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Written statement* submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Violation of Uyghurs' right to health: Nuclear testing in Xinjiang**

More than three decades of nuclear testing at Lop Nor testing site in the Xinjiang Uyghur Autonomous Region (XUAR), People's Republic of China (PRC), are gravely affecting the right to health of predominantly Uyghur communities in the region. It is of the utmost importance to start to address the neglected environmental and health impact of radioactive contamination for the Uyghur people, and to guarantee their right to health which is a fundamental part of every person's human rights and the enjoyment of a dignified life. Human rights are interdependent, indivisible and interrelated. This means that violating the Uyghurs' right to health impairs the enjoyment of other human rights, such as the rights to adequate medical care and necessary social services, and the right to information.

Background

The PRC began developing its nuclear weapons programme in 1951 following a secret agreement with Moscow which provided substantial Soviet assistance in return for Tibetan uranium. China started to mine Tibetan uranium in the 1960s at great human cost and made rapid progress from the 1960s onwards, detonating its first nuclear weapon on 16 October 1964 (codenamed '596'). A total of forty-six confirmed nuclear detonations (twenty-two of which were underground) were conducted at Lop Nor, Xinjiang, until 1996, when the Chinese government signed, but not ratified, the Comprehensive Test Ban Treaty (CTBT) on 24 September 1996¹, which bans all nuclear explosions on Earth. The last confirmed nuclear test at Lop Nor was in 1996, although heavy restrictions placed on the site make this difficult to verify. A shroud of mystery exists as China prevents independent investigations by refusing to disclose medical records and not allowing access to the site by independent experts.

The nuclear tests had devastating effects for the region's inhabitants and environment. It is known that conducting nuclear tests close to previous test sites is highly dangerous as it can facilitate fissures in the earth which allow radioactive material to escape into the atmosphere. Urumqi, Turpan, Qumul and Korla are cities in the XUAR with Uyghur populations that reside within 320km from the test site, with the latter being the closest.

It is estimated that approximately 1.48 million people have been exposed to radioactive material during the thirty-two years of nuclear testing at Lop Nor and it has been reported that the Chinese Communist Party (CCP) has detonated its nuclear tests during westward winds, thus making the Uyghur populations particularly vulnerable to radioactive exposure.

Lop Nor has released six million times more toxic, radioactive material into the atmosphere, water and soil than Chernobyl, which affected one million people worldwide. Exposure to radioactive material often causes illnesses such as thyroid cancer, leukaemia, lymphatic cancers, and bowel cancer, among others. The total amount of plutonium-239 released into the atmosphere in Xinjiang is estimated to be 48kg, where the inhalation of a millionth of a gram can cause cancer, disabilities and other birth defects.

^{**} World Uyghur Congress (WUC), Unrepresented Nations and Peoples Organization (UNPO), NGOs without consultative status, also share the views expressed in this statement.

¹ The CTBT cannot come into force until all 44 nuclear-capable states have ratified it in February 2012, eight states had to still to ratify the Treaty

Health issues concerning Uyghur communities in Xinjiang

The Lop Nor nuclear tests are the world's largest series of tests carried out in a populated area. Three decades of nuclear tests at Lop Nor have left a visible mark. In Xinjiang, there are noticeably large amounts of young people with bowel cancer, leukaemia and other cancers, especially in Korla. Professor Takada further postulates a "conservative" estimate that 194,000 people would have died as a result of the nuclear testing, especially as many Uyghurs cannot afford the treatment for their ailments. He also stated that it is difficult to say whether second or third generational defects are inherited genetic mutations or the result of radioactive material still present in the areas surrounding Lop Nor.

China continues to deny access to the region for independent researchers to study the effects of the nuclear testing. Nevertheless, radioactive material is known to have escaped over the years. A 1997 British undercover investigation with the help of surgeon, Dr. Enver Tohti, revealed that the likelihood of getting cancer is 30% higher in Xinjiang than the rest of China according to Chinese records. In hospitals, 90% of cancer patients have blood or lymphatic cancers, clear indications of radioactive exposure. The investigation also uncovered documentary evidence that clearly suggests a causal link between a nuclear detonation and increases in cancer cases thereafter. It was predicted that cancer rates would double in Xinjiang between 1993 and 2000. Independent experts and NGOs are unable to confirm this because investigating cancer rates and the effects of nuclear tests in Xinjiang are forbidden by the PRC, and there are heavy restrictions placed on obtaining medical records and other relevant documentation. The investigation, however, found evidence to corroborate this assertion.

The Chinese government continues to deny any responsibility for its nuclear weapons programme to civilians, especially towards the Uyghurs in Xinjiang, and activists attempting to raise the issue often face harassment and prolonged detention. For example, former worker at 'No. 792 Uranium mine' in Gansu Province, Sun Xiaodi, has campaigned against the nuclear contamination, only to have been arrested and sentenced to two-years Re-education-Through Labour in 2009.

The basic human right to health is reflected in several international human rights treaties, such as within article 25 (1) of the Universal Declaration of Human Rights (UDHR), and article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the PRC on 27 March 2001.

Under the ICESCR, the Chinese government "recognises the right of everyone to the enjoyment of the highest attainable standard of physical and mental health" (Art. 12, 1.), as well as to take the necessary steps to "achieve the full realization of this right [including] those necessary for the improvement of all aspects of environmental and industrial hygiene; and the creation of conditions which would assure to all medical service and medical attention in the event of sickness." (Art. 2, 2. (b) and (d)). It is important to note that the Covenant gives both mental health, which has often been neglected, and physical health equal consideration. The Committee on Economic, Social and Cultural Rights, the body responsible for monitoring the ICESCR, includes "healthy working and environmental conditions" and "health-related education and information" in the so-called "underlying determinants of health."

However, the right of affected Uyghur populations in Xinjiang to health and health care have been, and continue to be, violated. The Chinese authorities have so far refused to publicly address the issue and to recognise the devastating health and environmental effects of the nuclear tests. In consequence, they also do not provide specialised medical attention to those suffering serious health problems such as cancer, mental and/or physical disabilities or other forms of birth defects. In addition, no investigation of the dimensions of the health and environmental effects has been conducted by the authorities, and

independent research has not been permitted. Official compensation for the civilian victims of the nuclear tests is also not part of any past or current political agenda. Only former military personnel deployed to the Lop Nor area during the nuclear testing (known under the codename "8023 force"), have received compensation from the Chinese state for their and their families' serious health problems caused by radiation exposure.

The 64th session of the United Nations General Assembly declared 29 August the International Day against Nuclear Tests, and while this day aims to prevent new nuclear tests in the world, it should also serve as a day to commemorate and to recognise the victims of nuclear tests, including the victims of the Xinjiang region, and the devastating impact on environment and people of such tests. It is time to address the neglected issue of Uyghur victims of nuclear testing at Lop Nor, and raise awareness also at international human rights bodies, such as the UN Human Rights Council.

The Nonviolent Radical Party transnational transparty calls on the PRC to:

- Ratify the Comprehensive Test Ban Treaty (CTBT), which is a major instrument in eliminating the world of nuclear weapons test explosions and contributing to nuclear disarmament and non-proliferation.
- Recognise the existence of civil nuclear testing victims in the Xinjiang Uyghur Autonomous Region.
- Allow for independent research to be conducted to find out the extent to which Uyghurs in Xinjiang have been affected by nuclear testing and to implement necessary measures to provide compensation to the victims.
- Provide medical care so that Uyghurs affected by the tests are able to mitigate the effects of exposure to radioactive material, as well as recognising their responsibility for the continuing suffering.
- Provide detailed information on the health and environmental impacts being suffered by the affected Uyghur population, guaranteeing their right to freedom of information.
- Increase transparency concerning the issue of nuclear testing in Xinjiang.
- Invite the Special Rapporteur on the right to health to visit the Lop Nor area and conduct investigations on the current health situation and to make recommendations on how to alleviate the suffering of the victims.

The Nonviolent Radical Party transnational transparty calls on the UN Human Rights Council (HRC) to:

- Draw attention to the neglected issue of nuclear testing in Xinjiang and support efforts to help those affected by the tests, thus recognising the Uyghurs' basic right to health.
- Call on the Chinese government to address the issue and include it as a priority in the national political agenda.
- Call on the Chinese government to allow extensive independent research on the health and environmental effects of three decades of nuclear testing in Xinjiang, and support the public access to the findings.
- Call on the Chinese government to create a national compensation scheme for those suffering health problems due to the nuclear testing.