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REVIEW

UYGHURS IN THE CONTEMPORARY INTERNATIONAL SOCIETY: FROM AWARENESS TO ACTION

by Fatou Diouf, Thomas Dufermont, Irène Girard, Vincent Lefebvre, Candice Schmitz & Iman Seepersad

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Abstract

For decades, the Uyghur people, a Turkic-speaking Muslim minority in China's Xinjiang Autonomous Region, have been persecuted by the Chinese authorities. But since 2014, the repression has turned into a policy of genocide and mass detention. In the camps, Uyghurs are subjected to a Chinese cultural assimilation policy, women are forcibly sterilised and children are placed in Han families, the predominant Chinese ethnic group, with the aim of eliminating all forms of ethnic and religious diversity in the region. Countless, probably millions, have died in the camps or as a result of the reprisals during demonstrations against these discriminatory policies. In the face of this critical situation, the international community has been slow to respond. The fate of the Uyghurs and other minorities suffering from the genocidal policies of the Chinese authorities calls on the international community to find a solution urgently. This “cultural genocide”¹ against the Uyghurs is everyone's responsibility - leaders, multinationals, the media and consumers - and it is essential to understand the underlying realities in order to take action. The purpose of this dossier is to state the facts and provide a detailed analysis of the role that each actor may have in this crime against humanity, while formulating hypotheses for a solution.

¹ A controversial concept not recognised as such in international law, used by the German anthropologist Adrian Zenz. For instance, it is not found in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

According to Article 6 of the Rome Statute on the International Criminal Court, the crime of genocide is defined as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: a) Killing members of the group; b) Causing serious bodily or mental harm to members of the group; c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; d) Imposing measures intended to prevent births within the group; e) Forcibly transferring children of the group to another group.”

UNITED NATIONS. (1998). *Rome Statute of the International Criminal Court*. [treaties.un.org](https://treaties.un.org/doc/Treaties/1998/07/19980717%2006-33%20PM/Ch_XVIII_10p.pdf). [pdf] No 38544. Available at: https://treaties.un.org/doc/Treaties/1998/07/19980717%2006-33%20PM/Ch_XVIII_10p.pdf [Accessed 27 Dec. 2020].

Notes

Numerous and varying sources, whether European, American or Chinese, were used in the development of this project.

These sources are primarily from journals and expert reviews by China specialists, but also from blogs and newspaper articles which allow one to keep abreast of Chinese news. Admittedly, some of these sources are more controversial than others in terms of the reliability of the information. However, please be aware that the information extracted from such files has been confirmed, including by other material listed in the footnotes.

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Sylvie Lasserre, for the interview she gave us, as well as for the permission to use photos from her book [*Voyage au pays des Ouïghours: De la persécution invisible à l'enfer orwellien*](#)².

² This title could be literally translated as “Journey to the Land of the Uyghurs – From invisible persecution to an Orwellian hell”.

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INTRODUCTION

The repression of the Uyghur people is no longer a secret. While the traditional media have been slow to address the issue, social networks have been indispensable in the widespread awareness that has taken place. Through these platforms, public figures such as Dilnur Reyhan³ and Raphaël Glucksmann⁴ are leading a relentless fight to put an end to the policy pursued by the Chinese authorities and to punish those responsible. Their actions have helped raise awareness among a large number of young people through posts and information distribution on Instagram or Twitter. In addition, Uyghur activists such as Rebiya Kadeer⁵ or Gulbahar Haitiwaji⁶ are fighting daily to raise international awareness and push governments to act. Nevertheless, despite the growing awareness of the situation, a lack of tangible change is to be deplored: the situation of the Uyghurs remains unchanged, while new discoveries show that it is even more serious than previously thought. For instance, while we have known for several years that many Uyghurs are locked up in “re-education” camps, that they are monitored and persecuted throughout the world, and that numerous practices aim to limit the renewal of their population, we learned in December 2019, for example, that some are even enslaved in cotton fields in the autonomous province of Xinjiang. It is clear that despite the desire for change on the part of numerous citizens around the world, the international reaction remains too silent. Simultaneously, too many industries continue to profit from the exploitation of Uyghurs, fueled by consumers who do not realise their individual responsibility. Through this dossier, we retrace the history of these people who are today persecuted by the Chinese authorities, while also considering their situation from a legal and diplomatic point of view. We also highlight the responsibility of the various actors who are directly or indirectly, voluntarily or involuntarily, involved in what Raphaël Glucksmann describes as “the crime against humanity [that comes] closest to the genocides perpetrated in the 20th century”⁷.

³ Dilnur Reyhan is a professor at the University of Languages and Civilizations (Institut national des langues et des civilisations orientales - Inalco). She is also the president of the European Uyghur Institute.

⁴ Raphaël Glucksmann is a Member of the European Parliament and founder of the political party *Place publique*. He is also chairman of the special committee on foreign interference in the democratic processes of the European Union, as well as vice-chairman of the European Parliament's sub-committee on human rights. He is particularly well known in the media for his involvement in the fight against the Chinese authorities' policy of repression of the Uyghur people.

⁵ Rebiya Kadeer is a Uyghur businesswoman who was exiled to the United States in 2005 after being released from a Chinese prison where she had been held for the past six years. She was the president of the World Uyghur Congress between 2006 and 2017.

⁶ Gulbahar Haitiwaji is a Uyghur woman survivor of Chinese “re-education” camps. From France, where she is in exile, she co-authored the book *Rescapée du goulag chinois* with journalist Rozenn Morgat, which was published in 2021.

⁷ [original quote in French] « crime contre l'humanité [se rapprochant] le plus des génocides perpétrés au XXème siècle »

VERNET, H. (2020). Répression des Ouïghours : « La Chine éradique une identité », accuse Raphaël Glucksmann. *leparisien.fr*. [online] 24 July. Available at: <https://www.leparisien.fr/international/repression-des-ouighours-la-chine-eradique-une-identite-accuse-raphael-glucksmann-24-07-2020-8357967.php> [Accessed 29 Dec. 2020].

HISTORY OF A PERSECUTED PEOPLE

The situation of Uyghurs before the 20th century

The Uyghurs are originally a nomad people living in southern Siberia. Their language is similar to Turkish and this still characterises them today. Attacked in the middle of the 19th century, the Uyghurs tribes are forced to migrate and the majority of them settle down in the Tarim basin, between Tibet and modern Mongolia. Thanks to its position on the Silk Road, the Uyghur people became richer, both economically thanks to trade and culturally due to the important transit of people from various nationalities.

During the 10th century, Islam penetrated the region, but its influence did not strengthen until the end of the 14th century. During this period, the majority of Uyghurs became Sunni Muslims⁸.

Between 1755 and 1759, the Chinese dynasty of Qing decided to conquer the region, which was then predominantly Uyghur, fearing that this one would side with the Russian Empire. It established civilian and military colonies named “Xinjiang”, which translates as “new frontier”. As soon as 1762, Muslims, considered as having an incompatible culture with the Chinese Empire’s norms, began to suffer discrimination. Later on, in 1863, riots broke out and led to violent repression by the Chinese authorities. These revolts, in which the Uyghurs participated, were led by another Muslim ethnic group living in the region, the Dzungars, who belong to the Hui people. At the same time, the United Kingdom and the Russian Empire became increasingly interested in this region. The Chinese authorities thus decided in 1884 to make it an inalienable province submitted to their authority.

Independence attempts within Xinjiang province: the First and Second Islamic Republics of East Turkestan

In 1911, the fall of the Chinese Empire came with dreams of independence in the province of Xinjiang. However, these dreams were partially erased when Jin Shuren came to power by becoming Governor of the province in 1928. Indeed, he reinforced discrimination against Muslims, for example by prohibiting them from making the *haji*⁹ to Mecca. Confronted with this liberticidal policy, the Uyghurs gradually began to rise against Jin Shuren from 1931.

A real turning point was reached on November 12, 1993, when the “Islamic Republic of East Turkestan”, also called “Republic of Uyghuristan” in its early days, was proclaimed in the south of the Xinjiang province. Its aim is to allow Muslims of the region to live freely, independently from the Chinese authorities and without suffering from discrimination

⁸ Sunnis are Muslims whose practise of Islam is based on the sunna and the tradition of the teaching of the Prophet Muhammed. As the middle path of the Muslim religion between Shi'ism and Kharidjism, Sunnism represents nearly 85% of the Muslim community.

⁹ The *hajj* is the pilgrimage that Muslims must do at least once in their life if they are physically and financially able to do so. It is the fifth pillar of Islam.

because of their culture or religion. This Islamic Republic is based on the application of the *Sharia law*¹⁰, but its administration nevertheless remains relatively progressive. While the Soviet Union was not previously opposed to the independence of the Xinjiang province, it quickly changed its position. Indeed, the Islamic Republic of East Turkestan wants to promote Pan-Turkism¹¹ and Pan-Islamism¹². This displeases Moscow which feared the spread of pro-independence ideas to other Turkic and Muslim regions of Central Asia, which could lead to a reduction of its own territory. The objective of the Soviet Union is then to put an end to this Republic, which it managed to do on February 6, 1934, thanks to the betrayal of the warlord Ma Zhongying, who had participated in the overthrow of Jin Shuren. The First Islamic Republic of East Turkestan fell apart, only a few months after its establishment.

Back to “normal”, the Xinjiang province was then ruled by Sheng Shicai, who had succeeded Jin Shuren in 1933. His policy was marked by a rapprochement with the Soviet Union. He for example surrounded himself with Soviet advisors, sent young people to study in the USSR, and even joined the Soviet Communist Party in 1938. The Soviet Union was the preferred trading partner of Xinjiang province at the time, with more influence than the Republic of China. However, from 1941 onwards, Sheng Shicai moved away from Moscow and closer to Nanjing¹³, for two main reasons. On the one hand, the Soviet Union forsook the province of Xinjiang, which was occupied by Nazi Germany during the Second World War, following the breakup of the German-Soviet Pact. On the other hand, the entry of the United States into the war allowed the Republic of China to loosen its military effort, while it had been in conflict with Japan since 1937, and thus to reassert its influence in Xinjiang. Yet the local population, mainly the Uyghurs, were not in favour of this reconciliation with the Republic of China, whose administration and economy were unstable. They also wished to regain their privileged trading partner, the Soviet Union. Sheng Shicai decided to renew his relationship with the latter in 1943, but the Republic of China took a dim view of this change of alliance and dismissed the governor from his post. This decision of the Chinese authorities led to a second revolt of the populations of Xinjiang in September 1944. This one mainly concerned the populations of the north of the province, who were particularly dependent on trade with the USSR.

This revolt resulted, on November 12, 1944, in the proclamation of the Second Islamic Republic of East Turkestan in the north of Xinjiang province. This victory of the rebels was achieved with the help of the Soviet Union, which sought to regain its influence in the region. Indeed, the Soviet Union set up training camps on its territory for the rebels while providing them with weapons. The Republic lasted a few years, however, just as during the first experiment of independence, the USSR feared the spread of a nationalist sentiment in certain regions of its own territory. It was finally the invasion of Chinese troops on September 19, 1949, that marked the collapse of the Second Islamic Republic of East Turkestan.

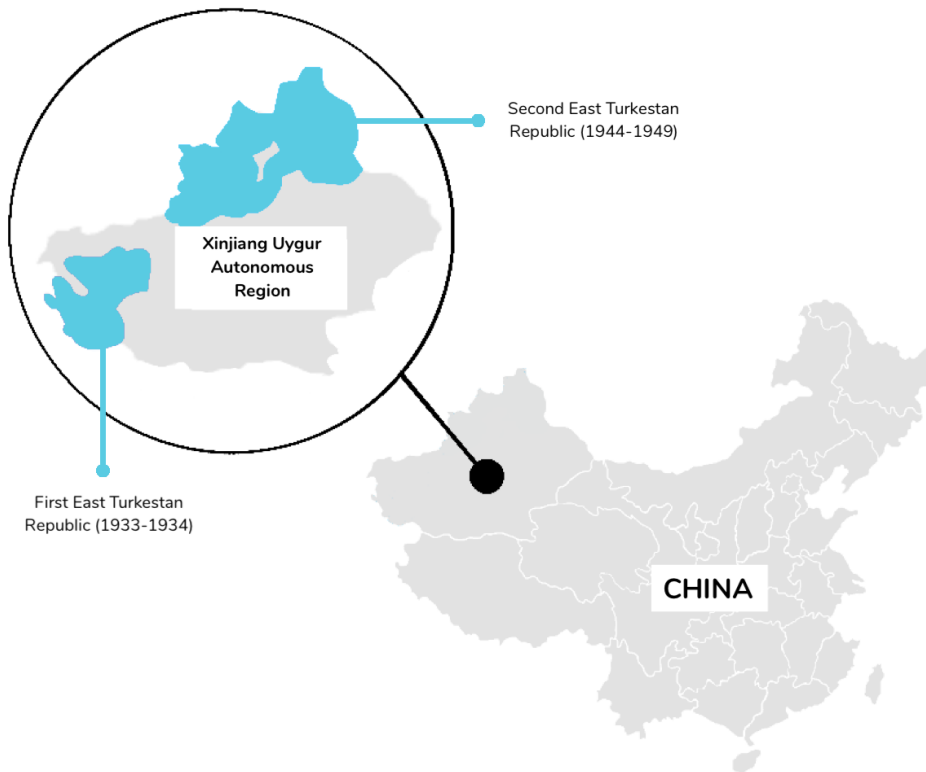
¹⁰ *Sharia* is the Islamic law governing religious, political and social life in some Muslim states. It defines a set of rules, prohibitions and sanctions that Muslims must respect in these states.

¹¹ Pan-Turkism is a doctrine advocating the political unification of the Turkish peoples.

¹² Pan-Islamism is a religious movement with political tendencies, aiming to unite all Muslim peoples under a single authority.

¹³ Capital of the Republic of China from 1912 to 1949.

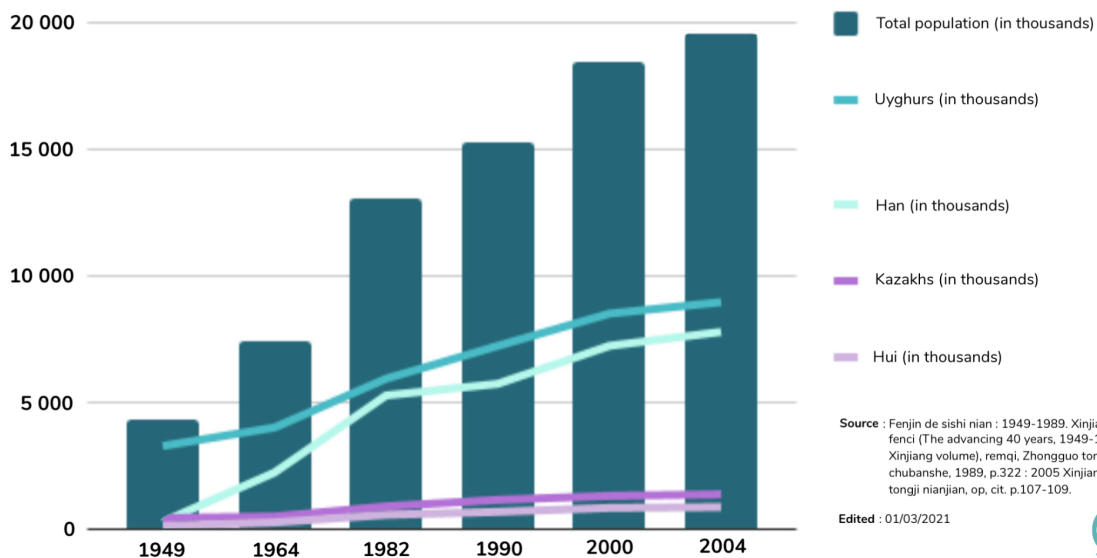
Geographical situation of each of the two Republics of Eastern Turkestan.



Uyghurs under the People's Republic of China (PRC)

With the arrival to power of Maoist communism in 1949, the Uyghurs were increasingly marginalised. The Chinese authorities wanted to “dilute” the Uyghurs by encouraging the Han, the ethnic majority, to settle in Xinjiang province. Their goal was to ensure internal control of the region while attempting to assimilate the Uyghurs into the mainstream Han culture. It is also important to mention that this region was strategic for the Chinese authorities, being rich in fossil resources and the least populated region in the face of China's growing population. The Uyghur people, who until then represented 80% of the region's population, only represented 47% from the mid-1950s. This is paradoxical since the province officially adopted the name “Xinjiang Uyghur Autonomous Region” in 1955. All of the activities of the Uyghur people, whether economic, commercial or cultural, were then controlled by the Chinese authorities.

Demographic evolution of principal nationalities in the province of Xinjiang between 1949 and 2004.



From the end of the 1980s, several bomb attacks were conducted by Uyghur extremists in reaction to this oppression. Certain symbols of the Chinese state were particularly targeted, undermining the peaceful Uyghur movement for self-determination that was developing at the same time. The Chinese government saw it as a perfect opportunity to pursue its repression of the Uyghur people, generalizing the violent acts of an Islamo-nationalist Uyghur minority to the whole ethnic group. In the province, the slightest movements were then controlled by surveillance cameras, arbitrary police controls multiplied against Muslims, attacks were made on the Uyghur architectural heritage, etc.

It was in 2014 that the repression took on a new dimension. The Chinese government implemented the terrible policy of detention of the Uyghurs, which continues to gain in importance today. It aims to force the Uyghur ethnic group to embrace the Han culture and to renounce its own culture, in particular its religion and language.

AN INCREASING REPRESSION FROM THE 2000S TO TODAY

A policy of repression since the 2000s

In November 2019, the New York Times unveiled a secret online report featuring speeches by President Xi Jinping¹⁴. The report exposes the violence against the Uyghur community, but also the ruthlessness of the government towards them. This latest evidence of the massive campaign of detention and persecution of Xinjiang's Muslim community confirms that the Chinese government shows “no mercy to the Uighurs”, as the Chinese President himself has put it. Chinese legislation is being amended, tightening restrictions on religious rights, particularly for the province's Muslim population. These restrictions mainly consist of prohibiting them from certain religious practices such as observing Ramadan. Muslim places of worship are mostly closed, as are independent religious schools. Political campaigns were launched to cleanse the province's administrative, cultural and media circles, even going so far as to arrest religious leaders considered “unpatriotic” or even “subversive”; the ultimate goal being to get rid of “undesirable elements”.

According to an investigation by The Guardian and the investigative website Bellingcat published on 7 May 2019¹⁵, this voluntary eradication of Muslim places of worship is due to Xi Jinping's desire to sinicise¹⁶ Uyghur people in this autonomous region of China. Books published in the Uyghur language have reportedly been banned and burned, but more importantly, the Uyghur language itself has been officially deprived of its status as a language of instruction in most universities in Xinjiang since 2002. Thus, the Muslim population of Xinjiang province is gradually being deprived of its own culture, but also locked up in “re-education” camps, according to the Chinese government, or in exile in order to escape their executioners.

In recent years, we have noticed that an increasing number of Uyghur families are being evicted from their own land by Han developers, without their consent and without adequate consultation or compensation. As one travels through Xinjiang province, one notices that many houses are no longer inhabited and are sealed off: the province has become deserted, transformed into a police state, as if ravaged by a civil war.

The human rights violations in Xinjiang Autonomous Region are the result of a China-wide crackdown. Since 2018, the repression has been so severe that checkpoints have been set up on every street corner in the province. The Chinese authorities check the Muslim community several times a day, even going so far as to search their smartphones and install cameras in public places. The province has become a prison, sealed off by the armed authorities.

¹⁴ RAMZY, A. & BUCKLEY, C. (2019). ‘Absolutely No Mercy’: Leaked Files Expose How China Organized Mass Detentions of Muslims. *nytimes.com*. [online] 16 Nov. Available at: <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html> [Accessed 21 Dec. 2020].

¹⁵ KUO, L. (2019). Revealed: New Evidence of China’s Mission to Raze the Mosques of Xinjiang. *theguardian.com*. [online] 7 May. Available at: www.theguardian.com/world/2019/may/07/revealed-new-evidence-of-chinas-mission-to-raze-the-mosques-of-xinjiang [Accessed 5 Mar. 2021].

¹⁶ Spreading Chinese civilization, language and customs in a country.

If they wish to travel, citizens of Xinjiang must provide DNA samples in order to obtain a passport, and thus permission to travel. According to Business Insider, the province is similar to “one of the most intrusive police states in the world”¹⁷. The remaining Uyghurs in the Xinjiang region live in fear, whether they are working, shopping or even in their own homes. A continuous repression is exercised on the Muslim population of the province, and more generally of all China: Uyghurs are chased from their homes without any reason or for false accusations, then sent directly to concentration camps where they are tortured. A real “Uyghur hunt” is being carried out not only throughout China, but more globally throughout the world.

The Uyghurs’ hunt

Since the attacks in the United States on the 11th of September 2001, the repression against this community has increased. Forced returns from abroad are orchestrated by the Chinese authorities, and due to the lack of information, it is often difficult to know what happens to those who are repatriated against their will. Most of them are certainly sent to camps where they suffer serious violations of their human rights, while others are tortured or even executed.

In recent years, we have become aware of the measures put in place by the Chinese government in Xinjiang province to limit contacts and keep exchanges between Uyghurs still living in China and those living abroad under close surveillance. Several Uyghur activists living in exile abroad denounce the fact that the phone lines of their relatives have been tapped by the Chinese authorities. This increased surveillance makes it difficult to discuss “sensitive” issues such as the situation of Uyghurs in China, the “re-education” camps, or generally anything that concerns the Chinese government. Uyghurs who remain in China are likely to be victims of reprisals by the Chinese public authorities. Moreover, it is impossible for relatives who remain in China to join their families abroad, as they are reportedly denied a passport or permission to leave the country, thus making their status illegal.

Recent reports suggest that surveillance and repression have increased significantly over the past two years, with the Chinese authorities directly targeting families left behind in the hope of forcing exiles to return or to give up political activity abroad. The Chinese authorities not only put pressure on relatives in China, but also obtain as much information as possible about the daily lives of those exiled abroad, for example by obtaining their addresses and telephone numbers.

This hunt for Uyghurs is sometimes even carried out in close collaboration with third countries. The Chinese authorities have reportedly asked countries to prevent or even cancel political demonstrations organised by the Uyghur diaspora. Amnesty International¹⁸ has

¹⁷ CHAN, T.F. (2018). How a chinese region that accounts for just 1.5% of the population became one of the most intrusive police states in the world. *businessinsider.fr*. [online] 1 Aug. Available at: www.businessinsider.fr/us/xianjiang-province-china-police-state-surveillance-2018-7 [Accessed 5 Mar. 2021].

¹⁸ N.D. (2018). Chine. Les familles d’un million de personnes détenues dans le cadre d’une campagne massive de « rééducation » demandent des réponses. *amnesty.org*. [online] 24 Sep. Available at:

noted an increase in the number of forced returns to China of Uyghurs who have attempted to seek refuge in neighbouring countries in recent years. For example, Nepal, Pakistan, Kazakhstan and Kyrgyzstan have sometimes collaborated with the Chinese government in the repatriation of several Uyghurs. Some of those forcibly repatriated are reportedly accused of criminal offences, others have been repatriated clandestinely or under extradition agreements between China and third countries. For example, Syria recently expelled Ahmadjan Osman, a famous Uyghur poet. This particular case illustrates the pressure China puts on some foreign governments to control its exiled citizens. According to Ahmadjan Osman, his occasional collaboration with Radio Free Asia partly caused his expulsion from Syria to Turkey¹⁹. Ahmadjan Osman applied for asylum as soon as he arrived in this country and was granted refugee status by the United Nations High Commissioner for Refugees in March 2004.

This hunt is not only taking place in Asia but also in Europe, and even in France. Several testimonies have appeared in recent years: for example, the French media BRUT published a report in 2019 on the persecution of Uyghurs by the Chinese state²⁰. In a hidden testimony, a member of the Uyghur diaspora living in France claimed to “receive several times a day phone calls from an unknown number, with a Chinese lady on the other end” telling him that he has “a parcel to collect at the Chinese embassy in France”. He also claims that “the majority of Uyghurs in France have already received the same message”. He continued his testimony by saying that if he goes to the embassy “they will of course arrest him”. Most of his relatives who remained in China were arrested and placed in detention camps, and he has not heard from them since.

The nightmare of the camps (TW violence)

Inside these camps, the “re-education” announced by the Chinese regime takes a completely different turn. Survivors, family members of prisoners, and undercover journalists all paint a chilling picture of these camps. They house a majority of Chinese citizens, but also Kazakhs arrested during a trip to China. The detainees are classified into three categories. The first category consists of illiterate people whose only crime is not to speak Chinese. Practising Muslims, arrested for possession of religious documents or those considered to be pro-independence (e.g. books on Uyghur culture) form the second category. Finally, there are those who have a relative abroad or have themselves lived abroad. The detention period for this last category is often the longest, easily reaching 10 to 15 years. However, according to the authorities, a fixed period of stay is not established: residents may leave once their training is deemed to be complete.

www.amnesty.org/fr/latest/news/2018/09/china-xinjiang-families-of-up-to-one-million-detained-demand-answers/ [Accessed 5 Mar. 2021].

¹⁹ N.D. (2004). République populaire de Chine, Guerre contre le terrorisme : les Ouïghours fuient les persécutions. [amnesty.org](https://www.amnesty.org/download/Documents/92000/asa170212004fr.pdf). [pdf]. Available at: <https://www.amnesty.org/download/Documents/92000/asa170212004fr.pdf> [Accessed 13 Mar. 2021].

²⁰ BRUT. (2019). *Comment les Ouïghours sont persécutés par l'État chinois*. YouTube. Available at: www.youtube.com/watch?v=CTC-xCocrTg&t=492s [Accessed 5 Mar. 2021].

Life in these camps has several aspects. First of all, the testimonies of the Uyghurs, Kazakhs and other Muslims interned there seem to indicate that these camps and the practices that are carried out there are different from one another. Some camps have allowed foreign journalists to enter by presenting them with the facade of a real re-education camp for the duration of the visit. Songs, dances, sports activities: everything is put in place to give the impression that these camps are indeed “schools” re-educating people with “separatist or extremist” tendencies. Learning Mandarin, praising Chinese President Xi Jinping and the Communist Party, and reciting patriotic songs are all part of the daily routine, as several former detainees report. “Transformation through education” is thus one of the narratives provided by the government.

Detainees are also encouraged to engage in “self-criticism” and to disown their families and friends as enemies of China. The aim? To shape new Chinese and destroy their Uyghur identities, considered dangerous by the Party. Bekali, a Kazakh who was imprisoned for several months without trial before being sent to one of these camps, says: *“The worst aspects of the indoctrination programme were forced repetition and self-criticism. Although the students did not understand much of what was being taught and the material was borderline absurd to them, we were forced to internalise it by repetition in sessions of two hours or more. Almost every day, the students had guest speakers from the local police, justice and other branches of government to warn them about the dangers of separatism and extremism. In four-hour sessions, the instructors lectured on the dangers of Islam and trained the internees in quizzes that they had to answer correctly or be sent to stand by a wall for hours.”*²¹

The physical and mental sanctions are thus beginning to show. Testimonies from survivors illustrate a reality that goes far beyond the initial indoctrination. Even in the so-called “privileged” camps, which have occasionally hosted journalists, hygiene conditions are deplorable. Qelbinur Sidik Beg, a teacher chosen to teach Chinese culture in an all-female camp, reports²² that the prisoners have only one minute to rinse their faces and must relieve themselves in a bucket that is “changed once a week”. Weakened by living in the dark, some suffer from illnesses and are exhausted. Another woman, named Isset, living abroad, explains her mother's similar experience: *“The sanitary conditions were terrible, with sometimes one shower every two months, without any privacy. Washing hands or feet is considered a Muslim ablution, so it is very controlled. The hardest thing for my mother was to resist the cold. Where she was detained, the temperature could drop to minus 30 degrees in winter, and every morning they were forced to go out for an hour to a courtyard that was closed on the sides but opened at roof level. To keep warm, they were forced to hop around without*

²¹ N.D. (2019). Chine : un rescapé des centres de « rééducation » pour musulmans raconte. *franceinfo.fr*. [online] 22 Mar. Available at: www.francetvinfo.fr/monde/chine/chine-un-rescape-des-centres-de-reeducation-pour-musulmans-raconte_3244971.html [Accessed 5 Mar. 2021].

²² DEFRANOUX, L. (2020). Ouïghours : « On m’a fait m’allonger et écarter les jambes, et on m’a introduit un stérilet ». *libération.fr*. [online] 20 Jul. Available at: www.liberation.fr/planete/2020/07/20/on-m-a-fait-m-allonger-et-ecarter-les-jambes-et-on-m-a-introduit-un-st-erilet_1794798/ [Accessed 5 Mar. 2021].

stopping. Once back in their cell, there was no respite, the air conditioning was on full blast.”²³

Prisoners without trial, degrading living conditions... the number of human rights violations grows with each testimony. Practices of outright torture, including rape and physical torture, are denounced by all survivors of the camps.

Qelbinur Sidik Beg continues her story. She discovers with terror the inhuman conditions in which the prisoners are treated and the acts of torture and rape to which they are subjected. About the cells, she says: *“I saw ten cells, each containing ten people. They were in darkness, their windows blocked by metal plates. There were no beds, just special blankets. In all, there were 97 prisoners.”*

Over time, the cells are overwhelmed by the number of prisoners. She often heard screams from the torture chamber, located in a cellar. A policewoman she knew explained to her that the *“four types of electric torture were: the chair, the glove, the helmet and anal rape with a stick”*. *“The policewoman explained to me that every day the cadres would bring in four or five girls to rape them in groups, sometimes with electric batons inserted into the vagina and anus”*, the teacher said.

This account is corroborated by numerous other testimonies describing rape as a common practice of officers in these camps. Women are reportedly raped in groups, in their cells and sometimes even in front of other detainees. A 54-year-old former Uyghur detainee, Gulbakhar Jalilova, a Kazakh national, told The Epoch Times that young Uyghur women are raped daily by Chinese Communist Party officials in the camps and could be killed if they fight back. *“Young girls are abducted and raped every night. If you continue to resist, they inject you with something and kill you”*,²⁴ she said in a telephone interview from Istanbul, Turkey.

Isset, for her part, explains that in addition to the hygienic conditions, her mother was the victim of inhuman and arbitrary treatment: *“One day, without knowing why, one of her feet was tied to a bed for 14 days. She was forced to relieve herself in a bucket”*, the young woman said. Other information, collected by the International Consortium of Investigative Journalists (ICIJ), shows that detainees are frequently deprived of sleep and food.

However, the physical abuse does not stop there. A young Uyghur woman who studied in Egypt, Ms Tursun, recounts being imprisoned several times since 2015 and repeatedly tortured by electrocution: *“I was taken to a room and placed on a high chair, and my legs and arms were locked in place. The authorities put a helmet on my head and every time I was electrocuted, my whole body shook violently and I felt pain in my veins”*, she said in a statement read by a translator. *“I don't remember the rest. White foam came out of my*

²³ TUTENGES, R. (2020). Camps, arrestations, répression: cinq Ouïghours témoignent. *slate.fr*. [online]. 19 Jul. Available at: <http://www.slate.fr/story/192531/temoignages-ouighours-chine-surveillance-camps-arrestations-internement-repression> [Accessed: 14 Mar. 2021].

²⁴ VAN BRUGEN, I. (2018). Prisoners Tortured, Drugged, Killed by Injection in Xinjiang ‘Re-Education Camps,’ Ex-Inmate Reveals. *theepochtimes.com*. [online] 12 Dec. Available at: www.theepochtimes.com/prisoners-tortured-drugged-killed-by-injection-in-xinjiang-re-education-camps-ex-inmate-reveals_2738106.html [Accessed 5 Mar. 2021].

mouth and I started to lose consciousness”, Ms Tursun said. *“The last word I heard them say was that being Uyghur is a crime.”*²⁵

Another camp teacher, Ms Sauytbay, also explains the punishments to which prisoners were subjected. So-called “black chambers” were, according to her, dedicated exclusively to the torture of prisoners. A list of sins was assigned to each resident, for crimes committed before and during their stay in the camp, although most of them were implausible. For example, an elderly woman in the camp, who was a shepherdess before being arrested by the Xinjiang authorities, was reportedly locked up for talking to someone on the phone who lived abroad. However, *“this was a woman who not only didn't have a mobile phone, but didn't even know how to use it”*, said Ms Sauytbay. In the “dark room”, Ms Sauytbay says that some prisoners were “hung on the wall and beaten with electric batons”. *“There were prisoners who had to sit on a chair with nails. I saw people coming back from that room covered in blood. Some came back without fingernails.”*²⁶ She herself was once punished by being beaten and denied food for two days.

Human rights abuses and various forms of physical and psychological torture can be found in every testimony of those who know the reality of the camps. However, with more than a thousand camps established throughout Xinjiang province and more than three million people locked up, the hell of these institutions remains difficult to establish. Despite the courage of some survivors to speak out, many Uyghurs remain heavily guarded and hunted, often repeatedly imprisoned in the camps.

²⁵ SHAREAMERICA. (2018). *Le récit de Mihriqul Tursun, survivante ouïghoure*. YouTube. Available at: www.youtube.com/watch?v=ZF-RaW38MYo [Accessed 5 Mar. 2021].

²⁶ STAVROU, D. (2019). A Million People Are Jailed at China's Gulags. I Escaped. Here's What Really Goes on Inside. *haaretz.com*. [online] 17 Oct. Available at: www.haaretz.com/world-news/.premium-MAGAZINE-a-million-people-are-jailed-at-china-s-gulags-i-escaped-he-re-s-what-goes-on-inside-1.7994216?fbclid=IwAR1QvHXgNhS5jW4_kwcmRgAd6GHOQcwIuxJDbzKS3muKx5oE6QdiPProj7II [Accessed 5 Mar. 2021].



The Chinese province of Xinjiang: a strategic localisation of rehabilitation camps.

- Zone of settlement of the Uyghur community
- Chinese capital/Capital of the Chinese province of Xinjiang
- 27 confirmed rehabilitation camps, we estimated the total number of camps to 1200



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WHY ARE WE TALKING ABOUT GENOCIDE?

Although the hunt and persecutions of Uyghurs are not new, the term “genocide” has only recently been used to qualify the actions of the Chinese government towards this ethnic group, and more generally, towards all of the muslim population of Xinjiang. The international NGO Genocide Watch²⁷ has for that matter publically shared its accusations in the beginning of 2020, supported by many experts and journalists, and by NGOs such as Human Rights Watch. As for them, some exiled Uyghurs decided to file a complaint against China before the International Criminal Court, accusing the country of genocide and crimes against humanity. Genocide is defined by article 6 of the Rome Statute as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”.

A demographic genocide

The Uyghurs genocide to which we assist appears firstly through the Chinese government actions and plans. Even if the real conditions in the “rehabilitation” camps of Xinjiang are hard to establish on a concrete and regular basis, testimonies of victims present a glimpse of the prisoners’ everyday life. First of all, multiple testimonies recount the forced sterilisation of Uyghur women, added to a constant sexual torture.

Numerous women report being victims of forced abortions when they were in those imprisonment camps. This is the case of Gulzina Mogdyn, a 38 years old Chinese citizen with Kazakh origins, arrested in Xinjiang after a visit in Kazakhstan because she had the app WhatsApp on her phone. She was placed under house arrest and examined by doctors from a neighbouring clinic that discovered her 10 weeks pregnancy. The responsible of that clinic told her that she was not allowed to have this fourth child. One month later, as claimed by Miss Mogdyn, doctors “*had cut my foetus*”²⁸ without anaesthesia. As of now, she is still suffering from complications from the surgery. Similar testimonies are plentiful, especially by women that flew in Europe, Turkey or even in the United States after their imprisonment.

Similarly, several prisoners claim to receive pills to take after marital visits, or after being raped by guards. After the dose of pills, some women are bleeding and feel pain in the uterus, secondary effects of abortive pills. Many women explain that they also got installed an intrauterine device when they arrived at the camp. According to the doctors of the camp, this is mandatory for all imprisoned women, thus their consent is not considered necessary. Others don’t even remember that they were installed a contraceptive device and noticed it

²⁷ ZHENG, L. (2020). Genocide emergency alert for Xinjiang, China. *genocidewatch.com*. [online] 17 Nov. Available at:

https://www.genocidewatch.com/single-post/genocide-emergency-alert-for-xinjiang-china?fbclid=IwAR1AR-FHsiowuTm2C6TlqMZ_AdbX3kLgxXk3c9ruRzTINw8hNKX9HWuBVIU [Accessed 5 Mar. 2021].

²⁸ FERRIS-ROTMAN, A. (2019). Abortions, IUDs and Sexual Humiliation: Muslim Women Who Fled China for Kazakhstan Recount Ordeals. *washingtonpost.com*. [online] 5 Oct. Available at: https://www.washingtonpost.com/world/asia_pacific/abortions-iuds-and-sexual-humiliation-muslim-women-who-fled-china-for-kazakhstan-recount-ordeals/2019/10/04/551c2658-cfd2-11e9-a620-0a91656d7db6_story.html [Accessed 5 Mar. 2021].

only months later, after medical visits after their release. Many also affirm, beside the contraceptive placement, that they have been definitively sterilised, without remembering the surgery.

Yet, attempts of sterilisation or forced contraction are not limited to the inside of the camp. China chases women that it considers having “too many children” in the region of Xinjiang. Many Uyghur and Kazakh women, some born Chinese, claim to have received the visit of government officials asking them to end their current pregnancy or to place a contraceptive device, or risk ending up in an internment camp. Civil servants and armed police officers started knocking at doors, searching for children and pregnant women. Inhabitants coming from minorities received the order to assist weekly ceremonies of flag raising during which the responsible of camps threatened them to be placed under custody if they were not registering all of their children, according to interviews supported by accordance records and pamphlets. The found testimonies show that local governments implemented or widened the system to reward those who signal illegal births. In some regions, women receive the order to undergo a gynaecological examination after raising the flag ceremonies. In others, authorities equipped special rooms with ultrasound scanners for pregnancy tests. In 2004, more than 200 000 intrauterine devices (IUD) were put in place in Xinjiang²⁹. In 2018, this number grew more than 60% to reach around 330 000 IUD. In parallel with that, the tendency to use IUD was going down elsewhere in China, because many women were getting rid of those devices.

Thus, according to numerous experts, everything leads to think that China is pursuing a policy that we call a “demographic genocide”³⁰, aiming to slow the reproduction of Uyghurs. In the region of Xinjiang, birth rates continue to go down, falling near 24% last year, against only 4,2% on the national level. China is no stranger to birth control policies since it imposed the one-child policy for decades to control the growth of its population, before giving up on this policy in 2015. Yet, at the time, this policy was aimed mostly at Chinese Han in urban areas. Inhabitants of rural regions and ethnic minorities were still authorised to have two or three children. With the arrival in office of Xi Jinping, the situation gets reversed in Xinjiang, where Uyghurs and Kazakh minorities see their privilege to have multiple children be taken away from them, while Hans can once again have large families. This campaign of birth control is thus part of a State offensive against Uyghurs to “purge them from their faith and their identity and thus, forcibly assimilate them to the majority Han culture.”³¹ The ultimate goal would be the total suppression of the Uyghur population, or even better, a sufficient weakening to ease their assimilation to the dominant Chinese population. The Han are even encouraged to settle in the region of Xinjiang, in order to create more diversity in the population. If Chinese authorities maintain their speed regarding those policies, the presence of the Uyghur minority will be more and more threatened.

²⁹ TROUILLARD, S. (2020). En Chine, les Ouïghours victimes d'une politique de contrôle des naissances imposée. *france24.com*. [online] 29 Jun. Available at: www.france24.com/fr/20200629-en-chine-les-ou%C3%AFghours-victimes-d-une-politique-de-contr%C3%B4le-des-naissances-impos%C3%A9e-par-p%C3%A9kin [Accessed 5 Mar. 2021].

³⁰ *Ibid.*

³¹ SIKOUK, B. (2020). La Chine réduit de force la natalité des Ouïghours. *slate.fr*. [online] 30 Jun. Available at: <http://www.slate.fr/story/192162/chine-ouighours-contrôle-naissance-grossesse-natalité-reduction-xinjiang> [Accessed 14 Mar. 2021].

A “cultural genocide”

The acts of the Chinese government against the Uyghur population go further than the control of birth since some qualify those as a “cultural genocide” or an “ethnocide”. Although multiple testimonies recount the disappearance of many Uyghurs and the torture that is inflicted upon them, experts think a total physical extermination of the ethnic minority would be unlikely.³² Yet, an annihilation of another kind is ongoing. The Chinese government implements all kinds of measures to suppress the Uyghur culture, their tradition, history, belief, etc. to assimilate them to the dominant Chinese population, and prevent this culture from reaching the next generation.

This cultural genocide firstly takes place in “rehabilitation” camps implemented in Xinjiang, where their name takes on its full meaning. Apart from the appalling conditions, prisoners are constrained to a series of actions aiming to clear themselves out of the Uyghur culture. Prisoners have thus to remember a list of supposed “lies” regarding religion. They are supposedly often interrogated about the subject and beaten if they do not learn the principles quickly enough. A separation system would also be implemented to separate the most religious prisoners from the others. One also claim that prisoners are forced to consume alcohol and pork, which is in conflict with Islam. The aim would be to push them to renounce to Islam in aid of an almost spiritual belief in the Communist Party. Songs to the glory of the Chinese Communist Party and of President Xi Jinping are necessary to have access to food. The Uyghur language is prohibited, and Mandarin lessons, alongside pinyin lessons (Romanised writing system), are taught for hours everyday.

This propaganda does not stop at “rehabilitation” centres. Chinese authorities have supposedly invaded Xinjiang, even the familial space of Uyghurs. The omnipresence of the police and cameras in the villages would have changed the life and the daily habits of the inhabitants. Social interactions are limited, local markets and traditional Uyghur events are forbidden, and police do not hesitate to use force arbitrarily³³.

Constantly in the aim to combat Islam, China forbid in 2017 long beards and veils that cover faces in the province of Xinjiang, alongside “the choice of abnormal names”³⁴ (meaning Muslim names). Furthermore, to abstain from consuming alcohol, pork or to smoke can be considered suspicious, and owning a Quran is forbidden.

³² FILIU, J. (2018). Le cauchemar de la « rééducation » des Musulmans en Chine. *lemonde.fr*. [online]. 2 Déc. Available at: <https://www.lemonde.fr/blog/filiu/2018/12/02/le-cauchemar-de-la-reeducation-des-musulmans-en-chine/> [Accessed 14 Mar. 2021].

³³ SEIBT, S. (2019). Comment Pékin organise la surveillance 2.0 des Ouïghours. *france24.com*. [online] 19 Feb. Available at: <https://www.france24.com/fr/20190218-chine-ouïghour-surveillance-xinjiang-reconnaissance-faciale-qr-code-musulman> [Accessed 14 Mar. 2021].

³⁴ N.D. (2017). Chine: barbes ‘anormales’ et voile intégral interdits au Xinjiang. *lefigaro.fr*. [online] 30 Mar. Available at: <https://www.lefigaro.fr/flash-actu/2017/03/30/97001-20170330FILWWW00208-chine-barbes-anormales-et-v-oile-integral-interdis-au-xinjiang.php> [Accessed 19 Feb. 2021].

Many mosques were also secretly razed to the ground in Xinjiang. The Aitika Mosque, located in the town of Keriya and enrolled in the UNESCO World Heritage, has simply disappeared in 2018 as shown by satellite images. The same happened to the Kargilik Mosque which was partially destroyed. On social media, several activists for Uyghurs also declared that different other less-known religious sites were destroyed or transformed into secular places.

While millions of fathers are imprisoned in “rehabilitation” until further notice, it was signaled that some governments men or Han chosen by the Party infiltrate Uyghurs family lives. By taking the place of the father, they make sure that the families stop to proceed to Uyghur religious practices. Several women also recount sexual relations with those men, often without consent, and some became pregnant. Those forced cohabitations are linked to the on-going assimilation campaign as Han men make sure that an “adequate” education is given to children in the family environment. In addition, interethnic weddings are more and more encouraged by the government. It is indeed a form of positive discrimination, with an aid from the State given in case of a marriage between a Han and a member of an ethnic minority (Uyghur, Kazakh, Tibetan, etc.), or even the granting of additional point to children coming from interethnic weddings as soon as the entry at the university.

THE JUSTIFICATIONS GIVEN BY THE CHINESE GOVERNMENT

The cover-up of a crime against humanity

Chinese re-education camps only surfaced in 2014 and are, according to the Chinese government, “transformation through labour camps”. The first explanation given to justify the existence of these camps is based on the illusion that these buildings are schools for teaching Chinese (Mandarin), work and the principles of the Chinese Communist Party. Xi Jinping of course denied the existence of these camps, then recognised them and gave them a legal framework. The Chinese government even set up news reports to justify the creation of these camps by showing positive images of them. In one of these reports on China's state television channel CCTV³⁵, we see well treated women and men. The women are styled and coiffed, and they are filmed learning Mandarin, which is far from the day-to-day reality of the camps. We see them receiving professional training to teach them how to work, such as an introduction to sewing or even carpentry. They are apparently housed in clean dormitories and all are happy to be there. Pushing the vice even further, the report also includes a testimony from a woman who is supposed to be part of one of these camps in which she claims that these work camps saved her from religious extremists and prevented her from becoming a criminal. These camps are supposed to help with professional reintegration, especially for Uyghurs who represent the community most affected by unemployment.

Nevertheless, within those justifications given by the Chinese authorities, we notice some important inconsistencies. The first is that the entry into these camps only concerns a part of the population that is Muslim, added to the fact that this entry is not voluntary, but forced. They are not given training but are forced to work without being paid. The “workers” are exploited, mistreated, and the sanitary conditions are not the same as described in the report. Indeed, Guilbart Jalilova, a survivor of one of these Chinese “re-education” camps, describes cramming more than 40 people into 20 square metre rooms, forced medication followed by a strict indoctrination programme, and the learning of songs celebrating the Communist Party as well as the Chinese president Xi Jinping.

The Chinese authorities are also determined to conceal this information through their international tracking activities (mentioned above), but also through the implementation of increasingly radical surveillance of journalists entering the Xinjiang province, especially when they are foreign journalists.

In an attempt to conceal these manoeuvres, the Chinese authorities are continuously refusing to allow international human rights organisations to send representatives to Xinjiang to gather information on the current situation there. On the 20th of July 2020, the Chinese ambassador, when interviewed by journalist Andrew Marr, completely denied the existence of these camps, despite the videos and photos shown by the journalist³⁶.

³⁵ FRANCE 24. (2019). *Ouïghours, à la force des camps*. YouTube. Available at: https://www.youtube.com/watch?v=rMedgLi_4a8 [Accessed 26 Mar. 2021].

³⁶ N.D. (2020). L'ambassadeur de Chine à Londres confronté à des images de Ouïgours maltraités. *courierinternational.com*. [online]. 20 Jul. Available at: <https://www.courierinternational.com/article/verbatim-lambassadeur-de-chine-londres-confronte-des-images-de-ouigours-maltraitees> [Accessed 14 Mar. 2021].

The restrictions imposed by the authorities about the access to the region and the flow of information make it virtually impossible to count the number of people held in these camps. The Xinjiang press is also increasingly withholding information. Before 2002, the press regularly reported on the province's most important punishments, including death sentences for political offences. Today, the local official media hardly mention death sentences and executions at all, to avoid international criticism.

More and more celebrities are speaking out in defence of the Uyghur cause in China, but the Chinese government does not hesitate to respond to these attacks in a radical manner in order to avoid any outbursts. This was notably the case for Mesut Ozil, Arsenal's player in 2019. Following his tweet in support of this community, the Chinese public channel CCTV deprogrammed the broadcast of the match between the London team and Manchester City.

The fight against terrorism has also been used as a justification for re-education camps by the Chinese government.

The counter-terrorism argument

The authorities have sought to justify radical policies in the name of maintaining stability and security in Xinjiang in order to eliminate so-called terrorist and extremist threats “thoroughly”. Xinjiang officials claim that the root of these problems lies in the “problematic ideas” of Turkic, Kazakh, Uzbek, and Uyghur Muslims. These ideas include what the authorities describe as extreme religious dogmas, but also any non-Han Chinese sense of identity, whether Islamic, Turkic, Uyghur or Kazakh. The authorities insist that these beliefs and affinities must be “corrected” or “eradicated”³⁷.

Chinese leaders view terrorism, as well as separatism and extremism, as a significant potential threat to a wide range of China's national security interests. This includes almost all of China's “core” interests, such as social stability, national unity, sovereignty and territorial integrity, but also sustained economic growth. Terrorism would also threaten China's emerging interests, such as the protection of its citizens abroad, energy security, maritime security and its ability to shape an international environment conducive to the pursuit of its national interests.

Historically, Beijing's concerns about the global Islamic jihad have generally focused on its effects in Xinjiang. As the late 2014 incident in Mali³⁸ highlights, many Chinese citizens now work and travel in countries facing significant challenges related to terrorism and violent extremism. These include countries in Africa, the Middle East, South and Southeast Asia, and Latin America. For this reason, China's evolving security interests and perceptions of the threat of global terrorism are creating converging areas of interest and new opportunities for

³⁷ N.D. (2018). “Eradicating Ideological Viruses”: China’s Campaign of Repression against Xinjiang’s Muslims. *hrw.org*. [online] 9 Sep. Available at: <https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs#> [Accessed 5 Mar. 2021].

³⁸ Ten Chinese were abducted in May 2014 by Boko Haram while working on the construction of a hydroelectric dam.

cooperation with countries that are not necessarily allies, such as the United States, on strategic issues related to terrorism and extremism. Recently, two areas of cooperation are becoming more important between the United States and China: information exchange on the EI and dialogue with Pakistan and the Afghan government to promote stability in Afghanistan.

The history of insurgencies in Xinjiang was aimed at lifting Beijing's iron grip on the region. In April 1990, armed clashes between Uyghurs living northwest of Kashgar and Chinese authorities led China to embark on a long-term strategy to tighten control over Uyghur areas. At the same time, the Soviet Union collapsed, leading to the emergence of new Central Asian republics, which for a time the Chinese government believed would not raise ethno-nationalist aspirations. Although the authorities in Xinjiang began to publicly acknowledge anti-state violence in the mid-1990s, they generally implied that it was perpetrated only by 'a handful of separatists'. However, after the September 11, 2001 attacks in the United States, Chinese authorities increasingly portrayed the crackdown in Xinjiang as part of the "global war on terror". Many of the separatists had close ties to Afghanistan, and more than a thousand people had gone to Afghan training camps before the September 11 attacks, prompting China to introduce drastic measures in the country to prevent Xinjiang from becoming a perpetual conflict zone.

Another reason that could explain the repression of the Uyghur population by the Chinese authorities under the guise of anti-terrorism is the strategic location of the Xinjiang region in China's development plans in Central Asia. Indeed, since 2013, within the framework of the New Silk Road, China, represented by the China Overseas Port Holding Company (COPHC), has been present in Pakistan to develop a vast economic corridor. China's interest lies in Pakistan's strategic position with its privileged access to the Arabian Sea and consequently to the Strait of Hormuz through which an important part of the world's oil resources transit. The two long-standing allies have developed a Sino Pakistan economic corridor project worth nearly \$54 billion³⁹. This project plans to link Western China with Central Asia by road. It plans to build a road between the border town of Shaman in Balochistan and Kandahar in Afghanistan. Another road is being built between Torkham in the North West Frontier Province of Pakistan and Jalalabad in Afghanistan. The port of Gwadar, the construction of which is largely financed by China, will thus be accessible by road to Chinese exports and imports via the Karakoram Highway in the Northern Territories, which links Pakistan to Xinjiang province. Thus, the Uyghur region is at the heart of China's economic strategy as it is the only Chinese region bordering Pakistan.

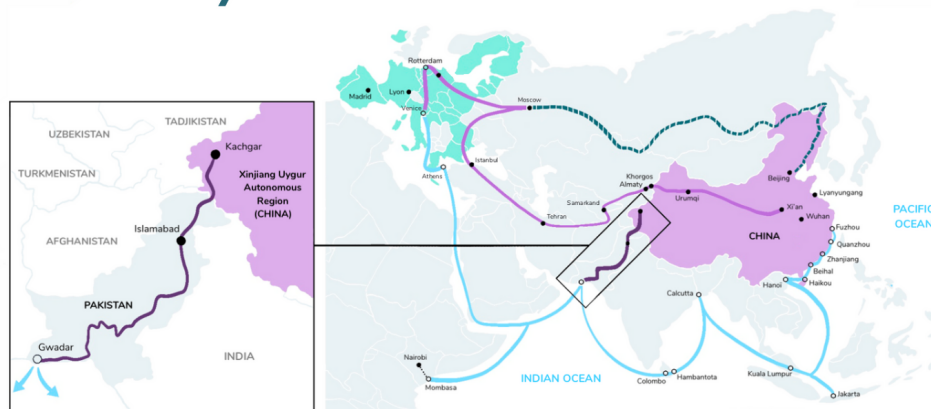
However, the Chinese government's already strained relations with the province's Muslim Uyghur population could undermine these aspirations. In addition, since 1949, the Chinese government's repression of the Uyghur community has led to the displacement of Uyghurs from Xinjiang's capital, Urumqi, to Pakistan, particularly in the cities of Lahore and Karachi. These migratory flows strongly displeased the Uyghur population attached to Xinjiang, which was replaced by Han people as a result of the genocidal policy of ethnic cleansing. Thus, from 1949 to 2004, the Han population of Urumqi went from 10% to 41%, while the Uyghur population went from 90% to 47% of the total regional population. The East Turkestan

³⁹ ROUOT, M. (2018). Les rêves de grandeur de la Chine au Pakistan. *lesechos.fr [online]* 12 Aug. Available at: <https://www.lesechos.fr/monde/asi-pacifique/les-reves-de-grandeur-de-la-chine-au-pakistan-136584> [Accessed 25 Mar. 2021].

Islamic Movement (ETIM) is fighting against this phenomenon of Hanification of Xinjiang. In this context, attacks have been carried out by members of this movement (which represents only a tiny part of the Uyghur population) to contest the Sino Pakistan economic corridor project.

In this sense, the massive repression of the Uyghur population and its encampment is a crucial economic issue for China. The success of the strategic and economic objectives of the Gwadar port depends largely on the ability of Pakistan and China to reduce separatist violence in Balochistan and Xinjiang, in addition to the security situation in southern Afghanistan, which is supposed to be a corridor between Pakistan and Central Asia. It is therefore almost certain that China's hegemonic aspirations provide it with an additional justification for carrying out its genocidal policy against the Uyghur minority under the pretext of fighting terrorism.

The control of Xinjiang, a strategic issue for the Chinese economy.



The New Silk Road, a diplomatic and economic issue threatening the Uyghurs

- People's Republic of China
- European Union
- Cities involved in the construction of the New Silk Road
- Route of the New Silk Road
- China-Pakistan Economic Corridor
- Beijing-Moscow Expressway Project
- Ports in which China has economic stakes
- One Road: Maritime Silk Road project

The Chinese government continues to lobby foreign governments and intergovernmental agencies to label the East Turkestan Islamic Movement and other Uyghur organisations and individuals (including those who peacefully advocate Uyghur independence) as terrorists. China also seeks foreign cooperation in what it claims are efforts to combat terrorism in Xinjiang.

A number of violent incidents have been reported in Xinjiang⁴⁰, including the Urumqi market bombing in 2014. Most reports on these violent incidents describe the events as premeditated

⁴⁰ On 1 March 2014, eight Uyghur men and women used knives to attack passengers at the railway station in the southern Chinese city of Kunming. The knife attack left 29 people dead and 141 injured. Four of the attackers were also killed at the scene. - and violence attributed to Uighurs in Beijing in 2013 and Kunming in 2014.

attacks, and often labelled as terrorist. The Chinese government has blamed some of these acts on foreign groups, including ETIM, although no hard evidence is available.

China is defending its actions against the Uyghur population under the guise of legislation. The People's Congress of the Chinese Nation passed the country's first-ever anti-terrorism law on 27 December 2015, which deepens the Communist Party's already existing "anti-terrorism" project and strengthens all security measures. The law focuses on the fight against "all forms of terrorism" (Article 2 of the first anti-terrorism law of 27 December 2015)⁴¹. This law, however, remains vague and open to interpretation, resulting, for example, in the publication of a list of 75 items that can be recognised as indicators of extremist behaviour (Nanchang Public Security Bureau, 8 September 2015). This list contains items ranging from incitement to violence to facts such as storing food, suddenly stopping drinking or smoking, or being in possession of world maps or telescopes.

China's narrative about its fight against terrorism, in a context where terrorism is more internationalised than ever, is not unrelated to the repeated attacks by extremist groups such as Daesh on various territories, which at the same time has a reputation for creating sleeper cells⁴² through a network of often anti-state or separatist citizens. However, no attack has been claimed by Daesh on Chinese territory, although the government keeps on confusing the need to hold the Xinjiang region in an iron fist with the international fight against terrorism.

⁴¹ Article 2: The State opposes all forms of terrorism, prohibits organisations with terrorist activities in accordance with the law, and incurs legal liability for any person who organises, plots, prepares or commits terrorist activities, or who advocates terrorism, incites terrorist activities, organises, leads, joins terrorist organisations or assists in terrorist activities.

⁴² In the vocabulary of counter-terrorism and counter-intelligence defined by the secret services, a sleeper cell refers to spies or undercover agents who have not yet taken action.

CHINA'S OBSTRUCTION AND VIOLATION OF THE LAW

The Chinese authorities' persecution of the Uyghur community is in violation of international law and many national laws. Despite the adoption in March 2017 of a law destined to eradicate religious extremism in the Xinjiang province (used by Beijing to justify the brutal repression seen in the region), not all the violence perpetrated can be legitimised, legally speaking.

This section does not claim to cover exhaustively all the laws violated by China in its persecution of the Uyghur community, but intends to cite the most significant ones, the objective being to show that the People's Republic of China (PRC) violates to a large extent both national and international law.

The violations of laws mentioned here are largely based on facts that have not been proven by competent bodies, but come from testimonies, which should not be taken lightly in view of the violence of the facts recounted.

The unconstitutionality of the Chinese authorities' repressive policies

The Chinese Constitution aims to protect all citizens of the country, regardless of their origin. At least this is stated in Article 4: *“All nationalities in the People's Republic of China are equal. The State protects the lawful rights and interests of the minority nationalities and upholds and develops a relationship of equality, unity, mutual assistance, and harmony among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any acts that undermine the unity of the nationalities or instigate their secession are prohibited”*. It is added that *“The people of all nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own ways and customs”*⁴³. It is therefore easy to see here that Beijing's desire to sinicise the Uyghur community by stifling all cultural traditions through the destruction of books, the ban on speaking and teaching the Uyghur language in universities, the prohibition of certain religious practices or the closure of places of worship, to mention but a few examples, is in violation of Article 4 of the Constitution.

The notion of equality is repeated in Article 33, which states that “All citizens of the People's Republic of China are equal before the law” and also states that human rights are “respected and “preserved” in the country⁴⁴. Furthermore, while Article 35 aims to protect fundamental freedoms, such as “freedom of speech, of the press, of assembly, of association, of procession and of demonstration”⁴⁵, Article 36 guarantees freedom of religious belief to citizens of the

⁴³ NPC. (2018) *China (People's Republic of) 1982 (rev. 2018)*. *constituteproject.org*. [online] Available at: https://www.constituteproject.org/constitution/China_2018?lang=en [Accessed 22 Sep. 2020].

⁴⁴ *“All citizens of the People's Republic of China are equal before the law. [...] The State respects and preserves human rights.”*
NPC. (2018) *China (People's Republic of) 1982 (rev. 2018)*. *constituteproject.org*. [online] Available at: https://www.constituteproject.org/constitution/China_2018?lang=en [Accessed 22 Sep. 2020].

⁴⁵ *“Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.”*

PRC. Imposing religion or atheism, or discriminating against an individual because of his or her beliefs, is therefore unconstitutional in China.

Another inalienable right in the Middle Kingdom is that of private property, as stated in Article 13 of the Constitution. In particular, the homes of Chinese citizens are protected and Article 39 prohibits “unlawful search of, or intrusion into, a citizen's home”⁴⁶. However, this right seems to be totally ignored by the Chinese Communist Party, which has been conducting a campaign of intrusion into Uyghur homes since 2016. This consists of sending Han Chinese officials to live, eat and sleep with a Uyghur family for weeks. Pretending to be “cousins”, these officials are tasked with spotting the slightest sign of what could be considered an indication of radicalisation within these households⁴⁷.

Finally, Article 50 preserves the “the legitimate rights and interests of Chinese nationals residing abroad” and those of their families. This protection is also valid when they return to the PRC⁴⁸. But once again, the actions of the Chinese government are in contradiction with the Constitution. Numerous testimonies from Uyghurs who have fled China report harassment by the Chinese authorities and embassies. Through social networks, various email applications, or even pressure on their families back in China, Beijing is trying to bring these individuals back within China's borders in order to control them more easily⁴⁹.

In summary, the above articles highlight Beijing's violations of their national laws. Discrimination against the Uyghur people, banning of their language in schools and universities, expulsion from their own land or jobs, unrest of religious leaders or forced repatriations, and the list goes on. However, in order to justify these persecutions, the PRC has adopted in March 2017 a “Xinjiang Uyghur Autonomous Region Regulation on De-extremification”. According to Article 1, this law aims to combat extremism and “extremification” and to establish peace in the Xinjiang Autonomous Region.

Article 3 defines “extremification” as “speech and actions under the influence of extremism, that spread radical religious ideology, and reject and interfere with normal production and livelihood”. Extremism is characterised as “propositions and conduct using distortion of religious teachings or other means to incite hatred or discrimination and advocate

NPC. (2018) *China (People's Republic of) 1982 (rev. 2018)*. *constituteproject.org*. [online] Available at: https://www.constituteproject.org/constitution/China_2018?lang=en [Accessed 22 Sep. 2020].

⁴⁶ NPC. (2018) *China (People's Republic of) 1982 (rev. 2018)*. *constituteproject.org*. [online] Available at: https://www.constituteproject.org/constitution/China_2018?lang=en [Accessed 22 Sep. 2020].

⁴⁷ THIBAUT, H. & PEDROLETTI, B. (2020). Ces faux « cousins » chinois qui s'imposent dans les familles ouïgoures. *lemonde.fr*. [online] 17 Sep. Available at: https://www.lemonde.fr/international/article/2020/09/17/ces-faux-cousins-chinois-qui-s-imposent-dans-les-familles-ouigoures_6052513_3210.html [Accessed 2 Jan. 2021].

⁴⁸ “*The People's Republic of China protects the legitimate rights and interests of Chinese nationals residing abroad and protects the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad.*”
NPC. (2018) *China (People's Republic of) 1982 (rev. 2018)*. *constituteproject.org*. [online] Available at: [Constitute](https://www.constituteproject.org/constitution/China_2018?lang=en) [Accessed 22 Sep. 2020].

⁴⁹ N.D. (2020). La Chine harcèle les Ouïghours qui vivent à l'étranger. *amnesty.fr*. [online] 21 Feb. Available at: <https://www.amnesty.fr/discriminations/actualites/chine-harcele-les-ouighours-qui-vivent-a-letranger> [Accessed 1 Nov. 2020].

violence”⁵⁰. In other words, “extremification” here refers to the diffusion of distorted religious interpretations which by their nature hinder production processes.

Article 9 establishes a list of actions that are considered extremist. It includes, for example, the action of “driving people of other ethnicities or faiths to leave their homes” or voluntary degradation or “destruction” of “public or private property”. In addition, the law makes it illegal to generalise “the concept of Halal” (in other words, the expansion of this concept to areas other than food) and to wear the burqa. “Irregular beards” are seen as a way of “spreading religious fanaticism” and are therefore also banned⁵¹.

This law also provides for the establishment of units to investigate and eradicate extremism. Rewards are to be given to members of these groups when their work is effective.

Finally, Chapter III, entitled “Prevention, Control and Eradication of Extremification”, describes the aims and principles of the policy in Xinjiang, which relies in particular on education to “transform” individuals deemed “extremist”. Article 12 refers to “the correct political orientation and direction of public opinion”⁵². In other words, the Chinese government pretends to lead these individuals out of extremism by imposing well-defined beliefs and ideas on them, without seeming to offer them the possibility to use their critical thinking in any way.

Thus, this law serves to legitimise the official actions of the PRC authorities in the region. Beijing repeatedly claims that the camps built in the region are aimed at “re-educating” the Uyghur population, which is in accordance with the law. In addition, the latter also refers in Article 40, the ‘sinicization of religion which must be taken into account by “religious schools and institutions”⁵³ while Article 42 commits staff working in public transport and public

⁵⁰ “Extremification as used in this Regulation refers to speech and actions under the influence of extremism, that spread radical religious ideology, and reject and interfere with normal production and livelihood. Extremism as used in this Regulation refers to propositions and conduct using distortion of religious teachings or other means to incite hatred or discrimination and advocate violence.” NPC. (2017). *Xinjiang Uyghur Autonomous Region Regulation on De-extremification*. chinalawtranslate.com. [online] Available at: <https://www.chinalawtranslate.com/en/xinjiang-uyghur-autonomous-region-regulation-on-de-extremification/> [Accessed 22 Sep. 2020].

⁵¹ “The following words and actions under the influence of extremism are extremification, and are to be prohibited: [...] (4) [...] driving persons of other ethnicities or faiths to leave their homes [...] (6) Generalizing the concept of Halal, to make Halal expand into areas other beyond Halal foods, and using the idea of something being not-halal to reject or interfere with others secular lives; (7) Wearing, or compelling others to wear, burqas with face coverings, or to bear symbols of extremification; (8) Spreading religious fanaticism through irregular beards or name selection; [...] (12) Intentionally damaging or destroying public or private property” NPC. (2017). *Xinjiang Uyghur Autonomous Region Regulation on De-extremification*. chinalawtranslate.com. [online] Available at: <https://www.chinalawtranslate.com/en/xinjiang-uyghur-autonomous-region-regulation-on-de-extremification/> [Accessed 22 Sep. 2020].

⁵² “De-extremification shall persist in the correct political orientation and direction of public opinion [...]” NPC. (2017). *Xinjiang Uyghur Autonomous Region Regulation on De-extremification*. chinalawtranslate.com. [online] Available at: <https://www.chinalawtranslate.com/en/xinjiang-uyghur-autonomous-region-regulation-on-de-extremification/> [Accessed 22 Sep. 2020].

⁵³ “Religious schools and institutions should adhere to the direction of sinicizing religion [...]”

spaces to “dissuade persons wearing face-covering burqas or symbols extremification from entering public spaces or taking public transportation, and promptly report it to the public security organs”⁵⁴. Despite its revision in 2018, the law remains essentially the same, except that the new version recognises the existence of “occupational skills education and training centers” with a vocation of “ideological conversion” (Article 33 of the revised law)⁵⁵, which are very similar to concentration camps⁵⁶.

However, the constitutionality of such a law is questionable. Article 5 of the Constitution stipulates that “no law or administrative or local rules and regulations shall contravene the constitution” and that “no organisation or individual may enjoy the privilege of being above the Constitution and the law”⁵⁷. With regard to the arrest and detention of individuals, these can only be authorised by decision “people’s procuratorate or by decision of a people’s court” according to Article 37 of the Constitution. It is added that the “unlawful deprivation or restriction of citizens’ freedom of person” as well as the “unlawful search of the person of citizens” are prohibited practices⁵⁸. Finally, Article 38 characterises “the personal dignity of

NPC. (2017). *Xinjiang Uyghur Autonomous Region Regulation on De-extremification*. *chinalawtranslate.com*. [online] Available at: <https://www.chinalawtranslate.com/en/xinjiang-uyghur-autonomous-region-regulation-on-de-extremification/> [Accessed 22 Sep. 2020].

⁵⁴ “Personnel such as the managers of public spaces, public transport, bus/train station, and airports shall dissuade persons wearing face-covering burqas or symbols extremification from entering public spaces or taking public transportation, and promptly report it to the public security organs.” NPC. (2017). *Xinjiang Uyghur Autonomous Region Regulation on De-extremification*. *chinalawtranslate.com*. [online] Available at: <https://www.chinalawtranslate.com/en/xinjiang-uyghur-autonomous-region-regulation-on-de-extremification/> [Accessed 22 Sep. 2020].

⁵⁵ “Occupational skills education and training centres and other education and transformation bodies shall carry out education and training efforts on the national spoken and written language, laws and regulations, and occupational skills; shall organize and carry out de-extremification ideological education, psychological rehabilitation, and behavioural corrections, to promote ideological conversion of those receiving education and training, returning them to society and to their families.” NPC. (2017). *Xinjiang Uyghur Autonomous Region Regulation on De-extremification*. *chinalawtranslate.com*. [online] Available at: <https://www.chinalawtranslate.com/en/xinjiang-uyghur-autonomous-region-regulation-on-de-extremification/> [Accessed 22 Sep. 2020].

⁵⁶ “Camps in which civilian populations of enemy nationality, ethnic or religious minorities, common law prisoners or political detainees are assembled under the supervision of the army or police.” Original definition in French: « Camps dans lesquels sont rassemblés, sous la surveillance de l’armée ou de la police, soit des populations civiles de nationalité ennemie, soit des minorités ethniques ou religieuses, soit des prisonniers de droit commun ou des détenus politiques. » LAROUSSE. (n.d.). *Camp de concentration*. [online] Available at: https://www.larousse.fr/encyclopedie/divers/camps_de_concentration/35863 [Accessed 11 Mar. 2021].

⁵⁷ “No law or administrative or local rules and regulations shall contravene the constitution. [...] No organization or individual may enjoy the privilege of being above the Constitution and the law.” NPC. (2018) *China (People’s Republic of) 1982 (rev. 2018)*. *constituteproject.org*. [online] Available at: https://www.constituteproject.org/constitution/China_2018?lang=en [Accessed 22 Sep. 2020].

⁵⁸ “No citizen may be arrested except with the approval or by decision of a people’s procuratorate or by decision of a people’s court [...]. Unlawful deprivation or restriction of citizens’ freedom of person by detention or other means is prohibited; and unlawful search of the person of citizens is prohibited.” NPC. (2018) *China (People’s Republic of) 1982 (rev. 2018)*. *constituteproject.org*. [online] Available at: https://www.constituteproject.org/constitution/China_2018?lang=en [Accessed 22 Sep. 2020].

citizens” as “inviolable” and specifies that “Insult, libel, false charge or frame-up directed against citizens by any means is prohibited”⁵⁹.

In practice, these provisions are far from being taken into account by policy in Xinjiang. While the PRC's Criminal Procedure Law makes it legal to detain individuals suspected of crimes that endanger national security⁶⁰, it does specify that the detainee's family must be informed of the detention, but not necessarily of its location. The Criminal Procedure Act also obliges the authorities to film interrogations when they involve serious offences, a protocol that is rarely respected in the country.

These different legislations raise questions about the conditions of detention. While the prohibition of torture or “cruel, inhuman or degrading treatment” is not addressed in the Chinese Constitution, China has nevertheless ratified the relevant UN Convention and condemns the use of torture in Article 247 of the PRC Criminal Law, which states that: *“Judicial workers who extort a confession from criminal suspects or defendants by torture, or who use force to extract testimony from witnesses, are to be sentenced to three years or fewer in prison or put under criminal detention. Those causing injuries to others, physical disablement, or death, are to be convicted and severely punished according to articles 234 and 232 of this law.”*⁶¹ But the psychological aspect of torture, referred to in the definition in Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading

⁵⁹ The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false charge or frame-up directed against citizens by any means is prohibited.

NPC. (2018) *China (People's Republic of) 1982 (rev. 2018)*. *constituteproject.org*. [online] Available at: https://www.constituteproject.org/constitution/China_2018?lang=en [Accessed 22 Sep. 2020].

⁶⁰ If surveillance of the suspect in his or her own home is deemed to have the potential to “obstruct the investigation”. This measure is called “residential surveillance in a designated place” and is set out in section 73 of the Criminal Procedure Act.

CNP. (2012). *Loi de procédure pénale de la République populaire de Chine*. *gov.cn*. [online] Available at: http://www.gov.cn/flfg/2012-03/17/content_2094354.htm [Accessed 22 Sep. 2020].

⁶¹ *“Judicial workers who extort a confession from criminal suspects or defendants by torture, or who use force to extract testimony from witnesses, are to be sentenced to three years or fewer in prison or put under criminal detention. Those causing injuries to others, physical disablement, or death, are to be convicted and severely punished according to articles 234 and 232 of this law.”*

NPC. (1997). *Criminal Law of the People's Republic of China (1997 Revision)*. *lawinfochina.com*. [online] Available at: <http://www.lawinfochina.com/display.aspx?lib=law&id=354&CGid=#menu2> [Accessed 22 Sep. 2020].

Treatment or Punishment⁶², ratified by China in 1988, is never mentioned in Chinese criminal law. In any case, nothing can justify or legitimise the physical or psychological violence, rapes and other abominable tortures committed against the Uyghur community in Xinjiang.

Faced with this disregard for the law on the part of the Chinese authorities, what legal remedies are available to the victims? The question is not simple and the theory differs from the practice in every respect. Although Article 41 of the Chinese Constitution allows citizens to “file complaints” or make accusations in order to denounce “violation of the law (...) by any state organ or functionary”⁶³, fair trials in such situations are very rare. The repression of human rights lawyers and activists, particularly since 2015, is a major factor in this phenomenon. Even more seriously, there are numerous reports of torture of the lawyers themselves, which undermines any hope for civilians to achieve justice⁶⁴.

The state bodies responsible for law enforcement are the National People's Congress (NPC) and its permanent committee, which have a monopoly on constitutional review in the PRC. Democratically elected under the terms of the Constitution in the provinces and autonomous regions of the PRC, the NPC deputies are responsible for constituting the Supreme Court, which is accountable to the NPC and its permanent committee, and for appointing its president. While the Supreme Court has no power to review the constitutionality, it can, like other state institutions, petition the PNA permanent Committee to investigate whether a particular regulation is in compliance with the Constitution or the law. However, the PNA

⁶² *“Torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act he/she or a third person has committed or is suspected of having committed, to intimidate or coerce him/her or a third person, or for any other reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. This term does not extend to pain or suffering resulting solely from, inherent in or occasioned by lawful sanctions.”*

Original definition in French: « Le terme « torture » désigne tout acte par lequel une douleur ou des souffrances aiguës, physiques ou mentales, sont intentionnellement infligées à une personne aux fins notamment d'obtenir d'elle ou d'une tierce personne des renseignements ou des aveux, de la punir d'un acte qu'elle ou une tierce personne a commis ou est soupçonnée d'avoir commis, de l'intimider ou de faire pression sur elle ou d'intimider ou de faire pression sur une tierce personne, ou pour tout autre motif fondé sur une forme de discrimination quelle qu'elle soit, lorsqu'une telle douleur ou de telles souffrances sont infligées par un agent de la fonction publique ou toute autre personne agissant à titre officiel ou à son instigation ou avec son consentement exprès ou tacite. Ce terme ne s'étend pas à la douleur ou aux souffrances résultant uniquement de sanctions légitimes, inhérentes à ces sanctions ou occasionnées par elles. »

ACAT FRANCE. (n.d.). *Définition de la torture.* [online] Available at: <https://www.acatfrance.fr/torture/definition-torture> [Accessed 22 Sep. 2020].

⁶³ *“Citizens have the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary [...]”*
NPC. (2018) *China (People's Republic of) 1982 (rev. 2018).* *constituteproject.org.* [online] Available at: https://www.constituteproject.org/constitution/China_2018?lang=en [Accessed 22 Sep. 2020].

⁶⁴ N.D. (2015). *China: Torture and forced confessions rampant amid systematic trampling of lawyers' rights.* *amnesty.org.* [online] 12 Nov. Available at: <https://www.amnesty.org/en/latest/news/2015/11/china-torture-forced-confession/> [Accessed 22 Sep. 2020].

permanent Committee is not obliged to carry out such a review if it does not deem it necessary⁶⁵.

Although the PRC has legislative bodies and tools that, in principle, guarantee all Chinese citizens their fundamental rights and freedoms, there is no National Human Rights Commission or Regional Court with the legal capacity to assist victims.

Exactions against the Uyghur minority: the impossible condemnation of China by international law?

China is very well protected internationally. Indeed, it is well integrated into the international community and its status as a leader was highlighted as early as 1945, then in 1971 when it joined the Security Council. Its privileged position gives it a power that the majority of other states do not possess: the right of veto. Indeed, this is already the first layer for protecting its interests.

Revelations about the methods of detention, profiling, arrest and torture of the Uyghur community⁶⁶ have caused great emotion with calls for sanctions against the People's Republic of China.

Legally speaking, initiating sanctions against China can be a long and complex process. Indeed, there are many treaties that the country has refused to ratify⁶⁷ or about which it has reservations, especially as the terms used in international law often leave too much room for interpretation.

This is notably the case for the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, which China ratified in 1988 and on which it made reservations at the time of signature, confirmed upon ratification.

The first reservation concerns Article 20 of the Convention. This provides, among other things, that if a report were to be made to the Committee concerning a State's abuses, the

⁶⁵ JIN, B. (2016). La Cour suprême de Chine. *Nouveaux cahiers du Conseil Constitutionnel*, n°51, pp.50-67. Available at: <https://www.conseil-constitutionnel.fr/nouveaux-cahiers-du-conseil-constitutionnel/la-cour-supreme-de-chine> [Accessed 22 Sep. 2020].

⁶⁶ CAUSIT, C. (2020). L'article à lire sur la répression des Ouïghours en Chine. *franceinfo.fr*. [online] 17 Jul. Available at: https://www.francetvinfo.fr/monde/chine/l-article-a-lire-sur-la-repression-des-ouighours-en-chine_4030991.html [Accessed 5 Mar. 2021].

⁶⁷ The Rome Statute establishing the International Criminal Court, the International Convention for the Protection of All Persons from Enforced Disappearance (New York, 20 December 2006) and the Optional Protocol to the International Covenant on Civil and Political Rights (1976).

State should cooperate with the Committee, be transparent and allow investigators to enter their country to assess the situation⁶⁸.

This is the problem we are facing today. There are numerous video and audio sources and resources available, all of which point to human rights abuses and thus support the idea that there is a “cultural genocide” underway in the PRC, to use the phrase of German researcher Adrian Zenz. However, in the name of international law and the reservations that the country may have made, the Chinese regime is under no legal obligation to accept any justification for the events taking place on its territory.

Additionally, the country made a reservation to Article 30 of the Convention, which states that in the event of disputes between countries and the failure of negotiations, the case would be brought before the International Court of Justice.

By placing reservations on these two articles, China has created a legal “shell” that seems impossible to break. In reality, these reservations have made it unassailable because it has reserved the right not to adhere to those parts of the Charter that might make it feel justified or vulnerable and could land it in a court of law.

Furthermore, China did not wish to become party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 18 December 2002, which reiterates in Article 1 of the General Principles that “*The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment*”. This is precisely what is happening at the moment in the Xinjiang region where people are being locked up and tortured because they belong to an ethnic and religious minority.

However, the absence of reservations on the other articles of this same convention is not enough to remove suspicions against the country and, above all, does not make China an irreproachable regime. If one believes the numerous testimonies collected concerning the treatment of the Uyghur minority, it is possible to affirm that certain articles of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are violated by the Chinese authorities.

Article 2(1), for example, provides that “*legislative, administrative, judicial or other measures*” must be implemented “*to prevent acts of torture in any territory under [the] jurisdiction*” of State Party to this Convention. Articles 11 and 12 respectively commit them to ensuring that the interrogation and detention of individuals comply with the provisions of national law⁶⁹, in accordance with the Convention, in the event of a doubt as to the treatment

⁶⁸ Article 20: 1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned. 2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently. 3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the cooperation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory. [...]

⁶⁹ The PRC Criminal Code provides that the duration of criminal detention must be between one and six months (Article 42) and that such detention must be requested by a 'public security organ' (Article 43). Article 247

of a prisoner or witness, the authorities should initiate an investigation procedure. Finally, Article 13 ensures “the right to complain” to individuals claiming to have been victims of torture, as well as “the protection of complainants”⁷⁰. The repression of lawyers defending victims of torture in the PRC, mentioned above, suggests that this article is totally ignored by the Chinese authorities.

This Convention is not the only international law violated by China in Xinjiang. The Convention on the Rights of the Child, ratified in 1992, states in Article 9, paragraph 1, that children shall not be separated from their parents, “*except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child*”. Article 2(1) states that “the rights set forth in the present Convention” shall be guaranteed for all children “*within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status*”⁷¹.

Finally, the Universal Declaration of Human Rights (1948) states that “*everyone has the right to life, liberty and security of person*” (article 3), that “*no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*” (article 5) or even that “*everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance*” (article 18)⁷², prescriptions that China seems to totally disregard. The above articles are just a few examples of the laws that the PRC is violating⁷³.

punishes with imprisonment of up to three years “[a]ny judicial officer who extorts a confession from a suspect or defendant by torture or extorts the testimony of a witness by violence.” Article 248 also punishes the mistreatment of prisoners.

NPC. (1979). *Criminal Law of the People's Republic of China*. ilo.org. [pdf] Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/5375/108071/F-78796243/CHN5375%20Eng3.pdf> [Accessed 20 Feb. 2021].

As far as interrogations are concerned, they should not exceed 24 hours, 48 hours if a “public security organ” has given its consent. In this case, the suspect's family must be notified of this additional time (Article 9 of the People's Police Act).

NPC. (1995). *People's Police Law of the People's Republic of China*. ilo.org. [pdf] Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/92664/108061/F-1334361595/CHN92664%20Eng.pdf> [Accessed 22 Sep. 2020].

⁷⁰ HCDH. (1993). *Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants*. ohchr.org. [online] Available at: <https://www.ohchr.org/FR/ProfessionalInterest/Pages/CAT.aspx> [Accessed 22 Sep. 2020].

⁷¹ HDCH. (1989). *Convention relative aux droits de l'enfant*. ohchr.org. [online] Available at: <https://www.ohchr.org/FR/ProfessionalInterest/Pages/CRC.aspx> [Accessed 22 Sep. 2020].

⁷² UNITED NATIONS. (1948). *Universal Declaration of Human Rights*. un.org. [online] Available at: <https://www.un.org/en/universal-declaration-human-rights/index.html> [Accessed 26 Sep. 2020].

⁷³ The testimonies relating to the persecution of the Uyghurs could not be confirmed by official United Nations investigations. The reactions and analyses are therefore based on the many similar testimonies of survivors and their families.

China's history is marked, among other things, by its expansions and human rights violations (Taiwan in 1949⁷⁴ and on its own territory⁷⁵); the country has therefore been careful, since its entry into the Security Council in 1971, to avoid all treaties or protocols whose provisions could, in the future, be detrimental to it in the terms we have seen above.

As a veto holder, China has also taken precautions to avoid resolutions that could set a precedent that would be detrimental to it. Since 1997, China has systematically abstained from voting for the intervention of UN observers⁷⁶ in war-torn countries and to condemn the repression of governments on their civilian population. Allowing these interventions also means facing the possibility of being judged and convicted oneself. The country wants to be able to keep total control of its population and its image. To do this, nothing is easier than to keep the world blind to what is happening in the national space. This limits the international community's scope for action; not only does it have no reason to demand transparency, but also it cannot legally do so because China cannot be legally prosecuted on the basis of texts it has neither signed nor ratified.

Which remedies?

A discursive trap

Today, China's abuses against the Uyghurs are not leaving democratic powers indifferent. Nevertheless, few in the international community dare to attack China heads on. We have seen an opposition set up between the discursive practice of denunciation, versus negotiation and action; the denouncing states prefer to indulge in the former without really proposing tangible solutions. But apart from sharing the outrage, what actions are really being taken against China? Is there any concreteness behind the rhetoric? Yet it is through their operationalisation that the words should mean something, only the action truly testifying to the intentions of the interlocutors.

However, the political prerequisite of signing peace and human rights agreements is not met by the Beijing regime, which violates and refuses to sign treaties and amendments that address these issues, creating a blockage when political conflict arises.

While some states have openly declared their support for Beijing's repressive policy, the United States and the European Union (EU) have condemned the violence perpetrated

⁷⁴ During the Chinese Civil War, Nationalists and Communists clashed and the conflict quickly turned to the advantage of the latter. The Nationalist leader Tsong Kai-shek fled to the island of Formosa and established the Republic of China. The Republic of China establishes mutual defence agreements with the United States and has a seat at the UN. They (the Nationalists) dream of one day taking over mainland China. However, diplomatic relations with the other states soon became more complicated, and they preferred to make agreements with the People's Republic of China. The separation was definitively symbolised and China's seat on the Security Council, which Taiwan had occupied, was ceded to the People's Republic of China in 1971.

⁷⁵ The Cultural Revolution.

⁷⁶ China objected on 10 January 1997 to the authorisation of the deployment of 155 observers to monitor the ceasefire in Guatemala, on 11 July 2008 to the condemnation of government violence against civilians in Zimbabwe after the elections, on 4 October 2011 to the condemnation of the repression of anti-regime protests in Syria, on 4 February 2012 and 19 July 2012 to the condemnation of the repression of anti-regime protests in Syria, and on 22 May 2014 to the referral of Syrian war crimes to the UN International Criminal Court.

against Uyghurs. The former has stopped certain collaborations with companies that use Uyghur labour and technology companies whose products are used to monitor them, while the EU has put in place an emergency European resolution aimed at sanctioning the Chinese politicians behind the repression.

The only “recourse” to force China to reveal what is happening on its territory would be to exert such strong pressure that the regime would have no choice but to give in to ease tensions.

The United States was the first to announce sanctions against senior Chinese officials for their direct involvement in the repression of the Uyghur people and by extension the violation of human rights and dignity through the speeches of Secretary of State Michael R. Pompeo and Senator Marco Rubio.

Chen Quanguo, the current secretary of the first party of the Xinjiang Production and Construction Corps (XPCC), which is a paramilitary organisation subordinate to the Chinese Communist Party, is concerned by these sanctions. As soon as he was appointed, Chen Quanguo allegedly implemented surveillance, detention and indoctrination operations against minorities in the Xinjiang region. He is not the only one in the US crosshairs. Sun Jinlong, former party secretary of the XPCC, and Peng Jiarui, deputy party secretary and commander of the XPCC, have also been denounced by Michael Pompeo for their violation of the *Global Magnitsky Human Rights Accountability Act*, which targets human rights violators and corrupt actors. These three individuals were therefore refused entry to the United States. Although the sentence is not “heavy”, it is nonetheless symbolic and demonstrates a real desire to act against the “*stain of the century*”⁷⁷.

Marco Rubio went further. His bill: “S.3744 - Uyghur Human Rights Policy Act of 2020” in which he called on US President Donald Trump to impose sanctions on Chinese officials and to cease most cooperation with them until the cessation and release of persecuted minorities in China was introduced in the Senate, approved and officially made into a bill called Public Law No: 116-145⁷⁸.

Representatives of the Chinese regime can no longer receive visas, those who had them have had them revoked and their assets have been frozen. Rubio also encouraged US allies to undertake a series of sanctions against China. As we know, this invitation did not provoke many States to react, but it did anger China, which spoke of “provocations” and “interference”⁷⁹. A sentiment that was exacerbated on 20 January 2021 during a press conference in which Michael R. Pompeo called the Chinese repression “genocide”, a

⁷⁷ N.D. (2020). Pompeo sanctionne la Chine pour les violations des droits humains contre les Ouïghours, la qualifiant de « tâche du siècle ». *fr24news.com*. [online] 1 Aug. Available at: <https://www.fr24news.com/fr/a/2020/08/pompeo-sanctionne-la-chine-pour-les-violations-des-droits-humains-contre-les-ouighours-la-qualifiant-de-tache-du-siecle.html> [Accessed 24 Dec. 2020].

⁷⁸ US CONGRESS. (2020). *Text - S.3744 - 116th Congress (2019-2020): Uyghur Human Rights Policy Act of 2020*. *congress.gov*. [online] Available at: <https://www.congress.gov/bill/116th-congress/senate-bill/3744/text> [Accessed 2 Nov. 2020].

⁷⁹ N.D. (2020). Pourquoi les relations entre la Chine et les Etats-Unis se sont-elles autant dégradées? *francetvinfo.fr*. [online] 25 Jul. Available at: https://www.francetvinfo.fr/monde/usa/presidentielle/donald-trump/pourquoi-les-relations-entre-la-chine-et-les-etats-unis-se-sont-elles-autant-degradees_4054011.html [Accessed 22 Sep. 2020].

heavy-handed characterisation and stigma that has since been removed from the official US government website.

The transgression of borders

This first step is already a great success for the international community as it represents the recognition of a crime being committed against minorities. Obtaining a judgement is, however, much more complex and there is a final alternative. We have already mentioned the impossibility of convicting China because of its refusal to ratify the Rome Statute, but also because of the numerous reservations and abstentions made to treaties on torture, disappearances or repression of civil society.

There is, however, one final point that can be raised and investigated by the International Criminal Court, even though China has not ratified the treaty establishing it. Indeed, it seems that China has overstepped its rights by arresting Uyghurs abroad. The epicentre of this 'legal struggle' is partly in Cambodia and Tajikistan. Chinese authorities have entered Cambodian and Tajik territory to arrest and deport Uyghurs, according to lawyer Anne Coulon⁸⁰. It is also reported that the local authorities are organising forced repatriations to China even though this represents a danger to the lives of the deported individuals.

Similar violations of the law have already been found and have led to the opening of a case at the International Criminal Court. Indeed, the previous case concerned the deportation of the Rohingya minority from Myanmar to Bangladesh. Myanmar, like China, was not a signatory to the Rome Statute either. But because its crimes took place outside the country, in Bangladesh, itself a signatory of the Rome Statute, this was enough for the prosecutor of the International Criminal Court to open an investigation.

The same pattern could be repeated with China, which has no right to execute its judicial power on a territory that is not its own. According to the general problematic of the right to resist oppression, Resolution 2625, pr. 3 of 1970: *“No State or group of States has the right to intervene directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law”*, that *“subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security”*⁸¹. These deportations and forced repatriations are therefore a clear violation of international treaties but also open the door to legal recourse.

This resolution emphasises the right of peoples to resist. The notion of “people” itself has never really been defined, the concept has inspired many different definitions. Although still

⁸⁰ TEMPLE GARDEN CHAMBERS. (2020). Anne Coulon. [online] Available at: <https://tgchambers.com/member-profile/4362-2/> [Accessed 22 Sep. 2020].

⁸¹ ASSEMBLÉE GÉNÉRALE. (1970). *Résolutions adoptées sur les rapports de la sixième commission. treaties.un.org*. [pdf] Available at: https://treaties.un.org/doc/source/docs/A_RES_2625-Frn.pdf [Accessed 26 Sep. 2020].

very vague, this is what gives it its strength. The Uyghurs, even as a diasporic entity, can be seen as a people seeking refuge and demanding freedom and justice for the crimes they have suffered.

Consequently, the abuses committed on their territory and the failure of these states to intervene are criminally reprehensible and are also a violation of the first pillar of the 2005 Responsibility to Protect, which commits each state to protect its populations. If the authorities cannot judge the crimes committed in the Xinjiang region, they will be able to have the crimes committed on foreign territory judged.

Yes, but against whom? We said earlier that it was almost impossible to attack the Chinese regime in its entirety, so the solution that emerges is to file collective complaints against specific individuals (Chinese officials), who would then be held criminally liable. Firstly, for acts of torture under Article 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: *“1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment”*. And then in the name of Article 25 of the Rome Statute which describes individual criminal responsibilities in these words: *“A person who commits a crime within the jurisdiction of the Court shall be individually responsible and liable for punishment in accordance with this Statute.”*⁸²

Numerous testimonies reported physical, moral and sexual abuse by the authorities. And secondly, for illegal extradition in accordance with Article 3.1 of the same Convention, which makes it illegal to deport or extradite (forcibly repatriate) individuals to a State where they are in danger: *“No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”*

Thus, this section has shown that international peace bodies constitute a legal arsenal for the respect of human rights. Legal resources that China has managed to turn to its advantage. The surest way for a state to 'survive' is to become indispensable by normalising its relations with other states. China is a good example of this state of mind; the country is aware that its identity can generate negative perceptions in other states. Indeed, the democratic powers have created a whole imaginary world around China, this giant with feet of clay that draws its strength from its size and weight, but whose very characteristics of its power also constitute its weakness: the territory hosts a multitude of different identities and aspirations. The question is: in such a vast state with diverse cultural influences, how do you create cohesion? For the Chinese government, it would be a matter of tightening its grip on the population and rallying them to the party. Indeed, the country is home to several ethnic groups, the majority of which are Han; history has shown that the domination of the Han people over China has created a strong national feeling. Naturally or not, when problems and dissensions emerged, the solution was to vilify minorities in order to undertake so-called “legitimate” interventions

⁸² *“The Court's mandate is to try individuals, not States, and to hold them accountable for the most serious crimes of concern to the international community as a whole, namely the crime of genocide, war crimes, crimes against humanity and the crime of aggression.” See Articles 1 and 25 of the Rome Statute.*

against them and repress them. This is what happened with Tibet and what is happening today with the Uyghurs...

The possibilities of legal recourse against the Chinese people's regime seem futile, as the country has never signed or ratified a treaty that could ever oblige it to be transparent about what happens on its territory. And yet, China's transgression of international law, which prohibits one state from violating another's borders, could be the way to open a legal case not against the Chinese regime but against its officials and leaders. How could this be done? Through Article 12 of the Rome Statute. This article gives the International Criminal Court the right to exercise jurisdiction over the territory where the conduct in question was committed, i.e. Cambodia and Tajikistan, as well as Article 28 of the Rome Statute, which provides for sanctions against military officials and other superiors of a State⁸³.

⁸³ Article 28: “RESPONSIBILITY OF MILITARY CHIEFS AND OTHER HIERARCHICAL SUPERIORS of the Rome Statute - (b) *With respect to superior and subordinate relationships not described in paragraph (a), a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where: (i) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes; (ii) The crimes concerned activities that were within the effective responsibility and control of the superior; and (iii) The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution*”.

UNITED NATIONS. (1998). *Rome Statute of the International Criminal Court*. [treaties.un.org](https://treaties.un.org/doc/Treaties/1998/07/19980717%2006-33%20PM/Ch_XVIII_10p.pdf). [pdf] No 38544. Available at: https://treaties.un.org/doc/Treaties/1998/07/19980717%2006-33%20PM/Ch_XVIII_10p.pdf [Accessed 27 Dec. 2020].

THE REACTIONS OF THE DIPLOMATIC WORLD

If the persecution against the Uyghur community has been going on for years, the first reactions in the diplomatic world have been late to be heard. A “unimaginable cowardice” of the international community according to Laurence Defranoux, editor and reporter of the daily newspaper *Libération*, knowing that the evidence confirmed by the reality of the labour camps and the imprisonment of the Uyghurs have been existing for more than two years⁸⁴. According to Nicolas Tenzer, who is a political commentator and the president of *Centre d'étude et de réflexion pour l'action politique*, this long silence can be explained by “a kind of tolerance towards crime”⁸⁵. Adrian Zenz, a German researcher and specialist in Xinjiang, explains this taboo by the “very strict control by the Chinese censor” as well as by the “cowardice of the western world” facing the perspective of a loss of the “chinese investment”⁸⁶.

No matter what the reasons are, this silent consent should stop and the governments, the United Nations as well as the European Union must react in a tangible and pressuring way concerning such abominations.

Division in the Organisation of the United Nations

In the framework of the United Nations, the first sign of worriedness concerning the treatment of the Uyghurs occurred on 10 August 2018, when the vice-president of the The Committee on the Elimination of Racial Discrimination, Gay McDougall, expressed her disgust facing numerous reports made on the state of ill treatment of the Uyghur population in the region of Xinjiang. These first public accusations have been denied by Beijing who refuted, at that time, the existence of the re-education camps or the violence committed against all the minorities in the country.

It was truly in 2019 that the fate of the Uyghurs began to agitate the United Nations, following the drafting of a joint letter by 22 states, mostly European liberal democracies⁸⁷, within the framework of the Council for the Human Rights of the United Nations, denouncing “arbitrary detentions (...), generalised surveillance” in Xinjiang⁸⁸. But that was

⁸⁴ ARTE. (2020). *Ouïghours : qui prendra le risque de se fâcher avec Pékin ? - 28 minutes - ARTE*. YouTube. Available at: https://www.youtube.com/watch?reload=9&v=csFotUd6ai8&ab_channel=28minutes-ARTE [Accessed 09 Sep. 2020].

⁸⁵ *Ibid.*

⁸⁶ DEFRANOUX L. (2019). Chine: « Au Xinjiang, un musulman sur six serait en détention ». *libération.fr*. [online] 20 Mar. Available at: https://www.liberation.fr/planete/2019/03/20/chine-au-xinjiang-un-musulman-sur-six-serait-en-detention_1715891 [Accessed 09 Sep. 2020].

⁸⁷ “*Liberal democracy, the will to freedom and the government of the people by themselves, is the intended conjunction of liberalism and democracy. The nations where it is practised are those where freedom is most developed and the economic needs of humans are best met.*” BENOIT, F-P. (1978). *La démocratie libérale*. Paris. Published by Presses Universitaires de France.

⁸⁸ VAULERIN, A. (2019). *Ouïghours : la communauté internationale à voix ténue*. *libération.fr*. [online] 3 Nov. Available at:

without counting on the support that 37 countries would give to China to face this new blame, complimenting it on “its remarkable achievements in the field of human rights” as well as the “series of measures against terrorism and de-radicalisation in Xinjiang”⁸⁹. This division was again manifested in October 2019, within the United Nations Commission on Human Rights. This time around, 54 countries supported China in the same tone, when 23 states (including France, Japan, Germany, Australia, Canada and the United States) signed a declaration, which Zhang Jun, China's permanent representative to the UN, called a “baseless accusation” and “blatant interference in China's internal affairs”⁹⁰.

Third episode in a infernal saga, the British Ambassador to Geneva, Julian Braithwaite, delivered a statement on 30 June 2020 on behalf of 27 countries⁹¹, on the occasion of the 44th session of the United Nations Human Rights Council. The objective was to denounce the human rights violations committed by China in Xinjiang and Hong Kong and to urge Beijing to “allow the [UN High Commissioner for Human Rights] access significant in Xinjiang as soon as possible”⁹². In response to the new accusation, 45 countries⁹³ allied themselves with China and signed a joint declaration, read on 1 July 2020 by the representative of Belarus at the meeting of the Human Rights Council. The main argument of this declaration is based on the so-called “anti-terrorism” policy pursued by China. She underlines “security and stability (which) have been restored in Xinjiang” and refers to “unfounded allegations against China, based on disinformation”⁹⁴.

In the end, history repeated itself on 6 October 2020 when, at Germany's initiative, 39 countries specifically called on China in a joint declaration to respect human rights. They again faced opposition from 54 countries supporting China by signing a single declaration

https://www.liberation.fr/planete/2019/11/03/ouighours-la-communaute-internationale-a-voix-tenue_1761379 [Accessed 09 Sep. 2020].

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ Albania, Germany, Australia, Austria, Belgium, Belize, Canada, Denmark, Estonia, Finland, France, Iceland, Ireland, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Republic of the Marshall Islands, Kingdom of the Netherlands, New Zealand, Norway, the Republic of Palau, Slovakia, Slovenia, Sweden, Switzerland and the United Kingdom.

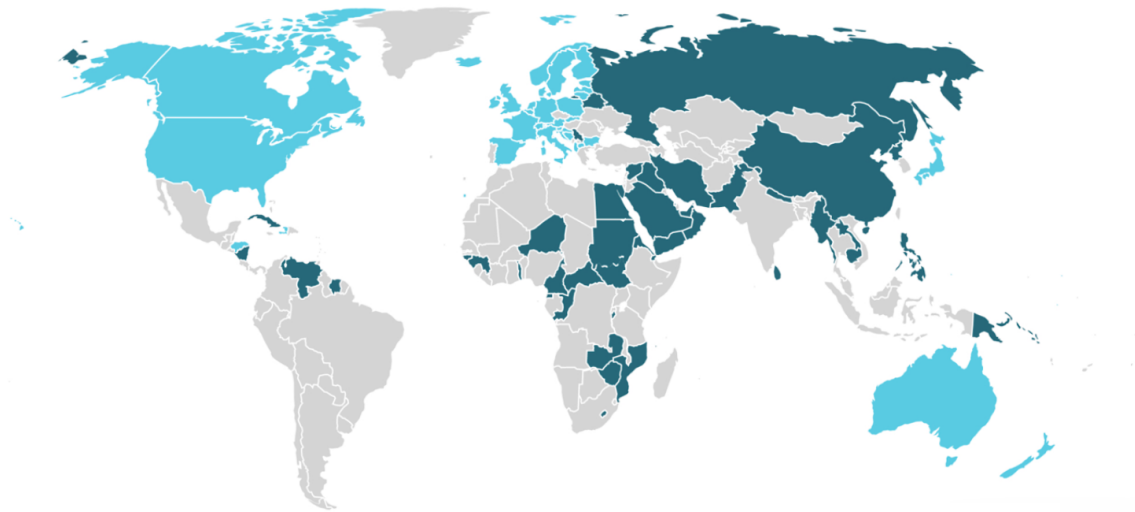
FOREIGN & COMMONWEALTH OFFICE & BRAITHWAITE, J. (2020). *UN Human Rights Council 44: Cross-regional statement on Hong Kong and Xinjiang*. gov.uk. [online] Available at: <https://www.gov.uk/government/speeches/un-human-rights-council-44-cross-regional-statement-on-hong-kong-and-xinjiang> [Accessed 09 Sep. 2020].

⁹² *Ibid.*

⁹³ Bahrain, Belarus, Burundi, Cambodia, Cameroon, Central African Republic, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Equatorial Guinea, Eritrea, Guinea, Guinea-Bissau, Islamic Republic of Iran, Iraq, Lao People's Democratic Republic, Lesotho, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Oman, Pakistan, State of Palestine, Papua New Guinea, Philippines, Russian Federation, Saudi Arabia, Serbia, Solomon Islands, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Togo, United Arab Emirates, Venezuela, Yemen, Zambia and Zimbabwe.

⁹⁴ N.D. (2020). *Joint Statement delivered by Permanent Mission of Belarus at the 44th session of Human Rights Council*. china-un.ch. [online] 1 Jul. Available at: <http://www.china-un.ch/eng/hom/t1794034.htm> [Accessed 09 Sep. 2020].

accusing the opposing camp of meddling. The day before, 26 countries called for an end to US sanctions against Beijing⁹⁵.



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International reaction to the imprisonment of Uyghurs by the Chinese government.

- Signatories to the official declaration of support to China of 1 July 2020 during the 44th session of the United Nations Human Rights Council in Geneva and still supporting China to the 1 March 2021.
- Governments that condemn the Uyghurs' situation in China in a common declaration to the United Nations delivered 6 October 2020 by the German ambassador Christoph Heusgen.
- Government that did not officially affirm their position

Such support for Beijing can only be confusing, especially when many of the countries which sign these declarations are Muslim countries. Two arguments complement each other here to explain this phenomenon.

On the one hand, these states would have a lot to lose, from an economic point of view, by coming out against China. Nadège Rolland, sinologist and researcher at the National Bureau of Asian Research, underlines the importance of the New Silk Roads project, which appeals to all the countries concerned (Asian regions, West Africa, the Middle East and the Mediterranean) not only for its monetary and financial benefits, but also political, security and cultural ones. In addition, she specifies that “the “Chinese solution” is attractive to leaders who do not want to be taught a lesson on their governance”, Beijing having “no requirement on respect for human rights when he invests”⁹⁶. She thus raises the second argument justifying this support for China: most of the countries defending Beijing's interests

⁹⁵ N.D. (2020). ONU : 39 pays demandent à la Chine de respecter les droits des Ouïghours. *lefigaro.fr*. [online] 06 Oct. Available at: <https://www.lefigaro.fr/flash-actu/onu-39-pays-demandent-a-la-chine-de-respecter-les-droits-des-ouighours-20201006> [Accessed 3 Nov. 2020].

⁹⁶ DEFRANOUX, L. (2017). Nadège Rolland : « La « solution chinoise » plaît aux dirigeants qui n'aiment pas qu'on leur fasse la leçon ». *libération.fr*. [online] 18 Oct. Available at: https://www.liberation.fr/planete/2017/10/18/nadega-rolland-la-solution-chinoise-plait-aux-dirigeants-qui-n-aiment-pas-qu-on-leur-fasse-la-lecon_1604113 [Accessed 09 Sep. 2020].

are also authoritarian regimes that also commit human rights violations. According to Marc Julienne, researcher for the Asia Center of the French Institute of International Relations (IFRI), “there is a solidarity that is being put in place to have the right to repress internal disputes”⁹⁷.

This dialogue that we are witnessing between the two groups of countries which keep passing the buck is in reality very representative of the divide that is created within the UN, with the (unofficial) formation of the “Like-Minded Group”. The latter defends a conception of human rights which breaks “with the traditional conception” and is based on “the right to development”, in the words of Marc Julienne who explains the superiority of the number of countries defending China by a “failure of liberal democracies”⁹⁸.

Finally, an invitation to visit Xinjiang from the Chinese UN Ambassador to Michelle Bachelet, High Commissioner for Human Rights, was issued in June 2019. It was followed by discussions to “ensure full access to the region. In addition, a letter was sent to António Guterres, Secretary General of the United Nations, in which Non-Governmental Organisations (NGOs) asked him to publicly condemn the violence committed against Uyghurs in China and to ensure that access to the region in question be allowed for UN experts. However, to date, no UN observer mission appears to have been set up and the Covid-19 health crisis could well delay the process even further⁹⁹.

A European Union that has to be heard

The European Union, a staunch human rights defender, has repeatedly expressed concern, through various channels, about the deteriorating human rights situation in the Xinjiang region. The EU is all the more sensitive to this situation since it experienced the deadliest genocide in contemporary history, the Shoah, and since it has adopted the doctrine of “Never again!”. Thus, human rights are now a high issue on the European agenda. As International Human Rights Day approaches, on 10 December 2019, the EU delegation to China drew attention to reports of mass surveillance and the detention, among other things, of Uyghurs in camps described by China as political “re-education centers”. She also said that Uyghur nationals are being hunted down and extradited to China from all over the world. The EU has expressed its willingness to work with the Chinese authorities in the framework of the EU-China human rights dialogue.

However, reactions within the EU were slow to emerge, and the anti-Trumpism reigning on the Old Continent may have been part of it. According to Jean-Sylvestre Montgrenier, researcher at the French Institute of Geopolitics, the member countries of the European Union have, in recent months, forged an idealised portrait of Xi Jinping, establishing him as

⁹⁷ DONADA, E. (2020). Ouïghours : des pays musulmans, dont la Palestine, soutiennent-ils la politique de la Chine ? *libération.fr*. [online] 16 Jul. Available at: <https://www.liberation.fr/checknews/2020/07/16/ouighours-des-pays-musulmans-dont-la-palestine-soutienne-nt-ils-la-politique-de-la-chine-1793929> [Accessed 09 Sep. 2020].

⁹⁸ *Ibid.*

⁹⁹ The pandemic also stifled, on 16 November 2019, the publication of official Chinese documents by the *New York Times* proving the government's guilt in the willful crackdown on the Uyghur minority in Xinjiang.

“champion of free trade, globalisation and climate diplomacy”¹⁰⁰. However, it seems that the first concrete reactions of the American president have more or less awakened Europeans. On 30 June 2020, the EU specifically called on China to allow independent observers to enter Xinjiang territory in order to provide accurate and undistorted reports. A few days earlier, on 17 June, Donald Trump had enacted a law to sanction Beijing for human rights violations committed in the country. In the same way, in December of the previous year, it was sixteen days after the approval of the said law by the House of Representatives in the United States that the European Parliament passed a resolution calling on EU member states, to the Commission and the Council to implement sanctions against Beijing, as well as to ensure “the protection of the members of the diaspora of Xinjiang” and “to accelerate the requests for asylum presented by the Uyghurs and other Turkish Muslims”¹⁰¹.

It, nevertheless, took a whole year before a sanction regime was adopted in Brussels. According to Antoine Bondaz, the heterogeneity of the EU member states prevents him from forming a “united front” and positioning itself as a strategic player on the international scene. Moreover, “it is not in the DNA of the European Union to establish trade retaliation”¹⁰², despite the preponderant place it holds among the main players in world trade. Indeed, for the sake of sustainability, the EU tends to turn a blind eye to certain reprehensible, authoritarian or corrupt acts.

On 7 December 2020, the foreign ministers of EU member countries voted in the Council of the EU in favor of a sanction regime which, if it is not a European “Magnitsky law”, nevertheless gives the Union the capacity to target individuals at the origin of human rights violations and thus deny them access to the EU and freeze their assets¹⁰³.

With the same dynamic, on 17 December 2020, MEPs voted in favor of an “emergency resolution” aimed at directly sanctioning members of the Chinese authorities guilty of human rights violations in Xinjiang. This text aims to make the European institutions as well as the Member States react to the situation of the Uyghur population in China and underlines the involvement of many European companies in its implementation.¹⁰⁴ The resolution also provides for the cessation of all exports and all technological transfers linked to goods and services used in China as part of the mass surveillance of the population, as well as the end of all forms of cooperation by European companies with the Chinese repressive apparatus,

¹⁰⁰ MONTGRENIER, J-S. (2017). Containir la Chine : un enjeu géopolitique et civilisationnel. *Monde chinois*. [online] 50(2), p.105-115. Available at: <https://www.cairn.info/revue-monde-chinois-2017-2-page-105.htm> [Accessed 5 Mar. 2021].

¹⁰¹ PARLEMENT EUROPÉEN. (2019). Résolution 2019/2945 (RSP) du Parlement européen du 19 décembre 2019 sur la situation des Ouïghours en Chine (« China Cables »). *europarl.europa.eu*. [online] Available at: https://www.europarl.europa.eu/doceo/document/TA-9-2019-0110_FR.html [Accessed 26 Sep. 2020].

¹⁰² ARTE. (2020). *Ouïghours : qui prendra le risque de se fâcher avec Pékin ? - 28 minutes - ARTE. YouTube*. Available at: https://www.youtube.com/watch?reload=9&v=csFotUd6ai8&ab_channel=28minutes-ARTE [Accessed 09 Sep. 2020].

¹⁰³ Asset freeze refers to the freezing of bank accounts and other financial assets of persons identified in Union legal acts.

¹⁰⁴ LACROUX, M. & DELAGE, J. (2020). Le Parlement européen adopte une résolution d’urgence sur la situation des Ouïghours. *libération.fr*. [online] 17 Dec. Available at: https://www.libération.fr/planete/2020/12/17/le-parlement-europeen-adopte-une-resolution-d-urgence-sur-la-situation-des-ouighours_1808938 [Accessed 23 Dec. 2020].

particularly the textile industry which imports cotton from Xinjiang. Finally, it urges China to close the camps and immediately and unconditionally release the detainees, and to guarantee free access to Xinjiang province for international journalists and observers. While this measure is only a “first step”¹⁰⁵, in the words of Raphaël Glucksmann, it seems to be part of the EU's real desire to develop its international influence in the area of respect for human rights. On Monday, 22 March 2021, the EU for the first time activated the sanctions mechanisms voted on last 7 December confirming this European desire to condemn the perpetrators of human rights violations. The sanctions adopted target senior Chinese officials in the Uyghur repression as well as the Chinese para-military company Bingtuan¹⁰⁶ exploiting forced Uyghur labor, and take the form of an asset freeze as well as a ban to stay in EU countries.

Therefore, the EU seems to be on the right track to put an end to the comfortable policy of “stabilocracy”¹⁰⁷, in the words of Nicolas Tenzer, which it has been pursuing for years, and to take concrete and radical action in favor of defense of the Uyghur community. It is now necessary that the Member States and the institutions put in place the appropriate measures to put an end to this unacceptable repression and the involvement of European companies.

A problem remains, anyhow. As a trading power, the EU maintains close relations with China in this area, which leads it to conclude agreements. On 14 September 2020, during the EU-China summit, the focus was on the negotiations of the EU-China bilateral investment agreement. In this context, Charles Michel, President of the European Council, renewed the proposal to send “independent observers” to Xinjiang province, as requested by Michelle Bachelet, the High Commissioner for the United Nations Human Rights Office. Indeed, the EU, which considers the measures taken in Xinjiang as disproportionate to the supposed objectives of the fight against terrorism, had already requested in the past the sending of observers, but without success.¹⁰⁸

The introduction of such a sensitive subject in negotiations which have lasted for seven years, with an initial silent refusal, testified to the willingness of the EU to take a firm position vis-à-vis China. The EU has a lot to gain from signing this agreement, especially in terms of opening up the Chinese market to European companies. Therefore, it would never have risked derailing these negotiations if the concerns around the situation of Uyghurs were not so important. The point is, the European Union is China's biggest market. In 2016, 20.2% of total EU imports came from China. The reverse is not tenable, since in the same year China accounted for only 9.7% of total EU exports. Indeed, the EU's main partner remains the United States, which accounts for 20.7% of the region's total exports. By inserting its rhetoric on respect for human rights, the EU is using this asymmetric dependence as a lever, knowing very well that China cannot do without the European market.

While some heads of EU member states, like Emmanuel Macron, had pledged not to sign the bilateral investment agreement without progress on compliance rights in China, the

¹⁰⁵ *Ibid.*

¹⁰⁶ Bingtuan, also known as the Xinjiang Production and Construction Corps (XPCC) is an economic and paramilitary government organisation in the Xinjiang Autonomous Region of China.

¹⁰⁷ *Ibid.*

¹⁰⁸ BORRELL, J. (2019). *Conférence de presse du 9 décembre 2019*. (Bruxelles: Conseil de l'Union Européenne).

agreement was finally signed unanimously without any concrete commitment on the Chinese side. Instead of updating its negotiating agenda according to the evolution of the situation of the Muslim populations of Xinjiang, the EU has decided to make its economy prevail over its values, placing the interests of multinationals such as Volkswagen or Siemens above human lives.

The health crisis affecting the world is not sparing European countries. It is profiling a major economic crisis, which will impact these countries more than China, whose health situation has improved markedly. Indeed, the providential policies put in place by some countries such as France, will generate significant economic consequences. In this sense, the countries of the European Union must also reflect on their economic interests in order to avoid a crisis that would be more serious than expected. In this regard, it is possible that, despite the EU's willingness to defend a stronger policy towards China, this may be countered by the individual willingness of member countries to maintain peaceful diplomatic and trade relations, allowing them to absorb the crisis a little more. The conclusion of the EU-China bilateral agreement is probably very much linked to it.

On the other hand, the member countries of the European Union are generally suffering from a crisis of legitimacy. Human rights violations have increased in recent years within it. For example, the recent United Nations warnings against France and its adoption by the National Assembly of the law on comprehensive security, which provides for a limitation on freedom of information to protect the police, do not only tarnish the EU's reputation as a guardian of human rights. As a result, it drastically reduces the scope and legitimacy of its foreign policy with respect to human rights violations occurring around the world.

The looming economic crisis and the legitimacy bias attributed to the European Union prevent it from pursuing an effectively restrictive policy towards China, despite its important commercial leverage. The deterioration of the relationship between the European Union and the United States under the Trump administration has forced Europe not to set itself up as an adversary of China in order not to turn its back on the two great powers. However, the election of Democrat Joe Biden must allow a return to multilateralism with the United States, allowing the European Union to define a stronger policy and to undertake effective economic sanctions against China.

In view of the repression of the Uyghur people by the Chinese authorities, the European Union's foreign policy seems rather out of step with the urgency imposed by the situation of massive human rights violations which brings no concrete results. Despite the global willingness of member states to compel China to respect the rights and lives of Uyghurs and to comply with international law, repeated appeals by the EU have so far remained unanswered by diplomacy and without impact on the genocidal policy perpetrated by the country's authorities. Declaratory diplomacy, although allowing the maintenance of peaceful relations with China, suffers from a major crisis of effectiveness coupled with a crisis of legitimacy of the member states for which respect for human rights seems to have lost all meaning.

Europe is neither a political nor an economic dwarf, but it must be firmer and assert its position as a champion of human rights and fundamental freedoms, while conducting a foreign policy that is fully in line with the values it claims to defend. As an economic power,

the EU must use the levers at its disposal to constrain China and stop making human concessions on the basis of economic interests. In this sense, the return of American multilateralism must allow the EU to find a strong ally in order to put pressure on China and hold it accountable for its actions.

Different reactions in liberal democracies

In the West, political leaders manifest themselves in a trickle fashion. Against all odds, the United States reacted first. On 7 October 2019, Washington announced that 28 Chinese companies and government agencies had been blacklisted for involvement in the persecution of Uyghurs in Xinjiang. This means that these entities are no longer allowed to import products from the United States. However, this decision does not seem entirely selfless. Negotiations on trade between the two countries, in the context of the trade war launched by the former US president in 2018 that led to an endless chain of new customs taxes put in place on both sides of the Pacific, should indeed resume only a few days later, this blacklist therefore constituting a very good mean of pressure towards Washington.

This kind of “coincidence by calendar” has not been exceptional since the ex-president took office in 2017. Donald Trump's promulgation of the law of 17 June 2020 coincided with the disclosure of excerpts from the book of John Bolton. In this book, the country's former national security adviser, having left his post on bad terms with the American president, says that the latter would have encouraged, in June 2019, Xi Jinping to continue his policy in Xinjiang, with full knowledge of cause.¹⁰⁹

Despite this, additional sanctions were put in place in July and August 2020 against the government as well as several Chinese companies accused of being involved in this genocide.

These various measures taken by the United States are possible thanks to the Magnitsky law. It bears the name of Sergei Magnitsky, a Russian accountant who was unjustly imprisoned and died in prison in 2009, following lamentable conditions of detention. The Magnitsky Act was signed in 2012 by Barack Obama to deny members of the Russian authorities implicated in Sergei Magnitsky's death access to American territory and its banking system. In 2016, the Global Magnitsky Act was passed by the US Congress to expand these prohibitions and allow sanctions to be imposed on anyone suspected of human rights violations or corruption. This law was also passed in Canada and in a few European countries, notably the United Kingdom and the three Baltic States.

In September 2020, the United States announced the cessation of imports of various products and raw materials such as cotton, of which it is estimated that 20% of world

¹⁰⁹ HANNE, I. (2020). En première ligne sur le sort des Ouïghours, les Etats-Unis passent à la sanction. *libération.fr*. [online] 20 Jul. Available at: https://www.liberation.fr/planete/2020/07/20/en-premiere-ligne-sur-le-sort-des-ouighours-les-etats-unis-passent-a-la-sanction_1794800/ [Accessed 13 Feb. 2021].

production for the textile industry comes from the exploitation of Uyghurs in Xinjiang¹¹⁰, and tomatoes from Xinjiang, two products massively cultivated thanks to the forced labour of the Muslim minority in this region of western China¹¹¹. These bans have also been extended to other goods from Xinjiang such as “hair products” or “computer products”¹¹². Finally, on 2 December 2020, the strengthening of these sanctions was marked by the ban on the import of cotton from the Xinjiang Production and Construction Corps, Washington considering that the “paramilitary organisation” is largely involved in human rights violations committed in Xinjiang¹¹³.

Since then, it is worth asking how the new US administration plans to approach the issue of the treatment of Uyghurs in Xinjiang. On 19 January 2021, Anthony Blinken, Secretary of State, approved the “firmer position” adopted by his predecessor, Mike Pompeo, vis-à-vis Beijing, the latter having described as “genocide” the Chinese policy in Xinjiang the same day. No government until then has officially used this heavy term to characterize the treatment of Uyghurs in China¹¹⁴. A policy that the Biden administration therefore probably wishes to pursue, according to Blinken's words as well as the first call of the American President with his Chinese counterpart, on 10 February 2021, during which Joe Biden took care to inform Xi Jinping of his concern about the situation in Xinjiang¹¹⁵.

This is enough to make most European countries feel embarrassed, whose national reactions do not go beyond statements of conviction or requests for observation missions.

On 19 July 2020, Dominic Raab, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, denounced on the BBC “serious, shocking violations of human rights”¹¹⁶.

¹¹⁰ LEFILLIÂTRE, J. (2020). Ouïghours: dans le prêt-à-porter, du coton made in « travail forcé ». *libération.fr*. [online] 17 Dec. Available at: https://www.liberation.fr/planete/2020/12/14/ouighours-dans-le-pret-a-porter-du-coton-made-in-travail-force_1808659 [Accessed 24 Dec. 2020].

¹¹¹ LAWDER, D. (2020). Les USA vont bloquer le coton et les tomates importés du Xinjiang chinois. *reuters.com*. [online] 8 Sep. Available at: <https://fr.reuters.com/article/usa-commerce-chine-xinjiang-idFRKBN25Z2HO> [Accessed 24 Dec. 2020].

¹¹² N.D. (2020). Chine : sanctions des Etats-Unis, qui dénoncent le « travail forcé » des Ouïghours. *capital.fr*. [online] 15 Sep. Available at: <https://www.capital.fr/entreprises-marches/chine-sanctions-des-etats-unis-qui-denoncent-le-travail-force-des-ouighours-1380447> [Accessed 24 Dec. 2020].

¹¹³ LEFILLIÂTRE, J. (2020). Ouïghours: dans le prêt-à-porter, du coton made in « travail forcé ». *libération.fr*. [online] 17 Dec. Available at: https://www.liberation.fr/planete/2020/12/14/ouighours-dans-le-pret-a-porter-du-coton-made-in-travail-force_1808659 [Accessed 24 Dec. 2020].

¹¹⁴ DELÈVE, E. (2021). La Chine commet un « génocide » contre les Ouïghours, dernière bombe diplomatique de d'administration Trump. *francetvinfo.fr*. [online] 20 Jan. Available at: https://www.francetvinfo.fr/replay-radio/le-monde-est-a-nous/la-chine-commet-un-genocide-contre-les-ouighours-derniere-bombe-diplomatique-de-ladministration-trump_4246171.html [Accessed 20 Feb. 2021].

¹¹⁵ N.D. (2021). Hong Kong et Ouïghours au menu du premier appel entre Joe Biden et Xi Jinping. *france24.com*. [online] 11 Feb. Available at: <https://www.france24.com/fr/asie-pacifique/20210211-hong-kong-et-ou%C3%AFghours-au-menu-du-premier-appel-entre-joe-biden-et-xi-jinping> [Accessed 20 Feb. 2021].

¹¹⁶ N.D. (2020). Londres dénonce des « atteintes graves » aux droits des Ouïghours par la Chine. *lefigaro.fr*. [online] 20 Jul. Available at: <https://www.lefigaro.fr/flash-actu/londres-denonce-des-atteintes-graves-aux-droits-des-ouighours-par-la-chine-20200719> [Accessed 21 Dec. 2020].

He also spoke on 6 October 2020, of a potential boycott of the Beijing Olympic Winter Games in 2022 by the United Kingdom, if independent investigations demonstrate the veracity of the accusations against China¹¹⁷.

Finally, the United Kingdom decided on 12 January 2021 to impose stricter measures in order to limit as much as possible the imports of goods from the Xinjiang region. Thus, companies using this type of goods in their production chain will be fined. The Secretary of State also added that these measures could be extended to the public sector¹¹⁸.

Germany, for their part, announced in August 2018 the end of returns of Uyghur immigrants to China, due to significant security risks. In November 2019, the Foreign Minister Heiko Maas condemned the violence in Xinjiang, demanding an explanation in Beijing as well as access to the affected province for the United Nations High Commissioner for Human Rights. This request was reiterated in September 2020.

Even more recently, a committee of the Canadian House of Commons drew up a report formally denouncing human rights violations in Xinjiang. This report is based on the opinion of international experts who qualify Chinese practices as genocide. While these parliamentarians demand sanctions from the Canadian government against China, François-Philippe Champagne, Minister of Foreign Affairs, said that an observation mission by independent experts would be supported by the country¹¹⁹.

In addition, on the same day as the United Kingdom and Canada in January 2021 banned the importation of “goods resulting in whole or in part from forced labour” and also announced the establishment of a “declaration of integrity” that Canadian companies will have to respect if they source from the Xinjiang region¹²⁰.

Finally, France, “the homeland of human rights”, seems to be positioned at the bottom of the class. During a first visit to Beijing in January 2018, Emmanuel Macron said he refused to “teach China”¹²¹. In March 2019, he, in turn, welcomed his Chinese counterpart to the Élysée

¹¹⁷ MITTET-MAGNAN, C. (2020). Le Royaume-Uni pourrait boycotter les Jeux Olympiques d’hiver de 2022. *lepetitjournal.com*. [online] 07 Oct. Available at: <https://lepetitjournal.com/londres/le-royaume-uni-pourrait-boycotter-les-jeux-olympiques-dhiver-de-2022-289646> [Accessed 3 Nov. 2020].

¹¹⁸ N.D. (2021). Royaume-Uni et Canada prennent des mesures contre les violations des droits des Ouïghours. *lexpress.fr*. [online] 13 Jan. Available at: https://www.lexpress.fr/actualite/monde/royaume-uni-et-canada-prennent-des-mesures-contre-les-violations-des-droits-des-ouighours_2142591.html [Accessed 20 Feb. 2021].

¹¹⁹ PARENT, S. (2020). Déclaration canadienne sur le « génocide » des Ouïghours : la Chine voit rouge. *rcinet.ca*. [online] 23 Oct. Available at: <https://www.rcinet.ca/fr/2020/10/23/declaration-canadienne-sur-le-genocide-des-ouighours-la-chine-voit-rouge/?fbclid=IwAR2oPzSegfz-Bm3sBtzP5-sDZpGorLAQ26iUx63sEzPnuAJhz5xsDaBzNbA> [Accessed 3 Nov. 2020].

¹²⁰ N.D. (2021). Le Canada interdit les importations issues du travail forcé des Ouïghours. *leparisien.fr*. [online] 12 Jan. Available at: <https://www.leparisien.fr/international/le-canada-interdit-les-importations-issues-du-travail-force-des-ouighours-12-01-2021-8418676.php> [Accessed 20 Feb. 2021].

¹²¹ VAULERIN, A. (2019). Ouïghours : la communauté internationale à voix tenue. *liberation.fr*. [online] 3 Nov. Available at: https://www.liberation.fr/planete/2019/11/03/ouighours-la-communaute-internationale-a-voix-tenue_1761379 [Accessed 09 Sep. 2020].

Palace. In the words of the French president, both had “frank exchanges” on the subject of “respect for fundamental rights in China”¹²². But the previous week, a conference on the sidelines of the United Nations Human Rights Council had been organised by the United States and Germany in order to maintain the pressure already exerted on Beijing by demanding from China access to Xinjiang for an observation mission. France did not take part. The head of state's second trip to China in November 2019 does not appear to have made any headway on the abominations being perpetrated in Xinjiang.

The first real step that we have seen on the part of France dates back only to July 28, when Jean-Yves Le Drian, Minister of Foreign Affairs, suggested the organization of an “international mission from independent observers, under the leadership of the High Commissioner for Human Rights Ms. Bachelet”¹²³.

Unfortunately, the photo of Emmanuel Macron smiling alongside the Chinese Foreign Minister, taken on August 28 at the Elysee Palace, tarnished the image of a France that had finally woken up. The cliché provoked many reactions from human rights activists on social networks, such as Raphaël Glucksmann, who denounced the “shame”¹²⁴ that the president had made him feel.

It was on 6 September 2020 that the latter finally spoke for the first time on the human rights violations committed against the Uyghur community in Xinjiang, condemning these acts “with the greatest firmness” and specifying: “we will remain fully mobilised on the situation of the Uyghurs”¹²⁵. On 4 December, he broached the subject again in an interview with *Brut* media. Calling for the “immediate cessation of these camps, of this violence” and again encouraging the visit of an international expert within the framework of Europe, he specified that he did not have the intention to “start war with China on this subject.” Following this speech, China indicated that foreign visitors to Xinjiang are welcome, as long as they do not intervene “in China's internal affairs under the pretext of human rights”. The country thus opposed any investigation into the human rights situation in Xinjiang¹²⁶.

Recently, on the occasion of the 46th session of the Human Rights Council, the French Minister of Foreign Affairs Jean-Yves le Drian denounced “a system of institutionalized

¹²² *Ibid.*

¹²³ N.D. (2020). Ouïghours : Paris propose une mission internationale d’« observateurs indépendants » pour aller sur place. *lefigaro.fr*. [online] 28 Jul. Available at: <https://www.lefigaro.fr/flash-actu/ouighours-paris-propose-une-mission-internationale-d-observateurs-independants-pour-aller-sur-place-20200728> [Accessed 21 Dec. 2020].

¹²⁴ GLUCKSMANN, R. *Instagram Account*. Available at: <https://www.instagram.com/raphaelglucksmann/> [Accessed 5 Mar. 2021].

¹²⁵ N.D. (2020). Emmanuel Macron juge « inacceptable » la répression contre les Ouïghours. *lefigaro.fr*. [online] 07 Sep. Available at: <https://www.lefigaro.fr/flash-actu/emmanuel-macron-juge-inacceptable-la-repression-contre-les-ouighours-20200907> [Accessed 21 Dec. 2020].

¹²⁶ N.D. (2020). Persécution des Ouïghours en Chine : réaction d’Emmanuel Macron. *brut.media.fr*. [online] 07 Dec. Available at: <https://www.brut.media/fr/news/persecution-des-ouighours-en-chine-la-reaction-d-emmanuel-macron-66faofeb-b7fb-4ed1-b8d0-bcbfe9ff6552> [Accessed 24 Dec. 2020].

surveillance and repression on a large scale” constituting “unjustifiable practices against the Uyghurs”¹²⁷.

Hence, it is slowly but surely that the reactions of the diplomatic world are beginning to be heard. The pressure exerted by activists on governments seems to be paying off, and the denunciation of violations committed by China is gaining visibility. Raphaël Glucksmann, MEP very involved in the fight for the defence of the Uyghur community, his entire team, Dilnur Reyhan, president of the Uyghur Institute of Europe, as well as the many testimonies of Uyghur survivors of the camps have triggered a huge wave of support on social media. Better yet, they managed to collect more than 220,000 signatures for a petition addressed to Emmanuel Macron, the objective of which is to make him react in a concrete and strict manner.

The commitment of the MEP and the team is such that he has reacted to the Chinese embassy in France, which accuses Glucksmann of “sowing trouble” over the treatment of Uyghurs in China¹²⁸. But it takes more to impress the MEP who has worked on European legislation on corporate duty of vigilance. This legislation was adopted in the European Parliament on Wednesday 10 March 2021 by an overwhelming majority.



Response of the Chinese Embassy in France (@AmbassadeChine) to Raphaël Glucksmann (@ rglucks1), twitter.com.¹²⁹

¹²⁷ N.D. (2021). La France dénonce un « système de répression institutionnalisé » de la Chine contre les musulmans ouïgours. *lemonde.fr*. [online] 24 Feb. Available at: https://www.lemonde.fr/international/article/2021/02/24/la-france-denonce-un-systeme-de-repression-institutionnalise-de-la-chine-a-l-encontre-des-ouigours_6071066_3210.html [Accessed 25 Feb. 2021].

¹²⁸ N.D. (2020). Vive altercation entre Raphaël Glucksmann et l’ambassade de Chine au sujet des Ouïghours. *nouvelobs.com*. [online] 14 Oct. Available at: <https://www.nouvelobs.com/monde/20201014.OBS34723/vive-altercation-entre-raphael-glucksmann-et-l-ambassade-de-chine-au-sujet-des-ouighours.html> [Accessed 3 Nov. 2020].

¹²⁹ [translation]: Raphael Glucksmann: Meanwhile, China and Russia are elected at the UN Human rights Council @ONU_fr you tell us if we bother you in your little schemes. Because apparently the millions of Uyghurs in the camps don’t bother you much.... Chinese Embassy in France: Stop causing trouble on Xinjiang issues, which are entirely China’s internal affairs. No country nor force has the right to interfere, and all attempts against China are doomed to failure.

REACTION AND PERCEPTION OF THE MUSLIM COMMUNITY REGARDING THE UYGHUR SITUATION IN CHINA

Faced with the inaction of governments at the international level, it seems interesting to question the point of view of the Muslim community. Why? For the Uyghur minority has in common with Muslim countries a belief in Islam which is sometimes even mentioned in their constitution. This common belonging could give hope for the establishment of a solidarity.

Nevertheless, we will see in this part that the Muslim community remains rather discreet about the repression of Muslim Uyghurs in Xinjiang.

The “shame” of the Muslim community: a self-interested support.

As a result of the ever-increasing repression by the Chinese authorities against the Uyghur minority, a part of this persecuted population took refuge in Muslim countries such as Turkey and Egypt, hoping to find some shelter and support.

As a reminder, for more than three years, the Chinese Communist Party has been carrying out a policy of massive confinement of citizens from Uyghur Muslim minorities in Xinjiang. This also applies to Kazakhs, Kyrgyz or Hui minorities under the justification of the fight against terrorism. They fled China with hope for a better life. Nevertheless, by starting their exodus towards Muslim countries, these Uyghur migrants could not expect that the Chinese power would still be on their trail.

They believed, unfortunately wrongly, that their common identity root of faith in Islam and especially the brotherhood that is supposed to prevail in the Muslim *ummah* (community) could protect them in the long run against the growing threat of the Chinese central regime.

On July 1st, 2020, in Geneva during the 44th session of the UN Human Rights Council, Raphaël Glucksmann drew attention to the fact that those countries¹³⁰ signed an official letter supporting the repressive policies of China regarding Muslim Chinese minorities. This “list of shame”, as qualified by the eurodeputy, encourages, by using the Chinese account “that terrorism, separatism and extremism caused huge damage to persons from all ethnic groups in Xinjiang”, affirming that “human rights of persons from all ethnic groups from Xinjiang were actually protected”, and thus they demand that other foreign powers to “abstain from

¹³⁰ Algeria, Angola, Bahrain, Belarus, Bolivia, Burkina Faso, Burundi, Cambodia, Cameroon, Comoros, Cuba, Egypt, Eritrea, Gabon, Kuwait, Laos, Myanmar (Burma), Saudi Arabia, United Arab Emirates, Nigeria, North Korea, Oman, Pakistan, Philippines, Qatar, Republic of Congo, Democratic Republic of Congo, Russia, Somalia, South Sudan, Sudan, Syria, Tajikistan, Togo, Turkmenistan, United Arab Emirates, Venezuela and Zimbabwe.

making unfounded allegations about China"¹³¹. This letter is, in itself, a response to a joint statement by European states calling on China to address the deteriorating situation in the Xinjiang region and the alarming reports that were emerging. Among the signatories, we can find authoritarian regimes as Saudi Arabia, Iran, or even Yemen considering China as an ally against occidental imperialism. Considering those countries' identity, and especially their political regimes that are in general authoritarian, their support to China's caesarism was not surprising. Unfortunately for the oppressed populations, the economic interests and the political relationships that could result from this show of support are more important than the humanitarian and social issues that are taking place in the background.

Indeed, the common trait of Muslim signatory countries in the letter of support to the Chinese regime is that their economy is predominantly based on commercial exchanges with China; they would thus lose more by denouncing the Chinese repression than by supporting it. This is what drove Turkish President Recep Tayyip Erdoğan to declare, in July 2019, that "inhabitants of diverse ethnic groups in the region of Xinjiang lived happy thanks to the development and the prosperity of China" and that, consequently, he would not let anything stand in the way of Sino-Turkish relations. Thus, to preserve their collaboration, Muslim signatory States are defending, participating and encouraging the repression. A Sino-Turkish extradition treaty was signed by the two countries in 2017, and it was eventually ratified on December 26, 2020 by the Assembly of the People's Republic. This treaty feeds the fear of the Uyghur people who have taken refuge in Turkey, but also of the Turks themselves, for whom the Uyghur cause is particularly dear. Indeed, this treaty has the potential to become an instrument of large-scale repression: it could establish a policy of repatriation and deportation to China.

A similar scenario got implemented in Egypt: in July 2017, Egypt and China signed an agreement on the fight against terrorism. A few weeks later, the Cairo government allowed Chinese authorities to proceed to arrest, interrogate and imprison Uyghur students in the Tora prison in Egypt. According to Ahmed's testimony, one of the arrested students interrogated by the Agence France Presse, Chinese authorities were looking for information on the location of his parents in Xinjiang and their financial situation.

A sprawling, borderless regime

This case highlights the fact that the Chinese regime practices repression extensively and well beyond its borders. According to *France Info*, the Uyghur diaspora is being hunted down¹³².

¹³¹ Extract from the letter of support for the Chinese regime following accusations of human rights violations. Original text in French: « *que le terrorisme, le séparatisme et l'extrémisme ont causé d'énormes dégâts aux personnes de tous les groupes ethniques du Xinjiang* », tout en affirmant que « *les droits de l'homme des personnes de tous les groupes ethniques du Xinjiang ont été effectivement protégées* » N.D. (2019). Lettre à l'ONU sur le Xinjiang : 37 pays viennent au secours de la Chine. *lefigaro.fr*. [online] 12 Jul. Available at: <https://www.lefigaro.fr/flash-actu/lettre-a-l-onu-sur-le-xinjiang-37-pays-viennent-au-secours-de-la-chine-2019-0712> [Accessed 5 Mar. 2021].

¹³² CHARBONNIER, N., CELLULE INVESTIGATION DE RADIO FRANCE & RÉDACTION INTERNATIONALE (2020). Chinois en France : Des Minorités Sous Surveillance. *franceculture.fr*. [online] 3 Jan. Available at: <https://www.franceculture.fr/geopolitique/chinois-en-france-des-minorites-sous-surveillance> [Accessed 5 Mar. 2021].

This Orwellian dynamic is supported by the said-Muslim countries mentioned above. Those methods are experienced by Uyghurs as a torment and cause growing anxiety. This jeopardises their faith in the future; they live in fear of what could happen to their families back in Xinjiang, but also to themselves, because fear of being monitored is predominant in their daily life.

French Uyghurs are not spared. A Uyghur activist, Dilnur Reyhan, president of the European Uyghur Institute, also saw her relatives, including her sister, being harassed by Chinese police. Her family was forced to ask for her French documents. This constant harassment is not an isolated case. Indeed, many Uyghurs report the same facts: their families are harassed, hunted down, forced to transmit to the Chinese authorities the addresses and contact details of their emigrated relatives. These individuals are then themselves harassed and trapped by the Chinese authorities, who invite them to go to their embassy to collect a certain package. They may also be photographed during demonstrations, monitored on social media or even harassed directly at home through anonymous letters and parcels sent to their parents or siblings.

Despite the knowledge of these abuses, there is very little tangible reaction from the French government to prevent China from harassing its expatriate nationals. However, it is important to be aware that it is highly unlikely that France or any other country will be able to legislate or take concrete action against the actions of a foreign state on its own territory. There have been challenges and calls to order from the European Union, but this reaction is unlikely to have any consequence. Stronger measures such as economic embargoes have a much stronger impact on a state. This is why the United States has chosen to sever partnerships with Chinese companies. Specifically, eleven Chinese companies have been targeted for human rights violations and for their role in the exploitation of Uyghur prisoners, notably since some of them specialise in genetic technology, a technology used to track and monitor the Uyghur population. As a result, these companies have had their access to the US market and its many technologies severely restricted. These include Xinjiang Silk Road and Beijing Liuhe, which specialise in genetics, but also Changji Esquel Textile, Hefei Bitland Information Technology, Hefei Meiling, Hetian Haolin Hair Accessories which specialise in fashion. But, once again, the consequences of these measures will only be visible in the long term.

Silent religious authorities

As for religious authorities, they are way more silent than governments could be. Indeed, the Organisation of Islamic Cooperation demonstrates a deafening silence regarding Uyghurs' faith. Closer than us, the Great Mosque of Paris is not more vocal as lamented by Dilnur Reyhan during her intervention on *France 24*¹³³. She regrets this lack of solidarity and reproaches religious authorities with agreeing privileges to Chinese dignitaries, notably by

¹³³ PACCARD, P. (2019). Ouïghours : Il ne faut pas laisser la Chine aller vers la solution finale. *france24.com*. [online] 18 Dec. Available at: <https://www.france24.com/fr/asi-pacifique/20191218-ouighours-chine-camps-d-internement-solution-finale-minorite-musulmane-prix-sakharov> [Accessed 26 Mar. 2021].

inviting them to meetings when they refuse it for the persecuted communities. Moreover, Uyghur religious figures bear the costs of the Chinese repressive policies abroad. Hemdullah Abduweli, a Uyghur religious researcher, would have been arrested in Saudi Arabia and arbitrarily put in detention, without any reason. According to information given by the media *Middle East Eye*¹³⁴, Chinese authorities would have asked the extradition of the convict towards China despite the fear he ventured regarding the risks he might be exposed to on Chinese soil.

It is thus a dystopian scenario that becomes reality in front of our eyes. China has entered this hunting, monitoring and massive arresting phase of a part of its population and of the Uyghur diaspora. Under the justification of the fight against terrorism, it is actually a wish to control and erase Uyghur culture and identity in China and beyond borders. The world remains majoritarily silent regarding those abuses and especially the suffering of the Uyghur community, because most of the State depends largely on Chinese economy. Egyptian economy has for example generated 16,5 billion euros in 2017 with bilateral trade with China. Other States such as Iran, also a signatory of the letter of support to China, enjoy privileged trade and military agreements with the Beijing regime; agreements on which both countries are still really discrete but of which the sum of investment would amount to 200 billion dollars on twenty-five years, and of which the “final version” dating back from June 2020 was revealed by the *New York Times*¹³⁵. In short, the cooperation of those countries with the Chinese power implies to generate a turnover too important for a position statement against the Xi Jinping regime that could represent the end of economic and political cooperation highly beneficial for those countries.

If the great majority of States remain silent facing the crimes committed by the Chinese regime, they are not the sole responsible for the tragedy happening in Xinjiang. The exploitation of Uyghurs and other minorities Kazakh, Kyrgyz or Hui is a reservoir of workers, working at a low price for a number of multinational corporations operating or outsourcing in China. The role played by multinationals in the slavery of those populations is the product of an international financial system which make them leaders in globalisation, soon overhanging some States and exploiting the weaknesses of international law regarding their accountability for violations of human rights. This exploitation phenomenon overtakes the Uyghur issue and reflects more generally the lack of ethics of the actual financial world. Indeed, for decades, some countries ignored international norms, for example regarding the work of children. It creates a framework that favours the implementation of multinationals which, following the capitalist logic of the market, are constantly looking for a less important price. The fact that those phenomena are under-broadcasted perpetuates the crimes to which multinationals are accomplices, and even actors for some of them.

¹³⁴ OSMAN, N. (2020). Uighur Scholar Arrested in Saudi Arabia at Risk of Deportation to China. *middleeasteye.net*. [online] 23 Nov. Available at: <https://www.middleeasteye.net/news/china-uighur-saudi-arabia-scholar-arrested-risk-deportation> [Accessed 29 Dec. 2020].

¹³⁵ FASSIHI, F. and MYERS, S.L. (2020a). Defying U.S., China and Iran Near Trade and Military Partnership. *The New York Times*. [online] 11 Jul. Available at: <https://www.nytimes.com/2020/07/11/world/asia/china-iran-trade-military-deal.html> [Accessed 26 Mar. 2021].

THE UYGHUR GENOCIDE AND THE RESPONSIBILITY OF ALL

Responsibilities of multinational corporations

On March the 1st of 2020, a report published by the Australian Strategic Policy Institute (ASPI) revealed a “new” case of modern slavery. This report denounces the forced labour of nearly 80,000 Uyghurs for internationally known multinationals. The detainees were allegedly moved from Xinjiang to 27 factories in the supply chains of 83 international brands¹³⁶ in the technology, textile and automotive sectors.

The report is clear: *“Companies benefiting from the forced labour of Uyghurs in their production chain are violating laws that prohibit the import of goods produced using forced labour”*. In response to ASPI's accusations, many of these groups claimed that they were unaware of the enslavement of the Uyghur minority. While their statements do not exonerate them, they reveal once again a fundamental problem for multinationals, namely the transparency of their supply chains. Indeed, it is alarming to note that such companies, despite having the means to ensure that their products respect ethical, social and legal standards, benefit from irresponsible production methods.

Some brands have decided to take responsibility and follow strict CSR (Corporate Social and Environmental Responsibility) requirements. For David Schilling, Director of the Human Rights Programme at the Interfaith Center on Corporate Responsibility, this transformation must be done internally for companies: *“Given the lack of leverage and the inability to prevent or mitigate adverse human rights impacts, apparel brands and retailers must take the necessary steps to end business relationships connected to the Uyghur Region in order to fulfil their responsibility to respect human rights as defined by the UN Guiding Principles on Business and Human Right”*.

On the contrary, other brands lie about these commitments. On the official website of Zara France, on January the 5th of 2021, we can read: *“We work with our suppliers, employees, trade unions and international organisations to develop a chain in which human rights are respected and promoted, thus contributing to the United Nations' sustainable development goals”*. However, on the Moral Score website, which gives a 'grade' on the ethics of the brands in question, we can see that it has a 'D-Equity' rating for partner relations. According to this website *“the company (has) set up a charter of good conduct with its partners, many controversies have been breaking out in the press for a long time about subcontractors and other partners of the company: deplorable working conditions of subcontractors, workers poorly paid or not paid at all, or purchase prices imposed and non-negotiable.”*¹³⁷ In

¹³⁶ The 83 brands targeted by the ASPI report are: Abercrombie & Fitch, Acer, Adidas, Alstom, Amazon, Apple, ASUS, BAIC Motor, BMW, Bombardier, Bosch, BYD, Calvin Klein, Candy, Carter's, Cerruti 1881, Changan Automobile, Cisco, CRRC, Dell, Electrolux, Fila, Founder Group, GAC Group (automobiles), Gap, Geely Auto, General Motors, Google, Goertek, H&M, Haier, Hart Schaffner Marx, Hisense, Hitachi, HP, HTC, Huawei, iFlyTek, Jack & Jones, Jaguar, Japan Display Inc., L.L.Bean, Lacoste, Land Rover, Lenovo, LG, Li-Ning, Mayor, Meizu, Mercedes-Benz, MG, Microsoft, Mitsubishi, Mitsumi, Nike, Nintendo, Nokia, Oculus, Oppo, Panasonic, Polo Ralph Lauren, Puma, Roewe, SAIC Motor, Samsung, SGMW, Sharp, Siemens, Skechers, Sony, TDK, Tommy Hilfinger, Toshiba, Tsinghua Tongfang, Uniqlo, Victoria's Secret, Vivo, Volkswagen, Xiaomi, Zara, Zegna, ZTE.

¹³⁷ MORAL SCORE. (2021). *Zara*. [online] Available at: <https://moralscore.org/companies/zara/> [Accessed 5 Mar. 2021].

particular, the facts reveal that two of Zara's suppliers, Jiangsu Guotai Guoshang Co. Ltd and Huafu Top Dyed Melange Yarn Co. Ltd, are involved in the enslavement of Uyghurs. The former has, and most certainly continues to benefit from the forced labour of Uyghurs. The second owns a cotton factory in Anhui province, where between April 2017 and June 2018, thousands of Uyghurs were displaced to work in cotton fields near the factory. This shows that brands have no qualms about embellishing or even lying to promote their image in the eyes of consumers.

To this day, Europe has adopted a draft duty of care for companies. Within the European Union, only France and the Netherlands have introduced legislation on duty of care. The law is based on the French law in its provisions. The project was brought to the European Parliament, notably by the MEPs Raphaël Glucksmann and Lara Wolters. This law, which has been in preparation since 2017, was first sent to the European Commission as a directive, according to the ordinary procedure of European legislation, before being adopted by the Parliament on March the 10th of 2021.

An institutional context which supports these practices

A non-binding legal framework

Faced with these revelations, it is necessary for states to sanction those responsible for this exploitation and, more broadly, all actors who are complicit in the genocide of the Uyghurs. Today, it is urgent not to let these crimes go unpunished and to sanction the multinationals for their complicity. Indeed, the Uyghurs are not an isolated case; there are many other situations where these major international actors have violated human rights. However, the effectiveness of international law in this regard is limited, if not non-existent.

Multinationals operate in a world affected and characterised by globalisation, which has made them omnipresent and powerful players on the international scene, whose budget can even exceed that of the Gross Domestic Product (GDP) of certain States. The leading role of these corporations is no longer questionable, which is a source of concern for some lawyers and human rights defenders. And rightly so, in recent years, we have seen an increase in human rights violations by these multinationals, to the point where it has become necessary for the international community to create mechanisms capable of prosecuting them for human rights violations.

As the Human Development Report 2000 states: *“Of all the human rights failures today, those in the economic and social spheres are by far the most numerous and widespread in the nations of the world, affecting large numbers of people.”*¹³⁸ The spread of these multinationals significantly affects respect for human rights, particularly in non-democratic and developing countries.

The need to hold multinationals accountable for their actions and the consequences of those actions has never been more pressing. Although the international human rights legal

¹³⁸ N.D. (2000). Human Development Report 2000: Human Rights and Human Development. *hdr.undp.org*. [online] p.73. Available at: <http://www.hdr.undp.org/en/content/human-development-report-2000> [Accessed 2 Nov. 2020].

framework remains state-centric, there is a structure in place to hold multinationals accountable for their human rights abuses. This legal framework takes place at both national and international levels.

Multinationals are not subjects of international human rights law, only states are. It is therefore up to states to require multinationals to comply with existing laws. This responsibility of multinationals to states is exercised at two jurisdictional levels: the domestic level and the extraterritorial level.

National jurisdiction deals with human rights violations committed by multinationals on their soil. Under the principle of sovereignty, the state has the practical authority to administer justice, as defined in laws, over territories, things and people within its borders. States are not only bound to apply their national laws; they are also bound by legally binding international treaties or legislations, known as *hard law*. Therefore, states have a duty to bring to justice any entity that has violated human rights on its territory, including multinationals. It goes without saying that some of them have a relatively strong bargaining power with their host state, as they create jobs, pay taxes and make a significant contribution to the economy. It is therefore extremely complex for states to bring multinationals to justice, as they do not have the capacity or the will to do so. There are countless examples where human rights abuses have been perpetrated by multinational companies without being sanctioned by the state. In some cases, the state is even complicit in the violations.

This is the case, for example, with the multinational Coal India Limited in India¹³⁹. Under several national laws, such as the Panchayat Extension¹⁴⁰ to Scheduled Areas Act and the Forest Rights Act (1996), the Indian state must consult and, in some cases, obtain the consent of Adivasi¹⁴¹ communities before it can acquire land or mines. However, in a 2016 report, Amnesty International highlighted how subsidiaries of the multinational company, the national government as well as ministries failed to consult with Adivasis before rehabilitating three coal mines.

This has seriously affected the lives and livelihoods of the people living in the surrounding area. In principle, the Indian government has the right to dispossess its people of their land for the benefit of state-owned enterprises, but its people must be compensated. Since no compensation was paid, it could be argued that the dispossession of the land was arbitrary, and therefore in violation of Article 17 of the 1948 Universal Declaration of Human Rights (UDHR)¹⁴². This article enshrines in international human law the right to property, which cannot be arbitrarily taken away. The Indian government, like all UN member states, is a party to the UDHR and should have held Coal India Limited accountable for this human rights violation.

¹³⁹ KARTHIK NAVAYAN, B. (2017). The Human Rights Lies of Coal India Limited. amnesty.org. [online] Available at: <https://amnesty.org.in/human-rights-lies-coal-india-limited/> [Accessed 2 Nov. 2020].

¹⁴⁰ Gram panchayats are local governments, originally designed to operate at the village level in India.

¹⁴¹ Adivasis is a term referring to tribes in the Indian subcontinent who are considered indigenous to areas, especially forest areas of India, where they live as gatherers or as settled tribal communities.

¹⁴² Article 17 of the UDHR provides that: (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.

Multinationals can also be held accountable by states under the principle of extraterritorial jurisdiction. This principle, recognised in the UN Guiding Principles on Business and Human Rights¹⁴³, grants states the legal capacity to exercise authority beyond their territory over companies registered or headquartered in their territory. Under this principle, states can hold multinationals accountable for human rights abuses committed outside their sovereign territory.

This was the case with the oil company Shell, which was brought before the UK Supreme Court for the pollution of the Niger Delta¹⁴⁴. This was possible because the company was registered in London. For decades, the delta has been subject to pollution, including the contamination of water wells in the Nigerian communities of Ogale and Bille with potentially carcinogenic chemicals. This contamination is arguably a violation of the human right to an adequate standard of living necessary for health. This right is stated in Article 25 of the 1948 Universal Declaration of Human Rights¹⁴⁵. Under the principle of extraterritorial jurisdiction, the UK government may consider that a violation of its laws has been committed: a company registered in London being subject to UK laws, which are themselves limited by the Universal Declaration of Human Rights. When the case went to the UK Supreme Court in January 2017, it was decided that the violations had been committed by one of Shell Oil Company's subsidiaries, Shell Petroleum Development Company of Nigeria. The company was therefore not held liable for the violations.

The tools available to hold multinationals accountable for their human rights abuses from a *hard law* perspective are therefore ineffective and will remain so until genuine sanction mechanisms are enshrined in law. This accountability, as we have seen, requires respect from states. This is the main weakness of the system. This is because economic interests generally outweigh human rights concerns, particularly in “weak states” where the rule of law is undermined. Since states are seen as an obstacle to holding multinational companies accountable for human rights abuses, attempts have been made within the framework of *soft law* to overcome them.

To address the lack of effectiveness of the binding legal framework, the last forty years have seen the emergence of non-legally binding agreements and declarations aimed at monitoring and preventing human rights abuses by companies. However, this approach cannot hold multinationals accountable, due to a lack of consensus on human rights implementation and an overdose of dialogue.

¹⁴³ N.D. (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. *ohchr.org*. [pdf] Available at: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf [Accessed 2 Nov. 2020].

¹⁴⁴ LAVILLE, S. (2020). 'Shell Faces UK Supreme Court Case Over Niger Delta Pollution'. *theguardian.com*. [online] 23 Jun. Available at: <https://www.theguardian.com/business/2020/jun/23/shell-faces-uk-supreme-court-case-over-niger-delta-pollution> [Accessed 2 November 2020].

¹⁴⁵ Article 25 of the UDHR provides that: “(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.”

There is now a consensus on the nature of human rights violations, but a lack of consensus on how they should be enforced, and thus addressed and sanctioned. This is largely due to the very vague terms used in international law and human rights law in particular, which leave room for interpretation. As a result, many commissions, committees or seminars have been set up to provide spaces where this discussion can take place. However, the large number of parties involved and the absence of an overarching authority leads to an overdose of dialogue; the laws remain at the stage of discussion and therefore do not allow for corporate accountability.

This overdose of dialogue can be illustrated by the case of the draft code of conduct on transnational corporations. The idea was first introduced almost fifty years ago, in 1972. It aimed to create a multilateral framework to define the rights and responsibilities of multinationals and their host countries. The divergence of fundamental interests of key stakeholders and the lack of an overarching authority to overcome the obstacles led to endless discussions and negotiations. Furthermore, in an attempt to get multinationals to integrate human rights into their corporate principles, declarations by international organisations such as the Organisation for Economic Co-operation and Development leave room for negotiation regarding respect for human rights. This raises a wider issue, as it presents human rights as open to negotiation and bargaining when it comes to companies, rather than as mandatory standards to be met as part of achieving sustainable development.

A second problem that leads to a lack of effectiveness of the soft law framework is its non-binding nature. The lack of incentive for multinationals to comply with soft law makes it a rather ineffective tool for holding multinationals accountable. We will illustrate this with the case of Caterpillar Inc. who sold a bulldozer to Israel despite receiving a letter from the UN Monitoring Centre informing them that their bulldozers were being used to destroy Palestinian homes. Since 2003, the UN has begun to develop standards for business in the form of the UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights. This document states that companies should not “engage in or benefit from”¹⁴⁶ violations of international human rights law and that they should “seek to ensure that the goods and services they provide are not used to violate human rights”¹⁴⁷. As the multinational was informed of the human rights violation, it should have stopped selling bulldozers. Instead, CEO James Owens responded that the company “does not have the practical ability or legal right to determine how our products are used after they are sold”¹⁴⁸. Although the multinational's actions are in total violation of all of the above laws, their non-binding nature makes it impossible to sanction such actions.

The *soft law* framework therefore also fails to effectively hold multinationals accountable due to the lack of consensus on the implementation of human rights, resulting in too much dialogue, and even if there is a consensus, there is nothing to compel multinationals to respect it.

¹⁴⁶ UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL. (2003). *Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights*. [online] p.5. Available at: <https://digitallibrary.un.org/record/501576?ln=en> [Accessed 2 Nov. 2020].

¹⁴⁷ *Ibid.*

¹⁴⁸ N.D. (2004). Israel: Caterpillar Should Suspend Bulldozer Sales. *hrw.org*. [online] Available at: <https://www.hrw.org/news/2004/11/21/israel-caterpillar-should-suspend-bulldozer-sales> [Accessed 2 Nov. 2020].

Although the forced labour of Uyghurs in China is not an isolated case, it remains specific in that it is part of a massive population reduction effort. It is therefore not a typical case of exploitation. This is where the bill introduced by MEP Raphaël Glucksmann at the European Union level and adopted on 10 March makes sense. Such a law will make it possible to prosecute, in the name of the duty of vigilance, large companies that shirk their ethical, social and legal obligations when their subsidiaries or subcontractors use child or forced labour. Thus, according to this law, in the case of 83 multinationals taking part in the enslavement of minorities in Xinjiang, those such as Nike, Zara or the Kering group (Balenciaga, Yves-Saint-Laurent, Gucci) that refused to stop using raw materials from forced labour or forced labour would be condemned, and could not shift the responsibility to their subsidiaries or subcontractors, who are equally responsible.

Beyond the commercial aspect, it is in fact the international financial system as a whole that favours the forced labour of Uyghurs. Indeed, as we explained earlier, multinationals operate in a globalised world that has made them omnipresent and powerful players on the international scene. It is this system that dictates a certain conduct to be adopted in order to survive in a world conditioned by the search for profit.

The global financial system at the service of the omnipotence of multinationals

The global financial system is conducive to trade that is harmful to human rights. In response to the use of forced labour by minorities, particularly Uyghurs, some investors and companies have decided to stop giving financial value to production from factories in Xinjiang, and financial rating agencies are increasingly taking into account ethical criteria for companies. However, this is not enough to abolish the deleterious practices of multinationals that rely on other assets to remain financially “strong”.

Financialisation occurred throughout the 20th century as countries moved away from industrial capitalism. Today, it refers to the growing importance of finance, financial markets and financial institutions to the functioning of the economy. By changing the way financial markets are structured and operated, the financialisation of the economy has led to changes in corporate strategies and structures, including outsourcing¹⁴⁹. In the case of China, it is also referred to as disaggregation, i.e. when companies take responsibility for the forced labour that takes place there.

Credit rating agencies, which assess the risk of non-repayment of a company's debt or a government's loan, also have a role to play. The agencies assign credit ratings and produce tools that estimate the risk of insolvency¹⁵⁰. Issuers of bonds¹⁵¹ or other securities may be companies, non-profit organisations or nations through the issuance of sovereign debt.

¹⁴⁹ Outsourcing is a transfer of activities from a company to a specialised external service provider.

¹⁵⁰ Inability to repay debt.

¹⁵¹ A security that constitutes a claim on its issuer.

The objective pursued by companies is to increase, in a very short time, the value that the financial markets place on the securities held by shareholders. Thus, in this system, the success of a firm does not only lie in the profits generated by the sale of the goods it produces but in the capital gain that would result from the forthcoming resale of its shares. Hence, the ever-increasing importance of financial rating. However, this type of classic agency does not include social, environmental or ethical criteria in its ratings: the only evaluation criteria taken into account are financial. Certain brands such as Apple, BMW and Nike, which are among those incriminated because of their links with subcontractors who use forced labour of Uyghurs in China, can therefore appear in the ranking of the most highly quoted companies on the stock market without respecting their CSR commitments.

In short, for companies, financial risk is always more important to consider than human rights and other ethical risks: this is what is known as agency theory. It is the neoclassical response to the emergence of these new practices. It states that the sole purpose of a company is to generate profits. For companies, however, extra-financial rating and CSR are a nuisance to shareholders and are detrimental to the financial performance of firms in the long run. Interviewed by the *New York Times Magazine* in September 1970, the economist Milton Friedman stated: “Shareholders entrust managers with their investments only to maximise long-term returns, not to be used to make the world a better place”¹⁵²(1970). Thus for him “the social responsibility of business is to generate profit”, so corporate strategies in our ultraliberal world are harmful to human rights in this sense.

To counterbalance this, some agencies have specialised in extra-financial ratings. Since the 1990s, there has been a growing desire among stakeholders to assess the extra-financial performance of companies, an assessment issued by specialised agencies (Vigeo-Eiris, EthiFinance, Innovest, etc.) which are based on existing benchmarks, particularly concerning environmental, social and governance criteria (ESG).

The media's silence

For Raphaël Glucksmann: “The great silences allow the great crimes”. This sentence sums up the media situation regarding the situation of the Uyghurs in the Xinjiang region. We can establish the responsibility of the media in the sense that the major daily newspapers or other media sources (radio, television, newspapers) do not cover enough the events that are taking place today for these populations or do not use the words “genocide” or “genocidal policy”, which could contribute to a collective awareness and allow the qualification of the actions of the Chinese Communist Party as a crime against humanity.

Since the beginning of the year 2020, the omnipresent theme in the media of Western countries has been that of Covid-19 and its dramatic consequences for the world population. This is a natural phenomenon, as all of us are affected by health regulations and their developments, but it has nevertheless contributed to the drowning out of news about the

¹⁵² FRIEDMAN, M. (1970). A Friedman doctrine - The Social Responsibility Of Business Is to Increase Its Profits. *nytimes.com*. [online] 13 Sep. Available at: <https://www.nytimes.com/1970/09/13/archives/a-friedman-doctrine-the-social-responsibility-of-business-is-to.html> [Accessed 2 November 2020].

Uyghur people. Moreover, with the constant influx of new evidence, new testimonies of the horror of the camps, new people protesting against the silence of the governments, it seems absurd that, faced with the seriousness of the situation, the media does not take up the cause, or does so little. It is indeed necessary that an international opinion develops on this “strangely silent” issue, in the words of François Sautiel, journalist, during Arte's “28minutes” (July 2020). Moreover, these same media hardly cover the demonstrations or occasional protest movements that take place in the world against the persecution of Uyghurs, such as the one in Paris on the 25th of July, in New York on the 29th of August, in Istanbul on the 1st of October, in Hong Kong regularly since 2019, and many others.

On the other hand, some personalities are quite well known in the media, and help to promote the Uyghur cause. Rebiya Kadeer, for example, is a 74-year-old Uyghur businesswoman living in exile in Washington after fleeing Chinese prison, and president of the World Uyghur Congress from 2006 to 2017. Other people manage to raise awareness thanks to social networks, such as Raphaël Glucksmann who has 600,000 followers on his Instagram account. This MEP is fighting with the European institutions for “the greatest internment of the 21st century to end”.¹⁵³ He also calls for massive mobilisations against the brands that are partly responsible for the forced labour of the Uyghur people by demanding a boycott of them and by reporting on their actions. Another personality, Dilnur Reyhan, fights alongside him to inform, denounce, call for testimonies and international solidarity towards the Uyghur people with the Institute of Uyghurs of Europe.

However, the conditions under which the Chinese regime operates make it difficult for journalists to work. It is certain that Chinese policy aims to silence the population by muzzling as much as possible the people who could testify (as well as their relatives and families) and it is complicated and dangerous to find reliable information, especially with the active propaganda of the Communist Party. In a newspaper from the Xinjiang region dated 6 November 2018, we can read: *“In Xinjiang today, the economy is developing healthily, the lives of people of all ethnic groups continue to improve, and the dividends of anti-terrorism and stability are initially being released. From January to September this year, Xinjiang received 132 million domestic and foreign tourists, an annual increase of 40%.”*¹⁵⁴ Despite the lies and ignorance of the Chinese national media and the denial of the government, there is enough evidence, images and documents obtained legally or illegally that testify to this repression, starting with the close partnerships between the computer companies that deploy increased surveillance systems in the region, such as Huawei. For Scott Nova, Executive Director of the Worker Rights Consortium: *“People who are victims of forced labour in the Uighur region risk serious reprisals if they reveal their situation. This makes reasonable vigilance by labour inspectorates impossible, and establishes as a virtual certainty that any company sourcing from the Uyghur region is using forced labour”*.

The part of the Uyghur community living abroad also denounces this silence, and generally demands stronger responses from their government. While some activists and politicians are heard when they take up the issue, Uyghur people are not listened to or publicised enough.

¹⁵³ Instagram Post from October the 1st of 2020.

¹⁵⁴ 江山. (2018). 新疆, 明天更美好——新疆开展职业技能教育培训见闻. *chinaxinjiang.cn*. [online] 6 Nov. Available at: http://www.chinaxinjiang.cn/zixun/xjxw/201811/t20181106_571417.htm [Accessed 5 Mar. 2021].

For Mirqedir Mirzat, vice-president of the Association of Uyghurs in France: *“In the 21st century, social networks are so powerful and the voice of the Uyghurs is not heard”*.

The policy that is decimating the Uyghur people in the Xinjiang region aims to eradicate the Uyghur identity, their culture, in favour of a culture that is standardised in China to allow the spread of traditions and the single party throughout the country. Without the media, Uyghur culture will disappear. It is therefore important that the media protect the whole of Uyghur culture, in particular by highlighting all of its ancestral traditions: language, dance, song, etc. This is the main objective of the Uyghur Institute of Europe, founded in March 2019 in Paris, to share the richness of all Uyghur Muslim cultures, and to allow a dialogue between the European peoples and the Uyghur people, which today includes 15 million inhabitants and of which a fifth of the population lives dispersed in the world¹⁵⁵.

To sum up, it is necessarily the responsibility of the media to inform people and investigate rights violations committed by the Chinese government because this is the essence of their mission, as summarised in the Code of Journalistic Ethics. This code calls for vigilance with regard to sources of funding in order to respect the ethical neutrality of journalism and not to have the editorial line influenced. It is therefore necessary to nationalise the issue and adapt it to the local population to raise awareness. In this perspective, it is necessary for the national and local media to go beyond the Phenomenon of “The Hierarchy of Death”¹⁵⁶ and bring this genocide to the attention of the general public in order to follow the ethics of journalism and respect its normative pillars, on the one hand in the constant search for the truth and on the other hand with the aim of raising awareness.

The role of consumers

It is difficult to establish the exact nature and extent of consumer responsibility for the exploitation of Uyghurs in China. We know from the ASPI (Australian Strategic Policy Institute) report that a large number of ready-to-wear, fast-fashion and high-tech B-to-B or B-to-C¹⁵⁷ brands are incriminated.

The famous Apple brand, for example, is widely criticised for its choice of suppliers. Indeed, the report states that O-Film, the company that makes the “selfie” cameras for the iPhone 8 and iPhone X, supplies other companies including Huawei, Lenovo and Samsung. According to ASPI: *“Between April the 28th and May the 1st of 2017, 700 Uyghurs were reportedly transferred from Lop County (Hotan Prefecture) to Xinjiang, to work in an O-Film factory.”* As with other labour transfers from Xinjiang, this deportation goes hand in hand with the politicisation of the deported Uyghurs: the workers are forced to “modify their ideology” in order to understand the “blessing of the Party” and to feel “gratitude towards the Party”,

¹⁵⁵ UYGHUR INSTITUTE. (n.d.). Défendons la culture ouïghoure en Europe ! *uyghur-institute.org* [online] Available at: <http://uyghur-institute.org/index.php/fr-fr/> [Accessed 5 Mar. 2021].

¹⁵⁶ The fact that the media give more importance to the victims of a tragedy depending on the distance between them and the viewer, listener or reader.

¹⁵⁷ “Business to Buisness” ou “Business to consumer”.

according to the local Chinese newspaper *Chinaxinjiang.cn*¹⁵⁸. In the period 2020, 195 million new iPhone models were sold worldwide.

Today, even if the media do not highlight the situation of the Uyghurs enough (or not precisely enough compared to what we know today), and even if it is highly possible to consume unknowingly manufactured products from Xinjiang factories (everyday objects, clothes, electronic products, etc.), we cannot continue to live and consume as if we did not know. If we establish consumer responsibility, it is because we are aware that our consumption model favours forced labour, particularly in the textile industry, since according to the ASPI report, more than 50 of the 83 brands singled out for such practices are linked to the garment industry. Moreover, China is the world's largest exporter of cotton, and 84% of this cotton comes from the Xinjiang region where it is harvested, extracted and processed.

One object has become essential today: the Covid-19 protective mask, the use of which has become compulsory throughout the world, whether it be for taking transport, entering enclosed public places, or even being worn systematically in the street. It may also have been made by Uyghurs under coercion. Indeed, the disposable masks of the Chinese brand Hubei Haixin are the subject of an investigation by the Belgian daily *De Tijd*, which showed that the surgical masks sold in Europe by Hubei Haixin were certainly the product of forced labour in Xinjiang, as the Hubei Haixin factory was one of the companies taking part in the “employment programme” unveiled by the *New York Times* (NYT) in July 2020. The NYT documentary also reveals that 51 companies in Xinjiang are now manufacturing Covid-19 protective equipment, compared to four before the pandemic. In addition to corresponding to the transfer of Uyghurs deported to labour camps in recent months, these sudden increases in the number of PPE (*Personal Protective Equipment*) manufacturers are extremely problematic insofar as 17 of these companies, including Hubei Haixin, are part of the same employment programme which, under the guise of stimulating employment and integration into the region, enslaves the population through torture and indoctrination. France, like many countries, was not materially prepared for the pandemic, found itself in short supply of masks and was then constrained to place huge orders with China: 2 billion masks by April 2020 according to the government.

Some activist groups are now trying to inform the population by launching campaigns to label products from the incriminated brands to share their indignation. The collective @youthforclimateparis or @ethiquesurl'etiquette in particular. For example, one can read: “50% off a life”, “This product was designed by Uyghur slaves - to buy is to be an accomplice to genocide”. These accounts multiply the ways of raising awareness: poster collages, tags, sittings, etc. During the opening of Fashion Week in September 2020 in New York, models also protested against the forced labour of Uyghurs, holding some of the brands present primarily responsible. This action shows that the problem specific to the textile industry concerns more or less cheap brands, from “classic” fast fashion brands (Zara, Pull&Bear,...) to more luxurious, chic, or simply more expensive brands (Lacoste, Polo Ralph Lauren,...).

“*Fast fashion*”, according to Webster's dictionary, refers to: “An approach to the design, creation and marketing of clothing fashions that emphasises making fashion trends quickly

¹⁵⁸ 杨婷婷 石凯伟 (2017). 洛浦县1200余名城乡富余劳动力赴内地务. *chinaxinjiang.cn*. [online] 11 May. Available at: <http://archive.ph/dj3oC#selection-455.28-455.38> [Accessed 5 Mar. 2021].

and cheaply available to consumers”¹⁵⁹. *Fast fashion* is the enemy of ethical and responsible consumption, especially towards Uyghurs, for many reasons. In our capitalist world, production has to be fast and requires cheap labour to encourage constant consumption. Fashion is constantly renewed to keep demand stimulated and to enable buyers to find the latest trends in the shops. A huge part of this production is of course wasted, as fashion effects fade very quickly and collections are rarely recycled. This has been going on for years, and the phenomenon allows for the omnipotence of the fashion multinationals, which know how to find buyers through the rapid changes in collections to justify their unbridled and unethical production.

The brands that have been singled out are always ready to improve their image in the eyes of consumers when it comes to making a profit. But, as always, there is a silence about the links between their products and the Uyghur camps that supply them with cotton. In response to growing indignation, and pressure from some European political groups, some brands say nothing, like Uniqlo, others lie, like Zara, and still others seek to stifle these issues by claiming to defend other causes, as Raphaël Glucksmann pointed out in March-April 2020: “*Nike makes extraordinary ads on 'Black Lives Matter' and against black slavery in the US, but Nike at the same time employs, via its suppliers, slaves in Xinjiang in China*”.

There are many ways to consume differently today, and they don't have to be more expensive. First of all, there are ethical brands, which closely monitor their production chain, from raw materials such as cotton, to the final garment. There are websites such as Moralscore, which allow brands to be rated on their respect for both the environment and human rights in terms of the quality of the working conditions in which their products are made. Furthermore, it is always possible to buy second-hand clothes, via fixed thrift shops or events, or via applications designed for this purpose, such as Depop or Vinted. Finally, it is always important to be regularly informed about the origin of our manufactured products.

Being a responsible consumer also means being informed about other consumer products that are not always clothes or objects in general. For example, the American movie *Mulan*, released in 2020, was filmed in the Xinjiang provinces where there are concentration camps for Uyghur people. The film's production was keen to thank (in the credits) the authorities of the town of Turpan for hosting the filming. As the city is known to host various re-education camps in the region, this is an intolerable gesture on the part of Disney and the director. In addition, the lead actress, Liu Xi Meizi, has shown her support several times on Twitter to Chinese police in Hong Kong cracking down on pro-democracy protests there. In October 2020, Disney was questioned by US Congressman Duncan Smith about its knowledge of the situation in Xinjiang during the making of the film and the company simply denied responsibility.

¹⁵⁹ MERRIAM WEBSTER DICTIONARY. (n.d.). Définition de fast fashion. *merriam-webster.com* [online] Available at: <https://www.merriam-webster.com/dictionary/fast%20ofashion> [Accessed 5 Mar. 2021].

CONCLUSION AND RECOMMENDATIONS

In light of the various elements highlighted in this report, any unilateral action such as that of the United States so far, as well as the immediate recourse to international law, are ineffective to put pressure on China. The declaratory diplomacy of the European Union is also faltering and seems to have used all its available resources, in vain. Yet, the fate of the Uyghurs and other minorities suffering from the genocidal policies of the Chinese authorities requires the international community to formulate an urgent solution. Considering the difficulties in getting China to end its coercive policies in Xinjiang, today, the multilateral approach through economic sanctions seems to be the only available solution that can achieve results. The “cultural genocide”¹⁶⁰ against the Uyghurs is the responsibility of everyone, leaders, multinationals, media and consumers. In order to maximise the success of such a diplomatic settlement, we make the following recommendations to each of these actors.

Recommendations to international institutions

The international community should be at the forefront in urging China to put in place measures to ensure that fundamental freedoms and universal human rights are respected in the Xinjiang Uyghur Autonomous Region.

- The Office of the United Nations High Commissioner for Human Rights (OHCHR) and special procedures mandate holders are encouraged to continually reiterate the demand for the immediate and unconditional release of detainees held against their will;
- The United Nations Office on Genocide Prevention and the Responsibility to Protect should keep a close eye on the development of the situation in Xinjiang and alert the Secretary General to the commission of crimes against humanity;
- The Human Rights Council, in which China has a seat, should urge the latter to ensure respect for the human rights of everyone on its territory and to allow the entry of independent UN observers into Xinjiang to report on the extent of human rights violations;

¹⁶⁰ A controversial concept not recognised as such in international law, used by the German anthropologist Adrian Zenz.

DEFRAUX, L. & CEBRON, V. (2019). Ouïghours : au Xinjiang, un lent et silencieux «génocide culturel». [online] *libération.fr*. Available at: https://www.libération.fr/planete/2019/09/05/ouighours-au-xinjiang-un-lent-et-silencieux-genocide-culturel_1749543 [Accessed 7 Feb. 2021].

According to Article 6 of the Rome Statute on the International Criminal Court, the crime of genocide is defined as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: a) Killing members of the group; b) Causing serious bodily or mental harm to members of the group; c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; d) Imposing measures intended to prevent births within the group; e) Forcibly transferring children of the group to another group.”

UNITED NATIONS. (1998). Rome Statute of the International Criminal Court. *treaties.un.org*. [pdf] No 38544. Available at: https://treaties.un.org/doc/Treaties/1998/07/19980717%2006-33%20PM/Ch_XVIII_10p.pdf [Accessed 27 Dec. 2020].

- It is important that the UN member states, in line with the international law they have committed to promote, as well as international civil society organizations, continue to raise awareness about the mistreatment of Muslim minorities in Xinjiang, while urging China to end all violations of their human rights and fundamental freedoms;
- Finally, impartiality and neutrality must be the watchwords within international institutions, which must absolutely guarantee a complete transparency of their procedures and protect themselves from interference from any country.

General recommendations to governments

- Governments should adopt a more multilateral approach. Countries who oppose the actions of the Chinese authorities¹⁶¹ should form alliances to put the issue of Xinjiang on the agenda of the competent UN bodies, and use the procedures of these institutions to address China's violations of international obligations in a consistent and factual manner;
- Proceed to a standardisation of the measures taken against China, within the national legislation of each country opposing its activities concerning the Uyghurs' fate. In this perspective, it is up to the States to identify the strategic economic sectors in which to implement restrictive economic sanctions. These sectors can be specific depending on the sectors of Chinese imports of each of these countries/geographical areas;
- It is necessary that the Duty of Care Directive adopted by the European Parliament encourages other countries to adopt similar measures against social dumping and forced labour, and urges companies to ensure transparency in their supply chains. Governments could also devise sanctions of varying severity for companies complicit in the detention and surveillance of Muslim populations in Xinjiang;
- The countries that remained neutral must take a position by at least supporting the request to send experts to Xinjiang;
- The 27 countries¹⁶² that signed the statement issued by the UK ambassador in Geneva on behalf of these countries in June 2020 calling on China to cooperate, should coordinate in order to put the subject of Xinjiang at the top of the agenda of the relevant UN bodies, and use these bodies and their mechanisms to address China's violations of international obligations in a consistent and factual manner. As such, these countries must reiterate a request for investigations in the Xinjiang region to gather evidence that may lead to the

¹⁶¹ Albania, Australia, Austria, Belgium, Belize, Canada, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, the Republic of the Marshall Islands, the Kingdom of the Netherlands, New Zealand, Norway, the Republic of Palau, Slovakia, Slovenia, Sweden, Switzerland and the United Kingdom.

FOREIGN & COMMONWEALTH OFFICE & BRAITHWAITE, J. (2020). UN Human Rights Council 44: Cross-regional statement on Hong Kong and Xinjiang. *gov.uk*. [online] Available at: <https://www.gov.uk/government/speeches/un-human-rights-council-44-cross-regional-statement-on-hong-kong-and-xinjiang> [Accessed 09 Sep. 2020].

¹⁶² *Ibid.*

conclusion that a genocide is occurring. The principle of the responsibility to protect could then possibly be invoked;

- Contribute to putting the Uyghur issue on the agenda of the G7 and other relevant international forums with like-minded countries and make the equal treatment of ethnic minorities and religious populations a point of discussion in bilateral meetings. This should especially apply when the topic of China's New Silk Road is discussed, by insisting on the fact that economic and trade cooperation depends on the fulfillment of specific standards;
- Given their diplomatic influence, Muslim-majority countries should express their opposition to the violation of the rights of any Muslim to freedom of cultural expression and religious observance and urge China to put an end to the “transformation through education” and mass detention programs in the same way as other states;
- Governments should establish and intensify, where available, the sharing of information on the situation in Xinjiang and increase cooperation of diplomatic intelligence networks with other liberal democracies;
- Foreign ministries or departments should urge Chinese embassies and consulates to tackle the issue of the denial of identity documents and to follow up on the requests for proof of life of Uyghur individuals;
- In order to guarantee access to Xinjiang for journalists from countries opposed to China's coercive policy, the ministries or departments in charge of foreign affairs might consider requesting reciprocal visas for national journalists in China in exchange for the access already granted to Chinese journalists on national territory;
- Foreign ministries or departments should warn citizens and residents of Uyghur origin about the risks of traveling to China;
- Offer political asylum to Uyghur refugees unconditionally and set up a monitoring system to curb the actions of Chinese embassies abroad and thus avoid the repatriation of Uyghurs;
- At the national level, the relevant migration authorities should proactively undertake the assessment of the need for funds to support the access to legal and psychological assistance;
- Finally, in order for these measures to act as compelling levers on China, it is necessary that these countries act as legitimate authorities. To do so, the various allied countries must set an example for China by condemning the human rights violations that occur on their own territory.

Specific recommendations to the American government

The United States was the first to take concrete action against China and the politicians responsible for the genocide in an attempt to coerce China. As such, this country has taken a

leading role in condemning Beijing's actions. However, the strained relations between the two countries, and the unilateral game adopted by the Trump administration have rendered any effective attempts at coercion fruitless. The election of Joe Biden to the White House broadens the possibility of resolutions.

- The United States needs to regain the legitimacy and position it held on the international stage prior to Donald Trump's protectionist and unilateralist presidency, so that it can claim to constrain China. To do so, the United States should maintain its commitment to a return to American multilateralism by adhering to multilateral treaties abandoned under the previous administration, such as the re-adherence to the Paris climate agreement on the first day of the Biden presidency;
- The Biden administration should also sign The Uyghur Forced Labor Prevention Act, passed in the House in September 2020;
- In order to ensure that actions taken against China are not interpreted as part of an escalation of tension in the economic war between the two countries, the United States must re-establish consistent diplomatic ties with the People's Republic of China in areas where it has an interest in doing so. This will make condemnations and sanctions for human rights violations appear objective and disinterested.

Specific recommendations to the European Union and member governments

The European Union's diplomatic approach has so far remained mainly confined to declaratory diplomacy. The governments of the member countries are timidly beginning to speak out. However, if the European Union seems ready to implement sanctions mechanisms, it is important to remember that foreign policy is first and foremost a prerogative of the States. It is now necessary for all member countries to publicly condemn the events in Xinjiang. These States should individually implement the measures mentioned in the recommendations to the governments and collectively ensure that the European Union adopts concrete measures to crystallise the multiple declarations.

Specific recommendations to China

- Put an immediate end to the widespread violations of human rights and fundamental freedoms in Xinjiang, including the arbitrary deprivation of freedom of Muslim minorities. China must take primary responsibility to protect everyone, regardless of their religious beliefs or ethnic identity;
- Abolish the de-extremization regulation, as requested by numerous working groups and special rapporteurs, including those on the defense of fundamental freedoms, the promotion of human rights and the questions related to minorities;
- Actively respond to repeated requests from UN special procedures mandate holders to conduct an official visit to China. Accept the technical assistance and suggestions to ensure

that China's national security, anti-corruption and terrorism laws and practices comply with its obligations under international law, including the defendant's right to due process, the right to choose their lawyer, and the right to a fair and open trial by an independent tribunal;

- Account for the fair and credible investigation of allegations of abuse, torture and ill-treatment of detainees in Xinjiang and take appropriate measures to ensure justice and compensation for the victims.

Recommendations to companies

It is essential that companies, regardless of their size and capital, guarantee full transparency to consumers and shareholders.

- Any company that is aware of the involvement of any of its subcontractors in the repression of the Uyghur people should immediately cease trading with it;
- Countries with a duty of care law should apply it by checking the subcontracting chain of all companies or groups concerned;
- Insofar as the company makes commitments regarding the cessation of activities in Xinjiang or the subcontracting of companies that use forced labour of Uyghurs, it should prove it factually, in order to publicly express its willingness to move towards a more ethical conduct of its business;
- Companies should ensure that employees involved throughout their production chain are guaranteed rights in line with international labour standards, especially in terms of wages and working conditions;
- Companies should put an end to price incentives for consumption outside of sales or destocking periods.

Recommendations to the media

The media have a primary role in relaying information. They should inform people and investigate human rights violations committed by the Chinese government.

- It is necessary that both the national and local media go beyond “The Hierarchy of Death” phenomenon¹⁶³, and inform the general public about this genocide in order to raise awareness. In this regard, it would be appropriate to adapt the issue, nationalise it and

¹⁶³ The phenomenon of the “Hierarchy of Death” is defined as the manifestation in the media of a variation in the attention paid to the victims of a tragedy according to the distance that separates them from the viewer, the reader or the listener. A greater attention is paid to the phenomena that are close, because they are more taken into consideration by the public.

then divulge it at a more local level, allowing a better consideration of the issue by these populations;

- The media should remain vigilant about their sources of funding in order to respect the ethical neutrality of journalism and not to be influenced by its editorial line;
- It is necessary for the media to follow the ethics of journalism, and respect its normative pillars, especially the one concerning the constant pursuit of the truth.

Recommendations to consumers

- Consumers should check the origin of the products they buy in order to fight against the reproduction of the forced labour system. This verification can be made easier by the establishment of a policy of total transparency from multinationals concerning the origin of raw materials, the financing of production chains as well as the labour force employed;
- Consumers should avoid over-consumption, whether by shopping online or in stores, especially during sales periods;
- Consumers should rather buy second hand, using social and solidarity economy initiatives such as Vinted, Vestiaire Collective, Leboncoin, Depop, etc. (non-exhaustive list), or the productions of small local companies.

EDITORIAL: A GENOCIDE IN THE 21st CENTURY

It is always said that an event like the Shoah could not happen again in our time. “We have learned from our mistakes”, “it couldn't happen nowadays, with all the media!”, “we could never let it happen!”: these are all thoughts that are commonplace when the Jewish genocide is discussed in class.

Yet it is 2020, and genocide is underway in China. A “cultural genocide”¹⁶⁴, admittedly, but genocide nonetheless. Between 1.5 and 3 million Uyghurs, China's Muslim minority, are locked up, forced to work, tortured and subjected to many other inhumane acts simply because the Chinese government has decided to forcibly assimilate them into the dominant Han culture.

The aim here is not to make a dubious comparison between two events with incomparable realities, but only to raise awareness by analysing the situation of the Uyghurs, putting it into perspective with that of the Jews who suffered from the Shoah.

Because it is important to realise the scale of what is happening now before our eyes. Because it is important to realise that we are part of history and that no one can say “I didn't know”.

Although the two genocides do not have the same scale or intensity, points of convergence between them can be found. The most obvious one, because it is the most publicised, seems to be the deportation to camps. Indeed, Uyghurs are deported to “re-education” camps where they are forced to work and are tortured as much psychologically as they are physically. However, they are not “exterminated”, to use the term used for the Jewish genocide. A desire to reduce their population is nonetheless present, through a policy of birth control carried out by the Chinese authorities: forced sterilisations, forced insertion of contraceptive devices and forced abortions are all practices of which the Uyghur women are victims. Many of these women are also forced to marry Han men. All these actions are committed with the same goal: to eradicate an identity. The Jewish identity during the middle of the 20th century; the Uyghur identity today.

State propaganda as a tool to justify repression is another similarity between the genocide of the Uyghurs and that of the Jewish people. During the Third German Reich, Nazi theories

¹⁶⁴ A controversial concept not recognised as such in international law, used by the German anthropologist Adrian Zenz.

DEFRANOUX, L. & CEBRON, V. (2019). Ouïghours : au Xinjiang, un lent et silencieux « génocide culturel ». [online] *libération.fr*. Available at: https://www.libération.fr/planete/2019/09/05/ouighours-au-xinjiang-un-lent-et-silencieux-genocide-culturel_1749543 [Accessed 7 Feb. 2021].

According to Article 6 of the Rome Statute on the International Criminal Court, the crime of genocide is defined as “*any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: a) Killing members of the group; b) Causing serious bodily or mental harm to members of the group; c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; d) Imposing measures intended to prevent births within the group; e) Forcibly transferring children of the group to another group.*”

UNITED NATIONS. (1998). Rome Statute of the International Criminal Court. *treaties.un.org*. [pdf] No 38544. Available at: https://treaties.un.org/doc/Treaties/1998/07/19980717%2006-33%20PM/Ch_XVIII_10p.pdf [Accessed 27 Dec. 2020].

demonised the Jews by accusing them of killing Christ, associating them with mean-spirited bankers, but above all by relying on a theory of race that placed the Jewish people as inferior to the “Aryan race”. The propaganda against the Uyghurs is not based on such identitarian criteria. To justify the marginalisation and repression of the Uyghur ethnic group, the Chinese government perpetuates an amalgam between an Islamist Uyghur minority, which occasionally carries out attacks, and the Uyghur population as a whole. Therefore, and this is the most worrying, part of the Chinese population accepts the confinement of the Uyghurs for its own alleged security, and even goes so far as to collaborate with the authorities.

Another aspect that may be interesting to relate is mass surveillance, which has been largely modernised since the middle of the 20th century. Whereas in Germany it was carried out by the Gestapo (the Nazi party militia), the means mobilised by the Chinese authorities are much more developed. Thanks to technological developments, sophisticated surveillance cameras with facial recognition have been installed all over China, but mainly in Xinjiang province where the majority of Uyghurs live. Another seemingly aberrant measure is the assignment of public officials to Uyghur families, “cousins” who monitor their activities and their loyalty to the People's Republic of China¹⁶⁵. This surveillance policy is even carried out internationally, as the authorities track down the Uyghur diaspora throughout the world, using strategies that are more immoral than the last to intimidate Uyghur exiles, with the ultimate aim of bringing them back to Chinese territory¹⁶⁶.

And what are our elites doing in response to this? They turn a blind eye, under the pretext of economic and diplomatic agreements. Worse, they elect China to the United Nations Human Rights Council! This may sound like a bad joke, but it is the unfortunate truth.

To put this matter into context, to imagine our President sympathising with the Minister of Foreign Affairs of Nazi Germany would seem shameful today. And yet, Emmanuel Macron does not shy away from meeting the Chinese Foreign Minister, immortalising the moment with a magnificent photo in which the two protagonists shake hands, smiling. So naturally, once again, the scale of the two genocides is totally different; but this does not in any way detract from the intolerable nature of such an act. This is just one example among many within the international community, the vast majority of which is content to timidly denounce the policy of oppression carried out by the Chinese authorities. Denunciations that are generally not reflected in practice, since many countries do not reduce their trade with China. For the Chinese powerhouse is powerful. And frightening.

What is most striking in the responses at the international level is the position of a majority of Muslim countries, which encourage the Chinese state to continue its repressive policy against the Uyghurs. Saudi Arabia, Pakistan and Palestine expressed their “satisfaction” with *“a series of measures in response to threats (...) to protect the human rights of all ethnic*

¹⁶⁵ PEDROLETTI, & B. THIBAUT, H. (2020). Ces faux « cousins » chinois qui s'imposent dans les familles ouïgoures. *lemonde.fr*. [online] 17 Sep. Available at: https://www.lemonde.fr/international/article/2020/09/17/ces-faux-cousins-chinois-qui-s-imposent-dans-les-familles-ouigoures_6052513_3210.html [Accessed 1 Nov. 2020].

¹⁶⁶ DANIEL, R. (2019). La traque des Ouïghours. *amnesty.fr*. [online] 4 Nov. Available at: <https://www.amnesty.fr/actualites/la-traque-des-ouighours> [Accessed 1 Nov. 2020].

*groups in Xinjiang*¹⁶⁷. And while many imams strongly condemn the abuses committed by the Chinese authorities, the absence of a transnational Muslim authority minimises the impact that these condemnations could have.

Faced with this lack of real reaction from the world's elites, we might expect the media to take a strong stand, as they are a significant counter-power. Especially since they are far more developed and free than in the mid-twentieth century, which was dominated by print newspapers and radio, most of which were censored. And yet, there are few *mainstream media* stories dedicated the Uyghur situation. And when such stories are presented, the distance taken by journalists is somewhat disturbing: despite their necessary objectivity, such genocide should be presented in a more alarming way, with more humanity.

Social media: this is what should make all of the difference today. What should, but unfortunately does not yet make a difference. While we live in a world where all information is easily and quickly accessible, we have to admit that this access to information has not brought about a radical change in our behaviours. Globalisation may link all countries together, yet the distances between them do not seem to be abolished, and the world seems to be repressing the actions of the Chinese regime from its collective consciousness.

Is the media to blame for not addressing the problem well enough, or are we ourselves to blame for not being able to take responsibility? It's hard to know. What is certain is that we all have a role to play in bringing about the change that absolutely must take place.

For yes, we are but ordinary citizens, we cannot change the world. Yes, politicians must condemn the actions of the Chinese powers and take punitive measures against China. And yes, international organisations have a crucial role in resolving this situation. But so do we. We carry an individual responsibility on our shoulders. We have to do what we can to make a difference.

Let's challenge our leaders. Let's be ethical in our consumption. Educate ourselves. Educate our friends and family. Because although individual actions may seem insignificant, when taken together, their impact is by no means negligible.

¹⁶⁷ N.D. (2020). 46 pays renouvellent leur soutien à la Chine dans sa persécution des Ouïghours. *desdomesetdesminarets.fr* [online] 7 Jul. Available at: <https://www.desdomesetdesminarets.fr/2020/07/07/46-pays-renouvellent-leur-soutien-a-la-chine-dans-sa-persécution-des-ouïghours/> [Accessed 1 Nov. 2020].

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