing this Convention is due to the 1948 UDHR, which states that all human beings are born free and equal in dignity and worth. Everyone has the rights and freedoms outlined in it without distinction between race, color, and nationality.

The existence of other crimes against humanity committed by the Myanmar government against the Rohingya Ethnic is acts of violence committed by state officials on June 10, 2012, the actions of the Myanmar state apparatus to commit human rights violations and crimes such as looting, murder, mass arrests of Rohingya with violence to shootings that occurred in the territory of the Rakhine state of Myanmar, from this is clear evidence of human rights violations against the Rohingya ethnicity in terms of the right to life and the right to live in security.<sup>9</sup>

In this case, the actions of the Burmese Military and the actions of the Buddhist extremist population in Myanmar have committed human rights violations which in this case can also be categorized as gross human rights violations, for these actions also show a pattern of acts of Genocide against the Rohingya ethnicity in Myanmar.<sup>10</sup>

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<sup>9</sup> Juan-Pablo Perez-Leon-Acevedo, "The Rohingya People and the International Court of Justice: Religion-Related Legal Analysis," *Oxford Journal of Law and Religion* (2020).

<sup>10</sup> Nalom Kurniawan, "Kasus Rohingya Dan Tanggung Jawab Negara Dalam Penegakan Hak Asasi Manusia," *Jurnal Konstitusi* 14, no. 4 (2018): 880-905.

Classification of the Crimes Against Humanity Rome Statute, in this case, is carried out systematically and is aimed at a group of civilians such as widespread attacks, in the case that occurred in Rakhine Myanmar, Against the Rohingya Ethnic acts of killing, torture, mistreatment collectively based on ethnicity, culture, race, this act of rape is an act of crime against humanity.<sup>11</sup>

Viewed from the perspective of the Rome Statute Regulations that the acts of human rights violations committed against the Rohingya Ethnic, in this case, have fulfilled several elements contained in the Rome Statute, these elements are explicitly stated in Article 7 regarding crimes against humanity, namely acts of Persecution.<sup>12</sup>

Article 7 paragraph 2 (G) understanding of Persecution, namely Persecution means "deliberate and cruel deprivation of basic rights contrary to international law because of the identity of the group or collectivity"

Article 7 paragraph 1 (H) of the Rome Statute describes the characteristics of Persecution as follows:

*"Persecution of an identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender grounds as defined in paragraph 3, or on any other basis universally recognized as impermissible under international law, relating to any acts referred to in this paragraph or any crime within the jurisdiction of the Court."*

In the provisions of the Universal Declaration of Human Rights 1948, especially those stated in article 3 of the UDHR, which reads, "Everyone has the right to life, freedom, and safety as an individual," the right to life is absolute. This right cannot be delayed in any situation (non-human rights) derogable rights.

The scope of the 1948 UDHR is also related to the prohibition of severe crimes against humanity such as Genocide, which intentionally destroys a group.

The General Assembly of the United Nations declared that Genocide is an act and a serious human rights crime in this case. In 1948 the United Nations adopted a convention on the prevention and punishment of the Crime of Genocide. This Convention did not impose a limitation on the application of the law. For war crimes

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<sup>11</sup> Fitria Martanti and Gadis Herningtyasari, "Rohingnya and The Concept of Conflict Resolution," in *3rd Annual International Seminar and Conference on Global Issues (ISCoGI 2017)* (Atlantis Press, 2019), 140–143.

<sup>12</sup> Baiq Selpa Windi Isharmi, "Analisis Pelanggaran Ham Terhadap Etnis Minoritas Rohingya Di Myanmar Dalam Perspektif Hukum Internasional" (Universitas Mataram, 2018).

and crimes against humanity, this Convention also aims to try and process the law for acts of serious human rights crimes at any time.

The stages of Genocide carried out by Myanmar are claimed to have fulfilled the eight stages of Genocide that have been categorized and established by the Genocide Prevention Organization (Genocide Watch). Disclaimer, as for the explanation of the steps of the Genocide such as:

### **1. Classification (Classified) and Symbolization**

This action is a classification of a specific group, marking and symbolizing a group to distinguish it from others. In the Rohingya ethnicity, the Myanmar government classifies and symbolizes the Rohingya ethnicity under the pretext that the Rohingya are illegal residents and immigrants from Bangladesh. The case with the actions of the German state, which classified the Arya and Jewish population during world war 2.

### **2. Dehumanization**

It is a denial of humanity towards a group. Considering a person or ethnicity/group is considered a pest, disease. It must be marginalized. In the case that happened in the Rohingya, they have also been considered a pest because they also do not have citizenship status, are not considered by the Myanmar government, and do not get their fundamental rights such as health insurance, education, and employment, and others.

### **3. Organized**

Genocide acts are always carried out in an organized or structured manner. A State government usually carries this out. In some cases, the government uses militants or its country's armed forces to carry out ethnic cleansing so that they are free from government responsibility, in the case that happened to the Rohingya Ethnic in Indonesia. From 2016 until now, the Burmese army has involved their Military in carrying out violence and human rights crimes against the Rohingya, as for their actions, namely burning Rohingya villages and settlements in the Rakhine State Territory in an organized and structured manner, reports Human Rights Watch (HRW) in its report dated February 6, 2017, obtained information from Victim or victims of rape and interviewed nine women out of 28 victims of sexual harassment, they were raped by the

Burmese military apparatus during a Cleansing Operation in northern Rakhine region and carried out the killing of Rohingya people in which the victims designs include children and infants.

#### **4. Polarization**

It is an act of extreme separation between one group, carrying out propaganda actions against people who are not the target classification group. In contrast, the points conveyed by the propaganda carried out by the government include the prohibition of marriage with a group and the prohibition of interacting, cases involving The propaganda carried out by the extremist Buddhist Organization calls for, supports, and takes action against the Rohingya ethnic cleansing in Myanmar to inflame anti-Muslim propaganda, this is happening in Rakhine, where they together with the Burmese army carry out killings, expulsions, and burning of Rohingya settlements in a structured manner.

#### **5. Preparation**

This action is a genocide preparation for potential victims of Genocide, and they are identified, separated based on their ethnicity and religion. A list of people who will be slaughtered, according to Genocide Dispatch Watch, is usually made in the case that they are gathered in concentration camps, in slums, or areas that are resource-poor areas that they die slowly starve to death. In the case of the Rohingya, the Myanmar government separated them from other citizens and placed them in a unique Rohingya settlement.

As quoted from CNN news in 2014, the Rohingya in their movement was restricted and only allowed to carry out activities in their territory, namely in the Sittwe area. As a result, they were isolated from the outside world, making the Rohingya ethnic even more powerless.

#### **6. Destruction**

Genocide Watch uses the phrase "extermination" because those who perpetrate Genocide think it is not killing and killing but exterminating Pests. After all, victims are not considered human. This is the same as what the Nazis did in the massacre of jews during world war 2. In Rohingya, they have experienced the same thing. Since 2012, efforts to clean up and exterminate

ethnicity have been carried out, from the Myanmar government has not done anything to prevent these actions from happening.

## 7. Denial

this is the last step that must exist in various cases of acts of Genocide. According to genocide watch, "genocidal actors excavate and carry out mass burials, burning corpses to cover up evidence of crimes against humanity that they have committed.

The crimes against humanity committed by the Myanmar government against the Rohingya Ethnic, in this case, are very contradictory actions and violate human rights. This has caused two general reactions from the Rohingya community for the massacres and human rights violations experienced, namely staying in Myanmar or choosing to live in Myanmar. Become a refugee in another country.<sup>13</sup>

## 2. *Uighurs in China*

Uighur / Uyghur Tribe is one of the minority tribes in China. The meaning of the name Uyghur itself is to have the meaning of "unity/union" the majority of the Uighur population is Muslim.

Human rights violations committed by the Chinese government against the Uighurs began during Chinese rule. In 1949 this also greatly affected the lives of the Uighurs in Xinjiang, filled with violations of their human rights. Discriminatory actions are also carried out by the Chinese government and experienced by Uighur Muslims as contained in the regulations regarding the policies of the Chinese government, which wants the realization of One Policy.

As for other human rights violations committed by the Chinese government against the Uighurs, namely prohibiting Uighurs from carrying out worship activities according to their religion and prohibiting religious rituals such as praying, reading the Koran, and others, such actions are violations of human rights in particular, namely: the right to freedom of thought, conscience, and religion. Freedom to practice religion, embrace religion, practice and practice it is the right of every human being. In the Human Rights Instruments, in particular, it is stated in the 1948 UDHR Article 18. Freedom of Religion, in this case, is guaranteed under international law, and this fulfillment cannot be delayed.

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<sup>13</sup> Jenny Bourne, "If Not Now, When?" (SAGE Publications Sage UK: London, England, 2020).

Other acts of human rights violation by the Chinese government are restrictions on the birth rate of the Uighur tribe. In this case, the Chinese government has taken inhumane actions against the Uighur population, especially women, namely the sterilization of Uighur women forcibly, which aims to reduce the birth rate of the Uighurs.<sup>14</sup>

UDHR 1948 has provided a basis and protection for reproductive rights as stated in Article 12, Article 16, and Article 25, namely:

- a. The right to privacy enshrined in article 12 of the 1948 UDHR
- b. The right to have a family, as stated in article 16 of the 1948 UDHR
- c. The right to have a decent standard of living for their health and well-being, including special protection for women with the status of mothers, as stated in Article 25 of the UDHR

In this case, everyone has the right to their privacy, the right to have a family, and the right to have a decent standard of living for the sake of health and welfare and the provision of special protection for women who are mothers, this is a human right, and the Universal Declaration of Human Rights provides protection of these rights which are universally recognized.<sup>15</sup>

**The role of international organizations in resolving crimes against humanity against the Rohingya in Myanmar and the Uighurs in China.**

The handling carried out by the United Nations for Rohingya Ethnic refugees through the UNCHR institution has been carried out since 2017, to be exact, August 25, 2017, which is the latest exodus that has caused 742,000 Rohingya to flee in Bangladesh to date which has also spread to various neighboring countries such as Malaysia and Indonesia. Indonesia. The act of condemning the United Nations and bringing the Prime Minister of Myanmar to the International Court of Justice (ICJ) based on the report of the Gambia country which is one of the Muslim-majority countries in West Africa, on behalf of dozens of other Muslim countries and is also supported by the Organization of Islamic Cooperation (OIC). ) on November 11, 2019, where the contents of the lawsuit are asking the ICJ to order the Myanmar

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<sup>14</sup> Andi Ismira and Ahmad Amiruddin Tennang, "Xinjiang Human Right Violation And Radicalism Issues: A Development Inequality Framing," *Mandala: Jurnal Ilmu Hubungan Internasional* 2, no. 1 (2019): 22-44.

<sup>15</sup> Roy Anthony Rogers and Jatswan S Sidhu, "International Norms and Human Rights Conditions in the Xinjiang Uyghur Autonomous Region (XUAR)," *MJIR/ Malaysian Journal of International Relations* 4, no. 1 (2016): 109-137.

state to stop the act of mass killing and accuse the Myanmar Military of carrying out a comprehensive and systematic ethnic cleansing operation against the Rohingya Ethnic which took place from October 2016 to August 2017.

In addition to the United Nations organizations, there are organizations such as the OIC (Organization of Islamic Cooperation), which consists of 57 countries that focus on political, economic, social, and cultural issues and science. In contrast, in this case, Islamic cooperation organizations often speak out on various issues such as conflict. What happened to Palestine, India, and Pakistan and also often voiced against the oppression of Muslims, but in the case that happened to the Uighurs in China, the Organization of Islamic Cooperation has not yet presented and voiced its concerns and provided a statement or official statement condemning acts of oppression and crimes against humanity committed by the Chinese government against the Uighurs, it is regrettable which is in the case of oppression and crimes against humanity against the Uighurs. The organization of Islamic cooperation as an international organization formed based on a sense of brotherhood or brotherhood of Muslims around the world shows an indecisive, soft, and fearful attitude towards China, which has committed acts of human rights violations, inhumane acts, and acts of violence, which has violated the provisions of international law against the Uighurs in China.

As for other international organizations such as ASEAN (Association of Southeast Asia Nations), which is a regional organization in the Southeast Asian region, one of the goals of this organization is to improve the economy in the Southeast Asian region and its member countries. one is where ASEAN establishes a human rights body, namely AICH (Asean Intergovernmental Commission on Human Rights).<sup>16</sup> Which until now has not contributed or contributed to the settlement, which is accurate in resolving cases that occurred against the Rohingya Ethnic in Myanmar.

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<sup>16</sup> Triono Triono, "Peran Asean Dalam Penyelesaian Konflik Etnis Rohingnya," *Jurnal Tapis: Jurnal Teropong Aspirasi Politik Islam* 10, no. 2 (2014): 1–11.

#### **IV. CONCLUSIONS AND SUGGESTIONS**

The 1948 UDHR violations for crimes against humanity against the Rohingya ethnicity in Myanmar and the Uighurs in China resulted in several human rights violations. From the results of the research conducted, it can be concluded that there are acts of racial discrimination against the Rohingya Ethnic in Myanmar which, after the enactment of the Myanmar Citizenship Act, which explicitly does not consider and recognize the Rohingyas as Myanmar Residents and labels them as Illegal Residents living in Myanmar. in Myanmar, resulting in their status as Stateless Persons, the existence of acts of Persecution carried out by the Myanmar Government, the Burmese Military and Buddhist Extremist groups such as murder, rape, resettlement and forced evictions as well as acts of Genocide which were carried out in a structured, systematic manner. By the Burmese Military against the Rohingya. That there were acts of Human Rights Violations and Discrimination by the Chinese government against the Uighurs, where the One Policy was made, which led to massive immigration from the Han Ethnicity to the Xinjiang region, which led to population colonization as well as acts of Human Rights Violations on the freedom to carry out religious activities. Moreover, religious rituals such as carrying out prayer services, reading the Koran, fasting, and changing and destroying places of worship have violated the provisions of the 1948 UDHR, where religious freedom cannot be delayed as well as the sterilization of Uighur women which was carried out forcibly by the Chinese government.

The role of the United Nations in resolving crimes against humanity against the Rohingya ethnicity in Myanmar and the Uighurs in China, in this case, is still not maximized, which means that the United Nations still lacks the role of the United Nations in realizing world peace and security as well as realizing respect for human rights such as as well as in dealing with cases of crimes against humanity that occurred by the Rohingya ethnicity in Myanmar and the Uighurs in China, where human rights violations are still happening to this day. As for other international organizations, such as the Organization of Islamic Cooperation, which until now has not provided a statement or official statement and a firm stance, namely criticizing the Chinese government for crimes against humanity committed against the Uighurs

and regional organizations such as ASEAN, which have not made a real contribution in resolving cases. Crimes against humanity against the Rohingya in Myanmar.

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### Article

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