

Analysis of the Uyghur Persecution in China and Action of the International Community

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Index

Introduction.....	3
1. Chapter 1: History of the Uyghur People in China.....	5
1.1. Borders and History of Xinjiang Autonomous Region.....	5
1.1.1. Cultural and Religious Characteristics of the Uyghur People.....	7
1.1.2. East Turkestan Independence Movement and Separatist Mobilization.....	8
1.2. Economy of Xinjiang and its Relevance to the Crisis.....	11
1.2.1. Gas and Oil Industries and Exploitation of Prisoners.....	11
1.2.2. Importance of Xinjiang in Global Geo-Economics.....	14
2. Human Rights Violations in Xinjiang Uyghur Autonomous Region.....	17
2.1. The Influence of Global Anti-Terrorism Policies after 9/11 on Chinese Policies.....	17
2.2. Strike Hard Campaign Against Violent Terrorism.....	19
2.2.1. Detention Camps and Re-education Programmes.....	21
2.3. Claims of Genocide in the International community.....	25
3. International Action and Migration Flows.....	30
3.1. Migratory Flows of Persecuted Uyghurs.....	30
3.1.1. Forced Deportation to China.....	34
3.2. International Action towards Refugees.....	37
3.2.1. Reflection on the Principle of Non-Refoulement.....	41
Conclusion.....	44
Bibliography.....	46

Introduction

The plight of the Uyghur people in the Xinjiang Uyghur Autonomous Region (XUAR), located in north-western China, has emerged as one of the most pressing and contested human rights crises of the 21st century. The Uyghur ethnic minority is one of the 56 ethnic groups in China and is characterized by predominantly Turkic origins. The relationship between the Uyghur ethnic minority and the Chinese state is rooted in centuries of complex cultural, religious and political dynamics. This rapport has deteriorated with time, culminating in expansive oppression.

This thesis aims to analyse the historical, socio-political, economic and legal dimensions of the mistreatment endured by the Muslim Chinese people of Xinjiang. It will examine how the global shifts in counterterrorism discourse following the terroristic attacks of September 11, 2001, has affected Chinese internal security policies. The alleged connection of Uyghur separatist groups to terroristic organizations prompted the Chinese government to construct legal and surveillance architecture that has enabled the cultural erasure of the people of XUAR. Scholars, NGOs and international observer have framed the policies as one of the most extensive state-led campaign of oppression of an ethnic and religious minority.

This thesis begins with a concise analysis of the history of Uyghur people in China to contextualize how the annexation of the territory affected the separatist sentiment of the Turkic ethnic group. It will then delineate the cultural and religious characteristics of the people to emphasize how the differences between the minority and the Han ethnic group, heavily predominant in the country, stood out. These cultural divergences were perceived as a threat to national unity and catalysts for separatist sentiment. The first chapter concludes with a reflection on the importance of the region for Chinese economy, taking into consideration the resources that flourish in Xinjiang and how they impact China in foreign trade and internal development of energy. Finally, there will be a remark on the potential interest of the People's Republic of China in the total control considering geopolitical and economic relevance.

The analysis will continue with a study on how the tentative to assimilate Uyghur communities into Han-centric practices to prevent secessions brought Chinese authorities to proceed with harsh measures of control. The second chapter will examine the impact of 9/11 on Chinese policies up to and including the emanation of the Strike Hard Campaign Against Violent Terrorism in 2014. The legislations emitted under the Campaign enabled mass surveillance throughout the region, which human rights advocates deemed excessively restrictive on individual freedom. The groundwork for the establishment of a network of re-education camps also finds justification in the Campaign. The installation and functioning of these centres have been widely criticised by international intelligence and human rights experts, with increasing evidence on the mistreatment in the establishments. The evidence was sufficient to accuse China of perpetuating human rights violations or, according to some, a genocide. The second chapter draws its conclusion with a scrutiny of international legal instruments and how international actors have chosen to approach the crisis, from the use of terminology to the calls for action against customary law violations.

To properly encapsulate the dynamics between China and different states, the third chapter of this work will highlight how different governments reacted to migratory flows of asylum-seeking Uyghurs coming into their territories. The responses were always telling, ranging from totally embracing migrants and granting immediate refugee status in the country, or committing the unlawful act of *refoulement* to please the Chinese government to the point of breaching international law and multiple treaties. The thesis will then finalize the previously considered questions on an economic subtext that links the systemic condemnation of Uyghur people and the behaviour of actors compliant to the Chinese government's requests. To conclude, the third chapter will examine the principle of *non-refoulement* and the international implications for undermining one of the core principles and moral epitome of the international refugee and human rights law.

1. History of the Uyghur people in China

1.1. Borders and History of Xinjiang Autonomous Region

On the northwestern side of China, the largest administrative division is Xinjiang Uyghur Autonomous Region. As it is nowadays the site of the humanitarian crisis that Uyghur people face, challenging constant and perpetual attempts by the People's Republic of China to eradicate their culture, its history goes far back in time and is crucial to understand to properly apprehend the dynamics of the two parts. Xinjiang borders Afghanistan, India, Kazakhstan, Kyrgyzstan, Mongolia, Pakistan, Tajikistan and it's China's only geographical connection to Russia. Xinjiang, dissimilarly to the rest of the country, where Chinese culture prevails and always has, has always been deeply multi-ethnic. It is rather difficult to trace XUAR's background before studies made during the Han dynasty (206 B.C.-220 A.C.), but historians suggest that even in previous times, more than a dozen different ethnic backgrounds were present in the territory. Saka, Yuezhi, Wusun, Qiang, Xiongnu and subsequent Han settlement are some of the nomadic and semi-nomadic groups populating Xinjiang before 200 B.C.¹

A crucial development of Xinjiang's inhabitants is the split of the Turki realm, when the leader Tümaen defeated the Rouran people, who settled in the land during the Wei, Jin and Southern and Northern Dynasties (220 A.D.-589 A.D.). At that point in history, China had witnessed large-scale migratory flows across the land, thus the entry in Xinjiang by more ancient ethnic groups, including previously cited Rouran, Gaoche, Yeda and Tuyhun. The Turkic people found a sedentary settlement once they entered China and had become one with the Chinese people.² At this point in history, the north-western Chinese region had become a proper "melting pot" of various cultures. The influences that Turkic culture exerted on the land was critically significant to further developments. The language, culture and traditions were thoroughly shaped by the

¹ Information Office of the State Council of the People's Republic of China . "Govt. White Papers - China.org.cn." China.org.cn, 2025. <http://www.china.org.cn/e-white/20030526/1.htm>.

² Kürşat Yildirim, "Chinese Families from Turkic Origin," 2019.

influences of the nomad group that would subsequently provide the basis for Uyghur customs and religion.

Early Uyghur establishments had been organized in a monarchy according to archaeological studies, which have also shown how greatly organized the civilization had turned out to be compared to previous dominations of the territory. Professor Denis Sinor states that "...among the non-Muslim Turkic peoples none has reached the degree of civilization attained by the Uyghurs and they developed a culture in many respects more sophisticated than that of most of the Muslim Turks."³ The statement shared by Professor Sinor in his study on the Uyghur kingdom, highlights how rich and well-structured this culture has always been, and could be used as a point in favour to the argument that Uyghur people deserve independence and full control of "Uyghur-land". Reasoning behind this, many could argue, lies in the name "Uyghur" itself, as the basic translation of it is "unite", "union", "coalition".⁴

Since the first Uyghur tribes established their rule in Xinjiang during the Hun reign of China, they withheld such power over the territory until the first Qing invasion in 1755. During the 20th year of the Qianlong Reign (1735-1796), the land faced a civil crisis, and the upcoming Qing Dynasty seized the opportunity to gain control of the Dzungar Khanate (1634-1758), at that point in history, the reigning force in Xinjiang. As the khanate was deposed, the Uyghurs maintained a notable amount of independence as their conquest was not planned, therefore they kept on paying tribute as vassals of the Qing emperors. Prior to the Chinese occupation of Xinjiang, the Uyghur people were subject to the White Mountain and Black Mountain groups under the rule of Naqshbandi Sufi order of Islam. In this moment in history the first sentiments of independence started as Khoja Jihan, brother of political hostage Burhan al-Din', aided the Qing empire to

³ Annemarie v Gabain, *Das Uigurische Königreich von Chotscho 850–1250* (Walter De Gruyter GmbH & Co KG, 1962).

⁴ Hilda Eitzen, "EHRAF World Cultures," ehrafworldcultures.yale.edu, n.d., <https://ehrafworldcultures.yale.edu/cultures/ai04/summary>.

pacify the Muslim community in Xinjiang with the scope of gaining political freedom for the Uyghur people, leading a rebellion alongside Amursana, a Dzungar prince aiming to regain control of the territory. Subsequently after suppressing said rebellion, the disputed land had been definitively conquered by the Qing empire. To state the new sovereignty, the land was renamed to “Xinjiang”, literally translated from the Chinese language as “new borderland” (新: *xin*, new; 疆: *jiang*, border). By doing so, some conversation started as to its deeper meaning. The land had never been of Chinese property before its conquest, and thus stating a sense of appropriation over a place that, according to many sustainers of the Uyghur independence, could have been alternatively named as something on the line of “new territories”.⁵

1.1.1. Cultural and Religious Characteristics of the Uyghur People

Uyghur culture has thoroughly felt the weight of Muslim influence. Among the 56 ethnic minorities in China, it is one of the few groups living according to the dogma of Islam. Chinese culture is deeply rooted in philosophical beliefs of Confucianism, which expands from festivities to moral conduct, as well as the shared values of the Chinese Communist Party. Scholars such as Dwyer(2005), and Mahmut(2019) have claimed that the Uyghur language and Islam are “central aspects of Uyghur identity”.⁶ As this paper will subsequently analyse, language erasure and Muslim traditions criminalization have been repeatedly employed by the Chinese government to perpetuate Xinjiang’s cultural erasure, therefore it could be assumable, or at least effective for its purpose, that attacking the two most defining characteristic of the ethnicity in question is a studied method to purposefully eradicate its identity.

⁵Ke Wang, “Between the ‘Ummah’ and ‘China’ : The Qing Dynasty’s Rule over Xinjiang Uyghur Society,” *Intercultural Studies: Bulletin of the Graduate School of Intercultural Studies, Kobe University* 48, no. 48 (July 2017): 183–219, <https://hdl.handle.net/20.500.14094/81009892>.

⁶ Rebecca Clothey and Dilmurat Mahmut, *Uyghur Identity and Culture* (Taylor & Francis, 2024).

Many Uyghurs defending the individuality of Xinjiang's territory have expressed that as the Chinese government claims that China has a right to Xinjiang, this would be untrue and a poor excuse for gaining control of a politically fundamental part of the Silk Road, a major economic route that establishes stable and constant connection to the western world which has brought significant advantages to the country's wealth in trade business.⁷ In response to Beijing's assertion, inhabitants to the region have underlined how the land has undergone continuous drawing and redrawing of limits and has always been subject to a vast quantity of domains. This has undoubtedly brought depth and diversity of layers to Uyghur culture and is therefore essentially distinguished from the rest of China.⁸ These contradictory opinions can be deemed foundations to the core of Uyghur identity. As scholars such as Bovingdon (2010) have stated, "...various forms of everyday resistance have, I believe, strengthened Uyghurs' collective identity and resolve to remain distinct from the "Chinese nation"."⁹ it is to be assumed that resistance itself has been integrated as part of Uyghur identity.

1.1.2. East Turkestan Independence Movement and Separatist Mobilization

The separatist sentiment felt across Xinjiang led minority groups to respond through resistance, retorting against policies and acts perceived as attacks on their religion and culture perpetuated by the Chinese government. Examples such as undermining Uyghur language and implementing policies decreasing birth rate in Xinjiang will be furtherly discussed in the second chapter of this thesis. Epitome of said resistance is the creation of the Eastern Turkistan Islamic Movement (ETIM). It is crucial to state that experts say that reliable-or plenty of- information concerning ETIM is hard to come by. The

⁷ Britannica, "History of China," in *Encyclopædia Britannica*, 2019, <https://www.britannica.com/topic/history-of-China>.

⁸ Ted Regencia, "What You Should Know about China's Minority Uighurs," Aljazeera, July 8, 2021, <https://www.aljazeera.com/news/2021/7/8/uighurs-timeline>.

⁹ Gardner Bovingdon, *The Uyghurs : Strangers in Their Own Land* (New York: Columbia University Press, 2010).

movement was allegedly founded by Hasan Mahsum,¹⁰ and members of the group have expressed a preference in referring to the assemble as “Turkistan Islamic Party” (TIP) or “Eastern Turkistan Islamic Party” (ETIP).¹¹ The objective of the congregate is seeking “...an independent state which includes a portion of Turkey, Kazakhstan, Kyrgyzstan, Uzbekistan, Pakistan, Afghanistan and the Xinjiang Uighur Autonomous Region.”¹². Terroristic incidents in China have been linked to the activity of ETIM, especially starting from the last years of the 1980s, as the dissatisfaction with the system grew in Xinjiang following massive in-migration of Han-ethnic Chinese people in the region. The movement of Han people brought the Uyghur group to become a minority in XUAR, as the Han population rose from 7% of the total population to 40%.¹³

The belief holding together ETIM is that all Turkic-speaking people of Central Asia should be freed by both Chinese and Soviet control, governed only by Islamic precepts. When the Soviet Union’s attempt to invade Afghanistan was suppressed in 1989 by the mujahedeen and jihadist fighting groups, there was an attempt to seize Xinjiang in order to coronate the pan-Turkic vision, as most states liberated by the Soviet rule obtained their independence, such as Kazakhstan, Tajikistan, Kyrgyzstan and Uzbekistan.¹⁴ The tension between Han and Uyghur people rose until it burst in the Urumqi riots in 2009, where Xinjiang’s capital city saw an outbreak of violence so strong it was deemed by some to be “the Chinese version of “9/11””. The death toll reached its peak with 184 victims, 137 of whom were of Han ethnicity, 46 Uyghurs and one Hui

¹⁰ Beina Xu, Holly Fletcher, and Jayshree Bajoria, “The East Turkestan Islamic Movement (ETIM),” Council on Foreign Relations, September 4, 2014, <https://www.cfr.org/background/east-turkestan-islamic-movement-etim>.

¹¹ Phillip Potter, “Terrorism in China: Growing Threats with Global Implications,” *Quarterly* 7, no. 4 (2013): 70–92, https://www.jstor.org/stable/pdf/26270778.pdf?refreqid=fastly-default%3Ae09d41b10e56bfec117cf1ccdf47a3e7&ab_segments=&initiator=&acceptTC=1.

¹² Xu, Fletcher, and Bajoria, “The East Turkestan Islamic Movement (ETIM).”

¹³ Potter, “Terrorism in China,” 75

¹⁴ Andrew Mumford, “Theory-Testing Uyghur Terrorism in China,” *Perspectives on Terrorism* 12, no. 5 (2018): 19, <https://www.jstor.org/stable/26515428>.

Muslim man.¹⁵ The riots of 5th of July 2009 were triggered by the Chinese government inertia following the death of a Uyghur factory worker in Guandong, which commenced public, and initially peaceful, protests throughout Xinjiang. The non-violent displays of denounce against the government were met with harsh beatings and crowd shooting by the police corps, followed by mass and arbitrary detention of apparently thousands of people, though precise data is hard to delineate. According to witnesses gathered by Amnesty International, various family members of detained persons were allegedly intimidated, threatened or detain in an effort to cease the disturbances of those who protested to seek answers for the incarceration of loved ones.¹⁶ As in many cases ETIM has been linked to terroristic organizations and extremism, western media refrained from bashing China for its repression as they did for the repression of Tibet in 2008, as they were perceived somewhat more meek and thus more deserving of protection, one may conclude. Instead, western media took a noticeable biased path in recounting the 2009 turmoil.¹⁷ Previous to the terroristic attack of September 11 in New York City, China had long craved recognition, especially by modern states, to claims of ETIM being a legitimate threat to the domestic and international scene. Suspicion of China over alleged relations between the Movement and Islamic non-state forces sprung when Uyghur members of ETIM were recruited by bordering-state forces in Afghanistan and Pakistan, to employ them in the fight against Bashar al-Assad, the Syrian dictator who was presiding the country during the Arab Springs. This affinity between terrorist groups and ETIM brought the movement to be listed 11 September 2002 by the UN Security Council Committee pursuant to resolutions 1267 (1999) 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities as an active terroristic organization for "...“participating in the financing, planning, facilitating, preparing or perpetrating of acts

¹⁵ Shan Wei and Chen Gang, "The Urumqi Riots and China's Ethnic Policy in Xinjiang," n.d., https://research.nus.edu.sg/eai/wp-content/uploads/sites/2/2017/11/Vol1No3_ShanweiChenGang.pdf.

¹⁶ Amnesty International, "Urumqi Riots Three Years on - Crackdown on Uighurs Grows Bolder," Amnesty International, July 4, 2012, <https://www.amnesty.org/en/latest/press-release/2012/07/urumqi-riots-three-years-crackdown-uighurs-grows-bolder/>.

¹⁷ Shan and Chen, "The Urumqi Riots and China's Ethnic Policy in Xinjiang,"

or activities by, in conjunction with, under the name of, on behalf or in support of” or “otherwise supporting acts or activities of” Al-Qaida”¹⁸.

1.2. Economy of Xinjiang and its Relevance to the Crisis

1.2.1. Gas and Oil Industries and Exploitation of Prisoners

Throughout the managing of the region by the Chinese government, Xinjiang played a crucial role in the political and economic schemes of the country. In a period in which Chinese centralized power was weakening, when the Republic of China mutated into the People’s Republic of China in 1949, the country was likewise trying to find a way to fit in the emerging Cold War between URSS and the United States of America.¹⁹ China then reasserted its sovereignty over the territory by encouraging the settlement in the region of Han people, in a way to extract from Xinjiang all that could profit the economy. XUAR is, in fact, a land rich in minerals and virgin land.²⁰ The migratory flows from southern China, as previously discussed in this paper, created several issues socially. The 2009 crises brought experts to investigate subsequent casualties of inequality between Uyghurs and Han people. In multiple studies, scholars have asked the question: is Xinjiang really an internal colony of the People’s Republic of China? The idea that inequality between regions could bring to a colonization process is explicable by Michael Hechter's paradigm, who studied England's relationship with Scotland, Ireland and Wales as an example of inequity in source distribution with a heavy employment of state presence to enforce power dynamics of the English Crown. Hecter’s internal colonialism model has been applied to Xinjiang’s case by using the cultural division of labour as a criterion. This

¹⁸ United Nations, “EASTERN TURKISTAN ISLAMIC MOVEMENT | Security Council,” main.un.org, n.d., https://main.un.org/securitycouncil/en/sanctions/1267/aq_sanctions_list/summaries/entity/eastern-turkistan-islamic-movement.

¹⁹ Cruz Guan, “The Establishment of the People’s Republic of China and Its Impacts | Origins,” Origins, October 5, 2024, <https://origins.osu.edu/read/establishment-peoples-republic-china>.

²⁰ Edward Jonty, Tom Rudolph, and Access Academia, “Uyghur Muslims in Xinjiang: How and Why the CCP Has Changed Their Minority Policy since 1991 License: Creative Commons Attribution 4.0 International License (CC-by 4.0),” *Journal of Intersectional Social Justice* • Winter, 2024.

was remarked in the sense that when a specific group in the country is clustering disproportionately low compared to another, this becomes the epitome of ethnic dominance in occupations. The agricultural industry has seen an increase in Uyghur workers' employment since 1982, possibly due to the migration of Han individuals who occupied most other categories of work. The underrepresentation of Uyghur and Hui people in Xinjiang led to them occupying 40% of the posts in high-level professions such as technical jobs, and 28.8% of management and administrative roles. Discrimination appears to be the leading factor in the underemployment of minorities, while numerous legally active 'preferential policies' aim to favour minorities instead. According to Mohammed Ferhat, a Uyghur journalist interviewing the former governor of Xinjiang, Tomur Dawamat, 'Han prejudice is experiencing a steady rise.' Many Han people do not respect the customs and way of life of local minorities. Many big and medium-sized enterprises do not employ minorities, citing all possible expert pretexts.^{21 22}

When discussing the region's resources, it's important to emphasize the importance of extracting petroleum and natural gas. The exploitation of the oil wells of Karamay and Dushanzi has expanded following the 1980s, when Han migratory flows settled in, and many resources were accustomed for the construction of pipelines to connect western and eastern China.²³ Compared to other regions of China, inhabitants of Xinjiang never quite reacted in a positive way to the government's dispossession of land and property. The concept of subtracting property from owners is perceived as a remark of domination, rather than the natural target of a communist state to serve the country through the creation of a state capital. Plenty felt that the seizure of land was sacrilegious, as a significant portion of the land that became state property had been sacred since the

²¹ Ferhat, Mohammed (1996), Testimony to hearing of Senate Foreign Relations Committee on the World Bank and China, 25 July, in Federal News Service.

²² Barry Sautman, "Is Xinjiang an Internal Colony?," *Inner Asia* 2, no. 2 (2000): 239–71, <https://doi.org/10.1163/146481700793647788>.

²³ Victor Falkenheim, "Xinjiang - History | Britannica," in *Encyclopædia Britannica*, 2020, <https://www.britannica.com/place/Xinjiang/History>.

beginning of the people's establishment. The idea of an internal colony persists, as the World Uyghur Congress defined it as one of the three aspects which make it a contemporary settler colony to the Chinese state: material dispossession, institutional domination and settler occupation.²⁴

The global economy has also deeply impacted the internal conflict that Xinjiang faces in China. The production of cotton has been concentrated in Xinjiang, and with the rising demand from the rest of the world of clothes manufactured in China, Uyghur and Hui minorities have been employed in cotton fields and often relegated to its farming instead of its managing and administration in brand-production of clothing items and often brought to overworking and exploitation of workforce.

Oil and gas resources are abundant in Xinjiang. Most of the region is covered by these basins, which include Tarim, Junggar, and Turpan-Hami, except for the Tianshan mountain and Taklamakan desert. For decades, these materials have been setting records for their excellent production levels and reached their peak in 2022 with the retrieval of 6.6 million tons of crude oil per year. In the beginning of 2024, 12 additional wells for gas extraction were put into operation in the Tarim basin. China has long invested in Xinjiang to recover crude oil and gases, but political issues appear to not be isolated from this economic question. The main companies responsible for managing these resources are Sinopec, CNPC, PetroChina, CNOC, and Brightoil. According to the interviews and visual testimonies of Urgewald's reports²⁵, all of them would have exploited Uyghur workers at one point and profited off the repression that the minority faced in their own land. The companies are state-owned; therefore, they are compliant with government policies regarding the Uyghur ethnic group. Pursuant to media, there is a possibility that Uyghur prisoners in “re-education camps”, which will be furtherly discussed and properly

²⁴ World Uyghur Congress, “Why Xinjiang Is an Internal Settler Colony,” World Uyghur Congress, September 2, 2021, <https://www.uyghurcongress.org/en/why-xinjiang-is-an-internal-settler-colony/>.

²⁵ Urgewald, “Oil Production in Xinjiang, China,” Gogel, 2022, <https://gogel.org/oil-production-xinjiang-china#anker1>.

analysed in the next chapter of this thesis along with the allegations of human rights violations, are being removed from the camps to be forcibly brought to work. According to this source and other testimonies, this would not only be the case for the cited companies, but many others. The corporations are not transparent about the matter, which brings to more uncertainty and doubt over the ethics of their actions.

1.2.2. Importance of Xinjiang in Global Geo-Economics

Central Asia, including Xinjiang, has undergone profound transformations over the past decades. When the fall of the Soviet Union took place in 1991, it drastically changed the façade of the geography and geopolitics of the surrounding states. As many countries of the former Soviet Union struggled to assert their national identity, the international terrorism crisis subsided. The economy shifted as the world slowly adjusted to the new equilibrium. There was a rush to regain resources and reach an agreement to divide them between historic and newly established states. Central Eurasia, being particularly rich in gases and oil, has always been vulnerable to conflicts centred on natural resources. In this situation of instability and crisis, the People's Republic of China has seized the opportunity to put China in a privileged position in the geo-economic scene of Asia. During the 1990s, the country was still undergoing a lengthy process of modifying stagnant and inefficient economic policies, especially in trade liberalization. After passing through this static situation, China rose to become one of the major economies in the world. The causes for this dramatic change are to be identified in two main factors, economists say. Firstly, domestic savings and foreign expenditure were used to finance the large amount of large-scale capital investments. Secondly, there was a drastic growth in productivity which went hand in hand with the successful investments.²⁶ To ride the wave of the sudden success in doubling their GDP, Chinese leaders turned to the Soviet Union's collapse to forge their reborn. All the mistakes that lead to the end of URSS were

²⁶ Wayne Morrison, "China's Economic Rise: History, Trends, Challenges, and Implications for the United States," Everycrsreport.com (Congressional Research Service, June 25, 2019), <https://www.everycrsreport.com/reports/RL33534.html>.

used to China's advantage as learning points. For instance, the centrally controlled soviet economy was substituted by a capitalistic system with Chinese characteristics.²⁷ The analysis of how the Chinese government's attempt to increase the economy to its maximum has affected XUAR fits into the context of Xinjiang's misfit feeling in the Chinese context. URSS had been second to the United States of America in global power, and the opportunity to succeed it was certainly seized by China. By this means, the idea that the complete control and subjugation of Xinjiang still looks particularly tempting to the People's Republic of China is credible. This is due to the key role that the region had, and still does, in the economic development of the country. If the region were to obtain the so longed independence, the country would lose a significant part of its domain in natural resources. Its proximity to Russia, some could agree, could turn into a threat for China. The territory could potentially start a fight between those two powerful states to drain it of its resources and strip it of its new independence. Conceptually, China might be holding onto Xinjiang for its importance in the economy rather than a moral obligation to create a united population, as some defenders of the cultural erasure of Uyghurs might state.

To further discuss this point, it is crucial to focus on the role that Russia had in the Xinjiang conflicts. In the spring of 1943, Moskow adopted a secret decree named "On Xinjiang". This decree is a handwritten extract from the "Politburo decision" repository. According to the script, The Soviet Union encountered a growing discontent with the Chinese management of the region, with Sheng Shicai, governor of Xinjiang at the time being. The dissatisfaction started when Sheng requested economic aid to URSS while, the Union stated, was acting against its ethics. The Soviet Union had offered support of various nature to Xinjiang's minority, both culturally and financially. Whether this support was founded on personal interest or not, the oppression of minorities brought Russia to consider putting an end to the relationship between URSS and Governor Sheng.

²⁷ Rebecca Armitage, "'It's Hard to Overstate How Obsessed They Are': Why China Is so Fixated on One Country's Demise," *ABC News*, December 25, 2021, <https://www.abc.net.au/news/2021-12-26/ussr-collapsed-30-years-ago-china-tries-to-avoid-same-fate/100705112>.

The Soviet government felt as if the attack to a community that was by them long supported stood as a provocative act of the Chinese government towards Moscow. The Soviet governors also stated that harmful propaganda against USSR had been forced onto the Uyghur population which had developed sympathy towards the state. The Politbureau VKP(b). Political Bureau of the Central Committee of the All-Union Communist Party (Bolsheviks) declared that no more support would be given to the Chinese governors of Xinjiang and started direct communications with its people instead. The Soviet Union proceeded in sharing materials to the population of XUAR, demonstrating that Islam and ethnic diversity were accepted and upheld in their country. USSR offered asylum on Soviet territory to all who might be persecuted in Xinjiang, therefore putting Moscow in a saviour's position to the inhabitants of a region that could potentially profit them, too. The idea of Russia still threatening China to this day of sweeping away one of their most fruitful regions is rather concrete, as Uyghurs have grown to despise Han people more and more, and might remember who has shown them support during times of persecution in ²⁸ China. By this means, it is clear how urgent the situation is to the Chinese government, and how crucial it is for them to hold onto Xinjiang in order not to concede such an economic advantage to its rival. This might be the answer to the question of why this is happening, and why has China come to the point of destroying its own people to keep the territory under control. The need for economic growth, power, and primacy in the international scene has become a priority instead of pacifying the people in the country. The People's Republic of China might be doing anything in their power not to lose this profit, even if the cost is the discrimination, oppression, enslavement and death of thousands of citizens.

²⁸ Soviet Union Communist Party Central Committee (CPSU CC), "Excerpt on Xinjiang from Minutes No. 40 of the VKP(B) CC Politburo Meetings | Wilson Center Digital Archive," Wilsoncenter.org, 2016, https://digitalarchive.wilsoncenter.org/document/excerpt-xinjiang-minutes-no-40-vkpb-cc-politburo-meetings?_gl=1%2A1qibhw6%2A_gcl_au%2ANjQ5NDU3NTkyLjE3NDM3ODIyODk.%2A_ga%2AMTUxMTcwMTE2Ni4xNzQzNzgyMjkw%2A_ga_6MDYB7KP94%2AMTc0Mzc4MjI4OS4xLjAuMTc0Mzc4MjI4OS42MC4wLjA.

2. Human Rights Violations in Xinjiang Uyghur Autonomous Region

2.1. The Influence of Global Anti-Terrorism Policies after 9/11 on Chinese Policies

As it was outlined in the first chapter of this paper, many sources state that the terrorist attack on the Twin Towers in New York City on 11th September 2001 have profoundly changed the perspective of the world on Islamic extremism. The western world notoriously reacted harshly to the new wave of terrorism. The most common example is the activity in the prisons of Guantanamo Bay, where the human rights of the inmates were violated and the subsequent cases of breaches in international law.

Previous 2001, governmental policies in Xinjiang focused predominantly on economic integration and development programs aimed at reducing regional disparities. Although tensions were already present, the state often presented its approach as promoting ethnic unity and regional stability. However, limited religious freedoms and periodic crackdowns were already part of the local landscape.²⁹

The advent of the terrorist attack on the twin towers played a toll on the US-China relations and drastically improved them. Before 9/11, relations between United States of America and the People's Republic of China were rather good, but started to stretch as the Communist Party seized power and the two countries faced each other as enemies in the Korean War. When Mao Ze Dong and Richard Nixon reconciled the two countries, they united against the threat of the Soviet Union. Cooperation flourished in many aspects, such as military support and strategy. As China proceeded to repress democratic movements, as seen during the Tiananmen Square protests.³⁰

²⁹ Gardner Bovingdon, *The Uyghur Nation: Reform and Revolution on the Russia-China Frontier* (New York: Columbia University Press, 2010), 145–150.

³⁰ Zekeriyya Akdağ, "The Effect of 9/11 on US–China Relations," *Current Perspectives in Social Sciences* 27, no. 2 (2023): 172–179, <https://doi.org/10.5152/JSSI.2022.22047>.

The climate of tension and the opposition of the Islamic world by the West took the name of War on Terror, and the Chinese government has, according to some reports, hijacked the situation into an occasion to provide justification over the discriminatory policies in China by pushing forward the terrorist narrative. Other countries adopted the same view and adapted their policies to the Chinese government's decisions on the treatment of ETIM and other Uyghur separatist groups. The U.S. Treasury Department enhanced the allegations by embracing the same attributions as the 2002 White Paper.

In this context, China issued a series of legal reforms, such as the 2015 Counterterrorism Law, which notably expanded state powers of surveillance, detention, and military intervention under the guise of counterterrorism.³¹ Scholar Enshen Li argues that these measures intensified the criminalization of religious expression and ethnic identity in Xinjiang.³² Moreover, the designation of the East Turkestan Islamic Movement as a terrorist organization by the U.S. in 2002, under Chinese lobbying, strengthened Beijing's international position. Sean Roberts notes, "China successfully lobbied the U.S. and other nations to add a small group of Uighur militants in Afghanistan to the terror designation list... contributing to a narrative that Uighurs are significantly intertwined with a global jihadi movement."³³ This shift provided a foundation for subsequent mass detentions, re-education programs, and heightened surveillance in the region, setting the stage for what some international observers have described as a campaign of preventive repression.

³¹ Enshen Li, "Counter-Terrorism in China: An Analysis of China's Domestic and International Legal Frameworks," *Terrorism and Political Violence* 28, no. 4 (2016): 730–732, <https://doi.org/10.1080/09546553.2014.918882>.

³² Michael Clarke, "China's 'War on Terror' in Xinjiang: Human Security and the Causes of Violent Uighur Separatism," *Terrorism and Political Violence* 20, no. 2 (2008): 275–278, <https://doi.org/10.1080/09546550801920730>.

³³ Sean R. Roberts, *The War on the Uyghurs: China's Internal Campaign against a Muslim Minority* (Princeton: Princeton University Press, 2020), 102.

2.1.1. Strike Hard Campaign Against Violent Terrorism

The Strike Hard Campaign Against Violent Terrorism was formally integrated into Chinese law through the 2015 Counter-Terrorism Law, which came as a pivotal legal shift in China's approach to internal security. This law provides an extensive and often ambiguous definition of terrorism, encompassing not only violent acts but also expressions of religious, cultural, or political identity that are perceived as undermining state authority. With poor explanation as to what falls under the term "extremism", the Legal Framework states that, in Article 4(2), "The state opposes all forms of using distorted religious teachings or other means to incite hatred or discrimination, to advocate violence and other extremism; eliminating terrorism's ideological basis.". Importantly, the legal framework extends state authority over preventive measures, granting security forces the power to intervene before a crime has been committed. Article 40 of the law enables public security bodies to impose restrictions on individuals and groups based on suspected intentions, effectively blurring the line between suspicion and guilt.³⁴ This vagueness could have contributed to the confusion on the true motives of many arrests and trials and consequently brought an advantage to the state due its flexibility. The vast meanings of the terminology used implies a broader control by the government on the issue. This lack of legal precision has been criticized by human rights experts as inconsistent with the principles of legality and proportionality required under international human rights law, particularly Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed but not ratified.³⁵

In addition to the statements on religion, the law establishes mandatory cooperation from private actors, including technology firms, transport companies, and telecommunications providers, requiring them to assist in surveillance and information

³⁴ China Law Translate and China Law Translate, "反恐怖主义法（2018 修正）," China Law Translate, December 28, 2015, https://www.chinalawtranslate.com/en/counter-terrorism-law-2015/#_Toc439054059.

³⁵ UN Human Rights Committee, "Document Viewer," Un.org, 2025, <https://docs.un.org/en/CCPR/C/GC/35>.

sharing.³⁶ This legal obligation reflects a shift towards a governance model that prioritizes security, incorporating counterterrorism enforcement in both the public and private sectors. Furthermore, the Counter-Terrorism Law permits the establishment of “key areas” subject to heightened security measures, including curfews, checkpoints, and communication restrictions, without requiring judicial oversight. The Chinese Communist Party has employed both manpower and technology to increase surveillance, and since the emanation of the 2015 law said methods have increased exponentially. Leibold has observed that since 2016 the number of police officers in Xinjiang has increased and Han civilians have allegedly been sent into Uyghur rural zones to monitor villagers’ daily livings. At the same times, the state has promoted surveillance technologies such as smartphone applications, CCTV cameras and facial recognition technology to monitor Xinjiang’s citizens. According to Leibold, the traditional and advances surveillance biometric data have been combined by the government and directed to the gathering of a more comprehensive supervision apparatus in Xinjiang. The purpose has been promoted as information gathering for detecting suspicious behaviour and dangerous individuals, but mass surveillance has been detecting all types of mundane behaviour, such as religious and cultural rituals. Acts as using popular western social media such as WhatsApp or refusal to communicate with neighbours has been indicated as suspicious activity³⁷. Mass control has proven to have forced individuals to drastically alter their lifestyles to accommodate a state-appropriate behaviour.³⁸ Crucially, the legal framework also facilitates the restriction of religious practices. Under the guise of counter-extremism, regional regulations in Xinjiang have prohibited “abnormal beards,”

³⁶ Human Rights Watch, ““Eradicating Ideological Viruses,”” *Human Rights Watch*, September 9, 2018, <https://www.hrw.org/report/2018/09/10/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs>.

³⁷ Human Rights Watch, “China’s Algorithms of Repression,” *Human Rights Watch*, May 1, 2019, <https://www.hrw.org/report/2019/05/01/chinas-algorithms-repression/reverse-engineering-xinjiang-police-mass>.

³⁸ Myunghhee Lee and Emir Yazici, “China’s Surveillance and Repression in Xinjiang,” *Cambridge University Press EBooks*, February 28, 2023, 166–89, <https://doi.org/10.1017/9781108241304.009>.

veiling, and religious names for children, embedding sociocultural control within the legal architecture.³⁹

2.2. Detention Camps and Re-education Programmes

Since the emanation of the 2015 Counter-terrorism laws, the Chinese government has approved an initiative through the Strike Hard Campaign Against Violent Terrorism to establish a network of detention camps for individuals found guilty of terroristic crimes or on suspicion of extremist, separatist behaviour. These detainment centres are officially termed “vocational education and training centres”, where over a million Uyghurs have been allegedly detain without proper process. With a White Paper published in August 2019, the People’s Republic of China stated that the establishments were functioning “in accordance with the law”, referencing the Counter-Terrorism Law of the People’s Republic of China, the Measures of the Xinjiang Uyghur Autonomous Region on Implementing the Counter-Terrorism Law and the Regulations on De-radicalization. This White Paper states that the aim of the centres is solely the education and training of Chinese citizens influenced by extremist ideologies. The paper, as previously discussed for ulterior law acts, appears to be vague. The text contains a variety of claims of success without, however, providing specific data or substantial sources to the outcomes.⁴⁰ The facilities aim to enforce ideological conformity yet appear to worry human rights advocates who fear suppression of ideological and cultural identities. In accordance with the government’s guidelines for the re-education of inmates, many detainees have allegedly faced political indoctrination. Prisoners are subject to mandatory Mandarin learning, memorization of Chinese Communist Party propaganda and renouncing religious belief to ensure that the centres remain a place for separating religion and state.

³⁹ Reuters Staff, “China Sets Rules on Beards, Veils to Combat Extremism in Xinjiang,” *Reuters*, March 30, 2017, <https://www.reuters.com/article/world/china-sets-rules-on-beards-veils-to-combat-extremism-in-xinjiang-idUSKBN1710DC/>.

⁴⁰ ENGLISH.GOV.CN, “Vocational Education and Training in Xinjiang,” *english.www.gov.cn*, August 19, 2019, https://english.www.gov.cn/archive/whitepaper/201908/17/content_WS5d57573cc6d0c6695ff7ed6c.html.

The routines in the camps are said to be militarized, and activities such as flag-raising ceremonies and singing revolutionary songs such as “Without the Communist Party, There Is No New China” are mandatory. Former detainees who have been released shared experiences of being psychologically harmed with punishments such as beating, isolation and food deprivation if they failed to heartfully apologise for engaging in religious traditions. They claimed to be required to present daily self-criticism and to submit denunciation of fellow inmates for activities such as praying, wearing Muslim clothing.⁴¹

A significant aspect of the repression of Uyghur citizens and the suppressing of their rights is the event of mass arrest and the scarce lawful process of their trials before their sentences. The motives for detention for the causes of extremist, separatist and terrorist activity or ideation are often vague and insufficient. Examples can be as haphazard as having relatives living abroad or celebrating Ramadan. Human Rights Watch observed that few of the verdicts were publicly available due to Xinjiang’s authorities’ strict information control, however the reporters were able to identify approximately 60 official documents to study the sentences. According to interviews held by Human Rights Watch, the Strike Hard Campaign is highly pressurizing police, procuratorates and courts to deliver “swift and harsh punishment”, leading to processing large amounts of people in short times, therefore bypassing basic procedural rights under Chinese law.⁴² The case of Huang Shike sparked strong opinions among human rights advocates as it was seen as one of the most explicit cases of unclarity of criminal judgements following the Strike Hard directives. The defendant was sentenced to two years of imprisonment for having created a public group chat on the social media WeChat dedicated to Muslim worship. The Xinjiang Uyghur Autonomous Region High People’s Court determined that the appellant was guilty of “illegal use of information networks”. The account of illegality of the verdict stood on the affirmation that “WeChat groups are not [designated] venues for religious activity” and that he “engaged in teaching scripture

⁴¹ World Uyghur Congress. "Securitisation and Mass Detentions in Xinjiang." Accessed May 14, 2025. <https://www.uyghurcongress.org/en/securitisation-and-mass-detentions-in-xinjiang/>

⁴² “China: Baseless Imprisonments Surge in Xinjiang | Human Rights Watch,” February 24, 2021, <https://www.hrw.org/news/2021/02/24/china-baseless-imprisonments-surge-xinjiang>.

and expounding scripture in a non-religious venue, thereby disturbing the normal order of religious administration, which is of serious harm to society”⁴³.

The re-education camps triggered interest and worry in the international community, and through a forensic analysis of satellite images showed that the facilities counted to 39, and they were rapidly expanding in size. Between April 2017 and August 2018, the establishments were amplified three times the original size, covering approximately one million square meters.⁴⁴ The largest of the camps among those discovered and analysed by 2018 is in Korla, the second largest city in Xinjiang. However, the expansion of these structures has continued ever since, yet the rate of growth and the data and public information on construction has gotten harder to find, due to getting restricted by the Chinese government. According to Shawn Zhang, the construction notices have stopped being published and previous ones have been deleted from the internet.⁴⁵ Within the camps, the lives of detainees are described to be monitored and controlled, and leaked documents reveal that every aspect of their confinement is decided on their behalf, therefore subtracting freedom of choice from inmates even in smaller life aspects, such as the choice of smaller acts such as their place in a queue or their choice of desk during Mandarin classes.⁴⁶ According to scholars like Van der Kaap-Deeder et al. the “Self-Determination Theory” by them applied states that, although prison is characterized by limited autonomy, prisoners who experienced higher levels of choice withing the restrictive measures reported a higher level of quality of life.⁴⁷ Former

⁴³ (2017) Xinjiang 40 Criminal Final No.78. 2017. Xinjiang Uyghur Autonomous Region High People’s Court.

⁴⁴ Special Reports, “Tracking China’s Muslim Gulag,” Reuters, November 27, 2018, <https://www.reuters.com/investigates/special-report/muslims-camps-china/>.

⁴⁵ *Ibidem*

⁴⁶ Julia Stern, “Immigration and Human Rights Law Review Immigration and Human Rights Law Review,” *Issue* 1 *Article* 3, no. 1 (2021), <https://scholarship.law.uc.edu/cgi/viewcontent.cgi?article=1073&context=ihrlr>.

⁴⁷ Jolene van der Kaap-Deeder et al., “Choosing When Choices Are Limited: The Role of Perceived Afforded Choice and Autonomy in Prisoners’ Well-Being,” *Law and Human Behavior* 41, no. 6 (December 2017): 567–78, <https://doi.org/10.1037/lhb0000259>.

detainees have declared for the centres to be in particularly poor conditions, yet made to look clean and dignified in spaces meant for visitors. Some residents were interviewed by reporters selected by the government in a way to counter the narrative of abuse inside the establishments. Few inmates agreed to briefly discuss with the reporters, and many stated that their permanence in the place was fruit of their own will, will that has sprung once they learned about the re-education programmes through local officials. Other details that were noted and deemed suspicious or fabricated were the constant accompanying of residents by officials, some particularly happy and joyous group performances of child-appropriate songs such as “If You’re Happy and You Know It, Clap Your Hands”, or the repetitive use of identical vocabulary by inmates. Most of them used the phrase “infected with extremist thought” while sharing motives of their permanence. Pazalaibutuyi, a 26-year-old woman, confessed to have attended an illegal religious gathering five years previous and began covering her face with a veil, as a response to being “infected with extremist thought.”⁴⁸ Terminology such as “infected” recalls the notorious phrases used by the People’s Republic of China to address the case of the Uyghurs: words such as “virus” or “ideological disease”.⁴⁹ The similarity in language choices suggests that the inmates were instructed to perpetuate the belief that their behaviour was to ascribe to some sort of twisted influence, an abnormality compared to a sane, patriotic mindset.

Amnesty International reported that the abuse does not stand as exclusively psychological. Prisoners were interrogated to obtain confessions on the whereabouts of relatives or friends who allegedly committed similar separatist crimes, or to admit their faulty behaviour to correct it accordingly to the establishments’ rules. Many residents who were interviewed by Amnesty recall proper torture methods being used against them

⁴⁸ Ben Blanchard, “China Says Pace of Xinjiang ‘Education’ Will Slow, but Defends Camps,” *Reuters*, January 6, 2019, <https://www.reuters.com/article/world/china-says-pace-of-xinjiang-education-will-slow-but-defends-camps-idUSKCN1P007P/>.

⁴⁹ Maya Wang and Human Rights Watch (Organization, “*Eradicating Ideological Viruses*” : *China’s Campaign of Repression against Xinjiang’s Muslims* (New York, N.Y.: Human Rights Watch, 2018).

during interrogations. Ill-treatment included beatings with sticks, electric shocks, stress positions, being hung from a wall, food and sleep deprivation and solitary confinement. Reporters recorded human rights being furtherly violated even after release, as the former detainees and their families were forbidden to denounce the mistreatment and were subject to movement restriction and strict surveillance.⁵⁰

2.3.Claims of Genocide in the International Community

As any other state according to the principles of International Law, China is obliged to adhere to the treaties it has ratified. Currently China has signed yet not ratified the International Covenant on Civil and Political Rights and ratified the UN Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment. By adopting the CAT (Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment), the country is required to take measures to prevent torture in territories under its jurisdiction according to Article 2⁵¹, to make torture a criminal offense and institute jurisdiction accordingly pursuant Article 7⁵², and to provide remedy for the tortured individual in line with Article 14.⁵³ Article 16⁵⁴ as well appears to have been deflected. The article declares that the mistreatment must be executed by a state or person acting in an official capacity, a case which the experiences of interviewed former detainees would confirm.

⁵⁰ Amnesty International, “‘Like We Were Enemies in a War,’” Amnesty International, 2021, <https://xinjiang.amnesty.org/>.

⁵¹ United Nations, “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” OHCHR (United Nations, December 10, 1984), <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

⁵² *Ibidem*

⁵³ *Ibidem*

⁵⁴ *Ibidem*

Taking testimonies and reports into account, China is acting unlawfully by perpetuating torture and ill-treating Uyghurs with no juridical basis for the imprisonments for victims, and without providing protection for them. China pledged to prevent acts of torture in its jurisdiction by ratifying the United Nations Convention Against Torture (CAT) in 1988. However, the international community has frequently criticized China for failing to fully implement its obligations under CAT, particularly considering the treatment of Uyghurs in their land. Reports by UN and human rights organizations have documented allegations of torture, arbitrary detention, forced confessions, and inhumane treatment within the network of the re-education camps. In an emblematic report published in 2022, the UN Office of the High Commissioner for Human Rights concluded that the scale and nature of the alleged violations “may constitute international crimes, in particular crimes against humanity”.⁵⁵ The organizations argue that China has not only failed to investigate and prosecute acts of torture, as required by the convention, but has also obstructed independent monitoring and accountability⁵⁶. Amnesty International also criticized China for failing to investigate or prosecute officials responsible for torture and for denying access to independent observers and UN special rapporteurs, as supervision and monitoring by specific bodies is required to ensure continuous compliance to the Convention.⁵⁷

As the state’s behaviour appears to be blatantly in contrast with CAT, the legal circumstances are different for the International Covenant on Civil and Political Rights (ICCPR). The Treaty had been signed by Qin Huasun on behalf of the Chinese government in 1998, but the legal obligations derived from it are not binding due to the

⁵⁵ Matt Murphy, Flora Drury, and Tessa Wong, “China May Have Committed Crimes against Humanity in Xinjiang - UN Report,” BBC News, September 1, 2022, sec. Asia, <https://www.bbc.com/news/world-asia-62744522>.

⁵⁶ OHCHR, “Xinjiang Report: China Must Address Grave Human Rights Violations and the World Must Not Turn a Blind Eye, Say UN Experts,” OHCHR, September 7, 2022, <https://www.ohchr.org/en/press-releases/2022/09/xinjiang-report-china-must-address-grave-human-rights-violations-and-world>.

⁵⁷ Amnesty International, “China: United Nations Committee against Torture: Media Briefing - Amnesty International,” Amnesty International, September 22, 2022, <https://www.amnesty.org/en/documents/asa17/056/1996/en/>.

state's lack of ratification. This creates a complicated situation as, under international law, China could only be bound by ICCPR if the Treaty's principles encode international customary law.⁵⁸ Article 2 of ICCPR declares that: "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." The ICCPR recognizes each citizen's right to life, to be free from torture or any other cruel, inhuman or degrading treatment or punishment and the right not to be subjected to arbitrary arrest or detention, the right to a fair trial, freedom of expression and the right to enjoy their own culture and religion.⁵⁹ Considering the plethora of principles allegedly discarded in the circumstances in analysis, the International Criminal Court was expected to share propositions on the case. However, the Court decided not to pursue any investigation into the mass detention. The prosecutor's office declared in 2020 that there was "no basis to proceed at this time"⁶⁰, showing concern for an apparent lack of evidence to prove that Chinese officials had committed the crimes the international community was framing them for. The New York Times reports that Sophie Richardson, China director for Human Rights Watch, stated that the decision was in no way a judgement on whether abuse was taking place in the country.⁶¹ The ICC response sprung by the request of many Uyghur exiles to investigate the ruling Chinese Communist Party for genocide and crimes against humanity. This was considered the first tangible attempt to use international law to hold the Chinese

⁵⁸ *Natasha Concepcion, "Human Rights Violations against Muslims in the Xinjiang Uighur Human Rights Violations against Muslims in the Xinjiang Uighur Autonomous Region of Western China Autonomous Region of Western China," Human Rights Brief Human Rights Brief 8, no. 1 (2000), <https://digitalcommons.wcl.american.edu/cqi/viewcontent.cqi?article=1474&context=hrbrief>.*

⁵⁹ United Nations, "International Covenant on Civil and Political Rights," OHCHR (United Nations, 1966), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

⁶⁰ Javier C. Hernández, "I.C.C. Won't Investigate China's Detention of Muslims," *The New York Times*, December 15, 2020, sec. World, <https://www.nytimes.com/2020/12/15/world/asia/icc-china-uyghur-muslim.html>.

⁶¹ *Ibidem*

government accountable for the repression of their Muslim minorities. A team of English lawyers began collecting evidence gathered by witnesses and reporters. One of the lawyers, Rodney Dixon, took into account an investigation by The Associated Press conducted by Adrian Zens, which unveiled proof of forced deportations, extraterritorial arrests and forced sterilizations and abortions by Chinese agents.⁶² Dixon declared that the prosecutor should have been urged to investigate genocide, stating that “If you capture people, and you have a campaign to suppress them and you sterilize them, it is a campaign which intends to dilute and destroy their identity as a group.”⁶³ Many other scholars, lawyers and human rights advocates have brought forward the request of the Court condemning China for the crime of genocide. As many international actors, including the United Nations, have acknowledge and decreed that the People’s Republic of China has committed several crimes against humanity with their treatment of minorities, the question remains suspended with the genocide allegations. Since the *mens rea* to commit the crime of genocide is proven case-by-case through evidence, scholars such as Julia Stern suggest looking at the whole picture of the relationship between Chinese Muslim ethnic minorities and the Chinese government. According to Stern, if the detainment and treatment of Uyghurs is viewed within the historical context and relationship between the two, there is a consistent pattern of governmental behaviour with the intent to destroy or remove Uyghurs from the country. Starting from the first religion policies which limit and control religious institutions and practices which make Muslim precepts illegal, to the Strike Hard Campaign Against Violent Terrorism which promotes and encourages swift and summary detention measures. The claims of torture, the proven cases of rigid surveillance in the region, to the apparent forced labour and destruction of culture: all

⁶² The Associated Press, “China Cuts Uighur Births with IUDs, Abortion, Sterilization,” AP News (The Associated Press, June 29, 2020), <https://apnews.com/article/ap-top-news-international-news-weekend-reads-china-health-269b3de1af34e17c1941a514f78d764c>.

⁶³ Marlise Simons, “Uighur Exiles Push for Court Case Accusing China of Genocide,” *The New York Times*, July 6, 2020, sec. World, <https://www.nytimes.com/2020/07/06/world/asia/china-xinjiang-uyghur-court.html>.

could suggest “the intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”⁶⁴

Ever since the first claims of genocide by the international community, China has always ever responded to them by deeming the allegations “absurd” and “complete lies”⁶⁵. As more and more countries including the United States, Canada, the Netherlands, the United Kingdom, Lithuania and France, have recently approved resolutions condemning China and explicating using the term “genocide”, the Chinese government denies the claims at every given opportunity. With the refusal of the government to cooperate, international law cannot be enforced properly, especially as Beijing has always framed the Xinjiang policies as a strictly internal affair. This statement arouses the issue of sovereignty, which under the UN Charter Article 2(7)⁶⁶ prohibits the United Nations or any other state from intervening in matters withing the domestic jurisdiction of any state. By designing the treatment of Uyghurs as a national security matter for the prevention of terrorism, China is allowed to reject any external critique or interference, avoid international legal accountability and especially obstruct UN data missions, or, if allowed, making them heavily controlled. By not being a party to the Rome Statute of the International Criminal Court, the ICC cannot exercise jurisdiction unless the case is referred by the UN Security Council, in which China has power of veto, or in the case of the crimes taking place in a different member state. A plan of action included using Uyghur deportation to Tajikistan but with limited success due to the scarce amount of proof. The legal framework is particularly insidious in this case, as not even the 2005

⁶⁴ United Nations, “Convention on the Prevention and Punishment of the Crime of Genocide,” *United Nations* (United Nations, December 9, 1948), https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

⁶⁵ “Uighurs: Chinese Foreign Minister Says Genocide Claims ‘Absurd,’” *BBC News*, March 7, 2021, sec. China, <https://www.bbc.com/news/world-asia-china-56311759>.

⁶⁶ United Nations, “UN Charter,” United Nations, 1945, <https://www.un.org/en/about-us/un-charter>.

R2P⁶⁷ (Responsibility to Protect) can truly be used against China. Even though the doctrine states that the international community has a duty to intervene both diplomatically and eventually militarily when a state fails to protect its population from genocide, war crimes or crimes against humanity, a mission would need the action of the Security Council, and the Chinese government could simply veto the mission. The R2P among all is not legally binding and strictly depends on international political will, which is often incoherent due to geopolitical and economic interests. Sovereignty is in this context not only legal but actively reinforcing China's global leverage in the economic and geopolitical scene. Many smaller countries, depending on China's strength as a superpower, could fear repercussions with trade threats or diplomatic pressures.⁶⁸

3. International Action and Migration Flows

3.1. Migratory Flows of Persecuted Uyghurs

The global diaspora of Uyghurs reached the number of 500,000 displaced individuals in 38 countries by 2024. The hardships faced in their own country brought them to seek safer living conditions with wider prospects of freedom in different territories. The largest communities stood in neighbouring countries or territories of similar culture. Kazakhstan, bordering Xinjiang, has a Uyghur community of 297.000 people. Whereas Uzbekistan, Kyrgyzstan and Turkey hold 50.000 people. Less common destinations include approximately 18 European Countries which host communities reaching 15,000 individuals, the United States with 10,000 people, Australia with 3,000 and lastly Canada where 2,500 Uyghurs have found a haven. When speaking of Uyghur migration, three waves can be outlined, all corresponding to periods of crisis in the country.⁶⁹ The first wave occurred in the late 19th century when the Qing dynasty reconquered the East

⁶⁷ United Nations, "About the Responsibility to Protect | United Nations," United Nations, 2005, <https://www.un.org/en/genocide-prevention/responsibility-protect/about>.

⁶⁸ Jaques De Lisle, "UC Irvine UC Irvine Journal of International, Transnational, and Comparative Law Title China and Sovereignty in International Law: Across Time and Issue Areas Publication Date," 2024, <https://escholarship.org/content/qt06g9v21f/qt06g9v21f.pdf?t=slpkow>.

⁶⁹ Elise Anderson, "Looking for Home around the World: The Uyghur Diaspora and Its Needs," Freedom House, January 11, 2024, <https://freedomhouse.org/article/looking-home-around-world-uyghur-diaspora-and-its-needs>.

Turkestan territory in 1884, and the Chinese Muslims reacted with revolts and disappointment. As Qing officials settled in Xinjiang, the anti-Muslim policies were emendated with the intent of suppressing a revolt similar to the Muslim rebellion of the mid-19th century, in which Chinese-speaking Muslims insurged against the governors and troops.⁷⁰ As the repressive measures became harsher in order to contain the discontent for the new administration, as outlined in the first chapter often perceived of colonialist nature, Uyghurs and Hui began their departure. Most moved to Central Asia, some settled in Russia⁷¹ thanks to the relationship between the two groups that this paper previously presented in the first chapter. More detailed information concerning the first wave of migration from Xinjiang is difficult to provide, yet scholars state that Central Asia was the main destination area.⁷²

The second surge of migration occurred in 1949, when former President of the People's Republic of China Mao Zedong formed the regime. The Chinese Communist Party imposed heavy restriction on Uyghur cultural practices, especially religious habits.⁷³ The government's position on religion during the founding of the republic lies on the perception of religion as a practice linked in foreign custom, as being part of a cultural imperialism with no place in the socialist regime. Mao explicitly requested, when forming the new administration, that religious ministers only practice and promote faith that reflects socialist values. These perceptions on religion lead to serious repressions that continued and stiffened with the Cultural Revolution, when Mao Zedong ordered for temples, shrines, churches and mosques to be destroyed in the name of eliminating what

⁷⁰ Anthony Garnaut, "From Yunnan to Xinjiang: Governor Yang Zengxin and His Dungan General," *Études Orientales*, 2008, Pacific and Asian History, Australian National University., https://openresearch-repository.anu.edu.au/bitstream/1885/151327/2/b25698990_Garnaut_Anthony.pdf

⁷¹ Yitzhak Shichor, "The Uyghurs and China: Lost and Found Nation," OpenDemocracy, 2025, <https://www.opendemocracy.net/en/the-uyghurs-and-china-lost-and-found-nation/>.

⁷² *Ibidem*

⁷³ Anderson, "*Looking for Home around the World*"

he deemed to be old ideas and customs.⁷⁴ In response to this new wave of subjugation, migrating groups began widening their choices to find more stability in different countries. Beginning from 1949, Uyghurs began seeking asylum in Turkey, often choosing to leave their first choice of host countries (usually neighbouring countries such as India, Pakistan, Afghanistan, Kyrgyzstan and Kazakhstan) to re-connect with a fitting political and cultural setting. Throughout this process, Turkey had remained a cornerstone of Turkistan nationalism. The government offered political asylum to more than 2,000 refugees with the support of the United Nations High Commissioner for Refugees to aid them flee persecution in the Turkistan area.⁷⁵

The third wave begun in the 1990s and continued through 2016. The *incipit* of this spate of migration was the dissolution of the Soviet Union in 1991, which created the new five independent Central Asian states of Kazakhstan, Tajikistan, Uzbekistan, Kyrgyzstan and Turkmenistan. Considering the shared culture and similar background, the people of Xinjiang began hoping for the same autonomy granted to their adjacent states.⁷⁶ When every motion for independence was rejected by the government and met with the harsh oppression discussed in previous chapters of this thesis, migrant groups began scouting for a more suitable destination once more. Due to the rising levels of violence in Xinjiang since 2013, migration routes towards Southeast Asia augmented. In 2013 the civil tensions between Han immigrants in Xinjiang and Uyghur people reached a peak, which became the groundwork for the construction of the internment camps discussed in the second chapter of this work. Throughout the year, there were recorded multiple incidents of civil-outbreak nature. In October a car bombing in Beijing and a mass stabbing in

⁷⁴ Pew Research Center, “10 Things to Know about China’s Policies on Religion,” Pew Research Center, October 23, 2023, <https://www.pewresearch.org/short-reads/2023/10/23/10-things-to-know-about-chinas-policies-on-religion/>.

⁷⁵ Ray Jureidini and Said Fares Hassan, *Migration and Islamic Ethics: Issues of Residence, Naturalization and Citizenship* (Leiden Boston: Brill, 2020).

⁷⁶ Işık Kuşçu, “The Uyghur Diaspora in Cyberspace: Identity and Homeland Cause,” *Bilig, Journal of Social Sciences of the Turkish World* 69, no. 69 (April 28, 2014): 143–60, <https://doi.org/10.12995/bilig.2014.6907>.

Kunming occurred, and Urumqi witnessed multiple suicide and car bombings in May. This atmosphere of violence and crisis spur in many Uyghur groups the decision to leave. Many attempted to migrate illegally through neighbouring countries in hope to reach Turkey. Some of the transit countries were Burma, Laos, Vietnam and Cambodia, necessary steps to reach Thailand and Malaysia to reach the destination. Information on Uyghur migrants shows that the push factor for leaving the country is almost always connected to persecution in Xinjiang and has as a final destination Turkey, in a tentative to connect with support networks for Uyghurs and Muslims.⁷⁷ Considering that Turkey is well-established as a transit country for migrants aiming to settle in Europe, Uyghur diaspora revokes the narrative by targeting the country as their destination of choice. The reason lies in the cultural similarities and the previously offered support towards the refugee groups, which created an unsaid climate of understanding and support. Turk scholars such as Alptekin reveal that Turkic groups in Xinjiang belong in one big Turkic family, criticizing Chinese and Russian regimes for labelling them as ethnic minorities to create a sense of isolation. He states that Uyghurs, Kazakhs, Kyrgyz, Uzbeks and Tatars are one nation since their ancestors are the same, and the roots of their languages are the same as well.⁷⁸

When seeking asylum in Turkey, Uyghurs tend to follow the national Turkish route instead of the United Nations route, as that would imply several geographical limitations to obtaining refugee status. The reason behind this lies in the decision of Turkey to maintain the European geographical limitations of the 1951 Refugee Convention despite having signed the 1967 Protocol.⁷⁹ Compliant to this decision, the only refugees who would be offered immediate and permanent refugee status in Turkey would be migrants fleeing from persecution in Europe. In the case of Uyghur migrants,

⁷⁷ Jacob Zenn, "Undocumented Uyghur Migrants Find New Route to Southeast Asia," Jamestown.org, September 10, 2014, <https://jamestown.org/program/undocumented-uyghur-migrants-find-new-route-to-southeast-asia/>.

⁷⁸ Işık Kuşçu, "The Origins of Uyghur Long-Distance Nationalism: The First Generation Uyghur Diaspora in Turkey," 2013.

⁷⁹ Universalia, "Evaluation of UNHCR's Emergency Response to the Influx of Syrian Refugees into Turkey Evaluation Service," 2014, <https://www.unhcr.org/sites/default/files/legacy-pdf/58a6bc1d7.pdf>.

which is the alike example for all non-European peoples, majority of individuals who apply for asylum in Turkey as their destination country are granted a refugee status that is temporary. The persons are then usually resettled in either Europe or North America.⁸⁰ The previously discussed national Turkish route which people opt for to obtain permanent refugee in the country was previously known to be assisted under humanitarian reasons by the government, due to the established relationship between the two cultures. Official passports and documents were arranged by Turkish officials stationed in Southeast Asian countries, to provide support with the itineraries.⁸¹ This, as it is to be expected, was one of the reasons for dispute and tension with China. The persecution of people in Xinjiang had always been a great point of disagreement and became source of even more discord when it compromised Recep Tayyip Erdogan's visit to Beijing. In July 2015, due to some violent protests in Istanbul in response to Thailand's decision to forcibly deport 100 Uyghurs to China. The President of Turkey was obliged to postpone the sojourn to manage the agitation and resorted to imputing the civil unrest on a tentative to impair his ability to visit China to avoid an escalation.⁸²

3.1.1. Forced Deportation to China

Due to economic or political factors, some countries have chosen not to welcome Uyghur refugees onto their territories, and have, on the contrary, decided to implement measures compliant with China's directions of returning the refugee to their native land. In 2016 China began investing more than ever in Turkey's economy, embedding the two in a consistent bond.⁸³ The Chinese government had, in fact, offered loans of billions of

⁸⁰ Ahmet İçduygu and Deniz Yüksek, "Rethinking Transit Migration in Turkey: Reality and Re-Presentation in the Creation of a Migratory Phenomenon," *Population, Space and Place* 18, no. 4 (November 26, 2010): 441–56, <https://doi.org/10.1002/psp.633>.

⁸¹ Shannon Tiezzi, "Why Is Turkey Breaking Its Silence on China's Uyghurs?," *The Diplomat*, March 5, 2019, <https://thediplomat.com/2019/02/why-is-turkey-breaking-its-silence-on-chinas-uyghurs/>.

⁸² Humeysra Pamuk, "Turkish Help for Uighur Refugees Looms over Erdogan Visit to Beijing," *Reuters*, July 27, 2015, <https://www.reuters.com/article/world/turkish-help-for-uighur-refugees-looms-over-erdogan-visit-to-beijing-idUSKCN0Q10PM/>.

⁸³ Freedom House, "Turkey: Transnational Repression Host Country Case Study," Freedom House, 2022, <https://freedomhouse.org/report/transnational-repression/turkey-host>.

dollars and monetary advantages to Turkey, strengthening a bond necessary for upholding China's favourable position on the Mediterranean Sea in the Belt and Road Initiative. The reciprocal aid the countries have offered the other did not stop at financial interest, instead breached into political and humanitarian issues when Uyghur refugees paid the price for the newly established alliance. In an unexpected turn of events, a Uyghur activist living in Turkey was arrested in 2016. Abdulkair Yapcan had lived in the country for fifteen years prior his extradition. Turkey abruptly ceased being a haven for asylum-seeking Chinese Muslim when the two countries signed an extradition agreement in 2017, which caused the forced deportation of hundreds of Uyghurs to China. When asked to comment on the arrests and detentions in deportation centres, Erdogan's position appeared to be weak and vague. His supportive stance towards victims of religious oppression quickly collapsed with no clear explanation, making Turkey no longer safe as a destination country for Uyghur and Hui migrants.⁸⁴

A second state that was harshly condemned for its deportation policies is Thailand. Thailand, while not being one of the primary hosts for the Uyghur diaspora, still welcomed a few hundred migrants. In 2015 a hundred Uyghurs were forcibly repatriated by the Thai administration after "finding clear evidence they are Chinese nationals".⁸⁵ In June of the same year, 172 more people were deported. Reports state that only fifty people remained in the country, rigorously under arrest while Thai officials determined their nationality to proceed with their return. Former Thai Prime Minister Prayuth Chan-ocha defended the decision by stating that Chinese internal affairs were not their concern and firmly believed that the migrants would be safe upon their arrival to their native country, thus openly in contrast with the United Nations warning on the matter.⁸⁶ This was not an

⁸⁴ Ayca Alemdaroglu and Sultan Tepe, "Erdogan Is Turning Turkey into a Chinese Client State," Foreign Policy, September 16, 2020, <https://foreignpolicy.com/2020/09/16/erdogan-is-turning-turkey-into-a-chinese-client-state/>.

⁸⁵ Deutsche Welle, "Rights Groups Slam Thailand's Uighur Repatriation," dw.com (Deutsche Welle, July 9, 2015), <https://www.dw.com/en/rights-groups-slam-thailands-uighur-repatriation/a-18573559>.

⁸⁶ *Ibidem*

isolated case for Thailand, as more people were deported in February 2025. The measure sparked outrage and concern among the international community, who raised a query of loyalty. An anonymous Thai analyst confirmed the hypothesis of Bangkok acting to ingratiate itself with China, while refusing to dismiss relations with the West to prefer China. Current motives for this momentary siding with the Chinese government could involve the impellent need for economic growth in Thailand. Prime Minister Paetongtarn Shinawatra showed concern over the decreased gain from the tourism sector, which represents approximately one-tenth of the national GDP. A definite depression in the earnings is related to Chinese tourists' avoidance towards travelling to the country following the COVID-19 pandemic. The hesitance could be blamed on the Chinese government, who purposefully pushed the idea of Thailand as an unsafe country onto its citizens to pressure Southeastern governments into clearing the issue of scam centres. As most of these centres aimed at Chinese residents, the resolution of the issue could be a point of interest for China. Relieving the pressure on Thailand's economy by ensuring their citizens are safe from the harm of scam jobs would be a fitting agreement for both states.⁸⁷

While discussing the topic, a question might arise spontaneously, that is whether other Muslim countries have provided aid or support to Uyghur victims of persecution. While several Western countries have mobilized human rights group to condemn China's treatment of ethnic minorities in Xinjiang, the members of the Arab League have either shown unconditional support to the Chinese government or maintained neutral stances. As unexpected and surprising such approaches might seem, proper motivation is unknown and ground of speculation for scholars.⁸⁸ Similar to the events that took place

⁸⁷ David Hutt, "Thailand's Uyghur Deportations: Balancing China and the West," dw.com (Deutsche Welle, March 25, 2025), <https://www.dw.com/en/thailands-uyghur-deportations-balancing-china-and-the-west/a-72028596>.

⁸⁸ Abu Zafar, "Turning a Blind Eye: West Asia and China's Persecution of the Uyghurs" (Centre of Excellence for Himalayan Studies, July 2023), https://d1wqtxts1xzle7.cloudfront.net/104106287/issue_brief-libre.pdf?1688799802=&response-content-disposition=inline%3B+filename%3DTurning_a_Blind_Eye_West_Asia_and_Chinas.pdf&Expires=1748250984&Signature=LurTP9fZqTslQzeUUUZESp6hwB1azq67dq4xARhwyBkjPSPnlvSNMnBHHclbCicEXPM8YHC2tm2fIB8TzmvRtUtMMOa7KvdL~nMB4pOfim47XL34MDFWNwy7SfnksWqdHOCTmT-UA-cvDoBe8~8DtRLRmr-vJZzLDaMrakp8R0nCyEuLcCblHIAI~1CXsvROs-5wojlyYUmSelOc4JhnPlbZUaP0dicv973j3vU5yBaUdDCEcSSdpGJvo2Ka29aWnFEw~fIcip855zeyH11

in Turkey, Egypt began arrests of Uyghur students in 2017. In July 2017, 90 Uyghurs were detained, of which twelve were deported while the remaining fled to Turkey to seek asylum. Three weeks prior, China and Egypt had signed a counter-terrorism treaty, supposedly worth three billion USD. The United Arab Emirates not only followed the example set by Egypt, but allegedly directly contributed to the persecution of Chinese Muslims by hosting sites employed by Chinese officials to interrogate Uyghurs and coerce information about co-ethnics. Among the Arabic countries that agreed to extradite Uyghur migrants, all of them are known to having signed BRI agreements with China and concluded lucrative deals along the expulsion of Uyghurs.⁸⁹

For every example cited in this analysis, the common groundwork for either total compliance, incoherent or unexpected behaviour or sudden switched positions appears to be economic influence. Monetary compensation seems to link all these cases, and breach into China's rationale that expects no international actor to interfere with its domestic affairs yet introduces ethnic policies in international relations with destination states that welcome Uyghur refugees.

3.2. International Action towards Refugees

The international community did not experience major shifts in economic and political alliance with China after coming to terms with the violation of the human rights of Uyghurs. The European Union for example has taken little interest in the current situation in Xinjiang. The subordinate condition of having China as its major investor makes it impossible for the EU to consider disfavouring the country. Many official events consolidated the stance chosen by both parties. In 2010, during the 13th EU-China Summit in Brussels, the President of the European Council and the President of the European Commission, at the time Herman Van Rompuy and José Manuel Barroso, showed

[IL2Ve4J23hR3VOu2BauCXhToH~OIpSyF0D6e4suNLYGXdbG6QKnzMyRdeixj4P-q3w_&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA.](https://doi.org/10.1007/978-94-007-5555-5_12)

⁸⁹ Young-Chan Kim, *China's Engagement with the Islamic Nations* (Springer Nature, 2023), 181–206.

appreciation towards the strengthening relationships between China and the European Union. When the Urumqi riots broke out, the EU called for moderation and restraint on both sides yet did not share any statement on the actions of the Chinese government in Xinjiang.⁹⁰ European countries did not, in fact, provide major support in the Uyghur diaspora. A small breakthrough occurred in 2021 when the European Parliament voted to suspend the EU-China Comprehensive Agreement on Investment⁹¹ after China placed sanctions on Members of the European Parliament who condemned the Uyghur persecution.⁹² In 2021, the European Union announced coordinated human-rights sanctions on perpetrators of violence against Uyghurs, and the Chinese sanctions were a response to those penalties. The targets of the sanctions, which included travel bans and asset freezes, were senior officials in Xinjiang who had been accused of endorsing forced indoctrination, religious discrimination and structural violence in the re-education camps. Many of the officials were said to have pivotal roles in the detention of Uyghurs. Chen Mingguo, director of the Xinjiang Public Security Bureau, Wang Mingshan, member of Xinjiang's Communist Party standing committee, Wang Junzheng, party secretary of the Xinjiang Production and Construction Corps, were deemed holders of key roles in the multifaceted structural aggression of Muslim minorities. They acted as the embodiment of the depth and complexity of the issue, which is not only political, but also economical as the presence of the party secretary of XPCC, a state-owned economic organisation, shows.⁹³ Although the intervention of resolutions and sanctions has, even if lightly, defined a position of the EU in relation to the issue, most European countries did not become destination countries for asylum-seekers, probably due the lack of legal protection. The main destinations, instead, became Turkey, the United States, Central

⁹⁰ Mahesh Ranjan Debata, *Himalayan and Central Asian Studies*, vol. 14 (Himalayan Research and Cultural Foundation, 2006), 55–72.

⁹¹ European Parliament, "Document Summary | Legislative Observatory | European Parliament," Europa.eu, July 2018, <https://oeil.secure.europarl.europa.eu/oeil/en/document-summary?id=1663541>.

⁹² POLITICO, "European Parliament Votes to 'Freeze' Investment Deal until China Lifts Sanctions," Politico, May 20, 2021, <https://www.politico.eu/article/european-parliament-freezes-china-investment-deal-vote/>.

⁹³ BBC, "Uighurs: Western Countries Sanction China over Rights Abuses," *BBC News*, March 22, 2021, sec. Europe, <https://www.bbc.com/news/world-europe-56487162>.

Asia, Canada, Japan, Pakistan and Australia. Some European countries, throughout time, detached from the neutral EU stance and offered support to the Uyghur diaspora community. This is the case of Sweden and Germany, as the first one took a proactive approach by granting asylum to Uyghur refugees who were fleeing from Chinese persecution. The Swedish Migration Agency publicly declared in March 2019 that all Uyghurs seeking asylum would be recognized as refugees in national Swedish soil, after recognizing the risk of detention and abuse upon their potential return to China. The decision followed the statements of Pete Irwin, programme manager of Uyghur World Congress exile group, to *The Independent*. He stated that there was consistent proof that the Uyghur migrants who were returned to China by different countries had been sent to the re-education internment camps. He declared that “All Uyghurs who were overseas in the past two years and then returned have been sent to these camps.”⁹⁴ According to Irwin, Chinese overseas embassies had stopped renewing passports of Uyghur migrants, forced to choose between returning to their home country or become stateless. Whether due to the lack of a valid passport or the governmental pressure to return to China, deported persons were confined in the camps once repatriated. With this knowledge, Sweden announced that asylum-seeker Uyghurs would be granted refugee status based its rationale on the findings of a United Nations human rights panel that collected credible reports on the internment of two million Uyghurs and Muslim Chinese minorities.⁹⁵ The deputy head of the Swedish Migration Agency’s justice department, Carl Bexelius, dismissed the question of increased immigration following the novelty policy. He stated that before the decision the asylum seekers were few, and did not augment over the choice of not deporting them to China. The Swedish example was applauded by Amnesty International and human rights advocates, that, along Pete Irwin, wished more western governments would follow the example. The automatic recognition of refugee status for

⁹⁴ Chris Baynes, “Sweden Grants Refugee Status to China’s Uighur Muslims, Prompting Calls for UK to Follow Suit,” *The Independent*, March 21, 2019, <https://www.independent.co.uk/news/world/europe/sweden-uighur-muslim-china-refugees-camps-asylum-seekers-a8832191.html>.

⁹⁵ United Nations Office of the High Commissioner for Human Rights, “UN Human Rights Office Issues Assessment of Human Rights Concerns in Xinjiang, China,” OHCHR, August 31, 2022, <https://www.ohchr.org/en/press-releases/2022/08/un-human-rights-office-issues-assessment-human-rights-concerns-xinjiang>.

asylum seekers would provide a number of benefits for the individuals, such as not requiring to provide proof of being at risk in their native country.⁹⁶ Germany became a praised example of appropriate immigration measures for Uyghurs after halting all deportations to China in 2018.⁹⁷ The decision was adopted for the same reason Sweden incorporated the policy in their system, that is the United Nations Human Rights Committee's concern for the wellbeing of the people in internment camps. The position was reinforced by the erroneous deportation of a Uyghur asylum-seeker to China, whose lawyer fears he could have been detained upon failing to contact him.⁹⁸ Canada has been proactively defending Uyghurs' human rights and has therefore become a palpable option for asylum-seeking. The Canadian House of Commons has, in fact, voted and recognized the Uyghur persecution as genocide in 2021. The members voted in favour of a motion stating that the treatment of ethnic minorities in Xinjiang meets the definition of genocide outlined in the 1948 United Nations Genocide Convention. At the time the relations between the two countries were already tense because of the imprisonment of a top executive of Huawei. Meng Wanzhou was detained on fraud charges, yet the Chinese government swears the charges are politically motivated and with the scope of suppressing the nation's economic expansion. Probably responding to the incarceration of Mrs. Meng, former Canadian diplomat Michael Kovrig and Canadian entrepreneur Michael Spavor got detained by authorities in Beijing. The relations between the countries had, therefore, already cracked. Even when faced with the tangible possibility of trade backlash, Conservative Leader Erin O'Toole kept insisting on "...standing up for human rights and dignity".⁹⁹ After warning companies to act compliantly with new policies and refuse contact with any entity potentially implicated in forced labour, Canadian authorities opted for a panoptic approach for refugee resettlement in the

⁹⁶ *Ibidem*

⁹⁷ Deutsche Welle, "Germany Stops Deporting Uighurs to China," dw.com (Deutsche Welle, August 23, 2018), <https://www.dw.com/en/germany-halts-uighur-deportations-to-china/a-45190309>.

⁹⁸ Deutsche Welle, "Germany Expels Uighur Man to China 'in Error,'" dw.com (Deutsche Welle, August 6, 2018), <https://www.dw.com/en/germany-expels-uighur-asylum-seeker-to-china-in-error/a-44970788>.

⁹⁹ Ryan Patrick Jones, "MPs Vote to Label China's Persecution of Uighurs a Genocide," CBC.ca, February 23, 2021, <https://www.cbc.ca/news/politics/uighur-genocide-motion-vote-1.5922711>.

country.¹⁰⁰ One of the key points of the two-years resettlement plan was to offer asylum to 10,000 Uyghur refugees. According to the program, migrants applying for refugee status have two options: they can either benefit from the Refugee and Humanitarian Resettlement Program for those making claims from outside the country and the In-Canada Asylum Program for claims coming from within Canada. To qualify for the first program, migrant individuals must be referred by the United Nations High Commissioner for Refugees or a private sponsorship group. With the In-Canada Asylum program, the government provides protection for the people who have a well-founded fear of persecution or risk torture or cruel punishment in their native country. All those deemed eligible by the Immigration and Refugee Board of Canada will be granted “protected person” status, which includes the possibility to apply for permanent residence.¹⁰¹

3.2.1. Reflection on the Principle of *Non-Refoulement*

The principle of *non-refoulement* is a cardinal pillar of refugee and human rights law and a crucial moral imperative for the international community. It was formally established in 1951 with the adoption of the Refugee Convention, and framed in Article 33(1).¹⁰² It consists in the prohibition for states of returning refugees to territories in which their lives or freedom may be threatened on account of their race, religion, nationality, political opinion or membership of a particular social group.¹⁰³ This doctrine is integrated in the international legal framework as a part of customary law, which is binding for all states,

¹⁰⁰ Government of Canada, “M-62 Uyghurs and Other Turkic Muslims 44th Parliament, 1st Session - Members of Parliament - House of Commons of Canada,” Ourcommons.ca, 2025, <https://www.ourcommons.ca/members/en/54157/motions/11892002>.

¹⁰¹ Joanna Michalopoulos, “Uyghur Immigration Pathways into Canada «World without Genocide - Making It Our Legacy,” World Without Genocide, August 2023, <https://worldwithoutgenocide.org/genocides-and-conflicts/genocide-of-the-uyghurs-in-western-china/uyghur-immigration-pathways-into-canada>.

¹⁰² UNHCR, “Convention and Protocol Relating to the Status of Refugees,” 1951.

¹⁰³ European Commission, “Non-Refoulement,” home-affairs.ec.europa.eu, n.d., https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/non-refoulement_en.

regardless of their signature or ratification of the Geneva Refugee Convention and Protocol. The proscription on *refoulement* is a well-established principle in international law and has therefore been developed in multiple legal instruments. The Convention Against Torture in Art. 3(1) explicitly legislates against the *refoulement* of persons on grounds for believing they might be in danger of being subject to torture.¹⁰⁴ The regulation is then completed with Art.7 of the International Covenant on Civil and Political Rights, which states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.¹⁰⁵

The United Nations had expressed immediately on the issue of deportation by host states, as it blatantly broke international law and defied a principle of stability between actors. Turkey and Thailand, as any other country involved in international treaties, have violated the principle of *non-refoulement* by extraditing Uyghur refugees seeking asylum. The deportations that were carried out by Thailand and Turkey struck outrage in the international community due to the blatant illegality of their actions. Current United Nations Human Rights Chief Volker Türk stated that the recent expulsion of 40 Uyghurs in February 2025 is a clear violation of international rights law, and has urged Thai authorities to respect lawful obligations, and demanded that Chinese officials disclose the whereabouts of the refugees in order to attest their well-being and ensure their living conditions are up to par with international human rights standards.¹⁰⁶ The European Union has echoed with a statement calling the Thai government to abide not only to the obligations under international law, but to its own Constitution too.¹⁰⁷

¹⁰⁴ United Nations, CAT.

¹⁰⁵ United Nations, ICCPR.

¹⁰⁶ United Nations, “UN Human Rights Chief Deeply Troubled by Thailand’s Deportation of Uyghurs to China,” OHCHR, 2025, <https://www.ohchr.org/en/press-releases/2025/02/un-human-rights-chief-deeply-troubled-thailands-deportation-uyghurs-china>.

¹⁰⁷ EEAS Press Team, “Thailand: Statement by the Spokesperson on the Deportation of Uyghurs to China,” EEAS, 2024, https://www.eeas.europa.eu/eeas/thailand-statement-spokesperson-deportation-uyghurs-china_en.

Discussing the respect of *non-refoulement* in the context of Uyghur asylum-seekers emphasizes the gap between legal obligations and geopolitical realities. The principle demands that states prioritize the protection and wellness of individuals over diplomatic or economic ties, yet it often falters when those interests clash. The Uyghur case is particularly challenging because many refugees lack formal documentation or refugee status, making them more susceptible to forced return. One of the violations of human rights that Uyghurs face is the severe restriction on movement. Since the implementation of the Strike Hard Campaign in the national legal system, Chinese officials have arbitrarily confiscated passports of citizens of Xinjiang and exerting tight control over those who choose to travel internationally.¹⁰⁸

As it was analysed throughout this research, the terminology used to discuss the persecution that Uyghur people face is not casual. By adopting a stronger language and considering it “genocide”, the legal processes would certainly be different. Deporting refugees in this specific case certainly has to do with the economic and geopolitical pressures on which China levers to regain control of the population of Xinjiang involved in the diaspora. However, genocide is referred to as “the crime of all crimes”¹⁰⁹ and therefore requires rigid and impellent action. In principle, if Uyghur persons were to migrate and seek asylum while their condition was under the label of “genocide”, they could be granted immediate and automatic refugee status with no need to provide documentation, which as we stated beforehand is currently being kept under strict control and is hard to obtain, or proof of mistreatment, which is just as hard to demonstrate. By applying similar legislation to that formerly practiced during the 1994 Rwandan genocide,

¹⁰⁸ BBC News, “China Confiscates Passports of Xinjiang People,” *BBC News*, November 24, 2016, <https://www.bbc.com/news/world-asia-china-38093370>.

¹⁰⁹ Suwita Hani Randhawa, "Book Review: *The Crime of All Crimes: Towards a Criminology of Genocide*," *Genocide Studies and Prevention: An International Journal* 10, no. 2 (2016): 141–143, <https://doi.org/10.5038/1911-9933.10.2.1414>.

the resettlement process of individuals would be accelerated by acknowledging the urgency of the matter.¹¹⁰

Conclusion

The findings of this thesis aim to underscore the urgency and complexity of the matter. While the intricacy of the crisis may trigger inconvenience in terms of international legal mechanisms, it should not prevent states from pursuing lawful responses in accordance with compliant with international norms. What has unfolded over the past decades in Xinjiang is not a sporadic, isolated case of state misconduct, but instead suggestive of a consistent and deliberate campaign aimed at forced assimilation and economic exploitation of a territory.

The multidimensional nature of the crisis adds complicatedness to the legal possibilities of aiding to the issue. Legally, the vagueness of anti-terrorism and security laws in Xinjiang present a discernible risk for arbitrary detention and violations of fundamental rights of Uyghur people. This work presents credible evidence suggesting that China did fail to meet its international obligations under core treaties and conventions, notably the Convention Against Torture. The allegations showcases the possibility that national legislation in China not only lacks measures to prevent torture but structurally enables inhumane practices to enforce political obedience and eradicate cultural identity under the guise of combating extremism.

Moreover, this thesis has drawn attention to the possibility of economic motivations underlying the subjugation of Uyghurs to the government. Testimonies from former detainees employed in forced labour and the placement of re-education establishments in proximity of natural resource areas raise the question of material

¹¹⁰ UNHCR, “Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection,” 2019.

interest of the People's Republic of China in perpetuating state repression. The return of Uyghur refugees by states with strong economic ties with China despite warnings by international human rights bodies suggests that geopolitical implications precede legal commitments. The ideological façade seems to falter when confronted with the prospective of a geopolitical query. The control of Xinjiang with no separatist insurgence would mean monopoly over one of the richest regions in the country in terms of natural resources. The prospect of separatism would invite competition with powers such as Russia, bringing the stability of Xinjiang from a domestic concern to a cardinal node in geopolitical competition.

The Uyghur case still stands for a test to the integrity of the international community. It piques a critical question that challenges honesty and rectitude: can the global system uphold fundamental human rights when their violation is perpetrated by one of the most powerful actors? The answer to this question would have permanent implications for both the Uyghurs, victims of state repression, and the legitimacy of international legal norms. Silence or inaction by competent members of the international community erode the very foundations of the human rights framework and emboldens other states to act with privilege and impunity.

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