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MINORITY RIGHTS WITHIN THE FRAMEWORK OF HUMAN RIGHTS: A COMPARATIVE STUDY OF CHALLENGES AND OPPORTUNITIES BETWEEN THE SAMI AND UYGHUR MINORITIES

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Abstract

This study addresses the issue of minority rights, focusing on a comparison between the Uyghur minority in China and the Sami minority in Northern Europe. The study focuses on comparing the impact of political and social factors on minorities, in addition to exploring legal and international mechanisms for their protection. The situation of minorities was analyzed through a comparative approach, based on a theoretical framework that includes liberal theory, multicultural theories, social justice, and communitarian theory, in addition to international laws that dealt with minorities. The study showed that the Uyghur minority suffers from repressive policies under a one-party system compared to the Sami peoples, who enjoyed political and legal protection under countries with democratic systems. Here, the negative impact of the absence of democracy in countries on minorities is evident, confirming the necessity of international cooperation to ensure the protection of minority rights.

Keywords

Human rights, Uyghur minority, Sami peoples.

Resumo

Este estudo aborda a questão dos direitos das minorias, centrando-se numa comparação entre a minoria uigur na China e a minoria sami no Norte da Europa. O estudo centra-se na comparação do impacto de fatores políticos e sociais nas minorias, além de explorar mecanismos jurídicos e internacionais para a sua proteção. A situação das minorias foi analisada através de uma abordagem comparativa, com base num quadro teórico que inclui a teoria liberal, as teorias multiculturais, a justiça social e a teoria comunitarista, além das leis internacionais que tratam das minorias. O estudo revelou que a minoria uigur sofre com políticas repressivas num sistema de partido único, em comparação com os povos sami, que gozam de proteção política e jurídica em países com sistemas democráticos. Aqui, o impacto negativo da ausência de democracia nos países sobre as minorias é evidente, confirmando a necessidade de cooperação internacional para garantir a proteção dos direitos das minorias.

Palavras-Chave

Direitos humanos, minoria uigur, povos sami.

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Introduction

Minorities are a vital part of the cultural and social fabric of societies and a common cultural and social phenomenon worldwide, reflecting the diversity of identities and cultures. Minorities are defined as religious, cultural, or linguistic groups whose numbers are smaller than those of the other groups with whom they share the state. This compels them to preserve their identity, and this difference is reflected in conflicts and disputes within society. Despite the remarkable progress in the field of human rights in recent years, the issue of minorities continues to pose a challenge for the countries that include them. Historically, minorities have faced deprivation of their basic rights, citizenship rights, and justice, leading to conflicts within the societies containing these minorities as they strive for recognition of their economic, social, and cultural rights (United Nations High Commissioner for Refugees (UNHCR), nd).

Minorities in countries have lived in varying and different circumstances, as countries differ in the way they deal with the minorities present in their countries. In some countries, minorities enjoy legal and political protections while preserving their distinct identities. For example, the Sámi people in Northern Europe have gained recognition of their cultural identity and right to self-determination (Ivan & Nuț, 2015). Meanwhile, minorities in many countries suffer from persecution, oppression, and policies of racial discrimination, with the aim of assimilating them into societies and erasing their identity that is distinct from the majority(OHCHR, 2012), such as the Uighurs in China who suffer from systematic violence from the Chinese government (OHCHR, 2022)The differences in how countries address minority issues arise from both the characteristics of the countries themselves and the specific traits of the minorities, highlighting the need to study these groups and their circumstances for comparison.

The study is based on a comparison between the Uighur minority in China and the Sami peoples in Northern Europe in terms of their conditions in the countries where they live, the factors affecting their conditions, and how countries deal with minorities.

Problem of the study

Despite progress made, minorities around the world still face numerous challenges related to their fundamental rights. In the field of human rights, ranging from cultural, social, and economic rights to political rights, there is sometimes a threat to the existence of minorities and a disruption of ethnic, cultural, or religious diversity in countries with minorities. Some problems related to minorities escalate into persecution and armed conflict, undermining the internal security and stability of countries and simultaneously threatening the existence of minorities. On the other hand, international and national efforts are being considered to enact laws that support minority rights, in addition to developing policies of integration and pluralism in societies. The study aims to analyze the practical realities of the Uighur and Sami minorities from a national perspective, focusing on the political systems in countries that include the Uighur minority and the Sami peoples, particularly the relationship between the Uighur minority in China and the Sami peoples in Northern Europe. This research also aims to explore the opportunities and challenges facing these groups under the different conditions of the two groups in terms of political, social and economic aspects.

Therefore, the study attempts to answer the main question:

How effective are the legal frameworks and international and national efforts in addressing the challenges faced by the Uighur and Sami minorities, and how have the political, social and economic conditions contributed to protecting and promoting minority rights?

This gave rise to a set of sub-questions that the study attempts to answer, namely:

- What are the regional and international legal frameworks that deal with minority rights?
- What political, social, and economic challenges did the Sami minority in Northern Europe and the Uighur minority in China face?
- To what extent has the prevailing political system in countries containing minorities (Uighurs in China and Sami peoples in Northern Europe) contributed to state policy towards them?
- What are the most prominent international efforts regarding the Sami minority and the Uighur minority?

Importance of the study

This study highlights an important human rights issue regarding minorities by presenting an analytical comparison between two cases: the Sami peoples in Northern Europe and the Uighur minority in China. It focuses on the concept of minority rights as part of human rights, thereby enriching the scientific literature on the challenges that minorities face in the countries identified in the study.

- Contributing to comparative studies helps bridge research gaps related to comparing minority rights in centralized systems like China and democratic systems like Northern Europe.

- The study emphasizes the necessity of implementing policies that promote diversity within the country and protect the rights of minorities from persecution.
- This study helps in understanding the challenges associated with conflicts involving minorities, which contributes to the development of the countries.

Study Methodology

This study adopted two methodological approaches: the descriptive-analytical approach and the comparative approach. These approaches were used to achieve the study's objectives, which include examining minority rights within the framework of international human rights law and conducting a comparison between the cases of the Sámi people in Northern Europe and the Uyghur minority in China.

The study employed the descriptive-analytical approach to review and analyze the legal concepts and theories related to minority rights, as well as to examine international conventions and instruments, national legislation, academic literature, and relevant reports issued by international organizations. This approach contributes to explaining the current state of minority rights protection and assessing the effectiveness of international legal rules in this field.

The study also relied on the comparative approach as its primary methodology by conducting a systematic comparison between the two case studies according to a set of criteria. These criteria included the historical background, the national and international legal frameworks, government policies toward minorities, cultural, linguistic, and religious rights, the level of political participation, mechanisms of international protection, as well as the main challenges and opportunities associated with the protection of minority rights.

This approach made it possible to identify the similarities and differences between the two cases, analyze the extent to which states comply with the rules of international human rights law, and assess the impact of national policies on either protecting or restricting minority rights.

The study relied on secondary sources for data collection, which included scientific books, peer-reviewed studies, international agreements and conventions, United Nations and international organizations reports, and relevant legal documents. These sources were analyzed and compared critically to arrive at scientific results based on solid legal and academic foundations.

The cases of the Sámi people and the Uyghur minority were selected because they represent two contrasting models of state approaches to minorities. The Sámi people enjoy a relatively high level of legal and institutional recognition in the Nordic countries (Ivan & Nuț, 2015), whereas the Uyghur minority faces extensive legal restrictions and human rights violations in China (OHCHR, 2022).

Comparing these two cases allows for an assessment of the effectiveness of international human rights law in protecting minority rights in different political and legal contexts, and for drawing conclusions that can contribute to strengthening minority protection at the international level.

Literature review

According to an article by Amira (2020), the Sami people, who live in northern Russia, Finland, Norway, and Sweden, rely on reindeer herding as a traditional way of life, thus forming a close connection with the polar environment of northern Europe, which helped them preserve their distinct cultural identity. They faced policies aimed at erasing their cultural identity through assimilation, the prohibition of their native language, and forced conversion to Christianity. Amira agreed with Steinlien (1989) on the Norwegian government's policy towards the Sami minority, noting its evolution from 1850 onward, shifting from assimilation to multiculturalism. She also stressed the importance of genuine equality for minorities. The article outlines the stages the Sami minority has gone through in defending its rights, highlighting their success in 1984 in securing Norwegian recognition of a Sami parliament and the strengthening of the Sami language. The article by Ivan and Nut (2015) compares the right to self-determination for the Sami minority in Nordic countries. Self-determination is a fundamental principle enshrined in international conventions, and the Sami minority has established its parliament to preserve its identity. Self-determination is considered one of the most important rights for safeguarding minority identities. The studies agreed on the need for minorities to obtain actual equality, not just formal minority status, in addition to the right to self-determination, as it is one of the most important rights that minorities wish to have. This is what the study agrees with regarding the need to preserve the identity that distinguishes the minority through the right to self-determination, in addition to international cooperation and respect for international conventions.

Bouklikha article (2022) examines the policies practiced by China towards the Uyghur minority living in the Xinjiang region. The Uyghurs have faced numerous assimilation policies within the Chinese system through policies of suppressing freedoms, marginalization, and repression of religious freedoms due to the strategic importance of the region and the fear of separatist movements. Ihaddaden and Soualhi (2021) also presented an analysis of the economic and geopolitical dimensions of the crisis's impact on China and the repercussions of the crisis at the international level. Both studies agree with Bouklikha article on the cultural distinctiveness of the Uighur minority from the Han Chinese ethnicity, which has led to an ongoing conflict with the Chinese government. Both studies also confirm that the Uighur minority is subjected to various forms of cultural, religious, and military repression and persecution, in addition to Chinese economic control over the region. Both studies also confirm the repercussions of Chinese policy on the Uighur minority, where repression has led to the violation of religious identity and the erosion of the minority's cultural distinctiveness. However, there are attempts by the Uighurs to preserve their identity. Ghazlan’s (2018) study on separatist movements in Xinjiang highlighted one of the most important challenges facing China, given the region’s economic and strategic importance. However, the region has been subjected to a long period of conflict and tension amid demands for autonomy through many manifestations of violence.

Previous studies indicate that minorities, despite differences in their geographical and political contexts, face similar challenges involving attempts to erode their cultural, linguistic, and religious identities. However, the approaches taken toward these

minorities, as well as their outcomes, vary according to the political and legal systems in place.

The Sámi peoples were subjected to policies aimed at integrating them into Scandinavian societies through the imposition of official languages and the encouragement of conversion to Christianity. This prompted them to struggle to preserve their cultural and linguistic identity and to strengthen the recognition of their rights.

In contrast, the Uighur minority faced more stringent policies, including the imposition of extensive security and surveillance measures, restrictions on the practice of religious rituals, and limitations on the use of their language and culture, as well as arrests and detention in camps. Many international reports have described these measures as serious violations of human rights.

This contrast reveals that differences in the level of protection are not solely related to the existence of rules of international law but are also influenced by the extent to which states are committed to implementing those rules and by the effectiveness of international monitoring and accountability mechanisms. The comparison also demonstrates that legal and institutional recognition, as in the case of the Sámi, contributes to strengthening the protection of minority rights, whereas the absence of political will and effective international oversight leads to the continuation of violations, as is the case with the Uighur minority.

Research gap

Despite the numerous studies that address minority rights, most of them have focused on studying individual cases or have focused on one legal or political aspect independently. Moreover, previous studies have dealt with each of the minorities in the study individually, without making a direct comparison between them in light of the rules of international law. From this standpoint, this study comes to fill this gap through a comparison of the two cases, which contributes to assessing the effectiveness of international law in protecting minority rights and highlighting the challenges and opportunities for both the Sami peoples and the Uyghur minority.

Contribution of the study

The contribution of this study lies in providing a comparative legal analysis of the Sámi peoples and the Uyghur minority within the framework of international human rights law. This allows for a more profound understanding of the factors that influence the effectiveness of the protection of minority rights and contributes to enriching the literature on minority rights through a comparison of two cases that differ in their legal and political contexts.

The theoretical and conceptual framework

The theoretical framework of this study focuses on examining minority rights within the broader context of human rights through a comparison of the Sámi minority in Northern

Europe, which seeks to preserve its identity within democratic systems, and the Uyghur minority in China, which faces violations of its rights within a state where political power is concentrated in a single party. The theoretical framework also aims to analyze the main theories related to minority rights and to apply them in comparing the experiences of the Uyghur minority and the Sámi peoples.

Liberal theory

This theory is based on the idea of freedom to protect individual rights from being violated by the powerful. This freedom provides individuals with the opportunity to free their minds, thoughts, and imagination from restrictions. The role of governments lies in establishing stable institutions and enacting fair laws and regulations that promote democracy, the separation of powers, the organization of social and civic life, citizenship, and the rule of law. Liberal societies also support humanitarian values and encourage greater moderation. In addition, liberalism promotes democracy, peaceful relations, and the preservation of peace and security. These principles are particularly important for states characterized by social and cultural diversity, as they contribute to the protection of minorities within them (Badran, 2021).

Multiculturalism theory

A theory that calls for power sharing among multicultural groups with multiple identities, based on the principles of justice and equality among cultures, the official recognition of these groups, and cooperation among them, and the application of certain policies that are consistent with the nature of pluralism in society and promote cultural differentiation. It does not mean isolation among groups within society but rather preserving pluralism within society, which is what diverse societies need: to maintain their identities while obtaining all their rights (Ashar, 2022).

Social justice theory

This theory, presented by the American philosopher John Rawls, focuses on the fair distribution of resources, ensuring the improvement of less fortunate individuals. This theory connects to the issue of minorities by emphasizing justice in opportunities, viewing justice as fairness. John Rawls proposed the principle of the veil of ignorance and neutrality to formulate the basic principles of justice to ensure a formulation that guarantees the rights of all, including minorities. Rawls also supported maximizing the minimum benefit for the less fortunate individuals in society, with the aim of achieving social and economic justice, in addition to promoting the stability of diverse societies through respect for rights and equality, thus achieving justice as fairness, which contributes to the stability of societies and reduces conflicts between different groups in society (Kchaou, 2019).

Institutional theory

The institutional theory explains how institutions affect the behavior of individuals and organizations, emphasizing the factors that promote the sustainability of social structures over time. Legitimacy stems from social norms and collective acceptance rather than economic efficiency. The state is required to build institutions that respect the rights of minorities and develop policies that protect those rights. Institutions also strive to adapt to values to enhance their legitimacy, and they seek to operate in accordance with the Universal Declaration of Human Rights, which means defending the rights of minorities. Hence, the role of institutional theory emerges in issuing laws that are compatible with diversity within societies and preserve group identities (Shanaqer & Mahawa, 2021).

Group rights theory

Group rights theory focuses on the rights granted to groups, not just individuals within those groups. For example, minorities possess unique collective rights to preserve their social and cultural identity. The theory emphasizes that collective identity, such as culture, religion, and ethnicity, cannot be maintained solely by individuals. Protecting individuals lies in protecting the group, preserving diversity, and safeguarding the group's rights from marginalization and racial discrimination. The group determines its destiny in matters related to its culture and education, strives to promote social justice, and guarantees its rights against assimilation. The group defends the interests of its members and makes decisions on their behalf. These are among the demands of minorities (Preda, 2012).

It is clear from the theoretical framework that none of the theories provides a single and comprehensive explanation of the reality of minority protection, but rather each theory attempts to illustrate an aspect of the minority phenomenon. Therefore, this study relies on employing the frameworks in an integrated manner to analyze the political, legal, and institutional factors that led to differences in the level of protection between the Sami peoples and the Uyghur minority.

Conceptual framework

Minorities and indigenous peoples face many complex challenges related to preserving their ethnic, cultural, or social identity. The Uyghur and Sami minorities are among the most prominent minorities that have faced a long history of struggle to preserve their distinct identity, despite differences in living conditions, geography, and politics for each group. This part of the study is based on understanding the concept of minorities in general and then identifying the two groups that are the focus of the study:

The concept of minority rights

Minorities have been defined in various ways. One such definition describes a minority as a group of people who historically inhabited a particular territory and, following changes in borders, became subject to another group while retaining cultural or ethnic characteristics that distinguish them from the rest of the population. Another definition describes a minority as a non-dominant group of citizens within a state that is numerically

smaller than the rest of the population and whose members are connected by ethnic, cultural, religious, or linguistic ties that distinguish them from other inhabitants of the state. Members of such a group also demonstrate solidarity to preserve their distinct identity (Issa, 2021).

These definitions indicate that a minority is a population group that differs from the dominant majority within a state and shares a number of ethnic, cultural, or religious characteristics. Such a minority seeks to preserve its distinct identity in the face of attempts at assimilation or persecution.

Another related concept is that of indigenous peoples, defined as groups of individuals who continue to live in the original areas in which they have historically existed and who still maintain traditional ways of life (OHCHR, 2021). These definitions suggest that minorities are relatively small groups compared with the majority population of a state and are distinguished from the majority by linguistic, religious, ethnic, or cultural characteristics. They face various challenges in preserving the identity that distinguishes them from the majority. This phenomenon exists in many regions of the world, as illustrated by groups such as the Kurds in Iraq, the Druze, the Rohingya, and other minorities distributed across different parts of the world.

Criteria for defining a minority

The concept of differentiation between minorities and majorities is a common factor in definitions of minorities. Some of the criteria by which minorities can be defined are

- Number: The number of the minority can be less than the number of the majority, but this criterion has been criticized due to the absence of a dominant majority in the country (Issa, 2021).
- Non-dominance: The inability of the minority to dominate justifies its need for protection (Issa, 2021).
- The feeling of difference: that the minority is different from the majority in one of the criteria of difference, which are language, religion, culture, and race (Issa, 2021).
- The minority demands the exercise of its special and distinct rights, with members of the group standing together to maintain their uniqueness.

It appears from the above that minorities within states possess a number of distinctive characteristics (Issa, 2021). These characteristics are what provide minorities their importance and distinguish them from other members of society.

Types of minorities

Minorities differ from majorities in many ways; The types of minorities include:

Religious minorities - International agreements have guaranteed religious rights and freedom of belief. Article 18 of the Universal Declaration of Human Rights guarantees the

right to freedom of thought and religion, including the freedom to change one's religion and to practice religious rituals in any place of one's choice. Article 18 of the International Covenant on Civil and Political Rights also guarantees the right to freedom of religion and thought, as well as the freedom to manifest one's religion either publicly or individually (United Nations, 1948, art. 18; United Nations, 1966, art. 18). A religious minority has been defined as a group distinguished from other ethnic groups within the society in which it lives by its religion, such as the Copts in Egypt and the Uyghurs in China (Bin Ahmed, 2010).

Linguistic minority - It is the minority that speaks a language different from that of the majority in the country. There are many linguistic minorities, such as the Thammy minority in Sri Lanka (Ben Ahmed, 2010).

Ethnic minority - It is a population that differs in biological characteristics from the majority of the country's population, such as physical characteristics (Ben Ahmed, 2010).

The legal framework for protecting minority rights

Numerous international agreements and resolutions have addressed human rights and minority rights, including the following:

- **Universal Declaration of Human Rights (1948):** Human Rights presented a framework for ensuring the freedom of minorities, equality, comprehensive justice, and non-discrimination. Several provisions of the Declaration focus on rights relevant to minorities. Article 2 addresses non-discrimination and provides that every individual is entitled to enjoy all rights without distinction based on race, language, or religion. This ensures that minorities are able to exercise their rights regardless of their differences from the societies in which they live. Article 27 addresses cultural rights and recognizes the right of every individual to participate in and enjoy the cultural life of the community, thereby supporting the protection of minorities' cultural heritage. Article 18 concerns freedom of religion and belief and affirms the right of every individual to freedom of religion and belief. Accordingly, the Universal Declaration of Human Rights safeguards the rights and freedoms of minorities through its provisions (United Nations, 1948).
- **International Convention on the Elimination of All Forms of Racial Discrimination (1965):** Convention addresses discrimination based on color, race, or other differences. It condemns racial discrimination by states and affirms that everyone is equal before the law. It also emphasizes the importance of education and efforts to combat discrimination, in addition to preventing incitement to hatred. Accordingly, this international convention protects the rights of minorities from violence and racism (United Nations, 1965).
- **Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992):** The Declaration emphasizes the obligation to promote and protect the rights of minorities and recognizes the importance of safeguarding those rights. This includes protecting religious and linguistic identity and creating appropriate conditions to strengthen the identity of existing minority groups. The Declaration guarantees the protection of the cultural,

religious, and linguistic rights of minorities, including their right to use their own language and to exercise religious freedom and other rights without interference or discrimination. It also affirms their right to participate in social, economic, and political life, maintain contact with members of their group, and enjoy the right to education, particularly in their mother tongue. The Declaration further emphasizes the importance of international cooperation in protecting minority rights and ensuring their effective participation in society without discrimination (OHCHR, 2012).

- **The Framework Convention on the Protection of National Minorities**: It is the first convention for the protection of minorities, which seeks to ensure that states respect the rights of minorities, in addition to combating discrimination and preserving privacy and equality, as well as encouraging minorities to engage in public life (Issa, 2021).
- **The European Charter for Regional and Minority Languages**: The agreement focused on the importance of preserving the languages used by minorities, and at the same time the need to preserve multilingualism (Council of Europe, 1992).

There have been many international efforts to promote global peace and security, and this is where liberal theory is reflected, as it seeks to protect minority rights through power-sharing between the majority and the minority and by safeguarding the rights of minorities. This approach is also reflected in the role of international institutions through the laws and international agreements they establish.

The historical roots of the Sami minority:

They are a small population group living in the far north of Europe (northern countries of Norway, Sweden, Finland, and the Kola Peninsula in Russia). The European Union has recognized the Sami people as the only indigenous people, as they maintain their customs and traditions, their language, and their lifestyle based on reindeer herding (Ivan &Nut, 2015).

- Definition of a Semitic person: They are someone who learns their language as a first language or whose parents or grandparents speak the Semitic language, in addition to other aspects of life and culture, such as lifestyles or handicrafts.
- There are ten Semitic languages, which are a mixture of traditional languages and local languages in the country inhabited by the Sami people, in addition to linguistic skills (Ivan &Nut, 2015).

The Sami people are an indigenous ethnic minority found in Northern Europe, particularly in the northern Scandinavian countries and Russia. They have preserved their culture, lifestyle, and traditional crafts and are distinguished by reindeer breeding and hunting.

The geographical location of the Sami people

The Sami people live in a vast geographical area, estimated at about 400,000 km², extending from the middle of Norway to the middle of Sweden, passing through Finland, and as far as the Kola Peninsula in Russia. However, the Sami people do not live only in the traditional area but have extended to reach beyond the traditional area (Ivan &Nut, 2015).

Figure 1 -Areas of distribution of the Semitic peoples



As Figure (1) shows, the Sami people are spread across the northern regions of Norway, Sweden, Finland, and Russia, which reflects the transnational nature of the Sami minority, which has contributed to complicating the issue of their legal protection, given their spread across several countries and the different legal and political systems of the various countries in which the Sami people are spread.

The socio-political and cultural conditions of the Sami people

In 1751, the borders between the Scandinavian countries were established according to an agreement, which recognized the Sami people as one of the groups with rights to the land and allowed them to continue their traditional ways of life, including hunting, reindeer herding, and moving between winter and summer lands. By the nineteenth century, the borders were closed, which led to a decrease in the area of lands inhabited by the Sami people, in addition to converting areas of grazing lands into agricultural lands. In 1919, the Reindeer Agreement was formed between Norway and Sweden, and the Sami people were displaced from their places of residence. This intervention was called the removal of the Sami people (Spitzer & Selle, 2021). This agreement may have been the beginning of the dispersal of the Sami minority in different countries and the restriction of their freedoms and movement, which prompted countries to impose policies on the Sami.

The Sami ethnic identity is more politicized in Norway, and the Sami right to self-determination is more fundamental in Norway than in other countries. Norway and Sweden appear less likely to exhibit disparities between majorities, especially in terms of income, as they are high-income countries (Spitzer & Selle, 2021).

Norway's principles are consistent with the principles of the nation, freedom and justice. They are committed to developing their language and nationality. In the 1840s, this cultural policy became controversial. It was a kind of basis for promoting the Norwegian language in the Sami regions, but the use of Sami languages was still permitted in religious instruction and local schools. Restrictions were imposed on the Sami language and the Finnish language. The 1889 law on primary schools stipulated that the language of instruction was Norwegian, except in some regions where the use of Sami was permitted as an auxiliary language. In addition, one of the conditions for buying land in Norway was learning and writing Norwegian (Steinlien, 1989).

Throughout the twentieth century, there were attempts to assimilate the Sami people into the societies in which they lived. The Sami people were pioneers in resisting the policy of assimilation. States were afraid to recognize minorities due to fear of consequences, such as the emergence of separatist movements, especially since they contain many minorities, including Roma, Kiffans, and Jews. The Sami minority is considered an indigenous minority in Northern Europe. Finland and Norway recognized the Sami as an indigenous people and not an ethnic minority. In Russia, the Sami people were considered one of the small indigenous peoples in Russia (Ivan & Nuț2015).

The Norwegian government also undertook a hydropower project in the Sámi homeland, which resulted in encroachment on Sámi lands and the gradual disappearance of grazing boundaries. This led the Sámi people to raise complaints regarding encroachment on their lands. In addition, scientific and technological developments resulted in the introduction of technology into the Sámi way of life. Projects and investments on Sámi lands also deprived the Sámi people of their freedom and access to their grazing lands, making their traditional livelihoods less profitable. The Sámi minority also sought to make use of election periods through the media and social media (Steinlien, 1989).

There are no specific seats reserved for the Sámi in Europe, which allows for the achievement of meaningful representation. The Sámi people are not represented in the European Parliament and have only been represented in the Norwegian Parliament, where Sámi participation has developed differently. The establishment of the Sámi Parliament in Sweden also coincided with the emergence of Sámi political parties and interests. The primary objective of the Sámi Parliament is to defend the rights of the Sámi people and to protect their language and culture.

European states regard the Sámi as a distinct people living within a defined territory. The establishment of the Sámi Parliament, which is considered one of the most significant achievements attained by the Sámi minority, together with the recognition of the Sámi as an indigenous people, reflects their right to self-determination and constitutional recognition without separation from the state. It has also enabled members of the Sámi community to participate in the decision-making process (Spitzer & Selle, 2021).

The recognition of minority rights to participate in political life and to establish a parliament that defends their social, political, and cultural rights helps guarantee the

minority's right to self-determination and protects it from assimilation into European society. This also supports cultural pluralism and group rights theory.

International resolutions concerning the Semitic peoples

The Sami people are considered the indigenous peoples inhabiting Northern Europe, and they are covered by Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, adopted by the United Nations General Assembly in 2007. This convention defines the rights of indigenous peoples, including their cultural and linguistic rights, as well as their right to use the land and its resources. Indigenous and tribal peoples have the right to enjoy their land and resources, and no force may be used against their settlements. Furthermore, their cultural and social values and practices are to be recognized and protected (United Nations, Human Rights, https://2u.pw/mLPefyij)

The experience of the Sami peoples indicates that legal and institutional recognition of minority rights can contribute significantly to enhancing their political participation and protecting their linguistic and cultural identity. The availability of political administration and the development of national legislation are key factors in transforming international principles relating to minority rights around the world into a practical reality for the Sami peoples.

Uighur minority

The Muslim Uighur minority lives in the Xinjiang region, also known as East Turkestan. Its area is estimated at 1.65 million km². The region's population is 21.18 million, and the number of Muslims in the region is about 13 million, of whom 9 million are Uighurs, thus constituting a majority. The Uighurs speak Uighur, which is derived from the Turkic language and is written in Arabic script (Ghazlan, 2018). Their culture and civilization also set this group apart. The Uighur minority remained under the control of the Turkic emperor until 334 BC, and maintained its independence until the Chinese launched several attacks in 93 BC, occupying it for a period not exceeding thirty years (Ihaddaden & Soualhi, 2021).

In 555 AD, East Turkestan joined the Gokturkler Empire, which was in a constant war with China. The Uyghur community was under Mongol control until it gained independence from the Mongols and established East Turkestan in 1884, which means the region of Islam. From here came the idea of Uyghur nationalism, whose roots go back to Islam (Ihaddaden & Soualhi, 2021).

Figure 2. Geographical location of the Xinjiang region



Source: Bouklikha (2022)

Figure (2) shows the geographical location of the Xinjiang region, which is inhabited by the majority of the Uyghur minority. The attached map shows its strategic and economic importance, which explains one aspect of the policies pursued by the Chinese government towards the Uighur minority.

The origin of the conflict between the Muslim Uighur minority and the Chinese government

Persecution began after the Manchu dynasty came to power in China. The campaign of persecution against the Uighurs began in 1648, as they were unable to withstand the policy of Sinicization, which led the Muslim Uighur minority to carry out several revolutions, including the Jangq Revolution of 1825 and the Yaqub Bek Revolution of 1845, which lasted 20 years. Although one of the most significant outcomes of the revolution was the liberation of the region, which subsequently received the name Xinjiang, it did not gain international recognition (Bouklikha, 2022).

China divided the region into administrative units, which led to the 1931 revolution and subsequent revolutions. Chinese forces invaded the region after fierce fighting in 1949. The authorities implemented a strict policy against the Muslim population and disseminated the teachings of Mao Zedong. The events of September 11, 2001, were a turning point. After China had been secretly implementing a policy of racial discrimination, the events highlighted the concept of the war on terror, and it proclaimed itself to be combating terrorism in the same manner as America. The Uighur groups were declared to be terrorist groups, justifying the crimes against humanity that they commit against the Uyghur minority (Ghazlan, 2018).

In 2009, the Xinjiang region witnessed protests demanding independence, in which more than 200 people were killed, in addition to giving permission to the police to kill anyone believed to be a terrorist (Ihaddaden & Soualhi, 2021).

The reason for the events between the Chinese and the Uyghurs was the accusation by six young Uyghurs of raping two Han women. The news of the rape was published, and

two Uyghurs died, and 118 people were injured. Many peaceful demonstrations took place, and the police used a lot of violence against the demonstrators. The Han majority carried out acts of revenge against the Uyghur minority, and one million Uyghurs were arrested in the camps that the Chinese call "re-education" (Gunawan, 2019).

The linguistic and religious differences in the Xinjiang region led to the Uighur minority's desire for independence from China, which led to the beginning of the conflict.

Violations suffered by the Muslim Uighur minority

The Uyghur minority has been subjected to numerous human rights violations, including:

- The Chinese government has detained over one million Muslims in camps throughout the Xinjiang region. The Chinese government has described them as being in counter-terrorism centers, in addition to the Chinese government's refusal to consider them as camps. The Uyghur minority is denied their religious freedom, and bearded men and veiled women are arrested and detained in camps where they are subjected to brutality and repression and forced to practice customs contrary to the teachings of Islam, such as eating pork and dancing. International organizations are not allowed to visit the camps (Ihaddaden & Soualhi, 2021).
- China has exploited the wave of fighting terrorism to eradicate Islam in China, as China is updating the data of Muslims in China and monitoring about 5.2 million Muslims in China through digital courts.
- The government has been pursuing those who flee abroad, similar to how it pursued Uighur migrants in Australia, particularly after the 2018 demonstration in Canberra that protested China's policy towards the Uighurs.
- 120,000 Muslim religious scholars were executed in 1952, Uyghur Muslims were prevented from entering mosques, mosques were demolished, Quranic education centers were burned, and mosques were converted into Communist Party centers.
- Children aged 11-12 years are tortured as a result of violence stemming from their illegal religious education, and veiled women are also burned alive.
- Forcing Muslim Uighur women to use contraception, through illegal procedures such as forced sterilization and abortions.
- The Chinese government also pursued a policy of forced assimilation. The government encouraged members of the majority to live in the Uyghur region, to reduce the Muslim majority in the region, in addition to restricting customs and traditions, and encouraging other languages to use Uyghur languages, especially in education and (Ihaddaden & Soualhi, 2021; Bouklikha, 2022).
- In addition to banning the Uyghur language, Uyghur curricula were merged with Chinese curricula, and Uyghurs were forced to learn the Chinese language (Han language). The Chinese government also practiced racial discrimination against Mongolians and Tibetans, as China works to eliminate the cultural, social, and religious distinctiveness of minorities (Gunawan, 2019).

It appears from the above that the Muslim minority in the Xinjiang region suffers from all kinds of oppression and racism, from murder to being deprived of practicing their religious rituals.

International reactions to the Uighur crisis

The Chinese government has practiced all kinds of repression and violence against the Uyghur minority, and there had to be reactions from the international community, including:

- Two letters were sent to the United Nations, the first from the United Nations Human Rights Council, condemning what the Chinese government is doing to the Muslim minority, and the second letter was sent from a number of Islamic and African countries, which praised what China is doing as part of counter-terrorism measures (Ihaddaden & Soualhi, 2021).
- Islamic and Arab countries support China's actions regarding the Muslim minority because of their political and economic interests, particularly following China's Belt and Road Initiative, which aims to rebuild the Silk Road and has caused these countries to abandon Islamic and humanitarian principles (Ihaddaden & Soualhi, 2021).
- In August 2022, the United Nations issued a report on human rights in the Xinjiang region. The report concluded that China was committing serious human rights violations against the Uighur minority. These crimes included restrictions on basic rights and arbitrary arrests. China also pursued counter-terrorism policies in the region to justify repression, and strict restrictions on freedoms and movement continued. One of the consequences of China's policies was family disintegration and restrictions on communication among Uyghur individuals. The report made recommendations, which included investigating the violations, legal reforms, and the release of detainees. China denied the violations and defended its policies. The United Nations expressed hope that the Chinese government would accept the recommendations in the report (OHCHR, 2022).
- Amnesty International also published a report (2021) that confirmed human rights abuses against the Uighur minority, such as a large-scale detention campaign, poor detention conditions, torture, electronic monitoring, movement restrictions with police patrols, and attacks on religious symbols, mosques, Qur'ans, and the Islamic greeting. The report confirmed the existence of a blackout on what is happening in the region and made recommendations to dismantle the detention camps and release the detainees.

The case of the Uighur minority reveals that the existence of international legal rules for the protection of human rights does not necessarily guarantee the protection of minorities but is actually linked to the extent to which states are committed to implementing them and the ability of the international community to activate monitoring and accountability mechanisms when violations against ethnic minorities occur.

The system of government in countries where minorities are prevalent:

- The system of government of the People's Republic of China:
- The Chinese system is considered a unique model of a non-democratic system, namely the Chinese communist system. Power is exercised through the single-party Communist Party. In the absence of pluralism, power is concentrated in the hands of the central government in Beijing, with direct supervision over all administrative levels and national decisions (Ghazlan, 2018; Ivan & Nuț, 2015,).
- The system of government in the Scandinavian countries:
- The Scandinavian countries' system of government is characterized by proportional representation, preventing any single party from monopolizing power. These countries are also described as global welfare states, but they are not open to ethnic diversity. Despite their rejection of diversity, these countries' systems are based on global welfare principles, and they strive to establish comprehensive social welfare systems (Ivan & Nuț, 2015)

This becomes apparent when comparing the political systems of countries with Uyghur and Sami minority groups. The varying levels of protection for minority rights are not due to differences in international legal principles but rather to the nature of a state's political system, the extent to which it adopts the principles of democracy and the rule of law, its commitment to fulfilling its international obligations, and the effectiveness of national institutions and accountability mechanisms.

Results and discussion

This chapter will discuss the main findings, reached through a comparative approach to the human rights challenges faced by the Sami and Uighur minorities, as well as ways to protect minorities from assimilation and dissolution into societies.

Comparing the shared conditions between the Uighur minority and the Sami peoples

Despite the geographical and cultural differences between the Uyghurs and the Sami peoples, literature has shown that there are many common factors between them, and among these common circumstances are

1- Linguistic and cultural diversity: The Uighurs have their own language, which belongs to the Turkic languages, in addition to a culture that is a blend of Turkic, Chinese and Persian heritage. The Semitic peoples also have their own languages and a distinctive culture that reflects their geographical connection to the polar region in which they live.

2- The Semites practice beliefs and rituals associated with natural religions, and although a large part of the Semitic peoples have converted to Christianity, they still retain their religious rituals. The Uighurs, on the other hand, belong to the Sunni

branch of Islam and practice the rituals of the Islamic religion, although the Chinese government exerts pressure to prevent Muslims from practicing their religion and to turn towards Chinese religions.

3- The Uighurs suffer from racial discrimination and persecution, as they are persecuted for practicing their religious beliefs. In addition, there are detention camps where Muslims, both male and female, are subjected to torture and violence. They are also forced to use the Chinese language at work, in an attempt to force them to integrate into Chinese society. Similarly, the Sami peoples in Europe have been subjected to all forms of assimilation and integration into European societies, where their language has been suppressed by imposing the languages of the state on them.

Comparing the differences in conditions between the Sami peoples and the Uyghur minority

Despite the many shared characteristics between the Uighur minority and the Sami peoples, there are also many differences between the two groups, including:

1- The geographical location extended into the northern regions of Norway, Sweden, and Finland, north of Russia, and the Kola Peninsula, and relied on reindeer herding and fishing due to the nature of the region and the climate in the region, while the Uighurs live in the Xinjiang region (East Turkestan), in a desert area that relies on agriculture in the oasis region in addition to working in trade.

2- The majority of Uighurs have adhered to the Islamic religion since the ninth century, and it has become part of the cultural and doctrinal identity component that distinguishes the Uighur people from the Chinese majority. The Uighur people also suffer from racial discrimination and persecution (Ghazlan, 2018; Demirtepe & Bozbey, 2012). In contrast, the Semitic peoples in Northern Europe were influenced by the religious beliefs in Europe, and a large part of them embraced the Lutheran Christian religion, although they retained many of their religious traditions and beliefs. Despite the racial discrimination at the beginning, they enjoy political representation and cultural and international rights (Ivan & Nuț, 2015; Spitzer & Selle, 2021).

3- The Uighur minority tried to gain recognition of their rights, existence, and independence, but they were unable to obtain their rights, except for crimes against humanity, persecution, and deprivation of rights. At the same time, a minority group formed a Sami parliament to preserve their rights and defend their cultural and social distinctiveness.

A comparison of the Semitic minority from the perspective of different theories:

Minorities are considered part of the distinctive social fabric of societies, as they constitute a diverse community in characteristics such as culture, language, and religion.

There are many theories that have attempted to understand the relationship of minorities with the political system and the social system within the state, including the following:

- Liberal theory focuses on the freedom of individuals and their rights within a society protected by a just legal system. Therefore, the Uighur and Sami minorities are supposed to be protected under the law in their respective societies. However, the Uyghur minority is subjected to numerous violations, such as the denial of religious freedom, as well as attacks involving murder, imprisonment, and restrictions on freedom of movement. This situation demonstrates a discrepancy between liberal theory and China's treatment of the Muslim Uyghur minority. In contrast, the treatment of the Sami people may be closer to liberal principles. While there have been attempts to assimilate the Sami minority into mainstream society, their rights have been recognized, including the right to preserve their customs, traditions, and culture. This indicates that countries adhering to the liberal perspective have preserved the rights of minorities, while China has neglected the Uyghur minority and even gone so far as to persecute them.
- The theory of multiculturalism, which calls for preserving cultural diversity and considers it part of the identity of the state or society, has proven that countries that contain the Sami minority have recognized their rights as indigenous peoples in those countries, while the Muslim Uighur minority has been deprived of its rights to practice worship and preserve its culture. From the above, it appears that the situation of the Uighurs is incompatible with the theory of multiculturalism.
- Communitarian theory: The Sami minority is considered part of the state's culture. They are not individuals but rather pressure groups with a right to influence, land, wealth, language, and their culture. This stance was evident in their defense of their right to their own grazing lands. Communitarian theory plays a key role in lobbying to protect the rights of the Uyghur minority in Chinese society.
- The theory of social justice, which advocates for redistribution, envisions a fair distribution of resources, in addition to supporting marginalized groups. This does not apply to the Uighur minority, although despite their presence The Sami minority lives in democratic countries, but they have faced encroachment on their grazing lands to establish electricity generation projects.
- According to institutional theory, the Chinese government, through its institutions and repressive policies, has deprived the Uighur minority of its rights and freedoms, while countries with Semitic populations are trying to recognize their rights and the right to self-determination.
- The same applies to the rights of the group: the Sami minority has the right to manage their lands and determine their own destiny, as well as the right to have a parliament, while the Uighur minority has been deprived of the protection of their rights to worship, education, and movement as a result of repression by Chinese forces.

This comparative study, having examined the different theoretical frameworks, indicates that the situation of the Uighur minority continues to reflect patterns of persecution and

discrimination, alongside limited effective protection of their rights. By contrast, the case of the Sámi people demonstrates that, although they were historically subjected to policies of exclusion, persecution, and attempts to erase their identity, the development of national legislation and the legal recognition of their rights have contributed to improving their situation and strengthening their protection.

This comparison demonstrates that the effectiveness of minority protection is determined not only by the nature of the violations to which minorities have been subjected but also by the extent to which the state responds by developing legal and institutional frameworks that ensure respect for their rights.

A comparison of the Sami minority from the perspective of human rights laws:

Numerous international laws and treaties have been drafted with the aim of protecting minorities and their cultural and political rights. The study examines how the application of these international treaties has affected the Uyghur and Sami minorities and lists some of the agreements that have addressed minority rights.

- The Universal Declaration of Human Rights (1948): The Declaration states that all people are equal in rights and dignity and that everyone should enjoy the protection of the law. It also states that everyone is entitled to all rights and freedoms without discrimination, particularly on religious, racial, social, or economic grounds. These rights are consistent with the rights of minorities and what individuals should generally enjoy. However, China's treatment of the Uighur minority violates human rights, as they are subjected to torture, ill-treatment, and inhumane conditions. Furthermore, there is no recognition of the Uyghur minority's legal personality, and individuals should not be arrested or tortured. Everything the Uyghur minority suffers contradicts the Universal Declaration of Human Rights. In contrast, the rights of the Sami people have been recognized as indigenous peoples in Norway, Sweden, and Russia, and they have been granted near-equality with the majority, such as freedom of expression. However, minorities face educational interferences and attempts to assimilate the Sami into other societies, like those in Norway (United Nations, 1948).

- The International Convention on the Elimination of All Forms of Racial Discrimination (1965) affirms the commitment of states not to encourage or support any racial discrimination perpetrated by any person or organization. This principle contradicts what China is doing to the Muslim Uighur minority, as well as the world's silence on China's actions, in addition to the support of states for what is happening to the Uyghur minority under the principle of combating terrorism. As for the Sami minority, they enjoy rights against racial discrimination, despite some laws restricting freedoms, but their situation is not comparable to what is happening to the Uighur minority. https://2u.pw/J9wt9).

- Declaration on the Rights of Persons Belonging to National, Ethnic, or Linguistic Minorities (1992): which stipulated the preservation of minority identity and participation in public life, the Uighurs face difficulties in preserving their cultural and

religious identity, in addition to the difficulty of preserving their language, while the cultural rights of the Sami minority and participation in public life were recognized.

- The Framework Convention on the Protection of National Minorities (1995) focuses on the rights of minorities, especially cultural and political rights. Despite the challenges to the use of land by the Sami minority, there are many laws that protect the rights of cultural and linguistic minorities in Scandinavian countries. The Convention assumes that China will give the Muslim minority its rights, but the Muslim minority suffers from persecution of its political and cultural rights.
- The European Charter for Regional Languages (1992): The Sami language is considered one of the regional languages that must be protected in the Scandinavian countries, and its use must be promoted in education, media and the government sector. Despite attempts to dissolve the Sami culture and language in the Scandinavian countries, these efforts ended with the recognition of the minority's rights and their right to preserve their identity.

This comparison shows that international agreements have established an advanced legal framework for protecting minority rights, but the practical application of these agreements remains uneven among countries with minorities. This confirms that the effectiveness of international law depends on the extent to which states fulfill their obligations under international agreements, rather than on the mere existence of legal provisions.

Comparison based on human rights indicators:

Human rights indicators are tools for assessing the extent to which countries respect human rights, whether at the individual or group level, through the analysis of international agreements. Based on these foundations, human rights indicators for the two minorities were measured:

- Civil, religious, political, and cultural rights:

These freedoms can be assessed through indicators such as arbitrary detention. The Uyghur minority has been subjected to arbitrary detention in training centers without a clear legal justification, in addition to restrictions on freedoms such as freedom of expression and freedom of religion, including practices such as prayer and fasting. Chinese culture has also been imposed, while Islamic and Uyghur culture has been suppressed (Office of the High Commissioner for Human Rights [OHCHR], 2022).

By contrast, the Sámi peoples have not faced similar challenges, such as detention or deprivation of freedom of expression, with the exception of attempts to impose the national languages of the states in which they live through school education. They have also been permitted to establish Sámi parliaments (Ivan &Nut, 2015).

- Reproductive rights and family life:
- There is no evidence of government interference in the family life of the Sámi peoples. By contrast, the Uighur minority has reportedly been subjected to forced abortions

and compulsory birth-control measures. Children have also been forcibly separated from their families in order to be raised according to Chinese culture (OHCHR, 2022).

- Protection from torture and discrimination: The Uyghur minority is considered a group that has been targeted, discriminated against, killed, and detained (OHCHR, 2022), while the Sami minority has not faced such discrimination as a result of their ethnicity.

These indicators show that the Uighur minority has faced violations of their rights due to justifications produced by China, including the war on terror, given that the Uighur minority is a Muslim minority. The international community has supported these violations out of fear for its trade interests with China and the pretext of the war on terror, in addition to the fact that China's political system is based on a one-party system; therefore, there is no opposition to defend the rights of minorities in China.

While the Sami minority has not faced real violations of its rights, being indigenous peoples in democratic countries that uphold human rights and avoid violations and racial discrimination against minorities, whatever their orientations and types.

A comparison between the two cases reveals that the difference in the level of protection of minority rights does not stem from differences in international legal principles but rather from the nature of the state's political system, its commitment to implementing its international obligations, the effectiveness of national institutions, and the mechanisms for accountability and oversight. While legal and institutional recognition in Scandinavian countries has positively impacted the situation of the Sami people, the Uighur minority has faced significant challenges due to limited practical guarantees for the implementation of international law. This underscores that the effectiveness of international protection is more closely linked to the practical application of these rules than to their mere presence in legal texts.

Conclusion

The issue of minorities is one of the most complex, sensitive, and important issues in the field of human rights, as it involves a difficult intersection between several interrelated issues, namely minority identity, national sovereignty, and human rights. Diversity is one of the most important characteristics that distinguish societies and should therefore be preserved, as it represents a valuable asset to humanity, which makes its preservation necessary for building societies that are more inclusive and diverse. This study examined two different cases: the Muslim Uyghur minority in China and the Sámi peoples in Northern Europe.

The Sámi peoples in Northern Europe represent a positive example of preserving cultural and social identity despite attempts to assimilate them into surrounding societies and restrictions on their grazing lands. Nevertheless, the policies adopted by the Scandinavian states contributed to preserving the Sámi peoples, their traditional way of life, and their traditional occupation. Within the framework of the right to self-determination, they were able to establish their own parliament to defend their rights.

Democratic states also contributed to protecting the minority, in addition to recognizing their right to self-determination.

On the other hand, the tragic situation of minorities in dictatorial states is evident in the challenges faced by the Muslim Uighur minority, who have a long history and a religious culture and have been subjected to the harshest forms of persecution, including restrictions on religious freedoms, detention in camps, house arrest, and deprivation of the freedom to practice their religion. Although the practices of the Chinese government have been justified under slogans such as the war on terrorism, the repressive measures of the Chinese government were viewed favorably by many states that considered the issue part of the war on terrorism. This position was supported by many countries, particularly Islamic countries, despite international reports showing human rights violations.

Through the comparison between the two minorities, the roles played by governments in dealing with minorities, as well as the role of the international community in determining the fate of minorities, become evident. Recognizing minorities and their rights has helped create more harmonious and diverse societies. By contrast, in the absence of democratic policies, repression leads to a deep gap between the minority and the state that is difficult to repair, as illustrated by the case of the Uyghur minority.

In conclusion, the international community, national governments, and civil society organizations should work together to guarantee minority rights and promote justice and equality. The experiences of the minorities examined in this study, including the Sámi and the Uighurs, provide highly significant lessons on how to deal with cultural and religious diversity to preserve social cohesion. Through cooperation, dialogue, and respect for the rights of all, it is possible to build a more humane and inclusive world in which every individual can live with dignity and respect, regardless of religious or ethnic identity.

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