



## The Effectiveness of Freedom of Religion or Belief as a Framework in International Relations: The Case of Uyghur Muslims and Other Religious Minorities in Xinjiang, China

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# THE EFFECTIVENESS OF FREEDOM OF RELIGION OR BELIEF AS A FRAMEWORK IN INTERNATIONAL RELATIONS: THE CASE OF UYGHUR MUSLIMS AND OTHER RELIGIOUS MINORITIES IN XINJIANG, CHINA

By David Garcíandía Igal 

**T**errorism, separatism and extremism. This three-headed idea is known in Mandarin Chinese as *sangu shili*, commonly translated in English as “three evil forces” or “three evils” (Ogden 2019) and is used by China to frame the situation in Xinjiang as a national security matter. China argues that the problem in the region is a domestic issue and therefore, according to the principle of territorial sovereignty, the international community has no right to proclaim itself involved—responsibility to protect cannot be activated. Under this framework, international criticism and sanctions against China are conceived as a strategy pursued by some Western anti-China forces to damage the image of China

**Abstract:** This article assesses the effectiveness of religious freedom as a framework in international relations for its ability to define the issue in Xinjiang and propose solutions. In defining the problem, religious minorities other than Muslims, such as Christians, are ignored. This prevents social awareness and policy from addressing the issue, and fosters the Muslim majority to appropriate the Uyghur identity, marginalizing the non-Muslim religious minorities. Moreover, other identities (e.g. national, ethnic or linguistic) and causes of the conflict (e.g. socio-economic inequalities or historical resentment) are often overlooked. In solving the problem, no solutions are proposed to the underlying issue (separatist movements). On the other hand, China’s alternative framework defines the problem (terrorism, separatism, and extremism) and provides the basis from which to propose (savage) solutions: sinicization.

**Keywords:** Freedom of religion or belief, human rights, Xinjiang, China, Uyghurs, Islam, Christianity

and hold back its economic and geopolitical development.

On the other hand, critical international actors with China frame the situation in Xinjiang as an issue of human rights violations, thus legitimizing coercive actions. If universal human rights are violated, international human rights watchdogs must react. Consequently, critical actors open the door to imposing sanctions on China, such as the United States (US) Customs and Border Protection ban on cotton and tomato products produced in Xinjiang (US Customs and Border Protection 2021), or the European Union (EU) travel ban and asset freeze on some officials and institutions in Xinjiang (Council of the EU 2021). Framing is therefore not a neutral decision but a political act, since each framework has different implications.

There is a right of particular relevance within the universal human rights framework embraced by critical international actors with China: freedom of religion or belief (FoRB). This is one of the most sensitive and more protected human rights, especially by the US (Cassidy 2013). The Asian country avoids framing the situation in Xinjiang as an issue of religious freedom at all costs since violations of this right provide a strong narrative for critical international actors to legitimize coercive measures in a context where China needs healthy international relations to sustain its development (Lin 2011). Moreover, FoRB is frequently singled out among other human rights violations. For example, when EU High Representative Josep Borrell issued the official statement on the Xinjiang report of the Office of the High Commissioner for Human Rights of 31 August 2022, he pointed out the “severe restrictions on the exercise of fundamental freedoms, including freedom of religion or belief” of the Uyghurs (Borrell 2022). Mr. Borrell specifically mentioned FoRB among all human rights, but not other rights. Although this right is embedded as part of the broader human rights framework, it tends to stand out among other human rights when discussing the situation in Xinjiang.

## How to Measure the Effectiveness of FoRB?

Two elements can be looked at to measure the effectiveness of religious freedom in international

relations. The first element is how accurate the framework is for *describing* (i.e. accurately capturing all elements of the conflict within the definition) what is happening in Xinjiang. The second element is how accurate the framework is for incorporating solutions to *solve* (e.g. offering concrete policies) the problem. The article argues that the religious freedom framework used by critical international actors only describes (with limitations) the reality but does not offer solutions, whereas the territorial sovereignty and national security framework used by China does point to specific policies in addition to defining the situation. The reason is that both frameworks are not functionally equivalent, even though law and policymakers from both sides use them to refer to the same situation.

In relation to the first element, the way in which the critical international community uses the religious freedom framework describes with limitations the situation on the ground in Xinjiang. The first shortcoming is that the framework ignores other religious minorities (e.g. Uyghur Christians), as it only addresses the situation of the religious majority (Uyghur Muslims). The second limitation is that the framework often overlooks, or at least does not pay enough attention to, other identities (e.g. ethnic, linguistic or national) and causes (e.g. socio-economic inequalities or historical resentment) that play a role in the underlying issue (i.e. separatist movements) in addition to religion.

In relation to the second element, the framework has problems in proposing solutions to the situation in Xinjiang. The religious freedom framework merely states that the Asian country should respect such a human right, highlighting the problems of the solution offered by the competing framework. But then what? Nothing—it does not offer any policy recommendation for China to solve the issue of separatist movements. It does not do so because FoRB is not a framework designed to solve the underlying problem to which it applies. Moreover, the framework fails to reconcile the relationship between the fight against terrorism and the protection of human rights, as it has been unable to accommodate China’s efforts to fight

separatism, ignoring the violence that religion has sometimes fostered in the region. However, the territorial sovereignty and national security framework used by China does constitute the basis for (brutal) policies to deal with separatist movements in Xinjiang.

It is by no means the intention of this study to argue that international actors critical of China emphasize religious freedom precisely because it is a less effective framework for solving the issue in Xinjiang. On the contrary, these international actors seek to guarantee the right to the maximum possible extent—an interest that is shared by the author. However, this article highlights some of the deficiencies of the use of FoRB as a framework in international relations and suggests ways of improvement.

## The Issue in Xinjiang: A Multifaceted Conflict

### *Ethnic Tensions in China*

The People's Republic of China officially recognizes 56 ethnic groups. In addition to the majority Han, which accounts for more than 90 per cent of the population, there are 55 legally recognized ethnic minorities (National Bureau of Statistics of China 2021). Under Sun Yat-sen's leadership, nationalism was established as one of the three essential pillars (along with democracy and livelihood) of the Republic of China (1912–1949) and the Han ethnic identity was reinforced as the backbone of Chinese nationalism—being Chinese, as it is the case today, was associated with being Han (Mullaney 2011). Nonetheless, the politics of ethnicity experienced a change with the establishment of the People's Republic of China in 1949 (Mackerras 2003, Chapter 2). The communist regime did not initially envisage a unified China based on race, as the previous regime did, but a multi-ethnic system grouped around a sincere belief in socialist principles. Therefore, the Chinese Communist Party (CCP) granted legal recognition to ethnic groups on the basis of self-identification. This policy resulted in more than 400 self-reported ethnic groups being registered in the 1953 census. The recognition of so many ethnic groups created numerous problems

because that number was too high “to be a suitable figure for implementing regional autonomy or a manageable figure for the CCP” (Linzhu 2015, 6).

In reaction to these difficulties, the CCP commissioned the Ethnic Identification Project (Mullaney 2011, 23). Adapting Marxist doctrines on minorities and nationalities, China recognized 15 minorities in addition to the 11 “generally accepted minorities” (Linzhu 2015, 9). A second phase of the project was initiated in the 1980s, although it was in the 1990s that the current categorization of 56 ethnic groups was finally established. In this context, the relationship between ethnic groups has never been easy, especially between the Han majority and the rest of ethnic minorities. Brennan Davis defines it as a convoluted relationship “consistently marked by Han feelings of superiority” (Brennan 2020, 87).

The most acute ethnic minority conflict in China today is that of the Uyghurs. The vast majority of them reside in Xinjiang Uyghur Autonomous Region, one of China's five autonomous regions. This northwestern region is a vast amount of desolate land that shares frontiers with Mongolia, Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Afghanistan, Pakistan and India—indeed, the name Xinjiang means “new frontier” in English. Its strategic location makes this region key to trade with Central Asia (Warikoo 2016), which is why it is a cornerstone of the Belt and Road Initiative (Hayes 2020). Additionally, this autonomous region also has great value since it “contains huge coal and oil reserves, believed to be three times those of the United States,” and it has a nuclear weapons test base (Moneyhon 2002, 121). The interest of China in maintaining control over this region is evident.

### *Uyghurs and Xinjiang: Fusion of Identities*

Xinjiang is composed of several ethnic groups. According to preliminary data from the seventh national census in 2020 (Xinjiang Population Dynamics and Data 2021), Uyghurs accounted for 44.96 per cent (a percentage that has been declining in recent years) of a total population of

25.85 million in Xinjiang. Han accounted for 42.24 per cent (a percentage that has been increasing in recent years). Other minority ethnic groups such as Kazakhs, Hui, Kirgiz, Mongols, Xibes, Russians, Tajiks, Uzbeks, or Manchus complete the picture. The Uyghur ethnic group has always been the majority in the region now known as Xinjiang: for example, Uyghurs accounted for more than 60 per cent of the population in 1944, with some 92,000 out of 192,000 (Benson 1990, 44). While it is true that today's Xinjiang region is not only Uyghur, the Uyghurs *are* Xinjiang: only recently have other ethnic groups had a significant demographic presence in the region (Mackerras and Clarke 2009).

The Uyghurs are an ethnic group (one of the 56 legally recognized) with strong ties to a particular religion (Islam), language (Uyghur), territory (Xinjiang) and culture. These markers broadly shape Uyghur identity and serve to create a distinct sense of belonging vis-à-vis other ethnic groups in China (especially the Han), although Uyghur identity is not homogeneous as there is variety within the group itself (e.g. there is a small minority of Uyghur Christians). The national identification of Uyghurs with Xinjiang, which in certain historical periods has materialized in attempts at independence, has traditionally been in tension with the Chinese state's centralization of power (Xiaowei 2016). In this context, Islam plays an important, albeit not exclusive, role in the national identity of Xinjiang. For instance, during the 18th and 19th centuries, there were numerous rebellions and uprisings that were "often materialized as Islamic 'holy wars' against the Chinese infidels" in Xinjiang (Moneyhon 2002, 125). A clear example of the fusion of Islam and nationalism is the Ili Rebellion in 1944, which apparently had the enthusiastic support of a large part of the population (Benson 1990, 45). A tract issued under the name of Elihan Töre (the most prestigious religious leader and Islamic scholar in the region, who served as the first president of the Provisional Government) and stamped with the seal of the Government of East Turkestan reads as follows:

The Turkestan Islam Government is organized: praise be to Allah for his

manifold blessings! Allah be praised! The aid of Allah has given us the heroism to overthrow the government of the oppressor Chinese. But even if we have set ourselves free, can it be pleasing in the sight of our God if we only stand and watch while you, our brethren in religion ... still bear the bloody grievance of subjection to the black politics of the oppressor Government of the savage Chinese? Certainly our God would not be satisfied. We will not throw down our arms until we have made you free from the five bloody fingers of the Chinese oppressors' power, nor until the very roots of the Chinese oppressors' government have dried and died away from the face of the earth of East Turkestan, which we have inherited as our native land from our fathers and our grandfathers. (Benson 1990, 45–46, citing a report by American Consul Robert Ward in 1945)

Since the People's Liberation Army occupied Xinjiang in 1949, the modern Chinese state has sought to tighten its control over the region. Integration policies in Xinjiang have varied historically, ranging from the softer approach of accommodation to the harsher approach of assimilation. Nevertheless, "the underlying goals of quelling unrest, moving the Uighurs steadily towards assimilation, and ensuring continued control over the region have always guided central government decision-making" (Moneyhon 2002, 128). The trend towards assimilation-oriented policies has intensified in recent years (i.e. recent policies developed under the label of "sinicization"), especially after Xi Jinping's rise to power (Roberts 2020).

## China's Territorial Sovereignty Framework: Sinicization as the Solution

In this context, the Chinese government is applying a territorial sovereignty framework to define the matter as a national security issue (i.e. terrorism, separatism and extremism) in order to legitimize the imposition of measures to solve the problem of separatist movements and social

instability in Xinjiang (and thus reinforcing the power of the CCP over the territory). Needless to say, the framework used by China has enormous limitations in defining the situation, as Islam is presented as excessively linked to religious extremism and separatism. Likewise, the framework is the basis on which to pursue policies that *solve* the problem but are nonetheless savage.

A key sinicization policy is the movement of large masses of Han people to unstable regions as a way of ensuring control over them. This process has been described by some authors as an “integration by immigration” and a type of “internal colonialism” (Gladney 1998). This policy aims to create a non-Uyghur ethnic majority in the autonomous region in order to create a pro-Han-China social majority. This is a way through which the Chinese state seeks to strengthen its popular legitimacy in Xinjiang, reinforcing Chinese nationalism in the region and reducing social support for separatist movements. However, this demographic policy has created inequalities in Xinjiang that have reinforced the Uyghur identity and nationalist sentiment. First, the demographic trend is causing the Uyghurs to reduce their population weight in the region. Second, there are increasing socio-economic inequalities, as Chinese immigrants arriving in Xinjiang primarily identify with the urban population with better-paid jobs (e.g. businessmen or officials in the Administration) than the Uyghurs, who are more characterized by living in rural areas and working in agriculture and animal husbandry (Nadirov 1999).

Other sinicization initiatives are not as subtle but clearly constitute human rights violations. For example, the Chinese state started an operation in 2014 to control the Uyghurs known as the “Strike Hard Campaign Against Violent Terrorism.” This initiative was launched as a reaction to some isolated acts perpetrated by radical separatist groups or lone actors during the last decades, such as the killing of 31 people in 2014 at a street market in Urumqi. The campaign has been particularly acute since 2017, going beyond any reasonable principle of proportionality (Dooley 2020). Numerous international actors, including the United

Nations (OHCHR 2018) and the United States (Pompeo 2021; US Department of State 2022), as well as parliaments like those of the European Union (European Parliament 2018), the United Kingdom (UK Parliament 2021), or Canada (House of Commons Chambre des Communes Canada 2021), have denounced the Chinese state’s initiatives in Xinjiang. Some examples cited are the forced sterilization of women to prevent the growth of the Uyghur population, forced labor for part of the Uyghur community, or re-education camps where “dangerous” Uyghurs are interned and subjected to harsh indoctrination. These initiatives are a way to make the Uyghur identity assimilate the so-called Chinese characteristics and become fully integrated into a pro-Han exclusionary idea of Chinese civilization. This is why some international actors have started to use the label of cultural genocide and crimes against humanity.<sup>1</sup>

Sinicization policies targeting Islam stand out, since this religion is a crucial identity marker for most Uyghurs. These policies represent a means through which to promote China’s territorial integrity and prevent separatist movements in Xinjiang, due to the fact that Islam and nationalism are in many cases strongly fused. As it has been explained, Islam has served as a vehicle to legitimize separatist movements on many occasions. This is the reason why the Chinese state focuses its efforts heavily on Islam, portraying the issue of Uyghur separatism as intimately connected to radical Islam (Clarke 2007). In this regard, some of the most prominent sinicization initiatives on religion in Xinjiang include the razing of mosques, limitations on religious expressions in public such as beards or clothing, or the prohibition of children under 18 from entering mosques (Freedom House 2021). However, China does not target religion as an end in itself but because it may represent a means that hinders the control and unity of the state, even more so in a region as strategic as Xinjiang.

## Is Religious Freedom an Effective Framework in the Xinjiang Conflict?

On the other hand, critical international actors apply a human rights framework to the



situation in Xinjiang, thus legitimizing sanctions and other punitive measures against China. Within this framework, freedom of religion stands out due to the importance of religion in the national identity of Uyghurs (object perspective) and to the particular significance that the international community confers to this human right (subject perspective). However, this framework has some limitations as it defines the situation with shortcomings and does not provide a basis on which to develop policies to solve the issue. It is the limitations associated with these two functions (i.e. defining and solving) that undermine the effectiveness of religious freedom as a framework in international relations in the particular case of Xinjiang.

The framework, as it is applied by the international community, has an important limitation in relation to the function of defining since it identifies the repression in Xinjiang exclusively with a particular religion: Islam. However, other religious affinities that are repressed as well remain totally unnoticed. How many times has the reader heard about Christian Uyghurs in “re-education camps”? Neither policymakers, the media nor academia has paid sufficient attention to these religious minorities that are also being targeted by sinicization policies. The recent “Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China” published on Michelle Bachelet’s last day as UN High Commissioner for Human Rights on 31 August 2022 does not mention the term “Christian” or “Christianity” even once. The only reference to other religions is found in the first footnote when it is stated that “[t]he Office is mindful, however, that there are non-Muslim members of these communities and that people from other groups may have also been affected by some of the policies discussed in this report” (OHCHR 2022, 1). Similarly, none of the documents on the subject issued so far by the European Parliament makes any mention of other religious groups. In its most recent resolution on the human rights situation in Xinjiang on 9 June 2022, the European Parliament admits in paragraph G that “various NGOs have repeatedly reported that China has been

pursuing the mass detention of Uyghurs, Kazakhs and other predominantly Muslim ethnic groups in Xinjiang” (European Parliament 2022). However, no religious groups other than Muslims are named.

The United States is the exception to this trend in the international community—it is the actor with the most sophisticated language in the application of the FoRB framework in Xinjiang, as it recognizes to some extent the existence of other religious minorities. The Office of International Religious Freedom of the US Department of State acknowledges in the “2021 Report on International Religious Freedom: China - Xinjiang” that, in addition to Uyghur Muslims, “ethnic Kazakhs, Hui, and members of other Muslim groups as well as some Christians” have been repressed (US Department of State 2022). This observation is not new but has appeared in the reports of the last few years. The reader might think that the US could be inventing the existence of Christian minorities in Xinjiang in order to legitimize its foreign policy, since part of US society is more enthusiastic about the protection of Christian minorities than about the protection of Muslim minorities. However, this argument is false. The existence of such Christian minorities in Xinjiang has been well documented by several organizations (Aid to the Church in Need 2021). The fact that the US can benefit from this circumstance does not imply that it is not true.

The international community does not pay as much attention to religious diversity in the issue of Xinjiang as it does, for example, to ethnic diversity. Most policy documents related to religious freedom in Xinjiang recognize the existence of different ethnic groups but, however, do not apply the same rigor in dealing with the religious issue and do not acknowledge that there are other religious minorities also repressed besides Muslims. This shortcoming is based on the fact that the vast majority of people targeted by extreme sinicization policies are Muslims, but also on a lack of awareness of the issue among most international actors—a deficiency that this article aims to address.

There are testimonies of Uyghur Christians and Christians from other ethnic minority groups in Xinjiang who suffer the same

repression as Uyghur Muslims and Muslims from other ethnic minority groups.<sup>2</sup> However, applying the religious freedom framework only to Uyghur Muslims or, more broadly, to Muslims, neglects the existence of the other religious minorities. In this regard, the international media often find it difficult to describe or report on the issue in Xinjiang when the subjects are Uyghurs who are, for example, Catholics or Protestants. As a consequence, the public is not very aware of the repression of these non-Muslim Uyghur minorities and, therefore, the social pressure exerted on the law and policymakers of the international community is lower than it could be. One way to change this trend and foster policy and law to start taking more account of these minorities in the framework of FoRB would be precisely to increase social awareness of the issue through reports and news in the media giving a more accurate and complete picture of the situation.

A second consequence of the exclusive application of the framework to Uyghur Muslims is that the differences between the Muslim majority and the other religious minorities are accentuated. In this sense, the frontiers between religious groups become more pronounced, “overcoding” the boundaries between them (Connolly 1995, 167). The repression can strengthen the identity of and bonds between the members of a persecuted religious group. This effect can cause religious groups to enter into a dynamic of self-affirmation and differentiation from other religious groups (Stringer 2013, 137). In a context where there is already some prior discrimination against non-Muslims within the Uyghur community, referring only to Uyghur Muslims as the subjects of violation of the human right to religious freedom reinforces the appropriation of the identity by this majority, *othering* the rest of religious minorities within the Uyghurs. Consequently, the international community may be (unwittingly) deepening a double inequality towards the non-Muslim Uyghurs since, in addition to suffering from Chinese repressive policies, such religious minorities are marginalized by their own ethnic group and the international community. Ignoring religious

minorities is not new. Referring to France, Talal Asad argues that “the crucial difference between the ‘majority’ and the ‘minorities’ is, of course, that the majority effectively claims the French state as its national state” (Asad 2003, 165). Although France is a very different case, what is argued in this article is that a framework in which religious minorities are not mentioned, identifying the entire ethnic group exclusively with the majority religion (Islam), favors the religious majority to appropriate the identity in question (being Uyghur) and to exclude religious minorities (Uyghur Christians) from that identity.

Another problem with the defining function of the religious freedom framework in the Xinjiang issue, or the human rights framework more generally, is that it can overlook other causes of the conflict (for examples in different locations see Kaplan 2007; Haefeli 2012; or Makdisi 2000). When a problem is reduced only to a question of religious persecution, the complex human reality is lost sight of. In many situations, religion may be present in the conflict, although the cause(s) of the violence may be different (Gregg 2014). In other words, religion is sometimes not the *generator* of violence, but only a *conductor* (or both). Can we say that Uyghurs and other ethnic minorities are interned in re-education camps only because of their religions (or absence of religions) and not due to other motivations? Certainly not. The situation would not be accurately defined under an exclusive religious freedom framework that focuses only on the sinicization of Islam and the repression of religious expressions. The conflict is more complex. Even if religious freedom were guaranteed in Xinjiang, the problem would continue. Islam is targeted due to its role as a national identity maker since the main obsession of China is the unity of the country. For the CCP, the control of religions linked to independence in Xinjiang is a means to ensure control over that territory. In this respect, Islam has been associated with violence exercised by separatists, reason why sinicization policies target so much this religion. In the case of Uyghur Christians who have been interned in re-education camps, it is not clear whether the



reason is due to some sort of connection between Christianity and separatist movements in Xinjiang, personal circumstances of the detainees, simply by extension because they are Uyghurs who have religious beliefs, or other causes, as there is a great lack of information on this ignored group.

Therefore, it is important not to ignore other identities (e.g. national, ethnic, or linguistic) and causes (e.g. socioeconomic inequalities or historical resentment) in the Xinjiang conflict (Beaman 2013, 147). The international community usually performs better in the former than in the latter. The European Parliament, for example, has included ethnic diversity and other considerations such as the right to work or freedom of cultural expression in many of its resolutions. For example, this is the case of the resolution on forced labor and the situation of the Uyghurs in Xinjiang of 17 December 2020, in which the EU Parliament “[s]trongly condemns the government-led system of forced labor, in particular the exploitation of Uyghur, ethnic Kazakh and Kyrgyz, and other Muslim minority groups” (European Parliament 2020). Ethnic diversity is usually recognized, though not religious diversity. Including other considerations linked to the origin of the problem in addition to religion in the human rights framework is an element that helps to better define the situation in Xinjiang. Although the international community is partly doing so, there is still room for improvement.

Critical international actors do not usually address the issue of violence by separatists and its link to Islam. The FoRB discourse often incorporates examples of cases where people in Xinjiang have been unjustly convicted of terrorism, but never offers a more balanced view by acknowledging that there are cases where terrorist acts have indeed been committed in the name of Islam and that, therefore, China has in some respect not only a duty but an obligation to act (this absence is clear, for example, in the

forementioned US State Department “2021 Report on International Religious Freedom: China - Xinjiang”).

Addressing the issue of religious extremism can serve to improve China’s national religious policies. A Chinese religious authority told the author in a private conversation that some national religious policies, such as banning children under 18 from participating in religious services, are implemented because of the situation of Islam in Xinjiang—the government claims that many children drop out of school and receive training at mosques, where they are indoctrinated. In other words, it is the Uyghur issue that sets the standard for some religious

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policies for the rest of China. In this context, the international community should increase efforts to isolate radical Islam from the *normal*<sup>3</sup> practice of religion within the framework and thus try to convince China to delink policies aimed at combating terrorism from those of a general nature for all religions in the state. The

first step would be to recognize the problem of the existence of violent separatists and their link to religious extremism.

Finally, the last problem related to the effectiveness of the religious freedom framework is that it does not provide a basis for policies to solve the matter in Xinjiang—or, at least, to solve the religious part of the issue, which is the use of Islam as one of the justifications for separatism. China has an issue that needs to be addressed (separatist movements) and that constitutes the reason for the policies that it has undertaken (sinicization), violating various human rights. Critical international actors demand China to respect human rights, with special attention to freedom of religion. But then, what? What about the underlying issue? The territorial sovereignty framework used by China, which conceives the issue as an internal matter of national security related to terrorism, constitutes the basis on which to legitimize sinicization policies that (ill-

advisedly) *solve* the problem of separatist movements (e.g. mass migration of Han Chinese to Xinjiang, re-education camps or sterilization of some women). However, the FoRB framework describes the problem but not the solution. Moreover, such a framework does not even point to the underlying problem but only to the problems of the Chinese solution, arguing that a certain condition, not guaranteed by the Chinese policies, must be respected (religious freedom). Critical international actors must address this lack of solutions to the problem in Xinjiang.

## Conclusion: Recommendations for Improvement

The FoRB framework has some limitations when defining the situation in Xinjiang and is less effective to solve the issue than its Chinese counterpart (territorial sovereignty and national security), since it does not propose any solution to the underlying matter (separatist movements) but only points out the problems associated with the solution (sinicization) offered by the competing framework, merely advocating that a certain condition (FoRB) must be respected. In this regard, the article has pointed out several limitations and recommendations for critical international actors to consider incorporating into the religious freedom framework.

In relation to the defining function, two problems and their solutions have been highlighted. First, the international community often ignores religious (and non-religious) minorities other than Muslims. With a few exceptions (such as the United States) many countries, international organizations and, above all, the media, fail to recognize that other religious minorities such as Christians (both Uyghurs and from other ethnic groups) are also subject to sinicization policies. In addition to being ignored at the international level, which discourages social awareness and states to act, these groups are marginalized within their own communities, as the ethnic identity of their group is always associated with a particular religion, which overrides other intra-group minority religious identities and marks them as not real members of their ethnic group. It is recommended that the

FoRB framework be improved by designing a more sophisticated and careful discourse to incorporate these minorities when addressing the issue in Xinjiang. Second, there are other identities (e.g. national, ethnic or linguistic) and causes (e.g. socioeconomic inequalities or historical resentment) besides religion at the root of the problem. In this regard, it is recommended that the international community deepen the recognition of these elements in the broader human rights framework.

In relation to the solving function, two limitations and recommendations have been highlighted as well. First, in order to help to improve the lack of religious freedom in China, the framework should de-link religious extremism from the peaceful practice of religion. This could help convince China not to determine national religious policies by the situation of the Uyghurs, as well as to make regional religious policies in Xinjiang more respectful of non-conflicting religious practices. Second, to help to resolve the underlying situation regarding violence by separatist movements, it would be necessary to offer policy recommendations to China on how to deal with separatist violence (and its link to religion) while respecting human rights, based on similar experiences suffered by international actors critical of China (e.g. the IRA in the UK). While it could be argued that solving the underlying problem is not a function of human rights discourse *per se*, this article encourages international actors to include policy recommendations when addressing the issue of FoRB in Xinjiang.

However, China is unlikely to accept such policy recommendations. The reason is that it does not accept the terms of the religious freedom framework, systematically denying that such a problem is involved, not only because of the defining and solving deficiencies noted in this article but also for three other reasons. First, a value-related reason: Xi's China does not share the framework's values. Second, a strategic-related reason: China refuses to talk about this issue because it knows that it is a very sensitive human right in the international community—accepting a religious freedom

problem framework would mean subjecting oneself (even more) to enormous international public scrutiny. Third, a tactical-related reason: guaranteeing religious freedom to the Uyghurs could aggravate the problem, since recognizing them an expansive view of this right could represent the gateway to other freedoms and the consequent loss of control of the CCP (although this thinking tends to overlook that sometimes it is precisely the persecution of a group that reinforces group identity as a form of resistance to the oppressor).

So why bother upgrading a framework that China is unlikely to accept? It is important to offer constructive feedback because it shifts the

burden of rejecting the recommendations to China's side. In this way, the genuine belief in human rights of critical international actors is signaled. These actors would be sending the message that they do not only whip and criticize but also aim to understand, help and support China to improve the human rights situation in Xinjiang. Otherwise, the promotion of human rights risks becoming a mere declaration of good intentions, due to lack of results, or a weapon in international politics, due to a lack of sincere willingness to help China move forward on the path of human rights. ♦

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## About the Author

**David Garcíandía Igal** is a PhD candidate in Law at the University of Oxford (Government of Navarre scholarship). He teaches EU law at SOAS and he is the Research Assistant to the UN Special Rapporteur on Freedom of Religion or Belief. MPhil in Politics and International Studies at the University of Cambridge (Ramón Areces scholarship) and BBA and LLB, *summa cum laude*, at the Public University of Navarre. His main research interests span comparative and international human rights law, and EU external relations law. China's side, signaling therefore the genuine belief of critical international actors in human rights

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## Notes

1. See, for example, the declarations of Michael R. Pompeo, US Secretary of State during the last part of the Trump Administration, on 19 January 2021. He stated that "after careful examination of the available facts, I have determined that the PRC, under the direction and control of the CCP, has committed genocide against the predominantly Muslim Uyghurs and other ethnic and religious minority groups in Xinjiang" (Pompeo 2021). The legislative bodies of several Western countries, such as the US, Canada, the UK, the Netherlands, Belgium, France, Lithuania, Czechia and Ireland have made similar claims. The European Parliament, however, has been slightly more moderate and only in June 2022 declared that "the credible evidence about birth prevention measures and the separation of Uyghur children from their families amount to crimes against humanity and represent a serious risk of genocide" (European Parliament 2022). Although the legislature has little competence in foreign affairs in most of these countries and in the EU (this is precisely part of the reason why their language is harsher than that used by their governments), they nonetheless play an important role in international affairs (such as influencing public opinion) which deserves attention.
2. See, for example, the testimony of Ovalbek Turdakun, a Christian Kyrgyz who arrived in the United States after spending ten months in a detention camp in Xinjiang (Allen-Ebrahimian and Markay 2022).
3. Article 36 of the Constitution of the People's Republic of China protects only "normal religious activities".

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