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CHINA’S REPRESSION OF UIGHER MUSLIMS: A Human Rights Perspective in Historical Context

Engy Abdelkader

ABSTRACT

This Essay focuses on Beijing’s repression of its Uigher population, a religious and ethnic minority community residing in northwest China. Recent human rights violations have attracted significant attention among journalists, activists and policy makers. Still, this writing argues that Beijing’s tactics reflect worsening human rights violations spanning decades rather than years. In addition to providing historical context, this Essay makes an important contribution to existing literature because it applies Interest Convergence Theory to the instant context. Insofar as its laws, policies and practices create fertile breeding grounds for violent extremism locally and internationally, it is in Beijing’s strategic interest to respect, protect and advance human rights for all citizens.

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INTRODUCTION

During the March 15th, 2020 Democratic Primary Debate, President-elect Joe Biden spoke of China's egregious human rights violations against its Uigher population.¹ Unbeknownst to many, the Uighers are a persecuted religious and ethnic minority community of Turkic descent who practice a moderate version of Sunni Islam in the Xinjiang Uigher Autonomous Region in northwest China.² While Muslims have inhabited China for centuries, they presently number 22 to 23 million within China's total population of 1.4 billion.³ More than one million Uighers are interned in "re-education camps" while the remainder is subject to the world's most sophisticated mass surveillance system.⁴ Significantly, Beijing's tactics reflect worsening human rights violations spanning decades rather than years.

The Uighers first attracted public attention in the aftermath of 9/11. The United States waged an unconventional war in Afghanistan focused on dismantling Al-Qaeda and destroying the Taliban.⁵ To that end, President George W. Bush signed a military order implementing new procedures allowing officials to designate those captured on the battlefield as "enemy combatants."⁶ Stripped of traditional protections under international law, the "enemy combatants" were subsequently tortured and interrogated in order to gather new information that would allegedly prevent additional attacks.

Ultimately, this led to the capture of 500 enemy combatants detained at Guantanamo Bay in Cuba. Pakistani bounty hunters turned over approximately two dozen Uighurs to the United States for a cash reward.⁷ Over time, however, they were cleared of terrorist related activity and reclassified as "non-enemy combatants."⁸

1. *March Democratic Debate Transcript: Joe Biden & Bernie Sanders*, REV (March 15, 2020), <https://www.rev.com/blog/transcripts/march-democratic-debate-transcript-joe-biden-bernie-sanders>.

2. THOMAS LUM & MICHAEL A. WEBER, CONGR. RESEARCH SERV., HUMAN RIGHTS IN CHINA AND US POLICY: ISSUES FOR THE 116TH CONGRESS 11 (2019).

3. Steven Lee Myers, *A Crackdown on Islam Is Spreading Across China*, N.Y. TIMES (Sept. 21, 2019), <https://www.nytimes.com/2019/09/21/world/asia/china-islam-crackdown.html>.

4. While this Essay focuses on official repression against the Uigher Muslims, there are other ethnic groups that are predominantly Muslim in China. The Uighers are the second largest and most disfavored. Jackie Armijo, *Islamic Education in China*, HARVARD ASIA Q., Winter 2006, at 15; Brent Crane, *A Tale of Two Chinese Muslim Minorities*, DIPLOMAT (Aug. 22, 2014), <https://thediplomat.com/2014/08/a-tale-of-two-chinese-muslim-minorities>.

5. William L. Tucker, *Legal Limbo: Where Should the Guantanamo Uighurs Be Released*, 16 ILSA J. INT'L & COMP. L. 91, 92 (2009–2010).

6. *Id.*

7. Mark Denbeaux et. al., *Report on Guantanamo Detainees: A Profile of 517 Detainees through Analysis of Department of Defense Data*, 41 SETON HALL L. REV. 1211, 1228 (2011).

8. *Id.* at 1228–1229.

For purposes of this inquiry, an important question arises: why were the Uighers in Pakistan and Afghanistan in the first instance? The answer is simple: the group sought safe haven from pervasive persecution in their native China. In fact, when China demanded their repatriation, the United States refused to comply.⁹ American refusal was consistent with the principle of non-refoulement grounded in international human rights law. It guarantees that no one should be returned to a country where they will experience torture or cruel, inhuman, or degrading treatment.¹⁰

Indeed, China's recent laws, policies, and practices undermining Uigher civil, political, cultural, and economic rights under international human rights law have received considerable attention from journalists, activists, and elected officials. In truth, much of the authoritarian state's violations are part of a longstanding pattern of abuses. To that end, this Essay discusses this often overlooked historical context as well as current human rights conditions. It concludes with a relevant discussion of Interest Convergence Theory and the primary drivers of violent extremism in contemporary context.

I. HISTORICAL CONTEXT

Over the course of centuries, various powers have vied to govern Xinjiang, a region in modern-day northwest China, including the Mongols, Turks, Russians, Chinese, and Uigher nationalists.¹¹ This historical context is important to understand modern manifestations of Islamophobia—attributed to Han sentiments of ethnic supremacy—in the People's Republic of China. Today, the Han Chinese constitute more than 90 percent of China's population and represent the dominant (and official preferred) ethnic group.¹²

Han supremacy, significantly, can be traced back centuries to the Qing Dynasty (1644–1911) when China was ruled by the Manchus.¹³ At that time, swaths of Han Chinese migrated westward into territories where Muslims traditionally constituted a majority.¹⁴ Vis-a-vis military conquests and political alliances, the Han Chinese established control in these Central Eurasian regions, and these regions became known as “Xinjiang.”¹⁵ This westward imperial expansion resulted in violent conflict with local Muslims as well as anti-Muslim sentiment, including a Han desire to eliminate Muslims and

9. *Id.* at 1221.

10. *The principle of non-refoulement under international human rights law*, U.N. HUMAN RIGHTS OFFICE HIGH COMM'R (n.d.), <https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>.

11. THOMAS LUM, CONG. RESEARCH SERV., UYGHURS IN CHINA 1 (2020), <https://crsreports.congress.gov/product/pdf/IF/IF10281>.

12. Haiyun Ma, *The Anti-Islamic Movement in China*, HUDSON INST. (June 13, 2019), <https://www.hudson.org/research/15095-the-anti-islamic-movement-in-china>.

13. *Id.*

14. *Id.*

15. *Id.*

Islam.¹⁶ Muslims, whose Islamic religious and cultural practices were viewed as nonconforming with dominant Han standards, were regarded as “foreigners” and denied equal legal and political status.¹⁷

More recently, in the 1950s, Xinjiang fell under the control of the Chinese Communist Party and became part of the People’s Republic of China.¹⁸ Still, it remained religiously, ethnically, culturally, and linguistically distinct because it was predominantly inhabited by the Uigher minority population.

Almost immediately, the communist government began persecuting the group. For instance, it repressed the Uigher’s Islamic faith practices. Specifically, it closed Islamic schools, destroyed religious texts and converted mosques into offices.¹⁹ Additionally, it stripped Uighers of official posts while facilitating the attainment of such positions for members of the majority Han ethnic group.²⁰ Further, while Uighers comprised the majority in Xinjiang, the Han dismantled their social institutions and took control of the local economy.²¹ Indeed, the communist government successfully repressed Uigher cultural and religious expression.

Also in the 1950s, Beijing promoted Han migration to the Xinjiang Uigher Autonomous Region (Xinjiang) to establish control over the region, due to its economic and geographic strategic interests in the land.²² Economically, the region is rich with mineral, gas, and oil reserves, and, geographically, it is located in proximity to Central Asia and closer to the West. In effect, Beijing’s migration policy not only established political control over the strategically significant region, but it also helped dilute its distinct Uigher cultural, religious, and linguistic character. For the sake of perspective, the Han comprised approximately 6 percent of Xinjiang’s population at the time of policy implementation.²³ Today, in stark contrast, the group constitutes 40 percent of the autonomous region.²⁴ Moreover, while migration resulted in positive economic growth, it largely benefited the Han rather than indigenous Uighers who are economically marginalized.²⁵

16. *Id.*

17. *Id.*

18. *Id.*

19. Connor W. Dooley, *Silencing Xinjiang: The Chinese Government’s Campaign against the Uyghurs*, 8 GA. J. INT’L & COMP. L. 233, 238 (2019).

20. *Id.*

21. *Id.*

22. Enshen Li, *Fighting the “Three Evils”: A Structural Analysis of Counter-Terrorism Legal Architecture in China*, 33 EMORY INT’L L. REV. 311, 320, 322 (2019). See also *First Annual State Department Report on International Religious Freedom: Hearing Before the Subcomm. on Int’l Operations and Hum. Rts. of the H. Committee on Int’l Relations*, 106th Cong. (1999) (statement of Abdughuphur Kadirhaji, Uigher Muslim from Urumqi City), <https://www.govinfo.gov/content/pkg/CHRG-106hrg64167/html/CHRG-106hrg64167.htm>.

23. Li, *supra* note 22, at 322.

24. *Id.* at 322–323.

25. *Id.* at 322.

According to Beijing, the Uighers experience confusion regarding their national identity. This is because they are more ethnically, religiously, and culturally similar to the Turkic people in Central Asia than the Han majority in China. The government views national identity and unity as intimately intertwined with the Han majority.²⁶ In fact, it perceives the Han cultural and linguistic identity as a source of geographic and demographic cohesion.²⁷ It is against this backdrop that Islam and Muslims are viewed as obstructing “the China dream of national rejuvenation.”²⁸

Rather than accommodating differences, Beijing expects ethnic minorities to assimilate to achieve a unified China.²⁹ As such, the government has commonly viewed Uigher distinctiveness as a threat to national unity.³⁰ This is also true of Uigher Islamic faith practices. Uigher Muslims adhere to the Islamic faith which has influenced the population’s culture and day-to-day life.³¹ By contrast, the Communist Party adheres to atheism. Beijing regards religion as a means of social control rather than a matter of spirituality or ideology; religion either reinforces or weakens state sovereignty. Insofar as Uigher Muslims are loyal to God, the government views their manifested piety as undermining the nation’s atheist character.³²

In the 1990s, segments of the Uigher community responded to Beijing’s attempts to displace them—ethnically, culturally, economically, religiously—with a separatist movement. The movement desired independence from Beijing. In reaction, the government adopted heavy-handed measures. The “Strike Hard” campaign instituted aggressive law enforcement tactics designed to stifle religious freedom and political dissent among the Uighers under the guise of addressing criminal activity.³³

Apart from this movement, some Uighers chose to flee China, sought safe haven elsewhere, and settled in other countries such as Pakistan and Afghanistan. In the aftermath of 9/11, Beijing began to adopt the discourse of the “war on terror.” Whereas it previously characterized the Uighers as “separatists,” the government now labelled them “terrorists.”³⁴ The Chinese government identified itself as a victim of international terrorism and viewed the Uigher population

26. *Human Rights in Xinjiang: Recent Developments: Roundtable Before the Congressional-Executive Commission on China*, 111th Cong., (2009), <https://www.govinfo.gov/content/pkg/CHRG-111hhrg48222/pdf/CHRG-111hhrg48222.pdf>.

27. Li, *supra* note 22, at 330.

28. Ma, *supra* note 12.

29. Dooley, *supra* note 19, at 240.

30. THOMAS LUM & MICHAEL A. WEBER, CONG. RESEARCH SERV., HUMAN RIGHTS IN CHINA 1 (2020).

31. Dooley, *supra* note 19, at 240.

32. *Id.* at 240–241.

33. Li, *supra* note 22, at 334–335.

34. Brief of Amicus Curiae Uyghur American Association for Petitioner at 10, *Kiyemba v. Obama*, 559 U.S. 131 (No. 08-1234), https://www.pegc.us/Kiyemba_Merits/Uyghur_American_Assn_Amici_20091211.pdf.

as the equivalent of Al-Qaeda. Over the years, China has attributed a number of terrorist plots to the Uighers. However, many in the international community believe the reports were pretextual in order to justify regressive policies.³⁵

II. RECENT HUMAN RIGHTS VIOLATIONS

Today, the Chinese government continues to prioritize the erasure of Uigher culture while conflating orthodox Islamic religious practices—such as fasting, prayer, hajj, and religious attire—with evidence of violent extremism contributing to terrorism. To this end, it has adopted a spectrum of laws, policies, and practices to achieve its vision of a more unified China. Representative measures include religious freedom restrictions, the “Strike Hard” campaign, the world’s most sophisticated mass surveillance system, and internment camps. These trends are consistent with a 2016 policy known as “Sinicization,” forcing religious and ethnic minorities to conform to Han ethnic culture, the socialist system, and communist party policies.

A. *Sinicization*

PRC President Xi Jinping first referenced the “Sinicization of religion” at a 2015 Central United Front Work Development (UFW) Conference.³⁶ The UFW is the Communist Party of China (CPC)’s committee responsible for obtaining political support from broader society, such as faith communities.³⁷ At the time of the 2015 conference, Xi emphasized the significance of exerting control over religious groups and ensuring that they conform to CPC policies. To that end, he depicted the CPC as a source of guidance to ensure faith community conformity with socialist society.³⁸

Indeed, in April of 2016, Beijing intensified its social control over faith communities.³⁹ For the first time in fifteen years, it hosted the National Conference on Religious Work and subsequently enacted the Regulations on Religious Affairs in an attempt to “Sinicize” religious belief and practice. During the conference, President Xi Jinping announced that, “religious affairs carry special importance in the work of the CPC and the central government” while also

35. Tucker, *supra* note 5, at 100–101.

36. Naoko Eto, *Why Does the Xi Jinping Administration Advocate the “Sinicization” of Religion?*, SASAKAWA PEACE FOUND. (Aug. 11, 2018), <https://www.spf.org/spf-china-observer/en/document-detail008.html>.

37. Julia Bowie & David Gitter, *The CCP’s Plan to ‘Sinicize’ Religions*, DIPLOMAT (June 14, 2018), <https://thediplomat.com/2018/06/the-ccps-plan-to-sinicize-religions>.

38. Eto, *supra* note 36.

39. Significantly, this development affected all faith communities including Christians and Buddhists. Still, there is widespread consensus that Uigher Muslims are the most disfavored and mistreated among them. Beijing views religion as a threat to its official authority and ability to control the population, generally. This is particularly so of the Islamic faith practiced among the Uigher Muslims at least in part because of the minority group’s persistent separatist tendencies but also likely due to Beijing’s strategic interest in the region’s natural resources and strategic geographic location.

referencing national security and Chinese unity.⁴⁰ Xi Jinping emphasized that religions can “adhere to the direction of Sinicization” by “interpreting rules and dogmas in a way that corresponds to the needs attached to the progress and development of contemporary China.”⁴¹ According to Beijing, the “Sinicization of religion” is intended to address real or perceived national challenges such as “infiltration, subversion, and sabotage, as well as violent and terrorist activities, ethnic separatist activities, and religious extremist activities.”⁴² To this end, Xi Jinping insisted that the CPC would “lead” religious groups socially, culturally, and politically.⁴³ This official guidance has manifested as position papers, internal policies, and legal opinions.⁴⁴ It is designed to make faith traditions and doctrine conform with Chinese society and CPC objectives.⁴⁵ Such conformity encompasses a spectrum of generally applicable initiatives, from altering religious buildings to embody Chinese characteristics, mandating the Chinese flag on religious venues, and even changing faith doctrines.⁴⁶

While the Regulations on Religious Affairs reference the right to religious freedom, they prioritize “stopping illegitimacy, containing the extreme, resisting penetration, and cracking down on criminals.”⁴⁷ The regulations, published in September 2017 and operational since February 2018, also require individuals and groups to “maintain national integrity, ethnic solidarity, religious harmony, and social stability.”⁴⁸ Such provisions demonstrate the tensions “Sinicization” have with religious freedom, particularly where faith practices consistent with orthodox Islamic doctrine are conflated with terrorism. UFDW has explained that in conducting its affairs with faith communities, it intends to emphasize “adopting an attitude conducive to guidance, building a grassroots religious work management system, strengthening the education of religious figures, giving full play to patriotic religious groups, resolutely resisting outside forces using religion as a means of infiltration, guarding against and controlling illegal religious activities, and safeguarding national security and social harmony and

40. Eto, *supra* note 36.

41. Benoit Vermander, *Sinicizing Religions, Sinicizing Religious Studies*, 10 RELIGIONS 137, 139 (2019), <https://www.mdpi.com/2077-1444/10/2/137#cite>.

42. Eto, *supra* note 36.

43. *Id.*

44. Vermander, *supra* note 41 (“The policy received its most solemn and striking expression in Xi Jinping’s report at the start of the 19th Congress of the CCP, in October 2017. The official translation of the relevant excerpt reads as follows: ‘We will fully implement the Party’s basic policy on religious affairs, uphold the principle that religions in China must be Chinese in orientation [zhongguohua] and provide active guidance to religions so that they can adapt themselves to socialist society’ (Xi 2017). This official translation does not do justice to the idea conveyed by the verb we italicize, which should be directly translated as ‘to Sinicize.’”).

45. Bowie & Gitter, *supra* note 37.

46. *Id.*

47. Eto, *supra* note 36.

48. *Id.*

stability.”⁴⁹ As this writing will illuminate, while some of this language and subsequent practices—such as national flag raising ceremonies, speech contests, and anthem singing at religious site—may initially appear innocuous, it proves foreboding in ways relevant to the instant human rights discussion.⁵⁰

In the context of the minority Uigher Muslim population in Xinjiang, Sinicization has translated into the de-Islamification of orthodox religious practices. In a confidential 2018 directive titled “Reinforcing and Improving Islam Work in the New Situation,” Beijing warned against the “Arabization” of Islamic places, fashions, and rituals in China, as well as Saudi Arabia’s influence.⁵¹ According to the directive, use of the Islamic financial system is prohibited, Islamic entities are barred from organizing kindergartens or after-school programs, and Arabic-language schools cannot teach religion or engage in study abroad programs.⁵² Indeed, Beijing’s campaign to “Sinicize religion” has forced halal restaurants to remove Arabic language and Islamic imagery from their signage.⁵³ Additionally, to dampen a “pan-halal tendency,” officials have ceased distribution of halal certifications for food, dairy, and wheat producers and restaurants.⁵⁴ Further, religious activities are impermissible at schools and colleges.⁵⁵ In addition, officials have destroyed Islamic cemeteries, demolished minarets and domes, banned the traditional call to prayer, and shuttered mosques.⁵⁶ Even more alarmingly, Sinicization has culminated in the mass internment of more than one million Uigher and other Muslims in “re-education camps.”

Beijing wishes to ensure that no authority is higher than the Communist Party among China’s faithful to ensure national unity.⁵⁷ Thus, it has rationalized and characterized its efforts as a mechanism to counter the spread of ideologies it perceives as linked to foreign influence and religious extremism.⁵⁸ In this way, Sinicization strives to produce “normal people” while ensuring conformity in all respects.⁵⁹ To this end, and as discussed at greater length below, Beijing has prohibited the observance of Muslim religious attire, fasting for Ramadan, and grooming long beards while also restricting hajj, a mandatory religious pilgrimage to Saudi Arabia (e.g. the Islamic faith’s birthplace).⁶⁰

49. Bowie & Gitter, *supra* note 37.

50. Vermander, *supra* note 41, at 140.

51. Myers, *supra* note 3.

52. *Id.*

53. David R. Stroup, *Why Xi Jinping’s Xinjiang policy is a major change in China’s ethnic politics*, WASH. POST, (Nov. 19, 2019), <https://www.washingtonpost.com/politics/2019/11/19/why-xi-jinpings-xinjiang-policy-is-major-change-chinas-ethnic-politics>.

54. Myers, *supra* note 3.

55. *Id.*

56. Stroup, *supra* note 53; Myers, *supra* note 3.

57. Bowie & Gitter, *supra* note 37.

58. Stroup, *supra* note 53.

59. *Id.*

60. DANIEL L. BYMAN & ISRAA SABER, IS CHINA PREPARED FOR GLOBAL TERRORISM? XIJIANG AND BEYOND, BROOKINGS INST. 5 (2019), <https://www.brookings.edu/wp-content/>

Indeed, Xi Jinping's vision of China's rise views racial, ethnic, religious, and ideological diversity as a source of national weakness and division, and this has exacerbated Islamophobia in China.

1. Religious Freedom Violations

As a direct result of "Sinicization," and under the guise of countering terrorism, undermining extremism, and preventing secession, religious freedom violations against the Uigher Muslims have intensified.⁶¹ As discussed in greater detail below, authorities in Xinjiang have seized Islamic publications, arrested and detained religious figures, and criminalized expressions of orthodox Islamic doctrine as evidence of violent extremism and a propensity to commit "terrorism."

In 2009, under the tutelage of the Chinese State Administration of Radio, Film, and Television which oversees publishing in media, the local authorities in Xinjiang formed a parallel office, the "Eradicate Pornography and Illegal Publication Tianshan Project," to establish harsher policies toward Islam.⁶² Specifically, the project is focused on "illegal" publications that promote extremism, separatism, and terrorism, or what Beijing refers to as the "three evil forces" generally attributed to the Islamic faith. Officials have not only confiscated such materials, but also detained those disseminating these materials. For instance, Xinjiang authorities arrested a bookstore owner who sold publications on Islam, Muslims, and the Middle East.⁶³ He was charged with "terrorism" and subsequently detained in a re-education camp.⁶⁴ In addition to seizing Islamic publications, authorities similarly seized religious figures perceived as threatening. In 2016, police arrested an imam for lecturing on a college campus about Islam in a neighboring province.⁶⁵ Local authorities—conflating the Islamic faith tradition with criminality—believe that such an approach is necessary to ensuring peace, security and stability.

More recently, in March 2017, Beijing enacted "Regulations on De-extremification," part and parcel of Sinicization. The regulations prohibit "expressions of extremification" which it conflates with Islamic orthodoxy.⁶⁶ Specifically, authorities consider abstention from alcohol, refusal to consume pork, and fasting during Ramadan as evidence of extreme religious views contributing to terrorism.⁶⁷ As such, Xinjiang authorities require Muslim-owned

uploads/2019/09/FP_20190930_china_counterterrorism_byman_saber-1.pdf.

61. *Surveillance, Suppression, and Mass Detention: Xinjiang's Human Rights Crisis: Hearing Before the Congr.-Exec. Comm'n on China*, 150th Cong. 6 (2018) [*hereinafter Surveillance, Suppression, and Mass Detention*] (statement of Ambassador Kelley E. Currie, Rep. of the U.S. on the Econ. and Soc. Council of the U.N., U.S. Mission to the U.N.).

62. Ma, *supra* note 12.

63. *Id.*

64. *Id.*

65. *Id.*

66. LUM & WEBER, *supra* note 2.

67. *Surveillance, Suppression, and Mass Detention, supra* note 61.

restaurants to serve intoxicants despite Islam's prohibition of alcohol.⁶⁸ Similarly, local authorities require Muslims to consume pork during Han Chinese festivals despite Islam's prohibition of pork.⁶⁹ Additionally, authorities require Muslim women to abandon religious or conservative attire despite Islam's emphasis on modesty.⁷⁰ Authorities have arrested and detained those who have performed the hajj pilgrimage to Saudi Arabia despite the Islamic requirement of performing the pilgrimage. Further, Uighers are prohibited from grooming beards, and parents are prohibited from naming children Islamic names such as Mohammed or Ahmed.⁷¹ As noted, authorities have also "Sinicized" mosques, removing domes and minarets from religious architecture.⁷² And, the government has criminalized teaching youth about the Islamic faith.⁷³ In sum, performing Islam is now evidence of criminality in authoritarian China.

B. *The Strike Hard Against Violent Extremism Campaign*⁷⁴

Manipulating the discourse of counterterrorism to justify repressive policies, laws, and practices, and in tandem with the "Sinicization" policy, Beijing has reconfigured "Strike Hard" campaigns from the 1980s and 1990s to eliminate a perceived threat to atheism, Han supremacy, and CPC control. In the post 9/11 context, Beijing reoriented the campaigns to focus on Uighur religious conduct and alleged separatist activity.⁷⁵ Strike Hard has culminated in egregious human rights violations that overlap and intersect with those noted above.

Beijing designed the new 2014 campaign to officially control the Uigher population and more specifically, to eliminate their religious, cultural, and linguistic distinctiveness.⁷⁶ It includes raids in Uigher neighborhoods to secure literature, music, religious texts, and any materials teaching these subjects.⁷⁷ The campaign also includes arrests, arbitrary detentions, and torture. Since the campaign launched in 2014, the number of arrests in Xinjiang has more than tripled, comprising 21 percent of all Chinese arrests nationally.⁷⁸ For the sake of perspective, the Xinjiang region constitutes a mere 1.5 percent of the total Chinese

68. Ma, *supra* note 12.

69. *Id.*

70. *Id.*

71. LUM, *supra* note 11.

72. LUM & WEBER, *supra* note 30, at 2.

73. *Surveillance, Suppression, and Mass Detention*, *supra* note 61.

74. See generally HUMAN RIGHTS WATCH, ERADICATING IDEOLOGICAL VIRUSES: CHINA'S CAMPAIGN OF REPRESSION AGAINST XINJIANG'S MUSLIMS (2018),

<https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs>.

75. *Id.* at 21.

76. Hilary Hurd, *China's Human Rights Abuses Against Uighurs in Xinjiang*, LAWFARE BLOG (Oct. 9, 2018, 8:00 AM), <https://www.lawfareblog.com/chinas-human-rights-abuses-against-ughurs-xinjiang>.

77. Dooley, *supra* note 19.

78. Hurd, *supra* note 76.

population.⁷⁹ As such, these figures highlight the campaign's disproportionate impact on the minority Uigher population.⁸⁰ Following arrest, Uighers are held in pretrial detention centers, prisons, and re-education camps, stripped of due process rights, and subjected to torture as discussed further below.⁸¹ Indeed, this law enforcement strategy not only violates civil and political rights—such as the right to liberty and to be free from cruel, inhumane and degrading treatment—but it also violates the right to cultural and religious life because it has the effect of eliminating Uigher culture and criminalizing religion.

Again, the Strike Hard campaign borrows from the 'war on terror' discourse by citing security interests in order to justify repression of a religious and ethnic minority population.⁸² In January 2016, for instance, the national Counterterrorism Law that came into effect described "distorted religious teachings"—in apparent reference to Islamic theology—as the ideological foundation for terrorism.⁸³ Locally, within Xinjiang, authorities effectuated new counterterrorism laws that prohibited the dissemination of "terrorist ideas" vis-a-vis technology such as cellphones, the internet, or electronic devices.⁸⁴ Significantly, Beijing's focus on "ideas" underscores their conceptualization of the Islamic faith tradition as an "ideological virus."⁸⁵ Authorities believe that Islamic religious dogmas—as well as any non-Han social identity—must be "eradicated" or "corrected."⁸⁶ Such policies prioritizing the eradication of problematic ideas complement aforementioned regulations that prohibit long beards and religious attire.⁸⁷ Additionally, the local authorities similarly criminalized ties to a list of twenty-six "sensitive countries" including Turkey, Malaysia, and Indonesia.⁸⁸ Those who have traveled to these countries—even for educational, work-related, or familial purposes—or who communicate with those residing there are subject to interrogation, detention, and imprisonment.⁸⁹ Moreover, the Strike Hard campaign includes a sophisticated mass surveillance regime and internment camps.

1. Mass Surveillance

Xinjiang has been converted into a twenty-first century police state because the government employs repressive force to control all aspects of

79. *Id.*

80. *Id.*

81. HUMAN RIGHTS WATCH, *supra* note 74, at 27–56.

82. HUMAN RIGHTS WATCH, *supra* note 74, at 3.

83. Hurd, *supra* note 76; Zhōnghuá rénmín gònghéguó fǎn kǒngbù zhùyì fǎ (中华人民共和国反恐怖主义法) [Anti-Terrorism Law of the People's Republic of China] (Promulgated by Standing Comm. Nat'l People's Cong., Dec. 27, 2015, effective Jan. 1, 2016), art. 4, gov. cn; http://www.gov.cn/xinwen/2015-12/28/content_5028407.htm.

84. *Id.*

85. HUMAN RIGHTS WATCH, *supra* note 74, at 3.

86. *Id.*

87. Hurd, *supra* note 76.

88. HUMAN RIGHTS WATCH, *supra* note 74, at 4.

89. *Id.*

Uigher life.⁹⁰ This includes cutting edge technology that constantly monitors the Uigher population, roadblocks, checkpoints, and pervasive police placement, including in shops and restaurants.⁹¹ Data collection is not limited to individual addresses, phone numbers, places of employment, and education—although such information gathering may undermine privacy rights.⁹² Rather, the authorities have compelled Uighers between the ages of twelve and sixty-five to submit DNA, voice, blood samples, iris scans, and fingerprints.⁹³ Indeed, officials have created Uigher DNA databases, employed facial and voice recognition software, and seized phones to download data for analysis.⁹⁴ They have arrested Uighers who have not downloaded a required smartphone application.⁹⁵ The authorities use the mobile application to aggregate even more data about Uighers, including personal information and activities regarded as suspicious.⁹⁶ Notably, when data collected is perceived as revealing potentially threatening behavior, targets may be interned at re-education camps, as discussed in greater depth below.⁹⁷ According to Human Rights Watch, “not socializing with neighbors [and] often avoiding using the front door” qualifies as suspicious conduct.⁹⁸ Additionally, utilizing excessive amounts of electricity is similarly deemed suspicious.⁹⁹

In addition to using advanced technology—including facial recognition, genetic testing, and data collection—Beijing also emphasizes traditional policing methods to guard against what it perceives as terrorism, such as the deployment of local informants.¹⁰⁰ Further, teams of police collect information from every household, including the nature of their religious beliefs and extent of related practices. The biometric and other data is subsequently entered into a centralized database that allows authorities to form a corresponding portrait of each citizen.¹⁰¹

To justify its campaign of mass surveillance and intelligence gathering, Beijing cites to concerns regarding “the three evil forces” including terrorism,

90. Dooley, *supra* note 19, at 245.

91. *Id.* at 245–246.

92. HUMAN RIGHTS WATCH, CHINA’S ALGORITHMS OF REPRESSION: REVERSE ENGINEERING A XINJIANG POLICE MASS SURVEILLANCE APP 21–23 (2019), https://www.hrw.org/sites/default/files/report_pdf/china0519_web.pdf.

93. *Id.* at 24–25.

94. *Surveillance, Suppression, and Mass Detention*, *supra* note 61.

95. Dooley, *supra* note 19, at 246.

96. HUMAN RIGHTS WATCH, *supra* note 92, at 2.

97. *Id.* at 3.

98. *Id.* at 2, 26.

99. *Id.* at 37–38.

100. Austin Ramzy & Chris Buckley, ‘Absolutely No Mercy’: Leaked Files Expose How China Organized Mass Detentions of Muslims, N.Y. TIMES, (Nov. 16, 2019), <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html?smid=nyt-core-ios-share>.

101. HUMAN RIGHTS WATCH, *supra* note 92, at 15.

violent extremism, and ethnic separatism.¹⁰² In a 2019 White Paper on Xinjiang, Beijing alleged that approximately 13,000 terrorists had been arrested in Xinjiang in a five-year period.¹⁰³ It further claims that authorities have disrupted 1500 terrorist entities, seized more than 2000 explosive devices, and punished approximately 30,000 individuals for illegal religious activity.¹⁰⁴ However, these figures have not been independently verified and questions regarding their accuracy and reliability remain.¹⁰⁵ For instance, since Beijing defines terrorism and extremism in vague terms, the label frequently encompasses a broad swath of orthodox religious conduct, from women observing conspicuously Islamic religious attire to men grooming beards.¹⁰⁶ Indeed, Beijing's "terrorists" are not necessarily violent actors.¹⁰⁷ Rather, many are Uigher Muslims engaged in religious, social, cultural, or political activity protected by international human rights law. What is more, observers have concluded that the mass surveillance has no connection with countering violent extremism, preventing terrorism, or upending separatism.¹⁰⁸ Human rights groups argue that such measures violate rights to privacy, "mental autonomy," presumption of innocence, religious freedom, and freedom of movement.¹⁰⁹

2. Mass Internment Camps

At the time of writing, approximately one million Uighers suspected of engaging in religious and ethnic cultural practices are currently interned in "re-education camps" without formal charges, due process, or judicial oversight. Mass internment began shortly after the adoption of Beijing's "Regulations on De-extremification" in March 2017.¹¹⁰ As noted, under the regulations, "extremist" activity includes grooming a long beard, donning religious attire, observing ritual prayer, engaging in fasting, abstaining from intoxicants, studying Arabic, frequenting mosques, and possessing publications about the Islamic faith or Uigher cultural traditions.¹¹¹ Additionally, as noted, foreign ties to majority Muslims nations, such as Turkey, Malaysia, and Indonesia, are valid basis for official suspicion even if related to employment or educational purposes. Authorities accuse such individuals of engaging with foreign influences that promote "extremist" ideologies and activities.¹¹² They

102. Ramzy & Buckley, *supra* note 100.

103. HUMAN RIGHTS WATCH, *supra* note 92, at 14.

104. BYMAN & SABER, *supra* note 60, at 4.

105. HUMAN RIGHTS WATCH, *supra* note 92, at 14.

106. *Id.*

107. BYMAN & SABER, *supra* note 60, at 4.

108. HUMAN RIGHTS WATCH, *supra* note 92, at 3.

109. LUM & WEBER, *supra* note 2, at 5.

110. *Up to One Million Detained in China's Mass "Re-education" Drive*, AMNESTY INT'L (Sept. 24, 2018), <https://www.amnesty.org/en/latest/news/2018/09/china-up-to-one-million-detained>.

111. *Id.*; Ramzy & Buckley, *supra* note 100.

112. *Up to One Million Detained in China's Mass "Re-education" Drive*, *supra* note 110.

warn of terrorist events abroad and the possibility of similar attacks in China. Such allegations are mere pretext, however, for official interference with the open flow of information about the human rights violations so pervasive in Xinjiang.¹¹³ Still, Uighers have been interned for these and more mundane reasons, from owning a compass, which can be used to determine their direction for prayer, to eating breakfast prior to sunrise, in observance of fasting.¹¹⁴

Beijing commonly refers to these mass internment camps as “vocational education and training program,” “transformation through education centers,” or “counter-extremism centers.” Chinese President Xi Jinping explained “there must be effective educational remolding and transformation of criminals. And even after these people are released, their education and transformation must continue.”¹¹⁵ He also insisted on displaying “absolutely no mercy” in response to extremism, terrorism, and separatism, each of which is commonly linked to the Islamic faith.¹¹⁶ To realize official objectives of forced cultural assimilation and political indoctrination, internees have been tortured, neglected, mistreated, subjected to solitary confinement and sleep deprivation, and suffered loss of life, including suicide by those unable to bear these conditions.¹¹⁷ Further, they are required to sing political songs and study speeches praising the CPC and they are tested on their knowledge of Mandarin (e.g., the *lingua franca* of the majority Han).¹¹⁸ Prior to meals, detainees are required to chant, “Long live Xi Jinping.” Not only are they forced to denounce their own culture and religion, but all faith practices are prohibited. Additionally, inside the

113. *Id.* (“To avoid arousing such suspicion, Uighurs, Kazakhs and others inside the XUAR have reportedly been cutting all ties with friends and family living outside China. They warn acquaintances not to call and delete outside contacts from social media applications. Unable to get reliable information from home, many living abroad inevitably fear the worst.”).

114. Tanner Greer, *Ways to Get Sent to a Chinese Concentration Camp*, FOREIGN POL’Y (Sept. 13, 2018, 10:40 AM), <https://foreignpolicy.com/2018/09/13/48-ways-to-get-sent-to-a-chinese-concentration-camp>. These include, for example, owning a tent, telling others not to swear, speaking with someone who has traveled abroad, telling others not to sin, owning welding equipment, owning extra food, eating breakfast before sunrise, arguing with an official, owning a compass, publicly stating that China is inferior to some other country, owning multiple knives, sending a petition that complains about local officials, having too many children, not allowing officials to sleep in your bed, eat your food and live in your house, having WhatsApp, watching a video filmed abroad, not letting officials take your DNA, publicly grieving, not letting officials download everything you have on your phone, speaking your native language at school, performing a traditional funeral, trying to kill yourself in police custody, trying to kill yourself in the camps, refusing to denounce family members, or knowing anyone who has committed any of these acts.

115. Ramzy & Buckley, *supra* note 100.

116. *Id.*

117. *Surveillance, Suppression, and Mass Detention*, *supra* note 61. See also *Up to One Million Detained in China’s Mass “Re-education” Drive*, *supra* note 110 (“Kairat told Amnesty that he was hooded, made to wear shackles on his arms and legs and was forced to stand in a fixed position for 12 hours when first detained.”).

118. *Surveillance, Suppression, and Mass Detention*, *supra* note 61.

camps, internees are required to perform forced labor.¹¹⁹ Resistance is met with swift retribution, including food deprivation, solitary confinement, physical assaults, and use of stress positions.¹²⁰ Unable to challenge their detention and without access to legal counsel, internees are left to languish for months and even years until authorities believe they have been “transformed.”¹²¹ According to news reports, Beijing is constructing additional camps giving rise to international suspicions of possible genocidal intent.

Similar to its justifications of other pervasive human rights violations, authorities claim the internment camps are necessary to deter “extremism,” prevent “terrorist activities,” protect national security, and guarantee “ethnic unity.”¹²² In fact, in response to questions regarding detained family members, authorities advise that detainees had been “infected” by the “virus” of Islamic radicalism and must be quarantined and treated.¹²³ They further intone, “if they don’t undergo study and training, they’ll never thoroughly and fully understand the dangers of religious extremism,” while referencing the civil war in Syria and the rise of the Islamic State.¹²⁴ When questioned whether detained relatives had committed a crime, authorities respond, “it is just that their thinking has been infected by unhealthy thoughts,” and “freedom is only possible when this ‘virus’ in their thinking is eradicated and they are in good health.”¹²⁵ Still, human rights organizations counter that the mass internment of members of a specific religious and ethnic community are not sufficiently tethered to counterterrorism objectives.¹²⁶

C. *Beijing’s Response*

In response to increased scrutiny, Beijing asserts defenses grounded in sovereignty, cultural relativism, and national security. For instance, it claims that its policies are a domestic matter (sovereignty) designed to preserve Chinese

119. Ben Fox, *U.S. Report Finds Widespread Forced Uighur Labor in China*, ASSOC. PRESS (Mar. 11, 2020), <https://apnews.com/09a6f942039917fb9376e3909351399c>.

120. *Up to One Million Detained in China’s Mass “Re-education” Drive*, *supra* note 110. (“‘So-called ‘re-education camps’ are places of brainwashing, torture and punishment that hark back to the darkest hours of the Mao-era, when anyone suspected of not being loyal enough to the state or the Chinese Communist Party could end up in China’s notorious labour camps. Members of predominately Muslim ethnic minority groups are living in permanent fear for themselves and for their detained relatives,’ said Nicholas Bequelin, Amnesty International’s East Asia Director.”).

121. *Id.*

122. *Id.*

123. Ramzy & Buckley, *supra* note 100.

124. *Id.*

125. *Id.*

126. *Up to One Million Detained in China’s Mass “Re-education” Drive*, *supra* note 110. (“While states do have the right and responsibility to prevent violent attacks, the measures deployed must be necessary and proportionate and as narrow and targeted as possible to address a specific threat. There is no plausible justification for mass detentions of members of a particular ethnic group or religion of the type witnessed in the XUAR.”).

culture, Han identity and stability (cultural relativism and national security).¹²⁷ It is important to note that China uses its economic influence to silence state actors who benefit from bilateral trade agreements. In addition, China is a permanent member of the United Nations Security Council. As such, it uses its political influence to deflect international responses to its actions, from sanctions and criminal prosecutions to its human rights abuses in Xinjiang.

Most recently, in April 2020, the Asia-Pacific Regional Group selected China as a member of the United Nations Human Rights Council Consultative Group. The Consultative Group consists of five member states tasked with screening initial applications and making recommendations for independent United Nations experts.¹²⁸ Significantly, the United Nations Human Rights Council is responsible for reviewing state actions to ensure compliance with human rights obligations. In response to pervasive abuses, such as those arising in Xinjiang, the Council can establish a mechanism to investigate abuses. However, China's recent inclusion on the Council's Consultative Group not only enhances the authoritarian state's political influence, but it allows for the accommodation of its egregious human rights record. Indeed, the international community has been generally unable or unwilling to hold Beijing accountable.¹²⁹ In contrast, from its congressional inquiries to targeted sanctions, the United States has arguably been the most consistent source of condemning these human rights abuses.¹³⁰

127. Hakeem Yusuf, *S.A.S. v France: Supporting 'Living Together' or Forced Assimilation*, 3 INT'L HUM. RTS. L. REV. 277, 299 (2014).

128. For additional information regarding the Special Procedures process, see *Basic Information on the Selection And Appointment Process for Independent United Nations Experts of the Human Rights Council*, U.N. HUM. RTS. COUNCIL, <https://www.ohchr.org/EN/HR-Bodies/HRC/SP/Pages/BasicInformationSelectionIndependentExperts.aspx#:~:text=Overview%20of%20the%20selection%20and,candidatures%20issued%20by%20the%20Secretariat> (last visited Aug. 17, 2020).

129. BYMAN & SABER, *supra* note 60, at 6.

130. *Chinese and Russian Influence in the Middle East: Hearing Before the Subcomm on the Middle E., N. Africa, and Int'l Terrorism of the H. Comm. on Foreign Affairs*, 116th Cong. 52 (2019) ("Dr. Alterman, Congressman, it is remarkable how little public comment there has been outside of Turkey, which has an ethnic tie to the Uyghur population. I think this is a consequence of the fact that governments in the Arab world generally have very tight control over the press. Governments have decided, for reasons of diplomatic interest and economic interest, they do not want to antagonize the Chinese. And they have been pointedly silent in many cases about the oppression of the Uyghurs and the collection of perhaps a million Uyghurs into what appear to be concentration camps."); see also LUM & WEBER, *supra* note 2, at Summary ("Successive U.S. Administrations and Congresses have deployed an array of means for promoting human rights and democracy in China, often exercised simultaneously. Policy tools include open censure of China; quiet diplomacy; congressional hearings, legislation, investigations, statements, letters, and visits; funding for rule of law and civil society programs in the PRC; support for human rights defenders and prodemocracy groups; sanctions; bilateral dialogue; internet freedom efforts; international broadcasting; and coordinated international pressure, including through multilateral organizations").

III. INTEREST CONVERGENCE THEORY

Beijing's laws, policies, and practices violate international human rights standards enshrined treaties including the International Covenant on Civil and Political Rights, Convention Against Torture, International Covenant on Economic, Social, and Cultural Rights, and Convention on the Elimination of all Forms of Racial Discrimination. Rights including religious freedom, right to take part in cultural life, prohibition on torture, forced labor, right to liberty, security of person, liberty of movement, and the right to privacy have been denied to the Uighers.

To date, however, Beijing's response has largely been denial. For instance, in response to criticism of its mass internment camps, government officials characterize internees as "trainees" studying Chinese, honing vocational skills, learning about national laws, and undergoing "de-extremization." And, while officials claim that most "trainees" have "returned to society," many in the Uigher diaspora community abroad report that their relatives remain missing. How do we address a pattern of intensifying human rights violations that are so pervasive in Xinjiang given contemporary geopolitical realities, including Chinese economic and political influence as noted in the Subpart immediately above?

Interest Convergence Theory may provide some relevant insight. Coined by Harvard Law Professor Derrick Bell, the theory holds that minority populations only achieve civil rights victories when their interests converge with those of the majority.¹³¹ While Bell explored this in the domestic context of anti-Black racism, Interest Convergence Theory is similarly applicable to other minorities on a global scale.

Insofar as Beijing's interests are concerned with ensuring security, unity, stability and strength, it is critical to understand how its current laws, policies, and practices undermine these very objectives. To allegedly root out violent extremism, Beijing has identified—even if pretextually—an internal cultural, ethnic, linguistic, and religious internal threat: the Uighers. This is somewhat consistent with traditional countering violent extremism approaches in the post-9/11 era. Violent extremism was largely associated with religion and understood primarily vis-a-vis that lens. This is largely because terrorist organizations, such as ISIS and Al-Qaeda, cited religious doctrine to justify atrocities.

But there has been a paradigm shift in recent years. This is reflected in an international strategy plan to counter violent extremism that the United Nations published several years ago. The 2015 Violent Extremism (VE) Action Plan sets forth five primary drivers of violent extremism: (1) lack of socioeconomic opportunities, (2) marginalization and discrimination, (3) poor governance and egregious human rights violations, (4) protracted unresolved conflict, and (5) radicalization in prisons. Notably, four of the five drives are present here; each is discussed in greater detail in the Subpart below.

131. Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARVARD L. REV. 518, 522–528 (1980).

A. “Push” and “Pull” Factors

There is no justification for terrorism. Yet, to prevent and better understand the root causes of violent extremism, it is significant to identify, analyze, and address the social, political, and economic factors that animate it in any particular country or region. In fact, extremist ideologies, and the groups that promote them, may attract individuals with real or perceived grievances in a country rife with human rights violations and challenged with poor governance and little economic opportunity. While the radicalization process is individualized, research has revealed a number of patterns.

The trends driving individuals to embrace violent extremist ideologies include both “push factors” and “pull factors.”¹³² Push factors refer to conditions that are conducive to violent extremism. Such factors that are structural within society include: (1) lack of socioeconomic opportunities, (2) marginalization and discrimination, (3) poor governance, violations of human rights, and the Rule of Law, (4) prolonged and unresolved conflicts, and (5) radicalization in prisons. In contrast, pull factors are individual reasons that transform grievances into acts of terrorism. Representative psychological factors that increase vulnerability including: (1) individual backgrounds and motivations, (2) collective grievances and victimization stemming from domination, oppression, subjugation or foreign intervention, (3) distortion and misuse of beliefs, (4) political ideologies and ethnic and cultural differences, and (5) leadership and social networks.

The U.N. Secretary-General has emphasized the significance of identifying, analyzing, and addressing such “push” and “pull” factors to counter violent extremism in the 2015 VE Action Plan. The Plan discusses five primary drivers as noted: lack of socioeconomic opportunities; marginalization and discrimination; poor governance, violations of human rights and the rule of law; prolonged and unresolved conflicts and radicalization in prisons. The first four drivers are addressed in relevant part here.

First, the lack of socioeconomic opportunities is a key driver of violent extremism. According to a 2017 United Nations Development Program (UNDP) Report, economic exclusion, unemployment, and limited upward mobility can contribute to experiences of alienation and result in radicalization. This is particularly so in countries where frustrated youth lack meaningful employment opportunities despite college degrees due to a country’s inability to create jobs, reduce poverty, check corruption, and generate economic growth. Such conditions not only delegitimize government institutions, but also render violent extremist groups a viable alternative and source of income. In fact, the World Bank has identified a causal link between economic opportunity and violent extremism.¹³³ In its 2016 economics-based study, it suggested that the lack of

132. U.N. Secretary-General, *Plan of Action to Prevent Violent Extremism*, ¶ 23, ¶¶ 32–37, U.N. Doc. A/70/674 (Dec. 24, 2015).

133. WORLD BANK MIDDLE E. AND N. AFR. REGION, *MENA ECONOMIC MONITOR: ECONOMIC SOCIAL INCLUSION TO PREVENT VIOLENT EXTREMISM* 11 (2016).

socioeconomic opportunities would produce more grievances with the State and higher rates of radicalization. In the instant context, Beijing's migration policies have resulted in economic growth in Xinjiang that have benefitted Han locals and migrants to the economic exclusion of the indigenous Uigher population.

Second, the UN has also identified marginalization and discrimination as another driver of violent extremism. Such experiences may be related to various aspects of one's social identity or status such as class, race, gender, ethnicity, and religion. It includes limited employment opportunities, restricted access to public services, and challenges to religious freedom. Arguably, an equitable, tolerant, socially inclusive society is less likely to produce disenfranchised and alienated individuals more likely to embrace extremist ideologies to realize their goals.¹³⁴ Here, representative manifestations of institutionalized discrimination in a contemporary context include the mass internment camps, sophisticated surveillance systems, a renewed "Strike Hard" campaign, and pervasive restrictions on religious freedom.

Third, poor governance, violations of human rights, and flailing rule of law is a distinct driver of violent extremism. The VE Action plan observes that support for and sympathy with violent extremism has been linked with repressive policies and practices that violate human rights and undermine the rule of law, including the failure to uphold civil, political, economic, social, and cultural rights on account of race, ethnicity, nationality, gender, race, and religion.¹³⁵ When such behavior or misconduct is met with corruption and impunity, violent extremists highlight such poor governance and manipulate public alienation to gain recruits and legitimacy. Additionally, the 2017 UNDP Report found that an overwhelming 71 percent pointed to 'government action', including 'killing of a family member or friend' or 'arrest of a family member or friend', as the triggering incident that pushed them toward a violent extremist organization. The UNDP also found a causal link between "political violence and experiences or perceptions of injustice, corruption, and systematic discrimination" while explicating "[p]eople do not take up guns because they are poor, but because they are angry and frustrated."¹³⁶ Many resort to violent extremism because they perceive it as necessary to rectifying injustices. In the instant context, a Uigher separatist movement emanated from Beijing's longstanding pattern of human rights abuses. According to Beijing, Uighers are "terrorists" and this is attributed to their Islamic faith beliefs and practices. Framing their separatist movement as "terrorism" is largely reflective of the shift in public and political discourse post-9/11. Arguably, the separatist movement—that has culminated in some instances of violence—is not reflective of religion but an outgrowth of Beijing's poor governance, human rights violations, and failing rule of law. In recent years, that official repression has only intensified culminating in myriad violations of Uigher

134. *Plan of Action to Prevent Violent Extremism*, *supra* note 132, ¶ 26.

135. *Id.* ¶ 27.

136. U.N. DEV. PROGRAM, HUMAN DEVELOPMENT REPORT 2016: HUMAN DEVELOPMENT FOR EVERYONE 21 (2016).

civil, political, social, economic and cultural rights. For instance, these include the right to life, religious freedom, right to take part in cultural life, prohibition on torture, forced labor, right to liberty, security of person, liberty of movement, and the right to privacy, among others.

Lastly, prolonged and unresolved conflicts is another key driver of violent extremism. This is because such protracted conflicts breed insidious narratives grounded in grievances that help amplify violent extremist messaging justifying revenge. These grievances may stem from foreign intervention, occupation, and oppression. Violent extremists exploit such prolonged and unresolved conflicts to attract support, manipulate public sentiment, and secure resources. Significantly, a peaceful and secure society is the foundation from which other drivers can be prevented.¹³⁷ As such, the UN Secretary General has urged the peaceful resolution of all prolonged conflicts, stressing that “[w]hen prevention fails, our best strategy towards securing lasting peace and addressing violent extremism entails inclusive political solutions and accountability.”¹³⁸ In the instance, the Uigher desire for autonomy in a region Beijing views as economically and geographically strategic remains elusive.

Beijing falsely asserts that Uigher cultural and religious identity constitute an internal threat. While human rights should not be securitized but promoted in its own right, the evidence reveals that the actual threat to Chinese security, unity and strength is found in Beijing’s repressive laws, policies and practices. As such, with respect to its Uigher Muslim population, it is in Beijing’s strategic interests to enhance socioeconomic opportunities while eliminating discrimination against Uigher Muslims, close mass internment camps, cease employment of sophisticated surveillance systems, discontinue the renewed “Strike Hard” campaign, restore religious freedom, and permit increased autonomy in Xinjiang. In this way, Beijing’s strategic interests will converge with those of the minority ethnic group.

CONCLUSION

As noted, Beijing’s human rights violations—undermining Uigher civil, political, social, cultural, and economic rights—are part of a longstanding pattern of abuses spanning decades and culminating in varied separatist movements. In the aftermath of 9/11, Beijing began to adopt the discourse of the “war on terror” to justify its repressive laws, policies, and practices. Today, Uighers are subject to the world’s most sophisticated mass surveillance system, interned at “re-education camps,” and experience pervasive religious freedom restrictions. In response to U.S. criticism, Beijing insists on denial. In fact, its laws, policies, and practices are creating fertile breeding grounds for violent extremism domestically and internationally. As such, it is in Beijing’s strategic interest to respect, protect, and advance human rights for all Chinese citizens.

137. G.A. Res. 70/1, ¶ 35 (Oct. 21, 2015).

138. *Plan of Action to Prevent Violent Extremism*, *supra* note 132, ¶ 30.