

# Determinasi Tindakan Penyiksaan Kelompok Etnis Muslim Uyghur di China dalam OHCHR Assessment dan Rekomendasi Perlindungan Hak Asasi Manusia oleh OHCHR = Determination of Torture of the Uyghur Muslim Ethnic Group in China in OHCHR Assessment and OHCHR Recommendations for the Protection of Uyghur's Human Rights

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## Abstrak

Tindakan penyiksaan merupakan salah satu serangan paling kejam terhadap harga diri manusia dan merupakan salah satu kejahatan inti dalam hukum internasional. Pada dasarnya, tindakan penyiksaan telah diatur dalam Convention against Torture (CAT), dengan Committee against Torture (CmAT) berperan sebagai badan pengawas implementasi dari ketentuan dalam CAT dalam negara peserta. Perpanjangan fungsi sekretariat Sekretaris Jenderal PBB yang kompeten dalam bidang hak asasi manusia, yaitu The Office of the High Commissioner for Human Rights (OHCHR) memiliki tugas untuk membantu CmAT dalam meningkatkan kemajuan dan perlindungan seluruh hak asasi manusia. Pada bulan Agustus 2022, OHCHR mengeluarkan laporan berjudul OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (OHCHR Assessment), yang berisi laporan mengenai dugaan tindakan penyiksaan dan perlakuan atau hukuman lain yang kejam, tidak manusiawi atau merendahkan terhadap kelompok etnis Muslim Uyghur di Xinjiang, China. Hasil analisis temuan dalam OHCHR Assessment termasuk ke dalam ketentuan CAT terkait kategori tindakan penyiksaan fisik dan mental, serta perlakuan merendahkan terhadap kelompok etnis Muslim Uyghur di Xinjiang, China. Penentuan kategori temuan tersebut dilakukan melalui peninjauan ketentuan-ketentuan CAT, kajian putusan pengadilan internasional, beserta kajian beberapa buku, artikel ilmiah, dan berita terkait tindakan penyiksaan dan perlakuan atau hukuman lain yang kejam, tidak manusiawi atau merendahkan. OHCHR juga memberi beberapa rekomendasi dalam OHCHR Assessment terkait upaya untuk melindungi hak asasi manusia kelompok etnis Muslim Uyghur di China. Rekomendasi tersebut hadir sebagai salah satu bentuk pemenuhan perlindungan hak asasi manusia oleh OHCHR, khususnya bagi kelompok etnis manusia Uyghur di Xinjiang, China.

.....Torture constitutes one of the most severe attacks on human dignity and is considered as a core crime under international law. The provisions of torture is regulated in Convention against Torture (CAT), with Committee against Torture (CmAT) serves as the treaty body to ensure the implementation of CAT by the State parties. The Office of the High Commissioner for Human Rights (OHCHR), as the competent extension of the Secretary-General of the UN in the field of human rights, has the duty to assist CmAT in the enhancing the promotion and protection of all human rights. In August 2022, OHCHR published a report entitled OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (OHCHR Assessment), which contains reports concerning alleged acts of torture and other cruel, inhuman or degrading treatment or punishment of the Uyghur Muslim ethnic group in Xinjiang, China. The result of the analysis of the findings in the OHCHR Assessment fall under the provisions of the CAT concerning the category of physical and mental torture, as well as degrading treatment of Uyghur Muslim ethnic group in Xinjiang, China. Determination of the categories of these

findings was carried out through a review of CAT provisions, studies of international court decisions, along with a review of several books, journal articles, and news related to torture and other cruel, inhuman or degrading treatment or punishment. OHCHR also provides several recommendations in the OHCHR Assessment regarding means to protect the human rights of Uyghur Muslim ethnic group in China. The recommendations comes as a form of fulfilling the protection of human rights by the OHCHR, specifically for the human rights of Uyghur Muslim ethnic group in Xinjiang, China.