

HUMAN RIGHTS IN EAST TURKESTAN: CURRENT VIOLATIONS AND FUTURE PROSPECTS

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ABSTRACT

This article examines many oppressive assimilation policies enforced by the communist Chinese regime in East Turkestan. According to the article, these repressive policies violate various negative rights that are recognised and set out by international, regional and domestic legal documents, such as the right to a fair trial, the freedom of religion, the freedom of expression, the freedom of peaceful assembly and the freedom of movement. It is asserted that numerous restrictions imposed by these policies render some positive rights almost impossible to exercise, e.g. the right to education, the right to protect and promote ethno-cultural identities and several economic rights. The article maintains that Turkey would play a key role in softening and, if possible,

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nullifying these policies. It suggests that Turkey would establish a Turkish consulate general in Urumqi, the capital of East Turkestan, enabling Turkey to identify and comprehend all human rights abuses locally. The article stands up for the establishment of representative offices by the cultural diplomacy agencies of Turkey in the Turkic-dominated cities of East Turkestan, e.g. Kashgar and Turpan. These offices would contribute to the diplomatic struggle for softening the assimilationist East Turkestan policy. All materials collected by these diplomatic entities would be utilised by the Human Rights and Equality Institution of Turkey in the preparation of analytic and systematic reports on human rights breaches in East Turkestan. Such reports would then be brought forward to international platforms by Turkish diplomats. It would also be possible for these reports to be added to the agenda of bilateral discussions pursued with China. The communist regime, which wants to improve its global reputation, would not turn its back on all these reports and it would take the essential steps to soften the East Turkestan policy.

Keywords: Human rights, Uighurs, Turkic communities, East Turkestan, China.

DOĞU TÜRKİSTAN'DA İNSAN HAKLARI: GÜNCEL İHLALLER VE GELECEK BEKLENTİLERİ

ÖZ

Bu çalışma, komünist Çin rejiminin Doğu Türkistan dahilinde uygulamayı sürdürdüğü baskıcı asimilasyon politikalarını incelemektedir. Söz konusu politikalar; adil yargılanma hakkı, din hürriyeti, ifade hürriyeti, barışçıl toplanma hürriyeti ve seyahat hürriyeti gibi uluslararası, bölgesel ve yerel hukuki kaynaklar tarafından tanınıp düzenlenen pek çok negatif hakkı ihlal etmektedir. Mevzu bahis politikaların ürünü olarak ortaya çıkan sayısız ölçsüz sınırlandırma, pozitif haklar kapsamında sıralayabileceğimiz eğitim hakkı, etno-kültürel kimlikleri koruma ve geliştirme hakkı ile çeşitli ekonomik hakların kullanımını da neredeyse imkansız hale getirmektedir. Baskıcı politikaların yumuşatılması ve eğer mümkünse tamamen yürürlükten kaldırılması sürecinde Türkiye'nin etkin bir rol oynayabileceğini iddia eden çalışmamız, hak ihlallerini yerinde kavramak ve daha net anlamlandırabilmek için Doğu Türkistan'ın başkenti Urumqi'de bir Türk başkonsolosluğu açılmasını önermektedir. Çalışmamıza göre; Türkiye'nin kültürel diplomasi kurumları aracılığıyla Kaşgar ve Turfan gibi Türk kimliğini yansıtan Doğu Türkistan şehirlerinde açılacak olan temsilcilikler, bahsi geçen hak ihlallerine karşı yürütülen diplomatik mücadele sürecine katkı sunabilir. Diplomatik kurumlar marifetiyle elde edilen bilgilerin

analitik ve sistematik raporlandırılmasının Türkiye İnsan Hakları ve Eşitlik Kurumu tarafından tamamlanabileceğini ifade eden çalışmamız, söz konusu raporların Türk diplomatlar tarafından uluslararası platformlarda gündeme taşınabileceğini savunmaktadır. Çalışmamız, Çin ile yürütülen ikili görüşmelerde de dillendirilebilecek bu raporlara, küresel saygınlığını artırmak isteyen komünist rejimin duyarsız kalmayacağını ve Doğu Türkistan politikasının yumuşatılması için gerekli adımları atacağını iddia etmektedir.

Anahtar Kelimeler: İnsan hakları, Uygurlar, Türk toplulukları, Doğu Türkistan, Çin.

I. INTRODUCTION

East Turkestan is demographically dominated by the Muslim Uighurs and some other minority Turkic communities, including the Kazakhs, Kyrgyz, Uzbeks and Tartars. The Turks of East Turkestan established two independent sovereign states in the first half of the twentieth century. These two states were destroyed by the Chinese just after their establishment. East Turkestan was taken under the control of the People's Republic of China (PRC) following the communist revolution in 1949.¹ This Turkic-majority region is recognised by the

¹ For a comprehensive demographic and strategic analysis of East Turkestan, see: KUL, Ömer: *100 Soruda Doğu Türkistan*, Rumuz Yayınevi, İstanbul 2017; BAKIR, Abdullah: "Doğu Türkistan Tarihinin Türk Kültür Tarihi Açısından Önemi", *Türk Dünyası İncelemeleri Dergisi*, Volume: 8, No: 1, Year: 2008, pp. 35-39; GROSE, Timothy: "The Xinjiang Class: Education, Integration, and the Uyghurs", *Journal of Muslim Minority Affairs*, Volume: 30, No: 1, Year: 2010, pp. 97-109; GROSE, Timothy: "(Re)Embracing Islam in Neidi: the 'Xinjiang Class' and the Dynamics of Uyghur Ethno-national Identity", *Journal of Contemporary China*, Volume: 24, No: 91, Year: 2015, pp. 101-118; HAN, Enze: "From Domestic to International: The Politics of Ethnic Identity in Xinjiang and Inner Mongolia", *Nationalities Papers*, Volume: 39, No: 6, Year: 2011, pp. 941-962; HAN, Enze: "External Cultural Ties and the Politics of Language in China", *Ethnopolitics*, Volume: 12, No: 1, Year: 2013, pp. 30-49; HAO, Yufan and LIU, Weihua: "Xinjiang: Increasing Pain in the Heart of China's Borderland", *Journal of Contemporary China*, Volume: 21, No: 74, Year: 2012, pp. 205-225; JONIAK-LÜTHI, Agnieszka: "Xinjiang's Geographies in Motion", *Asian Ethnicity*, Volume: 16, No: 4, Year: 2015, pp. 428-445; JONIAK-LÜTHI, Agnieszka: "Blurring Boundaries and Negotiating

Chinese constitutional documents as the Xinjiang Uighur Autonomous Region. The region is the largest province of the PRC, which shares borders with not only Afghanistan, India, Mongolia and Pakistan but also two Central Asian Turkic Republics – Kazakhstan and Kyrgyzstan. The Chinese Constitution acknowledges East Turkestan as a self-governing region, but the region encounters numerous difficulties in exercising its self-ruling constitutional powers.² Various administrative restrictions are imposed by the central communist administration upon East Turkestan, rendering the so-called autonomous region unable to enjoy its self-government rights.

This article examines systematic human rights violations committed by the communist Chinese administration in East Turkestan. The article draws on various reports published by some prestigious human rights protection organisations, e.g. Amnesty International (AI) and Human Rights Watch (HRC), in understanding human rights abuses in the region. The article benefits from many other documents prepared by Uighur-specific right-advocating civil society organisations, such as the Uighurs Human Rights Project (UHRP) and World Uighur Congress (WUC), in comprehending human rights issues in East Turkestan. In addition, a significant number of legal materials, including international/regional covenants, conventions and charters as well as domestic constitutional and statutory materials, are taken into account in interpreting how the communist administration violates basic human rights and freedoms in the Turkic-occupied region. Furthermore, ordinary written sources, e.g. books, journal articles and electronic documents

Subjectivities – The Uyghurized Han of Southern Xinjiang, China”, *Ethnic and Racial Studies*, Volume: 39, No: 12, Year: 2016, pp. 2187-2204; LI, Mingjiang: “From Look-West to Act-West: Xinjiang’s Role in China – Central Asian Relations”, *Journal of Contemporary China*, Volume: 25, No: 100, Year: 2016, pp. 515-528; PANNELL, Clifton and SCHMIDT, Philipp: “Structural Change and Regional Disparities in Xinjiang, China”, *Eurasian Geography and Economics*, Volume: 47, No: 3, Year: 2006, pp. 329-352.

² Self-government rights bestowed upon East Turkestan are set out by Article 4/2 of the Chinese Constitution. Further details on these rights are provided in the section entitled “*Self-ruling Organs of National Autonomous Areas*” (arts. 112-122).

produced by Uighur-specific media outlets, are considered in the interpretation of the violations.

According to this article, the assimilationist East Turkestan policy of the communist Chinese regime violates several negative rights recognised by international and regional legal materials, e.g. the right to a fair trial, the freedom of religion, the freedom of expression, the freedom of peaceful assembly and the freedom of movement.³ All these negative rights are acknowledged and set out by the Chinese Constitution, which secures some important positive rights, including the right to education, the right to protect and promote ethno-cultural characteristics and economic rights. The *de jure* recognition and protection of these rights would be regarded as a positive step, but numerous restrictions imposed by the communist regime render the exercise of these rights almost impossible.

The article maintains that Turkey should increase the number of its diplomatic initiatives aimed at softening, or if possible, nullifying the

³ There are various methods that would be utilised in managing ethno-cultural diversity. Assimilation is one of these methods that is recognised as an undemocratic way in the contemporary era. This method tries to manage ethno-cultural diversity through exterminating ethnic, cultural, linguistic or religious differences. States are likely to use this method via two different approaches, namely acculturation and fusion. Acculturation eradicates ethno-cultural cleavages by merging two or more identities into one *already-established* identity ($X + Y = X$). Fusion exterminates ethno-cultural differences by merging two or more identities into a *new* identity ($X + Y = Z$). Both approaches aim to standardise, homogenise and monopolise the entire public. For more details, see: KOLÇAK, Hakan: “Consociationalism under Examination: Is Consociationalism the Optimal Multiculturalist Approach for Turkey?”, *Digest of Middle East Studies*, Volume: 29, No: 1, Year: 2020, pp. 26-52; KOLÇAK, Hakan: “Multiculturalism for True Equality: A Normative Argument for Multicultural Turkey”, *International Journal of Human Rights and Constitutional Studies*, Volume: 7, No: 1, Year: 2020, pp. 107-125; MCGARRY, John and O’LEARY, Brendan: “The Political Regulation of National and Ethnic Minorities”, *Parliamentary Affairs*, Volume: 47, No: 1, Year: 1994, pp. 94-115; O’LEARY, Brendan: “The Elements of Right-sizing and Right-peopling the State”, *Right-sizing the State: The Politics of Moving Borders*, (Ed.) O’LEARY, Brendan, LUSTICK, Ian and CALLAGHY, Thomas, Oxford University Press, Oxford 2001, pp. 16-73.

oppressive East Turkestan policy of the communist regime. The article believes that the communist regime is unlikely to turn its back on Turkish diplomatic attempts as it does not want its global reputation to be affected negatively. According to the article, comprehensive human rights reports on East Turkestan prepared by the Human Rights and Equality Institution of Turkey (*Türkiye İnsan Hakları ve Eşitlik Kurumu*, TİHEK) would contribute to Turkish diplomatic attempts seeking to persuade the communist regime to soften its East Turkestan policy.⁴ It is also argued that establishing a Turkish consulate general in Urumqi would be instrumental in detecting and analysing all human rights abuses promptly. Institutional efforts by Turkish cultural diplomacy organisations, such as Yunus Emre Institute (*Yunus Emre Enstitüsü*, YEE), the Turkish Cooperation and Coordination Agency (*Türk İşbirliği ve Koordinasyon Ajansı Başkanlığı*, TİKA) and the Presidency for Turks Abroad and Related Communities (*Yurt Dışı Türkler ve Akraba Topluluklar Başkanlığı*, YTB), would contribute to the detection process of such abuses.⁵ These organisations would establish cultural centres, representative offices or coordination agencies in the metropolitan Turkic cities of East Turkestan, Urumqi, Kashgar and Turpan. Such centres, offices and agencies would provide the Turks of East Turkestan with institutional opportunities to protect and promote their ethno-cultural identities. They would also create an arena where the Uighur people and other minority Turkic communities would express their grievances,

⁴ TİHEK seeks to identify and resolve human rights issues while protecting human dignity in compliance with international covenants, conventions and other legal documents. For more details, see: <https://www.tihék.gov.tr/>, accessed on 07.11.2020.

⁵ YEE, TİKA and YTB are among the cultural diplomacy institutions of Turkey. YEE, founded in 2007, operates across different regions. It has 58 cultural centres in countries with which Turkey shares ethno-cultural bonds. For more details on YEE, see: <https://www.yee.org.tr/>, accessed on 07.11.2020. TİKA, founded in 1992, provides socio-economic and cultural projects. It has 62 coordination offices in 60 countries. TİKA conducts projects and other activities in 150 different countries. For more information about TİKA, see: <https://www.tika.gov.tr/>, accessed on 07.11.2020. YTB, founded in 2010, aims to develop institutional and social ties between Turkey and other states, especially those Turkic- or Muslim-majority countries. For more details on YTB, see: <https://www.ytb.gov.tr/>, accessed on 07.11.2020.

enabling Turkey and other sovereign states to realise which certain strides should be made in softening the East Turkestan policy of the communist regime.

This article is an interdisciplinary study that draws on the methods of constitutional law, political science and international relations. The article is organised in the following order. It starts with a brief note on the history of East Turkestan. The article then turns its attention to the restrictive policies of the communist regime that violate several negative rights of the Uighur people and other minority Turkic communities in East Turkestan. Subsequently, the article examines the oppressive policies of the regime that violate many positive rights of the Turks of East Turkestan. Finally, the article answers how Turkey would play an effective role in convincing the communist regime to soften its East Turkestan policy.

II. A BRIEF HISTORY OF THE UIGHURS IN EAST TURKESTAN

The presence of the Uighurs in East Turkestan extends back to the pre-Christian period. The history of the Uighur struggle against the Chinese dates back to the Han Dynasty of China, which reigned in Central Asia from 206 B.C. to 220 A.D. The Uighurs established their sovereign entity, the Uighur Khanate, in Central Asia after the collapse of the Gokturk Khanate in 744. The Uighur Khanate continued to exist until 840.⁶ The Khanate was under the direct control of the Chinese T'ang Dynasty for almost a century. The Dynasty sought to use the Khanate as a base for its expansionist efforts in Central Asia. The expansionist T'ang policy was reversed by the Battle of Talas in 751, when the Chinese and Arabs clashed in today's Kyrgyz territories.⁷ The Dynasty was faced with the ire of the Abbasid Caliphate in the Battle, leading to the defeat of the Dynasty with the help of the Turkic Karluks. The Dynasty never again

⁶ CLARKE, Michael: *Xinjiang and China's Rise in Central Asia – A History*, Routledge, London 2011, p. 16; BOVINGDON, Gardner: "The History of the History of Xinjiang", *Twentieth-Century China*, Volume: 26, No: 2, Year: 2001, pp. 95-105.

⁷ TAŞAĞIL, Mehmet: *Bozkırın Kağanlıkları: Hunlar, Tabgaçlar, Göktürkler, Uyğurlar*, Kronik Kitap, İstanbul 2020, p. 209.

attempted to venture in military adventures in Central Asia following the defeat.⁸

Most Uighurs were committed to traditional Asian religions, including Animism, Buddhism, Shamanism and Tengrism, during the early Khanate period. Bögü Khagan, who ruled the Uighur Khanate from 759 to 779, recognised Manichaeism as the official religion of the Khanate. This recognition rendered Manichaeism the popular religion among the Uighurs.⁹ The Manichaeist Khanate was dissolved in 840 due to a series of internal disturbances and Kyrgyz attacks.¹⁰

The Uighurs regained their political prestige around the mid-10th century. They became an influential political group in the Kara-Khanid Khanate. Most Manichaeist Uighurs converted to Islam after Satuq Bughra Khan, the ruler of the Khanate, declared Islam as the official religion in 960.¹¹ Intellectual Muslim Uighurs were tasked with significant governmental duties during the Khanate period. Another Uighur elite became effective in the administration of the Mongol Empire. A different Uighur bureaucratic group was influential in the Mongol Yuan Dynasty, which ruled China almost a century.¹² The Dynasty lost its grip on China in 1368, when territorial and trade-oriented conflicts between the Chinese and Uighurs began once again. These conflicts led East Turkestan to be invaded by the Chinese several times.¹³

⁸ CLARKE, *Xinjiang*, p. 16.

⁹ GOLDEN, Peter: *An Introduction to the History of the Turkic Peoples: Ethnogenesis and State Formation in Medieval and Early Modern Eurasia and the Middle East*, Otto Harrassowitz, Wiesbaden 1992, p. 174.

¹⁰ The Uighurs of Gansu are called “*Yellow Uighurs*”. For more details, see: DILLON, Michael: *Xinjiang – China’s Muslim Far East*, Routledge Curzon, London 2005, p. 10.

¹¹ DILLON, Michael: *Contemporary China – An Introduction*, Routledge, Abingdon 2009, p. 11; BAŞKAYA, Muzaffer: “Arşiv Belgelerine Göre Cumhuriyetin İlk Yıllarında Doğu Türkistan’ın Genel Durumu ve Türkiye ile Kültürel Münasebetler”, *Bilig*, Volume: 89, Year: 2019, p. 216.

¹² POPE, Hugh: *Sons of the Conquerors: The Rise of the Turkic World*, Overlook Duckworth, New York 2005, p. 160.

¹³ The first Manchu invasion took place in 1759, when the Manchus of the Qing Dynasty took advantage of internal disputes among the Uighurs. The Turks of East Turkestan rebelled against the Manchus under the leadership of Muhammad Yaqup Beg in 1863, resulting in the establishment of the

East Turkestan was renamed as *Xin-jiang* (New Frontier) after the second Manchu invasion, which took place on 18 November 1884.¹⁴ Since then, this term has been used not only as a geographic notion but also as a legal concept used by constitutional, statutory and regulatory materials.¹⁵

During the second Manchu invasion, General Zuo Zong-tang – the imperial commissioner for military relations in East Turkestan – argued that the Qing (Manchu) Dynasty would encounter security difficulties without ruling East Turkestan. This argument shaped the Chinese policy of national security in the following years.¹⁶ According to this policy, it was likely for the Dynasty to eliminate expansionist Russian threats via building security units across East Turkestan.¹⁷

The Uighur identity, which was repressed by the Chinese security policies, was brought back into the international agenda by the Soviet policy of nationalities after the First World War. The usage of the words ‘Uighur’ and ‘Uighur identity’ entered into a period of revival after the Turkic-Muslim Conference held in Tashkent in 1921. Uighur rebellions started to emerge as an extension of the national Uighur revival, paving the way for the proclamation of the Republic of East Turkestan in 1933. Not long after its establishment, the Republic was forced to fight against the regional warlord Ma Zhong-ying and pro-Soviet warlord Sheng Shicai. The Republic failed to safeguard its sovereign statehood after Ma

Kingdom of Kashgaria. This Uighur state was taken under the control of the Chinese administration after the death of Yaqub Beg. For more details, see: BAŞKAYA, *op. cit.*, p. 216; UYGUR, Feyzullah: “Mançuların İlk Doğu Türkistan İstilası”, *Tarih Dergisi*, No: 63, Year: 2016, pp. 27-40; SHARE, Michael: “The Great Game Revisited: Three Empires Collide in Chinese Turkestan (Xinjiang)”, *Europe-Asia Studies*, Volume: 67, No: 7, Year: 2015, pp. 1102-1129.

¹⁴ POPE, *op. cit.*, p. 142; CLARKE, *Xinjiang*, p. 26.

¹⁵ KUL, Ömer: “1948 Sonrası Hariçte Doğu Türkistan Davası ve Tayvan Yönetiminin Tutumu”, *Çanakkale Araştırmaları Türk Yılı*, Volume: 16, No: 24, Year: 2018, p. 31.

¹⁶ CLARKE, *Xinjiang*, p. 26.

¹⁷ CLARKE, Michael: “China and Shanghai Cooperation Organization: The Dynamics of ‘New Regionalism’, ‘Vassalization’, and Geopolitics in Central Asia”, *The New Central Asia: The Regional Impact of International Actors*, (Ed.) KAVALSKI, Emilian, World Scientific Publishing, Singapore 2010, p. 119.

captured Kashgar in 1934, resulting in the dismantlement of the Republic.¹⁸

Wu Chung-hsin, who was the governor-general of East Turkestan from 1944 to 1946, exacerbated the Chinese pressure on the Uighur people.¹⁹ Wu was among the hawkish members of the nationalist Chinese administration. He embraced the assimilationist “*Great Chinese Nation Thesis*”, which was propounded by Professor Li Dung-fang, in administering East Turkestan.²⁰ Wu put the thesis into practice and introduced his repressive policies. He rejected to recognise the Uighur people as a distinct ethno-cultural community. Rather, Wu maintained that the Uighurs were part of the Chinese nation. He asserted that the linguistic difference between Mandarin and the Uighur language was due to the long-term separation between these two ensembles. Wu claimed that social and cultural ties between these two communities would be revived and flourished via teaching the Chinese language to the Turks of East Turkestan. According to him, an additional tool for the revival of the ties was to improve familial relations by marrying Turkic women and Chinese men. Another element was acknowledged by him as an official policy encouraging Chinese migrants to settle in East Turkestan. All these assimilationist policies were confronted by the Turks of East Turkestan, leading to another Turkic uprising in the province of Gulca in 1944.²¹ This rebellion resulted in the establishment of the second Republic of East Turkestan in October-November 1944. The Republic tried to preserve its existence under the shadow of the nationalist Chinese government until the communist revolution of 1949.²²

¹⁸ CLARKE, *Xinjiang*, p. 32.

¹⁹ The centuries-long dynastic period in China ended in 1911, when the Qing Dynasty was removed from power. In 1912, the Nationalist Party (*Kuomintang*) took over the power in China. Disputes between the nationalists and communists intensified in the 1920s, leading to a civil war. For more details, see: CLARKE, *Xinjiang*, pp. 40-120.

²⁰ KUL, “1948 Sonrası”, p. 31.

²¹ BENSON, Linda: *The Ili Rebellion: The Moslem Challenge to Chinese Authority in Xinjiang, 1944-1949*, M. E. Sharpe Inc, New York 1990, pp. 67-176; KUL, “1948 Sonrası”, pp. 33-34.

²² A political competition began between the nationalists and communists after the nationalists took up the reins of government in 1912. The competition turned into a violent conflict following the Northern

The PRC was established under the leadership of Mao Ze-dong following the communist revolution. The communist regime did not change the long-standing East Turkestan policy.²³ The regime regarded all Uighur demands for sovereign statehood or independence as threats to the national security of China. This was the main reason for the rejection of the proposal aimed at establishing a Soviet-style autonomous republic of Uighuristan in March 1951.²⁴ The communist administration adopted another autonomy arrangement for East Turkestan that was inspired by the Soviet nationalities policy. This arrangement recognised not only the Uighurs but also other 13 ethnic groups as the indigenous communities of East Turkestan. The Xinjiang Uighur Autonomous Region was established in October 1955 as an institutional reflection of this recognition.²⁵

The communist regime did not alter its assimilationist East Turkestan policy after the establishment of the self-ruling region. Administrative appointments in East Turkestan were filled with Han Chinese.²⁶ The regime stimulated hundreds of thousands of Han Chinese to migrate from Shanghai to East Turkestan, paving the way for changing

Expedition in 1927. The nationalists succeeded in safeguarding Taiwan, the Penghu Islands and other minor islands, but they failed to protect mainland China. The Chinese civil war ended on 1 October 1949, when the communist leader Mao Ze-dong proclaimed the establishment of the PRC. For more details, see: CLARKE, *Xinjiang*, pp. 37-71; DILLON, *Contemporary China*, pp. 12-18; BELLÉR-HANN, Ildikó: “Feudal Villains or Just Rulers? The Contestation of Historical Narratives in Eastern Xinjiang”, *Central Asian Survey*, Volume: 31, No: 3, Year: 2012, pp. 311-325.

²³ KUL, “1948 Sonrası”, p. 35.

²⁴ MILLWARD, James: *Eurasian Crossroads: A History of Xinjiang*, Columbia University Press, New York 2007, pp. 242-244.

²⁵ STEELE, Liza and KUO, Raymond: “Terrorism in Xinjiang?”, *Ethnopolitics*, Volume: 6, No: 1, Year: 2007, p. 3; MILLWARD, *op. cit.*, p. 244.

²⁶ CHUNLI, Xia: “From Discourse Politics to Rule of Law: A Constructivist Framework for Understanding Regional Ethnic Autonomy in China”, *International Journal on Minority and Group Rights*, Volume: 14, No: 4, Year: 2007, p. 412; MILLWARD, *op. cit.*, pp. 237-240.

the Turkic-dominated demographic structure of the region.²⁷ The regime intensified its assimilation policies with the Great Leap Forward Initiative, which was launched by Mao in the late 1950s. Such policies were preserved after the Great Proletariat Cultural Revolution, which was introduced by the communist administration in 1966. An armed conflict occurred in East Turkestan during this revolutionary movement that ended in 1976. The communist administration won the conflict, enabling it to introduce additional oppressive policies in East Turkestan, e.g. statutory and regulatory restrictions on holding religious and cultural ceremonies.²⁸

Deng Xiao-ping took over the power after Mao died in 1976. China witnessed crucial changes during the Deng era.²⁹ He was the first

²⁷ CLARKE, Michael: “The Problematic Progress of ‘Integration’ in the Chinese State’s Approach to Xinjiang, 1759 – 2005”, *Asian Ethnicity*, Volume: 8, No: 3, Year: 2007, p. 268; CLARKE, Michael: “China’s ‘War on Terror’ in Xinjiang: Human Security and the Causes of Violent Uighur Separatism”, *Terrorism and Political Violence*, Volume: 20, No: 2, Year: 2008, p. 278; MILLWARD, *op. cit.*, p. 252; CÔTÉ, Isabelle: “Political Mobilization of a Regional Minority: Han Chinese Settlers in Xinjiang”, *Ethnic and Racial Studies*, Volume: 34, No: 11, Year: 2011, p. 1858; CÔTÉ, Isabelle: “The Enemies within: Targeting Han Chinese and Hui Minorities in Xinjiang”, *Asian Ethnicity*, Volume: 16, No: 2, Year: 2015, pp. 137-140; ZANG, Xiaowei: “Uyghur Islamic Piety in Ürümchi, Xinjiang”, *Chinese Sociological Review*, Volume: 44, No: 4, Year: 2012, p. 88; PRIMIANO, Christopher: “Participatory Democracy and Competitive Elections as the Way Forward in Xinjiang”, *Journal of Muslim Minority Affairs*, Volume: 32, No: 4, Year: 2012, p. 545.

²⁸ CHOU, Bill: “The Change of China’s Rule in Xinjiang since the Early 1980s”, *Chinese Law & Government*, Volume: 45, No: 3, Year: 2012, pp. 3-5; MILLWARD, *op. cit.*, pp. 255-275.

²⁹ BARABANTSEVA, Elena: “The Politics of Everyday Ethnicity in China”, *Asian Ethnicity*, Volume: 12, No: 3, Year: 2011, p. 359; BARTER, Shane: “‘Second-order’ Ethnic Minorities in Asian Secessionist Conflicts: Problems and Prospects”, *Asian Ethnicity*, Volume: 16, No: 2, Year: 2015, p. 124; BEAUD, Sylvie: “Being Han in a Multi-ethnic Region of the People’s Republic of China”, *Asian Ethnicity*, Volume: 15, No: 4, Year: 2014, p. 538; KUO, Kendrick: “Revisiting the Salafi-jihadist Threat in Xinjiang”, *Journal of Muslim Minority Affairs*, Volume: 32, No: 4, Year: 2012, pp. 529-530; QARLUQ, Abdureşit and MCMILLEN, Donald: “Towards a ‘Harmonious Society’? A Brief Case Study of the Post-

Chinese leader visiting the United States of America in 1979.³⁰ The Deng government loosened several restrictions on religious freedoms. The government re-introduced some important constitutional minority rights that had been removed from the Chinese Constitution during the Cultural Revolution, such as the right to education in minority languages, the right to protect and promote minority identities, the right to political and fiscal autonomy, etc.³¹

The PRC was expected to collapse after the dissolution of the Soviet Union in 1991. This expectation was not met, but the PRC established a hybrid model of economic governance after the Cold War that was built on socialist and capitalist cornerstones. However, the communist regime did not soften its East Turkestan policy.³² Instead, the

liberation Settlement in Beijing of Uyghur Intellectuals and Their Relations with the Majority Society”, *Asian Ethnicity*, Volume: 12, No: 1, Year: 2011, p. 4.

- ³⁰ DAVIS, Elizabeth: “Uyghur Muslim Ethnic Separatism in Xinjiang, China”, *Asian Affairs: An American Review*, Volume: 35, No: 1, Year: 2008, p. 19; DORIAN, James, WIGDORTZ, Brett and GLADNEY, Dru: “Central Asia and Xinjiang, China: Emerging Energy, Economic and Ethnic Relations”, *Central Asian Survey*, Volume: 16, No: 4, Year: 1997, p. 467; FINLEY, Johanne: “Chinese Oppression in Xinjiang, Middle Eastern Conflicts and Global Islamic Solidarities among the Uyghurs”, *Journal of Contemporary China*, Volume: 16, No: 53, Year: 2007, p. 642; SAUTMAN, Barry: “Preferential Policies for Ethnic Minorities in China: The Case of Xinjiang”, *Nationalism and Ethnic Politics*, Volume: 4, No: 1-2, Year: 1998, p. 106.
- ³¹ CHOU, Bill: “Implementation Measures of China’s Xinjiang Policies”, *Chinese Law & Government*, Volume: 45, No: 4, Year: 2012, pp. 3-5; MILLWARD, *op. cit.*, pp. 266-277; CLARKE, Michael: “Xinjiang and China’s Relations with Central Asia, 1991-2001: Across the ‘Domestic-Foreign Frontier’?”, *Asian Ethnicity*, Volume: 4, No: 2, Year: 2003, p. 210; LUNDBERG, Maria and ZHOU, Yong: “Regional National Autonomy under Challenge: Law, Practice and Recommendations”, *International Journal on Minority and Group Rights*, Volume: 16, No: 3, Year: 2009, pp. 293-294; HIERMAN, Brent: “The Pacification of Xinjiang: Uighur Protest and the Chinese State, 1988-2002”, *Problems of Post-Communism*, Volume: 54, No: 3, Year: 2007, p. 51.
- ³² KUZU, Burhan: “Doğu Türkistan Raporu ve İnsan Hakları İhlalleri”, *Selçuk Üniversitesi Hukuk Fakültesi Dergisi*, Volume: 6, No: 1-2, Year: 1998, pp. 46-48; Millward, *op. cit.*, pp. 331-334; BLANK, Stephen:

regime sustained and, more importantly, hardened its assimilation policies after the transfer of Hong Kong to the PRC in 1997 and China's accession to the World Trade Organisation in 2001. The communist regime tried to prevent Taiwan from exercising its sovereign statehood while seeking to eliminate all separatist movements in East Turkestan, Hong Kong and Tibet in accordance with its one-China policy.³³

The East Turkestan policy was not softened after Chinese President Xi Jin-ping embarked on the Belt and Road Initiative in 2013.³⁴

“Xinjiang and China's Security”, *Global Economic Review*, Volume: 32, No: 4, Year: 2003, pp. 121-125; MACKERRAS, Colin: “Xinjiang in 2013: Problems and Prospects”, *Asian Ethnicity*, Volume: 15, No: 2, Year: 2014, pp. 247-248.

³³ This study only examines the East Turkestan policy of the PRC. The Chinese policies towards Taiwan, Tibet and Hong Kong are excluded from the scope of this article. These regions share cultural, linguistic or historical ties with mainland China. Similar ties are not in place between China and East Turkestan. For all important details on the Taiwan, Tibet and Hong Kong policies of the PRC, see: ZHOU, Yong: “Legal Predicament of Combining ‘Regional’ and ‘National’ Autonomy: A Group Rights Perspective”, *International Journal on Minority and Group Rights*, Volume: 16, No: 3, Year: 2009, pp. 329-348; DILLON, *Contemporary China*, pp. 168-198; LUNDBERG, Maria: “Regional National Autonomy and Minority Language Rights in the PRC”, *International Journal on Minority and Group Rights*, Volume: 16, No: 3, Year: 2009, pp. 399-422; WANG, Shuping: “The People's Republic of China's Policy on Minorities and International Approaches to Ethnic Groups: A Comparative Study”, *International Journal on Minority and Group Rights*, Volume: 11, No: 1-2, Year: 2004, pp. 159-185; KUO, Lily and YU, Verna: “China Passes Controversial Hong Kong National Security Law”, *The Guardian*, 30 June 2020, accessed at <https://www.theguardian.com/world/2020/jun/30/china-passes-controversial-hong-kong-national-security-law>, accessed on 07.11.2020.

³⁴ During Deng's *de facto* leadership period, the Presidency of the PRC was taken by Ye Jian-ying (1978-1983), Li Xian-nian (1983-1988) and Yang Shang-kun (1988-1993). The Presidency was then turned into an active position and represented by Jiang Ze-min (1993-2003) and Hu Jin-tao (2003-2013). Xi Jin-ping, who became president in 2013, is the current leader of the PRC. For more details, see: SAUTMAN, Barry: “Self-representation and Ethnic Minority Rights in China”, *Asian Ethnicity*, Volume: 15, No: 2, Year: 2014, pp. 174-196; RYONO, Angel and

This initiative intends to engender a new trade route enabling the transportation of Chinese goods to European and other regional/international markets. Urumqi, the regional capital of East Turkestan, is acknowledged as one of the most significant cities by the new trade route, increasing the geostrategic importance of East Turkestan.³⁵ The geostrategic significance of East Turkestan is realised by the communist regime, which increases the number of its repressive policies towards the Uighur people and other Turkic minority communities to maintain its authority over the region.³⁶ All these policies violate many basic human rights and freedoms recognised and set out not only by regional and international legal documents but also by domestic constitutional articles or provisions. The following section examines all systematic violations in depth.

III. HUMAN RIGHTS VIOLATIONS IN EAST TURKESTAN

Various studies have classified human rights into different categories since the 1700s.³⁷ Georg Jellinek proposes one of such

GALWAY, Matthew: "Xinjiang under China: Reflections on the Multiple Dimensions of the 2009 Urumqi Uprising", *Asian Ethnicity*, Volume: 16, No: 2, Year: 2015, pp. 235-255.

³⁵ MARSHALL, Tim: *Prisoners of Geography: Ten Maps that Tell You Everything about the World*, Simon and Schuster, New York 2015, p. 52.

³⁶ FAROOQ, Umar: "Chinese Uighurs Defy Ramadan Ban", *Al Jazeera*, 5 July 2014, accessed at <https://www.aljazeera.com/in-depth/features/2014/07/chinese-uyghurs-defy-ramadan-ban201474711251-07552-.html>, accessed on 07.11.2020.

³⁷ It is possible to classify human rights by taking into consideration their main subjects. This classification generates three main categories, physical freedoms, conceptual freedoms and collective freedoms. Human rights would be classified into two categories by considering who is able to exercise them, namely individual rights and collective rights. Another doctrinal approach classifies human rights into four categories by taking into account historical developments, (i) first generation rights, (ii) second generation rights, (iii) third generation rights and (iv) fourth generation rights. For more details on the classification models of human rights, see: UYGUN, Oktay: *Devlet Teorisi*, 6. Ed., On İki Levha Yayıncılık, İstanbul 2019, p. 497; GEMALMAZ, Semih: *Ulusalüstü İnsan Hakları Hukukunun*

categories that is recognised and widely supported by numerous scholars. Jellinek classifies human rights into three main categories, namely negative status rights (*status negativus*), positive status rights (*status passivus*) and active status rights (*status activus*).³⁸ Negative status rights are those that are not subjected to any actions of individuals, groups or sovereign states. These rights impose a negative duty on others that is a duty to do nothing or not interfere.³⁹ Some examples of negative status rights would be listed as follows: the freedom of thought and expression, the freedom of speech, the freedom of movement and the freedom of peaceful assembly.⁴⁰ Positive status rights are those that oblige others to provide benefits.⁴¹ These rights place a positive duty on others that is a duty to offer something or act in a certain way.⁴² The right to free schooling, the right to free healthcare, the right to social security and the right to work are some examples of positive status rights.⁴³ Active status rights are those enabling individuals to take part in the administration of main state organs, including legislative and executive bodies.⁴⁴ The right

Genel Teorisine Giriş, Legal Yayıncılık, İstanbul 2007, pp. 1437-1453; GÖZLER, Kemal: *İnsan Hakları Hukuku*, Ekin Yayınları, Bursa 2017, pp. 151-164; UYGUN, Oktay: “İnsan Hakları Açısından Yeni Anayasa Çalışmaları”, *Maltepe Üniversitesi Hukuk Fakültesi Dergisi*, Volume: 2, No: 1, Year: 2008, pp. 323-335.

³⁸ GÜNGÖREN-BULGAN, Birden: *Georg Jellinek'in Hak ve Devlet Kuramı*, On İki Levha Yayıncılık, İstanbul 2017, pp. 44-100.

³⁹ ALEXY, Robert: *A Theory of Constitutional Rights*, Oxford University Press, Oxford 2002, pp. 163-173; VINCENT, Andrew: *The Politics of Human Rights*, Oxford University Press, Oxford 2010, pp. 132-134.

⁴⁰ ANAYURT, Ömer: *Türk Anayasa Hukukunda Toplanma Hürriyeti*, Kazancı Yayınları, İstanbul 1998, p. 69; KAPANİ, Münci: *Kamu Hürriyetleri*, 5. Ed., Ankara Üniversitesi Hukuk Fakültesi Yayınları, Ankara 1981, p. 6; GÖZÜBÜYÜK, Şeref: *Anayasa Hukuku*, 6. Ed., Turhan Yayınları, Ankara 1998, p. 166.

⁴¹ GÖZLER, Kemal: *Anayasa Hukukunun Genel Esasları*, 10. Ed., Ekin Yayınları, Bursa 2018, p. 411.

⁴² BULUT, Nihat: *Sanayi Devriminden Küreselleşmeye Sosyal Haklar*, On İki Levha Yayınları, İstanbul 2009, pp. 8-33; TANÖR, Bülent: *Anayasa Hukukunda Sosyal Haklar*, May Yayınları, İstanbul 1978, pp. 5-24.

⁴³ ALGAN, Bülent: *Ekonomik, Sosyal ve Kültürel Hakların Korunması*, Seçkin Yayıncılık, Ankara 2007, pp. 10-70; GÖZLER, Kemal: *Türk Anayasa Hukuku Dersleri*, 24. Ed., Ekin Yayınları, Bursa 2019, p. 112.

⁴⁴ GÖZÜBÜYÜK, *op. cit.*, p. 151.

to stand for elections, the right to vote and the right to found political parties are just some examples of active status rights.⁴⁵

The PRC is a socialist state run by a single party, the Communist Party of China (*Zhōngguó Gōngchǎndǎng*, CPC). The authoritarian CPC imposes numerous restrictions on the use of democratic rights of political participation not only in East Turkestan but also in all Chinese provinces. Free and fair elections are not held for legislative seats. Similarly, direct or competitive elections are not held for national executive leaders. The CPC dominates all state organs while it is impossible for other political circles or groups to hold public offices. This anti-democratic Chinese attitude is expressed by various prestigious civil society organisations. According to a recent report prepared by Freedom House, China is not a free country where free and fair elections would take place. It is a country where individuals do not have the right to organise in different political parties or alliances. The one-party system rigorously suppresses the establishment and development of any organised political opposition.⁴⁶

Another recent report prepared by the International Institute for Democracy and Electoral Assistance (IDEA) reaches a similar conclusion. According to the report, China is one of the most anti-democratic countries in the world. The report underlines that free and fair elections are among the main cornerstones of contemporary democracies. However, it is unlikely to hold such elections in today's China. The report urges the CPC to construct a multi-party constitutional system that would ultimately create a democratic China.⁴⁷ Identical opinions are expressed by the Economist Intelligence Unit (EIU). A recent EIU report recognises China as an authoritarian country. It is at the 153rd rank out of the 165 sovereign states surveyed, close to the bottom of the EIU global democracy rankings.⁴⁸

⁴⁵ KAPANİ, *op. cit.*, p. 6.

⁴⁶ FREEDOM HOUSE: *Freedom in the World 2020: A Leaderless Struggle for Democracy*, Freedom House Publication Office, Washington 2020, pp. 2-20.

⁴⁷ IDEA: *The Global State of Democracy 2019: Addressing the Ills, Reviving the Promise*, IDEA Publication Office, Stockholm 2019, pp. 2-3.

⁴⁸ EIU: *Democracy Index 2019*, Economist Publication Office, London 2019, pp. 6-7.

All these reports demonstrate that the communist Chinese administration is an authoritarian regime imposing several restrictions on the exercise of active status rights across all fronts in China. This study pays attention to the violations of negative and positive status rights that have been committed only in East Turkestan rather than analysing the infringements of active status rights in all Chinese provinces.

A. Violations of Negative Rights in East Turkestan

Fair trials are the way to preclude miscarriages of justice. They are a fundamental part of a just society. Individuals who are accused of crimes are expected to have their innocence or guilt determined by an effective and fair legal process. Such a process would safeguard defendants and suspects. It would also make societies stronger and safer. Victims are unlikely to have confidence that justice would be done in the absence of fair trials. In order to ensure fair trials, sovereign states provide their citizens who are charged with crimes or who are involved in other legal disputes with the right to a fair trial. This right guarantees a fair and public hearing by an independent and impartial court within a reasonable time. The right to a fair trial is recognised by Article 6 of the European Convention on Human Rights (ECHR), Article 47 of the European Union Charter of Fundamental Rights and many other domestic, regional and international legal documents.⁴⁹

⁴⁹ For those domestic constitutions recognising the right to a fair trial, see: <https://www.legislation-line.org/topics/topic/8>, accessed on 07.11.2020. For those official documents of the United Nations (UN) that include several provisions on the right to a fair trial, see: <https://www.legislationline.org/internationalstandards/section/international-standards/topic/8/-organisation/2>, accessed on 07.11.2020. For those official texts of the Council of Europe (CoE) that involve some articles or provisions on the right to a fair trial, see: <https://www.legislationline.org/internationalstandards/section/international-standards/topic/8/organisation/4>, accessed on 07.11.2020. For those official sources of the Organisation for Security and Co-operation in Europe (OSCE) that include some provisions on the right to a fair trial, see: <https://www.legislationline.org/internationalstandards/section/international-standards/topic/8/organisation/3>, accessed on 07.11.2020.

The Turkic communities of East Turkestan cannot exercise the internationally-recognised right to a fair trial. This right is abused by the communist Chinese administration, leading to devastating social consequences. Numerous Turks living in East Turkestan have been detained and imprisoned on the grounds of religious extremism or secessionism in recent years.⁵⁰ The detentions and arrests are carried out in the absence of certain evidence. The detainees or arrestees are not allowed to get legal advice or to exercise their right to legal representation. It is almost impossible for them and their families to find out certain reasons for detentions or arrests.⁵¹

The Turks who are suspected or accused of the crime of “*leaking state secrets*” or “*endangering state security*” are rejected to receive legal advice or aid when they are investigated, prosecuted and tried in courts.⁵² According to Article 37 of the Chinese Criminal Procedure Act (CCPL), “*where a defense lawyer files a request during the period of criminal investigation for a meeting with a criminal suspect in custody who is suspected of compromising national security, terrorist activities, or extraordinarily significant bribery, the meeting shall be subject to the permission of the criminal investigation authority.*” This provision empowers investigative authorities to prevent lawyers from accessing to their clients who are accused of extremism, separatism and terrorism.⁵³ Another provision damaging the right to a fair trial is set out in Article 69 CCPL, under which it is possible to hold detainees up to 30 days until the approval or disapproval of arrests by the Chinese People’s Procuratorate. The approved arrests that come after long detention periods are followed by official investigations taking months, and even years, for public authorities to conduct and conclude. Similar long periods are recorded during trial processes that would sometimes take seven years.⁵⁴ Some recent WUC reports provide concrete evidence demonstrating that the

⁵⁰ HRW: *Eradicating Ideological Viruses: China’s Campaign of Repression Against Xinjiang’s Muslims*, HRW Publication Office, London 2018, pp. 27-47.

⁵¹ WUC: *2016 Report on Human Rights Violations in East Turkestan*, WUC Publication Office, Munich 2016, p. 10.

⁵² HRW, *op. cit.*, pp. 28-30.

⁵³ WUC, *Parallel Submission*, p. 1.

⁵⁴ HRW, *op. cit.*, pp. 31-34.

investigations of alleged crimes committed by the Turks have taken more than three years.⁵⁵

Amending the CCPL is a requirement for eliminating torture-related human rights abuses. The CCPL is not consistent with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). The CCPL does not prevent law enforcement agencies and judicial authorities from persecuting detainees and arrestees. These agencies and authorities are entitled to preclude lawyers from accessing to suspects charged with extremism, separatism and terrorism. This circumstance enables the agencies and authorities to use cruel methods, including torture and other inhuman treatments, in collecting evidence. It is possible for the agencies and authorities to use forced confessions at trial.⁵⁶ According to some reports examining human rights abuses in East Turkestan, many prominent Turks have been sentenced to life or long imprisonment on the grounds of forced confessions, including Abdukiram Abduweli, İlham Tohti, Shohret Tursun, Mirzahid Amanullah Shahyari and Noor-ul-Islam Sherbaz.⁵⁷

⁵⁵ WUC, *Parallel Submission*, p. 1.

⁵⁶ DENYER, Simon: “Former Inmates of China’s Muslim ‘Re-education’ Camps Tell of Brainwashing, Torture”, *The Washington Post*, 17 May 2018, accessed at https://www.washingtonpost.com/world/asia_pacific/former-inmates-of-chinas-muslim-re-education-camps-tell-of-brainwashing-torture/2018/05/16/32b330e8-5850-11e8-8-b9245fdd7aaef3c_story.html, accessed on 07.10.2020; DOU, Eva, PAGE, Jeremy and CHIN, Josh: “China’s Uighur Camps Swell as Beijing Widens the Dragnet”, *The Wall Street Journal*, 17 August 2018, accessed at <https://www.wsj.com/articles/chinas-uighur-camps-swell-as-beijing-widens-the-dragnet-153453489-4>, accessed on 07.11.2020; HUANG, Keira: “Detained Uighur Economist İlham Tohti Denied Food for Ten Days, Lawyer Says”, *South China Morning Post*, 27 June 2014, accessed at <https://www.scmp.com/news/china/article/154133-5/detained-uygureconomist-ilham-tohti-denied-food-10-days-custody-lawyer>, accessed on 07.11.2020.

⁵⁷ AI: *China: Where are They? / Time for Answers about Mass Detentions in the Xinjiang Uighur Autonomous Region*, AI Publication Office, London 2018, pp. 14-19; HRW, *op. cit.*, pp. 30-35.

The Chinese Counter-Terrorism Law (CCTL) is another act causing numerous human rights abuses in East Turkestan.⁵⁸ Article 3 CCTL defines “terrorism” and “terrorist activities” broadly, leading to curbs on the freedom of religion.⁵⁹ This freedom is a fundamental right protecting the conscience of individuals. It permits all individuals to think, express and act upon their own religious beliefs.⁶⁰ The freedom of religion is recognised by several treaties and other international legal documents.⁶¹ It is also secured and set out by Article 36 of the Chinese Constitution. However, many policies of the communist Chinese regime enforced in East Turkestan are not compatible with this constitutional provision.⁶²

⁵⁸ CLARKE, Michael: “Widening the Net: China’s Anti-terror Laws and Human Rights in the Xinjiang Uyghur Autonomous Region”, *The International Journal of Human Rights*, Volume: 14, No: 4, Year: 2010, pp. 542-558; FENG, Emily: “Uighur Children Fall Victim to China Anti-Terror Drive”, *Financial Times*, 10 July 2018, accessed at <https://www.ft.com/content/f0d3223a-7f4d-11e8-bc55-50daf11b720d>, accessed on 07.11.2020.

⁵⁹ AI, *China: Where*, p. 20; HRW, *op. cit.*, pp. 20-24; WUC: *2016 Human Rights Situation in East Turkestan: Annual Report*, WUC Publication Office, Munich 2017, pp. 10-11.

⁶⁰ ÖZBUDUN, Ergun: *Türk Anayasa Hukuku*, 15. Ed., Yetkin Yayıncılık, Ankara 2014, p. 80.

⁶¹ For some provisions on the international recognition of this freedom, see: Article 9 ECHR, Article 18 of the Universal Declaration of Human Rights (UDHR), Article 18 of the International Covenant on Civil and Political Rights (ICCPR), Article 14/2 of the UN Convention on the Rights of the Child (UNCRC), Article 13/3 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 5/d-vii of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 12/4 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CPMW) and Paragraphs 4-5 of the UN Human Rights Committee (HRC) General Comment No. 22.

⁶² It is possible to restrict the exercise of basic rights and freedoms in accordance with the principle of proportionality. This principle would allow state organs to restrict the exercise of fundamental rights and freedoms if the restriction concerned were feasible, necessary and rational. For more details on the principle, see: YÜKSEL, Metin: *Ölçülülük İlkesi: Karşılaştırmalı Bir Anayasa Hukuku İncelemesi*, Seçkin Yayıncılık, Ankara

The communist administration of East Turkestan introduced a regulation aimed at implementing CCTL articles in the autonomous region on 29 July 2016. Many religious practices are considered terrorist activities under Article 7 of this regulation, resulting in a massive crackdown on the freedom of religion.⁶³ Another regulation seeking to prevent religious extremism was adopted in 2017.⁶⁴ This regulation prohibits several religious practices in the name of combating religious extremism.⁶⁵ According to the regulation, the following acts would render Muslims religious extremists: (i) wearing face veils; (ii) growing beards; (iii) bearing symbols of extremification, such as crescent moon necklaces; (iv) disseminating information with extremist content, e.g. text messages including Islamic verses or hadiths; and (v) visiting Muslim-majority countries, such as Indonesia, Malaysia, Pakistan, Saudi Arabia and Turkey.⁶⁶ It is also banned under the regulation to give newborns 29 Islamic names, e.g. Arafat, Hajj, Islam, Jihad, Medina and Muhammad.⁶⁷

2002; Fazıl Sağlam, *Temel Hakların Sınırlanması ve Özü*, Ankara Üniversitesi Siyasal Bilgiler Fakültesi Yayınları, Ankara 1982.

⁶³ WUC, *Parallel Submission*, p. 2.

⁶⁴ HRW, *op. cit.*, pp. 71-74.

⁶⁵ WUC, *2016 Human Rights Situation*, pp. 11-12.

⁶⁶ GREER, Tanner: “48 Ways to Get Sent to a Chinese Concentration Camp”, *Foreign Policy*, 13 September 2018, accessed at <https://foreignpolicy.com/2018/09/13/48-ways-to-get-sent-to-a-chineseconcentration-camp/>, accessed on 07.11.2020.

⁶⁷ FERNANDEZ, Javier: “China Bans ‘Muhammad’ and ‘Jihad’ as Baby Names in Heavily Muslim Region”, *The New York Times*, 25 April 2017, accessed at <https://www.nytimes.com/2017/04/25/world/asia/chinaxinjiang-ban-muslim-names-muhammad-jihad.html>, accessed on 07.11.2020; JOHNSON, Ian: “How the State Co-opting Religion in China”, *Foreign Affairs*, 7 October 2016, accessed at <https://www.foreignaffairs.com/articles/china/-2019-01-07/how-state-co-opting-religion-china>, accessed on 07.11.2020; SHEPHERD, Christian: “China Tightens Regulation of Religion to ‘Block Extremism’”, *Reuters*, 7 September 2017, accessed at <https://www.reuters.com/article/-us-china-religion/china-tightens-regulation-of-religion-to-block-extremism-idUSKCN1BI1IH>, accessed on 07.11.2020; UHRP: *Ideological Transformation: Records of Mass Detention from Qaraqash, Hotan*, UHRP Publication Office, Washington 2020, pp. 9-11.

The communist Chinese administration operates “*political indoctrination camps*”, called “*re-education centres*”, for those who have contravened the aforementioned regulations. Numerous Turks have been detained in these camps since 2014.⁶⁸ They are detained indefinitely in

⁶⁸ Political indoctrination camps, which are defined as “re-education centres” by the Chinese administration, were first constructed in 2014. The number of camps dramatically increased after Chen Quan-guo was appointed as the CPC Secretary-General of East Turkestan. After his appointment, Quan-guo introduced many repressive assimilation policies akin to those the Secretary-General implemented during his previous Tibet mission. Quan-guo regarded the Buddhist Tibetians as potential terrorists threatening the territorial integrity of China, stimulating him to introduce oppressive policies, including the closure of many Buddhist monestaries and the arrest of many Buddhist monks. Quan-guo embraces a similar standpoint in East Turkestan, where he considers Islamic and Turkic identities as threats to the national security of the PRC. The Secretary-General adopts repressive policies aimed at extinguishing Islamic and Turkic characteristics. All these policies are endorsed by Xi Jin-ping, who supports the existence of the political indoctrination camps. There is no certain information about the number of detainees in the camps. According to the UN, there are more than one million Muslims in the camps. Some civil society organisations, such as Amnesty International and Human Rights Watch, believe that the number of detainees in the camps is much higher than that declared by the UN. For more details, see: HODDIE, Matthew: “Tibet and the Segment-state Hypothesis”, *Ethnopolitics*, Volume: 13, No: 1, Year: 2014, pp. 67-85; ODGAARD, Liselotte and NIELSEN, Thomas: “China’s Counterinsurgency Strategy in Tibet and Xinjiang”, *Journal of Contemporary China*, Volume: 23, No: 87, Year: 2014, pp. 535-555; WELLENS, Koen: “Negotiable Rights? China’s Ethnic Minorities and the Right to Freedom of Religion”, *International Journal on Minority and Group Rights*, Volume: 16, No: 3, Year: 2009, pp. 433-454; MAIZLAND, Lindsay: “China’s Repression of Uighurs in Xinjiang”, *Council on Foreign Relations*, 30 June 2020, accessed at <https://www.cfr.org/background/chinas-repression-uighurs-xinjiang>, accessed on 07.11.2020; WANG, Maya: “More Evidence of China’s Horrific Abuses in Xinjiang”, *HRW*, 20 February 2020, accessed at <https://www.hrw.org/news/2020/02/20/more-evidence-chinas-horrific-abuses-xinjiang>, accessed on 07.11.2020; WEN, Philip and AUYEZOV, Olzhas: “Tracking China’s Muslim Gulag”, *Reuters*, 29 November 2018, accessed at <https://www.reuters.com/investigat-es/special-report/muslims-campschina/>, accessed on 07.11.2020; ZENZ, Adrian: “Xinjiang’s Re-education and Securitization Campaign:

the camps without charge.⁶⁹ Detentions are indeed extra-legal, with no legal representation permitted throughout the incarceration process.⁷⁰ Detainees are forced to undergo indoctrination classes. It is impossible for them to criticise the communist administration.⁷¹ Rather, they are obliged to memorise all CPC slogans and to chant them for hours every day.⁷² No sufficient food is provided to the detainees who are housed in extra small rooms with many other Muslim inmates.⁷³ The use of Uighur or other Turkic dialects is banned in the camps, where all detainees are forced to learn the Chinese (Mandarin) language, Chinese culture and history.⁷⁴ It is forbidden for the Turks to practice their Islamic faiths in

Evidence from Domestic Security Budgets”, *The Jamestown Foundation*, 5 November 2018, accessed at <https://jamestown.org/program/xinjiangs-re-education-and-securitization-campaign-evidence-from-domestic-security-budgets/>, accessed on 07.11.2020; WONG, Chun: “China’s Hard Edge: The Leader of Beijing’s Muslim Crackdown Gains Influence”, *The Wall Street Journal*, 7 April 2019, accessed at <https://www.wsj.com/articles/-chinas-hard-edge-the-leader-of-beijings-muslim-crackdown-gains-influence-115-54655886>, accessed on 01.08.2020.

⁶⁹ For the reports concerned, see: AI, *China: Where*; HRW, *op. cit.* For those Uighur-specific reports examining human rights abuses in East Turkestan, see: WUC, *2016 Report*; WUC, *2016 Human Rights Situation*; WUC: *Internment Camps*, WUC Publication Office, Munich 2020.

⁷⁰ WUC, *Parallel Submission*, p. 7.

⁷¹ HRW, *op. cit.*, pp. 37-38.

⁷² BEQUELIN, Nicholas: “Mesut Ozil’s Free Speech on China must be Preserved, Even if Arsenal Stay Silent”, *Inews*, 17 December 2019, accessed at <https://inews.co.uk/opinion/mesut-ozils-free-speech-on-china-must-be-preserved-even-if-arsenal-stay-silent-376087>, accessed on 07.11.2020; HRW, *op. cit.*, pp. 35-42.

⁷³ BUCKLEY, Chris: “China is Detaining Muslims in Vast Numbers. The Goal: ‘Transformation.’”, *The New York Times*, 8 September 2018, accessed at <https://www.nytimes.com/2018/09/08/world/asia/china-uighur-muslim-detention-camp.html>, accessed on 07.11.2020; SHIH, Gerry: “China’s Mass Indoctrination Camps Evoke Cultural Revolution”, *AP News*, 18 May 2018, accessed at <https://apnews.com/6e1512-96fb194f85ba69a8babd9-72e4b/China%E2%80%99smassindoctrinationcampsevoke-Cultural-Revolution>, accessed on 07.11.2020.

⁷⁴ AI, *China: Where*, pp. 13-17; BEQUELIN, Nicholas: “Mesut Ozil’s Uyghur Post: 10 Things You Need to Know about China’s Xinjiang Crisis”, *AI*, 18 December 2019, accessed at

the camps, where they are obliged to pledge allegiance to the Chinese President, Xi Jin-ping.⁷⁵ Those who disobey the rules of the camps are subjected to torture and other inhuman treatments, e.g. placing in handcuffs or ankle cuffs for long periods and waterboarding.⁷⁶ Besides, the number of deaths in the camps increases. Muhammad Salih Hajim, a prominent religious figure in East Turkestan, died in custody in January 2018 at the age of 82.⁷⁷ Ayhan Memet, the mother of WUC President Dolkun Isa, died in a camp in May 2018 at the age of 78.⁷⁸ According to a report prepared in June 2018, 26 detainees died in a camp in the prefecture of Hotan.⁷⁹

<https://www.amnesty.org/en/latest/news/-2019/12/ozils-uyghur-post10thin-gs-you-need-to-know-about-chinas-xinjiang-crisis/>, accessed on 07.11.2020.

⁷⁵ HRW, *op. cit.*, pp. 37-38.

⁷⁶ DOOLEY, Ben: “‘Eradicate the Tumors’: Chinese Civilians Drive Xinjiang Crackdown on Separatism”, *Japan Times Online*, 26 April 2018, accessed at <https://www.japantimes.co.jp/news/2018/04/26/asia-pacific/eradicate-tumors-chinese-civilians-drive-xinji-ang-crack-down-separatism>, accessed on 07.11.2020; GRIFFITHS, James: “Report: China Still Harvesting Organs from Prisoners on a Massive Scale”, *CNN*, 25 June 2016, accessed at <https://edition.cnn.com/2016/06/23/asia/china-organharvesting/index.html>, accessed on 07.11.2020; THUM, Rian: “What Really Happens in China’s ‘Re-education’ Camps”, *The New York Times*, 7 August 2018, accessed at <https://www.nytimes.com/2018/05/15/opinion/china-re-educationcamps.html>, accessed on 07.11.2020.

⁷⁷ HOSHUR, Shohret: “Uyghur Muslim Scholar Dies in Chinese Police Custody”, *Radio Free Asia*, 1 January 2018, accessed at <https://www.rfa.org/english/news/uyghur/scholar-death-01292018180427-.html>, accessed on 07.11.2020; WUC, *Parallel Submission*, pp. 7-8.

⁷⁸ HOSHUR, Shohret: “Uyghur Exile Group Leader’s Mother Died in Xinjiang Detention Center”, *Radio Free Asia*, 2 July 2018, accessed at <https://www.rfa.org/english/news/uyghur/mother-07022018164214.html>, accessed on 07.11.2020.

⁷⁹ HOSHUR, Shohret: “More than Two Dozen Uyghurs from One Xinjiang County Perished in Re-education Camps”, *Radio Free Asia*, 27 June 2018, accessed at <https://www.rfa.org/english/news/uyghur/deaths062720181416-05.html>, accessed on 07.11.2020.

Many other policies restricting the freedom of religion are pursued in East Turkestan.⁸⁰ Numerous Turkestan mosques have been destroyed on security grounds since 2016.⁸¹ The communist administration has not allowed those Turks under the age of 18 to enter mosques or to participate in religious activities since 2017.⁸² Those above the age of 18 are permitted to practice their faiths only in the places of worship authorised by the communist regime.⁸³ Imams of these authorised places are selected by the regime and heavily scrutinised.⁸⁴ The rules to be obeyed in these places are set by the regime, which regularly monitors the places.⁸⁵ The regime brings prosecutions against

⁸⁰ CHARBONNEAU, Louis: “China Again in UN Hotseat Over Xinjiang Abuses”, *HRW*, 6 March 2020, accessed at <https://www.hrw.org/news/2020/03/06/china-again-un-hotseat-overxinjiang-ngabuses>, accessed on 07.11.2020.

⁸¹ For a detailed analysis of the demolition process, see SINTASH, Bahram: *Demolishing Faith: The Destruction and Desecration of Uyghur Mosques and Shrines*, UHRP Publication Office, Washington 2019; HOSHUR, Shohret “Under the Guise of Public Safety, China Demolishes Thousands of Mosques”, *Radio Free Asia*, 19 December 2016, accessed at <http://www.rfa.org/english/news/uyghur/under-the-guise-of-public-safety1-2192016140127.html>, accessed on 07.11.2020.

⁸² HIATT, Fred: “In China, Every Day is Kristallnacht”, *The Washington Post*, 3 November 2019, accessed at <https://www.washingtonpost.com/opinions/2019/11/03/china-every-day-is-kristallnacht/>, accessed on 07.11.2020; WUC, *2016 Human Rights Situation*, pp. 5-7.

⁸³ BOLIEK, Brooks: “Chinese Government Sends Religious Monitors to Xinjiang’s Hotan”, *Radio Free Asia*, 24 October 2016, accessed at <https://www.rfa.org/english/news/uyghur/the-chinese-government-sends-1024201614-2604.html>, accessed on 07.11.2020; HRW, *op. cit.*, pp. 71-74; LONG, Qiao: “China Clamps Down on ‘Underage Religion’ among Muslim Uyghurs”, *Radio Free Asia*, 30 October 2014, accessed at <https://www.rfa.org/eng-lish/news/uyghur/underage-10302014120731.html>, accessed on 07.11.2020.

⁸⁴ HOSHUR, Shohret: “Uyghur Imam, Farmers Sentenced for Illegally Practicing Religion in China’s Xinjiang”, *Radio Free Asia*, 16 March 2016, accessed at <http://www.rfa.org/english/news/uyghur/uyghur-imam-farmers-sentenced-for-illegally-practicing-religion-in-chinas-xinjiang03162016112-010.html>, accessed on 07.11.2020; WUC, *Parallel Submission*, p. 3.

⁸⁵ JOHNSON, Ian: “China Seeks Tighter Grip in Wake of a Religious Revival”, *The New York Times*, 7 October 2016, accessed at

those who do not obey the rules.⁸⁶ Albukiram Abduveli, Eli Yasin, Qamber Amber, Horigul Nais, Memet Sidiq, Memet Réhim and Abdusemet Qarihazi are among those Turks convicted and imprisoned by the regime for their religious practices inconsistent with the rules.⁸⁷

The communist regime imposes heavy restrictions upon the Turks in the holy month of Ramadan. The regime monitors all religious sites and ceremonies throughout the month.⁸⁸ It distributes several brochures and pamphlets that demonstrate the religious practice of fasting as an unhealthy practice. Fasting is almost impossible for those civil servants working in East Turkestan and those ordinary citizens under the age of 18 because they are regularly questioned by the communist authorities about their religious habits.⁸⁹ Law enforcement agencies have detained numerous prominent Turks to prevent them from criticising the Ramadan policy of the regime in recent years, e.g. Tursunjan Hezim, Tursunjan Muhemmet Marshal, Memet Turghun Abdulla, Ekbar Eset and Memetjan Abdulla. These Turks have been sentenced to imprisonment for their critical expressions over the policy.⁹⁰

<https://www.nytimes.com/2019/12/21/opinion/sunday/chinasreligionxi.html> accessed on 07.11.2020; SULAIMAN, Eset: “Controls on Uyghur Villages, Mosques Continue into New Year”, *Radio Free Asia*, 6 January 2016, accessed at <http://www.rfa.org/english/news/uyghur/control01062016-160604.html>, accessed on 07.11.2020.

⁸⁶ HOSHUR, Shohret: “Uyghur Woman Handed 10-Year Prison Term over Headscarf Claim”, *Radio Free Asia*, 19 September 2017, accessed at <https://www.rfa.org/english/news/uyghur/headscarf-09192017174307.html>, accessed on 07.11.2020.

⁸⁷ HOSHUR, Shohret: “Uyghur Given 7-Year Prison Term for Viewing Muslim Film”, *Radio Free Asia*, 9 May 2016, accessed at <https://www.rfa.org/english/news/uyghur/film-05092016151441.html>, accessed on 07.11.2020; WUC, *Parallel Submission*, p. 3.

⁸⁸ WUC, *2016 Human Rights Situation*, p. 9.

⁸⁹ HOJA, Gulchehra: “Chinese Authorities Question Students in Xinjiang about Religious Habits”, *Radio Free Asia*, 15 August 2016, accessed at <http://www.rfa.org/english/news/uyghur/chinese-authoritiesquestionstudents08152016161405.html>, accessed on 07.11. 2020; HRW, *op. cit.*, p. 72.

⁹⁰ WUC, *Parallel Submission*, p. 4.

The freedom of expression is another negative right violated by the Chinese administration in East Turkestan.⁹¹ This freedom allows individuals to hold opinions and express them freely without interference by public authorities.⁹² It is recognised and set out by Article 41 of the Chinese Constitution. However, some policies pursued by the communist regime in East Turkestan have led to numerous violations concerning this constitutionally-recognised right in recent years.

Minority communities are entitled to protect and promote their ethno-cultural characteristics in accordance with Articles 4/3, 119, 121 and 122 of the Chinese Constitution. However, it is almost impossible to exercise these minority rights in East Turkestan. Many websites aimed at protecting and promoting ethno-cultural Turkic features have been shut down by the communist regime. The administrators of these websites have been imprisoned on charges of “*endangering state security*” or “*harming ethnic unity*”.⁹³

Ilham Tohti, a well-known Uighur professor of economics, founded the website “*Uighurbiz.net*” to develop conciliation between the Chinese people and Turkic communities. This foundation was the main reason for the arbitrary deprivation of his liberty in January 2014, when he was arrested by the communist regime. Tohti was tried in September

⁹¹ This negative right is recognised and set out by a significant number of international and regional documents, including Article 19 UDHR, Article 19 ICCPR, Article 5/d-viii ICERD, Article 10 ECHR, Article 9 of the African Charter on Human and Peoples’ Rights (ACHPR), Article 13 of the American Convention on Human Rights (ACHR) and HRC General Comment No. 10.

⁹² KARAN, Ulaş: *İfade Özgürlüğü: Anayasa Mahkemesine Bireysel Başvuru El Kitapları Serisi 2*, MRK Baskı ve Tanıtım, Ankara 2018, p. 6; YAYLA, Atilla: “İfade Hürriyeti Nedir, Ne Değildir”, *Liberal Düşünce*, Volume: 19, No: 73-74, Year: 2014, p. 139.

⁹³ LONG, Qiao: “China Shuttters Uyghur Websites for ‘Harming Ethnic Unity’”, *Radio Free Asia*, 27 January 2016, accessed at <https://www.rfa.org/english/news/china/china-uyghur01272016122318.html>, accessed on 07.11.2020; RAJAGOPALAN, Megha: “This is What a 21st-Century Police State Really Looks Like”, *BuzzFeed*, 17 October 2017, accessed at <https://www.buzzfeed-news.com/article/meghara/the-police-state-of-the-future-is-already-here>, accessed on 07.11.2020; WUC, *Parallel Submission*, p. 4.

2014 and convicted of “*inciting separatism*”. He was sentenced to life in prison. It was unlikely for Tohti’s lawyers to meet him during his first six-month detention period. The prosecutor of the *Tohti* case did not provide the defence team with complete evidence. The requested witnesses of the team were not permitted to testify, violating Tohti’s right to a fair trial.⁹⁴

Gheyret Niyaz, a prestigious Uighur journalist, was arrested in 2010 after criticising the assimilationist policies of the communist regime towards the Turks of East Turkestan. He was sentenced to 15 years in prison on the grounds of “*endangering state security*”.⁹⁵ Nijat Azar, Dilshat Perhat and Nureli Obul published similar articles on the websites “*Selkin*” and “*Diyarim*”. They were given ten-, five- and three-year prison sentences respectively for “*threatening national security*”.⁹⁶

Abdurehim Heyit is a prominent Uighur folk poet, who composes songs aimed at protecting and promoting ethno-cultural Uighur characteristics. The communist authorities detained Heyit in April 2017 in connection with his song “*Forefathers*”, which was regarded by the authorities as a song inciting separatism. This song was indeed approved to be performed by the communist regime before the detention. Nevertheless, Heyit was sentenced to 8 years in prison for separatism in 2018.⁹⁷ It was reported by several media outlets in February 2019 that Heyit had died in custody. Not long after, the Turkish Ministry of Foreign Affairs made a written statement calling on the PRC to answer whether Heyit passed away or not. The PRC was also asked by the statement to end its assimilationist policies towards the Uighurs and other Turkic communities.⁹⁸ The communist regime responded to the Turkish

⁹⁴ AI, *China: Where*, p. 11; WUC, *2016 Human Rights Situation*, pp. 14-15.

⁹⁵ WUC, *Parallel Submission*, p. 4.

⁹⁶ WUC, *2016 Human Rights Situation*, p. 4.

⁹⁷ KÜBRA, Hatice: “Uygur Türkleri Yalnız Değil Mi?”, *İnternet Haber*, 13 February 2019, accessed at <https://www.internethaber.com-uygur-turkleri-yalniz-degil-mi-2000605y.html>, accessed on 07.11.2020.

⁹⁸ ERGAN, Uğur: “Çin’e Ozan Heyit Tepkisi”, *Hürriyet*, 12 February 2019, accessed at <https://www.hurri-yet.com.tr/dunya/cine-ozan-heyit-tepkisi-41113794>, accessed on 07.11.2020.

statement and released a video justifying that Heyit was alive. It was subsequently reported that Heyit was released and under home arrest.⁹⁹

The communist security forces violently suppress those peaceful protests criticising the assimilationist Chinese policies in East Turkestan.¹⁰⁰ The security forces have opened fire on ordinary Turks trying to exercise their freedom of peaceful assembly in recent years, leading to civilian casualties in Uighur-majority cities (e.g. Awat, Bugur and Kucha).¹⁰¹ The freedom of peaceful assembly is recognised not only by democratic constitutions, this negative right is also set out by various international and regional legal texts.¹⁰² It is unlikely for the Turks of East Turkestan to enjoy this internationally-recognised right.¹⁰³ The Chinese Penal Code (CPEC) includes some provisions allowing judicial organs to punish the organisers of peaceful demonstrations. In accordance

⁹⁹ BAĞ, Mustafa: “Çin’den Türkiye’nin Doğu Türkistan Açıklamasına Tepki: Umarız Yanlış ile Doğruyu Ayırabilirler”, *Euronews*, 12 February 2019, accessed at <https://tr.euronews.com/2019/02/11/cin-den-turkiye-nin-uygur-ile-ilgili-aciklamasına-tepki-geldi>, accessed on 07.11.2020.

¹⁰⁰ AI, *China: Where*, p. 18; HOSHUR, Shohret: “‘At Least 2,000 Uyghurs Killed’ in Yarkand Violence: Exile Leader”, *Radio Free Asia*, 5 August 2014, accessed at <http://www.rfa.org/english/news/uyghur/yarkand-08052014150547.html>, accessed on 07.11.2020; WUC, *Parallel Submission*, p. 5.

¹⁰¹ HOSHUR, Shohret: “Innocent Bystander Shot by Police in Xinjiang’s Bugur Violence”, *Radio Free Asia*, 3 October 2014, accessed at <https://www.rfa.org/english/news/uyghur/civilian-10032014170450.html>, accessed on 07.11.2020; SULAIMAN, Eset: “Xinjiang Police Open Fire at Protest Against Clampdown on Islamic Dress”, *Radio Free Asia*, 20 May 2014, accessed on <https://www.rfa.org/english/-news/uyghur/dress05202014202-002.html>, accessed on 07.11.2020.

¹⁰² The freedom of peaceful assembly is recognised and set out by numerous international documents, e.g. Article 20/1 UDHR, Articles 21-22 ICCPR, Article 8 ICESCR, Article 5/d-ix ICERD, Article 15 UNCRC, Article 26 CPMW, Article 11 ECHR, Articles 10-11 ACHPR, Articles 15-16 ACHR, Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD), Article 7/d of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and HRC General Comment No. 25.

¹⁰³ WUC, *Parallel Submission*, p. 5.

with Article 291 CPEC, such organisers would be sentenced to 5 years in prison on the grounds of “*disturbing order in a public place*”.¹⁰⁴

Article 291 CPEC has been frequently enforced by the communist regime in recent years. Abdulbasit Ablimit, a Turkic student living in the prefecture of Aksu, was shot dead after driving through a security checkpoint in April 2014. Around 400 Turks marched to the Aksu Governorate to protest Ablimit’s death. 70 protesters were arrested by the communist regime on the grounds of “*disturbing order in a public place*”. 17 of these arrestees were then given between six-month and seven-year prison sentences on unclear charges.¹⁰⁵

In July 2014, the communist police forces killed eleven Turks in a dispute during a house-to-house search in the township of Bashkent. Many Turks organised a peaceful protest in the township of Elishku on 28 July 2014 in reaction to these extra-judicial killings. The security forces opened fire on the protesters. At least 96 civilians were killed and hundreds wounded as a consequence of this violent act.¹⁰⁶ Another protest was organised in Elishku on the same day in reaction to the detention of a dozen Turks for praying overnight at local mosques. The communist police forces fired on the Turkic protesters with live ammunition, leading to almost 2,000 civilian casualties. A retired veterinarian removing a bullet from the leg of an injured Turk was arrested on 30 July 2014. He was then sentenced to eight years in prison on the grounds of providing medical assistance to the separatist Uighur.¹⁰⁷

The freedom of movement is another negative right heavily restricted by the communist Chinese regime. This negative right allows

¹⁰⁴ WUC, *2016 Human Rights Situation*, p. 5.

¹⁰⁵ WEE, Sui-Lee: “Chinese Police Shoot Man Dead at Checkpoint in Xinjiang”, *Reuters*, 17 April 2014, accessed at <https://www.reuters.com/article/us-china-xinjiang/chinese-police-shoot-man-dead-at-checkpoint-in-xinjiang-idUSBREA3G0BC20-140417>, accessed on 07.11.2020; WUC, *Parallel Submission*, p. 5.

¹⁰⁶ WUC, *Parallel Submission*, p. 5.

¹⁰⁷ HOSHUR, Shohret: “Uyghur Veterinarian Jailed for Treating Suspect Wounded in Xinjiang Violence”, *Radio Free Asia*, 17 August 2017, accessed at <https://www.rfa.org/english/news/uyghur/veterinarian081-72017140951-.html>, accessed on 07.11.2020.

citizens to freely leave and return to their own states. It also enables them to move freely within the boundaries of their own states. Foreigners are entitled to exercise this right, permitting them to move within state borders and facilitate cross-frontier movements.¹⁰⁸ It is hard for ethnic Turks to enjoy the freedom of movement in East Turkestan. The communist regime imposes many restrictions on the exercise of this negative right.

On 19 October 2016, the Shihezi Public Security Bureau announced that all Uighurs living in East Turkestan must hand in their passports to the police for annual supervision until 28 February 2017. Those not handing in their passports were warned by the announcement that they would risk punishment.¹⁰⁹ This measure restricting the right to travel has been applied to all Uighurs living in China since 2017.¹¹⁰ Similar restrictive policies are imposed upon those Uighurs living abroad. They always encounter difficulties in renewing their passports at Chinese embassies. Many of them are obliged by the embassies to return to China.¹¹¹ In the period between April and May 2017, the communist

¹⁰⁸ The freedom of movement is recognised and set out by many international or regional legal texts, e.g. Article 13 UDHR, Articles 12-13 ICCPR, Article 10 UNCRC, Article 18 CRPD, Article 5 ICERD, Article 15 CEDAW, Article 8 CPMW, Article 12 ACHPR, Article 22 ACHR, Article 2 of the Protocol No. 4 to the ECHR and HRC General Comment No. 27. For more details on the freedom of movement, see: GÖREN, Zafer: “Seyahat ve Yerleşme Özgürlüğü”, *İstanbul Kültür Üniversitesi Hukuk Fakültesi Dergisi*, Volume: 15, No: 1-2, Year: 2016, pp. 337-347; WELLMAN, Christopher: “Freedom of Movement and the Rights to Enter and Exit”, *Migration in Political Theory: The Ethics of Movement and Membership*, (Ed.) FINE, Sarah and YPI, Lea, Oxford University Press, Oxford 2016, pp. 80-104.

¹⁰⁹ WUC, *2016 Human Rights Situation*, p. 19.

¹¹⁰ UHRP: *Weaponized Passports: The Crisis of Uyghur Statelessness*, UHRP Publication Office, Washington 2020, pp. 6-9.

¹¹¹ AI: *Nowhere Feels Safe*, AI Publication Office, London 2020, pp. 1-20; DOU, Eva: “China’s Muslim Crackdown Extends to Those Living Abroad”, *The Wall Street Journal*, 31 August 2018, accessed at <https://www.wsj.com/articles/chinas-muslim-crackdown-extends-to-those-livingabroad-1535718957>, accessed on 07.11.2020; SEZER, Murad: “Without Papers, Uighurs Fear for Their Future in Turkey”, *Reuters*, 27 March 2019, accessed at <https://www.reuters.com/article/us-china-xinjiang->

Chinese administration ordered all Uighur students pursuing their academic degrees abroad to return.¹¹² Many students voluntarily returning to China from Afghanistan, Bulgaria, Cambodia, India, Egypt, Malaysia, Thailand and the United Arab Emirates were detained on the grounds of extremism, separatism or terrorism on their arrival.¹¹³ It is reported by several media outlets that five of detainees were killed in custody.¹¹⁴

Another Chinese policy restricting both the freedom of movement and the freedom of residence is enforced in the Chinese mainland.¹¹⁵ It is unlikely for the Turks of East Turkestan to stay in many hotels in the mainland. The Turks are put on a security blacklist for hotels in the mainland, preventing them from staying at hotels in major Chinese cities.¹¹⁶ According to a recent WUC report, a hotel in Beijing is fined by

[turkey-widerimage/with-out-papers-uyghurs-fear-fortheir-future-in-turkey-idUSKCN1R81ED](#), accessed on 07.11.2020; WUC: *Seeking a Place to Breathe Freely: Current Challenges Faced by Uyghur Refugees & Asylum Seekers*, WUC Publication Office, Munich 2017, pp. 3-18.

¹¹² HRW, *op. cit.*, p. 14.

¹¹³ AI, *China: Where*, p. 8.

¹¹⁴ HOSHUR, Shohret: “Two Uyghur Students Die in China’s Custody Following Voluntary Return from Egypt”, *Radio Free Asia*, 21 December 2017, accessed at <https://www.rfa.org/english/news/uyghur/students-1221201714-1002>, accessed on 07.11.2020; WUC, *Parallel Submission*, p. 6.

¹¹⁵ The Chinese mainland is a geopolitical term that refers to the geographical area under the direct Chinese jurisdiction. The autonomous regions of Hong Kong and Macau are not incorporated into the mainland. For more details, see: ALBERT, Eleanor and MAIZLAND, Lindsay: “Democracy in Hong Kong”, *Council on Foreign Relations*, 30 June 2020, accessed at <https://www.cfr.org/backgroundunder/democracy-hong-kong>, accessed on 07.11.2020; BAJPAI, Prableen: “Hong Kong vs. China: What’s the Difference?”, *Investopedia*, 2 June 2020, accessed at <https://www.investopedia.com/articles/investing/121814/hong-kong-vs-china-understand-differen-ces.asp>, accessed on 07.11.2020; WILLIAMS, Sophie: “Macau: China’s Other ‘One Country, Two Systems’ Region”, *BBC*, 20 December 2019, accessed at <https://www.bbc.com/news/world-asia-china-50832919>, accessed on 07.11.2020.

¹¹⁶ LONG, Qiao: “Tibetans, Uyghurs ‘Blacklisted’ at Hotels in Chinese Cities”, *Radio Free Asia*, 14 May 2015, accessed at <https://www.rfa.org/english/news/china/china-minorities0514201514390-7.html>, accessed on 07.11.2020; WUC, *Parallel Submission*, p. 6.

the communist administration 15,000 yuan for accepting a Uighur guest.¹¹⁷

This section has examined several violations of negative rights in East Turkestan, including those concerning the right to a fair trial, the freedom of religion, the freedom of expression, the freedom of peaceful assembly and the freedom of movement. The next section focusses on the violations of positive rights in East Turkestan.

B. Violations of Positive Rights in East Turkestan

The right to education is a fundamental positive right set out by several international and regional human rights documents.¹¹⁸ This right encompasses entitlements and freedoms, including (i) the right to free and compulsory primary education; (ii) the right to available and accessible secondary education; (iii) the right to equal access to higher education; (iv) the right to fundamental education for illiterates and those who have not completed primary education; (v) the right to quality education in public and private schools; (vi) the freedom of parents to choose schools for their children in conformity with their moral and religious convictions; (vii) the freedom of individuals to establish educational institutions that fulfil the criteria determined by the state; (viii) the academic freedom of students and teachers; and (ix) the freedom of minority communities to receive education in conformity with their ethno-cultural characteristics. States are tasked by many international

¹¹⁷ HEFFRON, Claire: "Hotel in China is Fined £1,700 for Accepting Muslim Guests after Authorities Banned the Ethnic Minority from Staying in the Area ahead of Communist Party Congress", *Daily Mail*, 10 October 2017, accessed at <https://www.dailymail.co.uk/-news/china/article496548-8/Chinese-hotel-fined-1-700-accepting-Muslim-guests.html>, accessed on 07.11.2020.

¹¹⁸ Some of these documents can be listed as follows: Article 26 UDHR, Article 18 ICCPR, Articles 13-14 ICESCR, Articles 28-29 UNCRC, Article 10 CEDAW, Articles 5-7 ICERD, Article 24 CRPD, Articles 12/4, 30, 43 and 45 CPMW, Article 14 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (DNM), Articles 14-15, 17 and 21 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), General Comment No. 13 of the UN Committee on Economic, Social and Cultural Rights.

legal documents with the duty of ensuring the right to education for their citizens and inhabitants without any discrimination. They have the obligation to respect, maintain and fulfil the right to education in accordance with various UN documents. It is possible under these documents to hold states accountable for deprivations or breaches of the right to education.¹¹⁹

The right to education is set out by Article 19 of the Chinese Constitution. This constitutional article and some other provisions, including those set out by Articles 4/3, 119, 121 and 122, allow minority communities (1) to use their native tongues as the languages of instruction, (2) to prepare educational curricula reflecting and teaching their ethno-cultural identities and (3) to use their native tongues as regional official languages. It is worth noting that this constitutional recognition does not create a safe space where the Turks of East Turkestan would freely enjoy their minority rights.¹²⁰ Several policies pursued by the communist regime inhibit the Turks from exercising such rights.¹²¹ The Turkic curricula aimed at teaching domestic languages spoken in East Turkestan are generally ignored by the regime.¹²² The

¹¹⁹ For a detailed analysis of the right to education, see KALANTRY, Sital, GETGEN, Jocelyn and KOH, Steven: “Enhancing Enforcement of Economic, Social, and Cultural Rights Using Indicators: A Focus on the Right to Education in the ICESCR”, *Human Rights Quarterly*, Volume: 32, No: 2, Year: 2010, pp. 253-310; LEE, Jootaek: “The Human Rights Education: Definition, Research and Annotated Bibliography”, *Emory International Law Review*, Volume: 34, No: 3, Year: 2020, pp. 757-823; MCCOWAN, Tristan: “Reframing the Universal Right to Education”, *Comparative Education*, Volume: 46, No: 4, Year: 2010, pp. 509-525.

¹²⁰ ANAYTULLA, Guljennet: “Present State and Prospects of Bilingual Education in Xinjiang: An Ethnographic Perspective”, *Chinese Education & Society*, Volume: 41, No: 6, Year: 2008, pp. 37-45; GUPTA, Sonika and RAMACHANDRAN, Veena: “Bilingual Education in Xinjiang in the Post-2009 Period”, *China Report*, Volume: 52, No: 4, Year: 2016, pp. 306-323.

¹²¹ UHRP: *Uyghur Voices on Education: Chinese Assimilative ‘Bilingual Education’ Policy in East Turkestan*, UHRP Publication Office, Washington 2015, pp. 1-2.

¹²² SCHLUESSEL, Eric: “‘Bilingual’ Education and Discontent in Xinjiang”, *Central Asian Survey*, Volume: 26, No: 2, Year: 2007, pp. 251-277; SCHLUESSEL, Eric: “History, Identity, and Mother-tongue Education in

communist administration has implemented a system of bilingual (Uighur/Mandarin) education since the mid-1980s in East Turkestan that intends to erode the use of Uighur in schools.¹²³ The system seeks to teach all Turks the Mandarin language and urge them not to use Uighur in public life.¹²⁴ Numerous Uighur language teachers have been dismissed by the administration, which has increased the number of Han Chinese teachers in recent years.¹²⁵ The assimilationist attitude of the administration towards Turkic features is reflected by many other policies. For example, the Education Department of Hotan Prefecture issued a directive in June 2017 that outlawed the usage of the Uighur language in all primary and secondary schools. It is unlikely to legitimise this prohibition as the directive is inconsistent with Articles 4/3, 119, 121 and 122 of the Chinese Constitution. Nevertheless, the Department continues to enforce its unconstitutional directive in the region.¹²⁶

The communist regime implements some other policies aimed at extinguishing Turkic ethno-cultural characteristics and traditions in East Turkestan. Various UN documents, such as the DNM and UNDRIP, and several regional texts – the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages – involve numerous articles and provisions on the protection and promotion of minority cultures. These documents and texts are in harmony with the Chinese Constitution. Minority communities in China are entitled to secure and develop their cultures in accordance with Articles 4/3, 119, 121 and 122 of the Constitution. Nonetheless, it is almost impossible to exercise this constitutional right in practice. The communist regime has demolished almost 85 per cent of the old city of

Xinjiang”, *Central Asian Survey*, Volume: 28, No: 4, Year: 2009, pp. 383-402.

¹²³ GROSE, Timothy: “Uyghur Language Textbooks: Competing Images of a Multi-Ethnic China”, *Asian Studies Review*, Volume: 36, No: 3, Year: 2012, pp. 369-389.

¹²⁴ AI, *China: Where*, p. 10; HRW, *op. cit.*, p. 10; WUC, *2016 Human Rights Situation*, pp. 23-24.

¹²⁵ WUC, *Parallel Submission*, p. 9.

¹²⁶ SULAIMAN, Eset: “China Bans Uyghur Language in Schools in Key Xinjiang Prefecture”, *Radio Free Asia*, 28 July 2017, accessed at <https://www.rfa.org/english/news/uyghur/language-07282017143037.html>, accessed on 07.11.2020.

Kashgar in recent years.¹²⁷ It has displaced hundreds of thousands of Turkic residents without consultation.¹²⁸ Another dramatic corollary of the demolitions is the loss of traditional physical structures, e.g. religious sites, shops and homes reflecting the patterns of traditional Turkic life.¹²⁹

Uighur dance and music, which are listed among the cornerstones of Uighur culture, can be promoted via media channels.¹³⁰ Nevertheless, the Turks of East Turkestan are not allowed to develop many other fundamental tenets of Turkic identity, including their languages and religious traditions. Various stereotypes are used by the communist regime in portraying ethnic Uighurs to the international community as potential extremists or terrorists.¹³¹ This negative attitude is also reflected in some Chinese social media outlets, e.g. *Qzone*, *WeChat*, *Weibo* and

¹²⁷ BÜRGE, Clément and CHIN, Josh: “After Mass Detentions, China Razes Muslim Communities to Build a Loyal City”, *The Wall Street Journal*, 21 March 2019, accessed at <https://www.wsj.com/articles/after-mass-detentions-china-razes-muslim-communities-to-build-a-loyal-city-11553133870>, accessed on 07.11.2020; WINES, Michael: “To Protect an Ancient City, China Moves to Raze It”, *The New York Times*, 28 May 2009, accessed at <https://www.nytimes.com/2009/05/28/world/asia/28kashgar.html>, accessed on 07.11.2020.

¹²⁸ SAINSBURY, Michael: “Uighur Tension Persist as Old City Demolished”, *The Australian*, 6 January 2010, accessed at <https://www.theaustralian.com.au/news/world/uighur-tensions-persist-askashgars-old-citydemolish-ed/news-story/724e1652965d0f8ecd0e57515d59e6d2>, accessed on 07.11.2020.

¹²⁹ For a comprehensive examination of the demolitions in Kashgar, see: SHEPHERD, Christian: “Fear and Oppression in Xinjiang: China’s War on Uighur Culture”, *Financial Times*, 12 September 2019, accessed at <https://www.ft.com/content/48508182-d426-11e9-8367-807ebd53ab77>, accessed on 07.11.2020; UHRP: *Kashgar Coerced: Forced Reconstruction, Exploitation, and Surveillance in the Cradle of Uyghur Culture*, UHRP Publication Office, Washington 2020.

¹³⁰ WUC, *Parallel Submission*, p. 10.

¹³¹ LUQIU, Rose and YANG, Fan: “Anti-Muslim Sentiment is on the Rise in China. We Found that the Internet Fuels – and Fights – this”, *The Washington Post*, 12 May 2017, accessed at https://www.washingtonpost.com/-news/monkey-cage/wp/2017/05/12/anti-muslim-sentiment-is-on-the-rise-in-china-we-found-that-the-internet-fuels-and-fights-this/?utm_term=.a0fa4d2dce85, accessed on 07.11.2020.

Youku Tudou, where ethnic hatred, racism and Islamophobia towards the Turks of East Turkestan are very common.¹³²

Economic rights are other positive rights violated by the communist regime. International and regional legal documents recognise many economic rights, such as the right to work, the right to rest, the right to housing and the right to social security.¹³³ Most of such internationally- or regionally-recognised economic rights are set out and protected by Articles 42-45 of the Chinese Constitution in a socialist setting. However, this does not mean that the Turks of East Turkestan are free to exercise their constitutionally-recognised economic rights. The communist regime implements many restrictive policies debarring the Turks from enjoying their right to work.¹³⁴ The government positions and some rapidly-developing industries, e.g. resource extraction, construction and energy industry, are occupied by the Han Chinese in East Turkestan. The Turks are largely excluded from employment opportunities on account of the language or ethno-national identity.¹³⁵ The Turks make up only seven per cent of the workforce of the Xinjiang Production and Construction Corps (*Bīngtuán*), a state-controlled organisation.¹³⁶

¹³² VERGANI, Matteo: “Neojihadist Visual Politics: Comparing YouTube Videos of North Caucasus and Uyghur Militants”, *Asian Studies Review*, Volume: 39, No: 1, Year: 2015, pp. 1-22; CULPEPPER, Rucker: “Nationalist Competition on the Internet: Uyghur Diaspora versus the Chinese State Media”, *Asian Ethnicity*, Volume: 13, No: 2, Year: 2012, pp. 187-203; EVANS, Eliot “Where Does Chinese Islamophobia Come from?”, *Sup China*, 16 June 2017, accessed at <https://supchina.com/-2017/06/16/where-does-chinese-islamophobia-come-from/>, accessed on 07.11.2020; WUC, *Parallel Submission*, p. 10; CLOTHEY, Rebecca and KOKU, Emmanuel: “Oppositional Consciousness, Cultural Preservation, and Everyday Resistance on the Uyghur Internet”, *Asian Ethnicity*, Volume: 18, No: 3, Year: 2017, pp. 351-370.

¹³³ Some of the materials concerned would be listed as follows: Articles 6-12 ICESCR, Articles 24-27, 31-32 UNCRC, Articles 11-13 CEDAW, Article 5/e-v ICERD, Articles 25-28 CRPD, Articles 25-28 CPMW.

¹³⁴ UHRP: *The Bingtuan: China’s Paramilitary Colonizing Force in East Turkestan*, UHRP Publication Office, Washington 2018, pp. 1-3.

¹³⁵ UHRP: *End of the Road: One Belt, One Road and the Cumulative Economic Marginalization of the Uyghurs*, UHRP Publication Office, Washington 2016, p. 1.

¹³⁶ WUC, *Parallel Submission*, p. 8.

Ethnic Turks reside in the southern and rural parts of East Turkestan while the Han Chinese live in the more-populated northern areas of the region.¹³⁷ The rates of unemployment and poverty have dramatically increased in the Turkic-dominated cities in recent years, compelling many Turks to move to the Chinese-majority northern cities where they are employed in labour-intensive and low-paying jobs.¹³⁸

Some reports examining whether the Turks of East Turkestan are able to exercise their economic rights argue that numerous Turks have been forcibly transferred out of East Turkestan to work in other Chinese regions.¹³⁹ According to a recent report published by the Australian Strategic Policy Institute (ASPI), 82 companies have benefited from the use of tens of thousands of Turkic workers outside East Turkestan through abusive labour transfer programs since 2017. These workers are obliged to (a) live in segregated dormitories, (b) attend Mandarin lectures outside working hours and (c) undergo ideological training outside working hours. Constant surveillance is imposed upon the workers, who are not allowed to participate in religious observances.¹⁴⁰

Another policy violating the right to work is enforced across East Turkestan. Turkic business owners are subject to intense surveillance during the holy month of Ramadan when they are forced to sell pork, cigarettes and alcohol. The communist regime imposes some harsh sanctions upon those business owners refusing to remain open during Ramadan or to sell the aforementioned goods, including the temporary closure of shops and the revocation of business licenses.¹⁴¹

¹³⁷ UHRP: *Discrimination, Mistreatment and Coercion: Severe Labor Rights Abuses Faced by Uyghurs in China and East Turkestan*, UHRP Publication Office, Washington 2017, p. 5.

¹³⁸ HOWELL, Anthony and FAN, Cindy: "Migration and Inequality in Xinjiang: A Survey of Han and Uyghur Migrants in Urumqi", *Eurasian Geography and Economics*, Volume: 52, No: 1, Year: 2011, pp. 110-139; WUC, *Parallel Submission*, p. 8.

¹³⁹ WUC: *Forced Labour in East Turkestan: State-sanctioned Hashar System*, WUC Publication Office, Munich 2016, pp. 1-2.

¹⁴⁰ For the full text of the report, see: XU, Vicky *et. al.*: *Uyghurs for Sale: Re-education, Forced Labour and Surveillance beyond Xinjiang*, ASPI Publication Office, Barton 2020.

¹⁴¹ HOJA, Gulchehra: "Restaurants Ordered to Remain Open in Xinjiang Amid Ramadan Fast", *Radio Free Asia*, 26 May 2017, accessed at

IV. RECOMMENDATIONS FOR TURKEY

The ongoing human rights abuses in East Turkestan are sometimes taken into account by sovereign states. A recent report published by the Estonian Foreign Intelligence Service (*Välisluureamet*) criticises all human rights violations committed by the communist regime.¹⁴² In its institutional report published in December 2019, the Federal Foreign Office of Germany (*Auswärtiges Amt*) condemns the radical attitude of the regime towards East Turkestan. The report calls on the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*) to decrease the number of asylum criteria for the Turks of East Turkestan.¹⁴³

The communist regime regards the East Turkestan issue as its domestic problem, stimulating the regime to react against any criticism on the issue. The regime perceives any criticism or condemnation as interference in the internal affairs of the PRC, urging it to leave the questions of sovereign states on the East Turkestan policy unanswered. However, the recent Heyit incident demonstrates that the communist regime would be likely to soften its East Turkestan policy in the presence of consistent and strong international pressure on the policy. The realisation of this possibility depends on Turkey's close engagement in the ongoing human rights infringements in East Turkestan.

Turkey holds a consulate general in Kazan, the capital of the Republic of Tatarstan, a self-ruling component of the Russian Federation. This consulate general enables Turkey to better comprehend the matters and demands of Tartar Turks.¹⁴⁴ A similar diplomatic mission would be opened in Urumqi, empowering Turkey to monitor the ongoing human

<https://www.rfa.org/english/news/uyghur/ramadan-05262017080553.html>, accessed on 07.11.2020; WUC, *Parallel Submission*, p. 9.

¹⁴² VÄLISLUUREAMET, *International Security and Estonia*, Välisluureamet Publication Office, Tallinn 2020, pp. 70-78.

¹⁴³ CONRAD, Naomi: "German Report Spells out China Human Rights Abuses against Uighur Muslims", *Deutsche Welle*, 31 January 2020, accessed at <https://www.dw.com/en/german-report-spells-out-china-human-rights-abuses-against-uighur-muslims/a-52216644>, accessed on 07.11.2020.

¹⁴⁴ The official website of the consulate general can be accessed at <http://kazan.bk.mfa.gov.tr/Mission>, accessed on 07.11.2020.

rights violations locally and help the Turks of East Turkestan to combat the violations. This consulate general would not be the first diplomatic Turkish mission in China. Turkey holds three consulates general in Guanco, Shanghai and Hong Kong and one embassy in Beijing.¹⁴⁵ Moreover, the consulate general would not be the first diplomatic mission in East Turkestan, where Kazakhstan and Kyrgyzstan hold their diplomatic representative offices.¹⁴⁶

Cultural centres opened by YEE in Urumqi, Kashgar and Turpan would help the aforementioned consulate general to keep the channels of communication and interaction with East Turkestan open. A significant number of YEE centres are effective in many countries with which Turkey shares common cultural, linguistic and/or historical bonds, such as Sarajevo (Bosnia and Herzegovina), Baku (Azerbaijan), Nur Sultan (Kazakhstan), İpek (Kosova), Skopje (Macedonia) and Kazan (Tatarstan/Russia).¹⁴⁷

TİKA is another Turkish institution carrying out cultural diplomacy activities. It holds a large number of agencies in countries with which Turkey shares common values, e.g. Sarajevo (Bosnia and Herzegovina), Baku (Azerbaijan), Nur Sultan (Kazakhstan), Bishkek (Kyrgyzstan), Tashkent (Uzbekistan) and Ashgabat (Turkmenistan). It is likely for TİKA to open a similar agency in Urumqi that would foster cultural and social cooperation between Turkey and East Turkestan.¹⁴⁸ A similar contribution would be made by YTB, which seeks to strengthen social and cultural ties between Turkey and its kin communities.¹⁴⁹ YTB

¹⁴⁵ For more details on these diplomatic missions, see: <http://pekin.be.mfa.gov.tr/Mission/About>, accessed on 07.11.2020.

¹⁴⁶ For more information about the Kazakh mission, see: <https://www.embassypages.com/kazakh-stan-representa-tiveoffice-urumqi-china>, accessed on 07.11.2020. For more details on the Kyrgyz mission, see: <https://www.em-bassypages.com/kyrgyzstan-representativeoffice-urumqi-china>, accessed on 07.11.2020.

¹⁴⁷ For more details on YEE cultural centres, see: <https://www.yee.org.tr/tr/-kurumsal/yunus-emre-enstitusu>, accessed on 07.11.2020.

¹⁴⁸ For the list of TİKA coordination offices, see: <https://www.tika.gov.tr/tr/-koordinatorklukler>, accessed on 07.11.2020.

¹⁴⁹ For more information about YTB representative offices, see: <https://www.ytb.gov.tr/kurumsal/baskanligimiz-2>, accessed on 07.11.2020.

would establish some representative offices in the Turkic-majority cities of East Turkestan, e.g. Urumqi, Kashgar and Turpan.

All the information collected or obtained by the aforementioned institutions would be reported by TİHEK. The *raison d'être* of TİHEK is to identify, investigate and report human rights abuses. It would prepare reports on the ongoing human rights breaches in East Turkestan. These reports would play a key role in disseminating awareness about the breaches. They would be expressed by the Turkish diplomats who are tasked with representing Turkey in prestigious international organisations or platforms. The reports would also be added to the agenda of bilateral discussions pursued with China.

All these diplomatic Turkish attempts would ultimately urge the communist regime to soften its East Turkestan policy. The PRC does not have a closed economic or social institutional structure. Instead, its economy relies on international trade and socialist market economy. The communist regime conducts major projects in almost all continents. It has an active foreign policy agenda touching on all crucial matters from Central Asia to Africa and South America. The regime should secure and, if possible, improve its global reputation to pursue its pro-active foreign policy. It is important to note that only the Belt and Road Initiative has key destinations in 70 different countries, including Azerbaijan, Kazakhstan, Kyrgyzstan, Turkey and Uzbekistan. It is unlikely for the regime to bring into action the Initiative without having cordial and dynamic relationships with these states, stimulating it to take into account Turkish and other opinions on its East Turkestan policy.

V. CONCLUSION

This article has analysed the oppressive East Turkestan policy of the PRC. According to the article, the policy violates many negative rights that are recognised not only by many international/regional hard or soft laws but also by the Chinese Constitution, e.g. the right to a fair trial, the freedom of movement, the freedom of religion, the freedom of peaceful assembly and the freedom of expression. The Constitution bestows some important internationally- or regionally-recognised positive rights upon Chinese citizens, such as the right to education, the right to secure and advance ethno-cultural features and economic rights.

However, various restrictions imposed by the repressive policy render the exercise of these constitutionally-acknowledged rights almost impossible.

The article encourages Turkey to embark on new diplomatic initiatives seeking to soften and, if possible, to abrogate the assimilationist East Turkestan policy. It calls on Turkey to open a consulate general in Urumqi that would allow Turkey to monitor the continuing human rights abuses locally. Moreover, the cultural diplomacy organs of Turkey – YEE, TİKA and YTB – are asked to open cultural centres, representative offices and coordination agencies in the Turkic-populated cities of East Turkestan. These institutional organs would contribute to the development of cultural and social ties between Turkey and East Turkestan. TİHEK would produce comprehensive reports on the right-violating East Turkestan policy by benefiting from the sources and facilities of these diplomatic institutions. Such TİHEK reports would shape any potential Turkish diplomatic initiative aimed at convincing the communist regime to soften its East Turkestan policy. The article believes that the regime is unlikely to ignore these reports not only because it attaches great importance to its global reputation in the contemporary era, but also because it is required to have cordial and dynamic relationships with many countries in delivering its major projects.

This article contributes to the field of human rights by (i) doing an up-to-date review of many human rights violations committed by the communist Chinese regime in East Turkestan and (ii) sparking a new debate over which steps Turkey would take in softening the right-violating East Turkestan policy. However, there are some weak muscles of the article. It does not examine all potential Chinese reactions to the establishment of diplomatic Turkish institutions in East Turkestan. Future research projects would scrutinise such reactions in depth. They would also analyse which legal and political difficulties Turkey would encounter in establishing these institutions.

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