

# Human Rights in China In The Xi Jinping Era: From The Perspective of Human Rights Watch and Amnesty International

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**Abstract:** China as a rising global power has realized a rapid modernization and significant economic, social and political changes in the last four decades. However, its development in the field of human rights has not been at an equal rate. While fundamental human rights principles have been explicitly identified in the Constitution, the Chinese government has failed to implement those principles. In this article, China's human rights record during the leadership of Xi has been examined from the perspective of international human rights organisations, namely Human Rights Watch (HRW) and Amnesty International (AI) by addressing their reports and news. In this context, the article reveals that although Xi Jinping has made some reforms, he has been seriously criticised by human rights organisations regarding his suppressing policies on right to liberty and security, freedom of expression, freedom of thought, conscience and religion, and human rights violations in Tibet and Xinjiang. It has been also argued that he has adopted discriminative and repressive policies regarding the ethnic minorities in the country to assure stability and security. Therefore, the human rights situation in China is incompatible with both the Constitution and international conventions which China is party to.

**Key Words:** China, Xi Jinping, Human rights, Human Rights Watch, Amnesty International, freedom of expression, minority rights

## İnsan Hakları İzleme Örgütü ve Uluslararası Af Örgütü Perspektifinden Xi Jinping Döneminde Çin'de İnsan Hakları

**Öz:** Yükselen bir küresel güç olarak Çin, son 40 yılda hızlı bir modernleşme ve önemli ekonomik, sosyal ve kültürel değişimlere sahne olmuştur. Öte yandan, Çin, insan hakları alanında, eşit oranda bir gelişme gösterememiştir. Her ne kadar temel insan hakları ilkeleri,

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Anayasa'da açıkça tanımlanmış olsa da Çin Hükümeti bu ilkeleri uygulamada başarısız olmuştur. Bu makalede, Xi liderliğindeki Çin'in insan hakları sicili, İnsan Hakları İzleme Örgütü (HRW) ve Uluslararası Af Örgütü (AI)'nün rapor ve haberleri incelenerek, adı geçen örgütlerin bakış açısından ele alınmıştır. Bu bağlamda, makalede, Xi Jinping'in bazı reformlar gerçekleştirmiş olmasına rağmen, kişi özgürlüğü ve güvenliği hakkı, ifade özgürlüğü, düşünce, din ve vicdan özgürlüğü üzerindeki baskıcı politikaları ve Tibet ve Sincan'daki insan hakları ihlalleri nedeniyle, insan hakları örgütleri tarafından ağır bir şekilde eleştirildiğini ortaya konmaktadır. İnsan hakları örgütleri tarafından, ayrıca, Çin Hükümeti'nin güvenlik ve istikrar sağlamak amacıyla, ülkedeki etnik azınlıklara yönelik olarak ayrımcı ve baskıcı politikalar izlediği savunulmakta, böylelikle Çin'deki insan hakları durumunun ne Çin Anayasası ile ne de Çin'in taraf olduğu uluslararası sözleşmelerle bağdaşmadığı ileri sürülmektedir.

**Anahtar Kelimeler:** Çin, Xi Jinping, insan hakları, İnsan Hakları İzleme Örgütü, Uluslararası Af Örgütü, ifade özgürlüğü, azınlık hakları

## Introduction

The People's Republic of China has witnessed a rapid modernization and remarkable economic, social and political changes in the last four decades. During this era, China has emerged as a rising global power. On the other hand, its development in human rights policy has not been at an equal rate. Although the fundamental rights have been guaranteed by the Constitution in the Chapter II titled "The Fundamental Rights and Duties of Citizens" including equality before the law, right to liberty and security, freedom of speech, of press, of assembly, and of religious belief, there have been problems in practice. In connection with its rising economic power and political position in the world, the human rights practises have led to criticism towards China both internationally and domestically. (Teng, 2009: i)

Xi Jinping was elected as the General Secretary of the Communist Party of China (CPC) on 15 November 2012. Then he came to power as the President of the People's Republic of China on 14 March 2013 at the First Session of the 12<sup>th</sup> National People's Congress. Following his accession to power, Xi credited with the

slogan “Chinese Dream”, a set of personal and national ideals for the advancement of Chinese society (Forbes, 2018), has proposed several reforms regarding human rights policies, particularly, reforms on Re-education Through Labor (RTL) system, which is one of the issues of concern in China, and investigations on corruption and organised crime. Despite his reform policies, international human rights organisations have continued to criticize the new leader due to great restrictions on fundamental rights and freedoms, especially restrictions on right to liberty and security, freedom of expression, freedom of thought, conscience and religion, and human rights violations in Tibet and Xinjiang.

This article examines human rights situation in China in the last five years in Xi Jinping era from the perspective of international human rights organisations, namely Human Rights Watch (HRW) and Amnesty International (AI), the two of the most influential non-governmental organizations working in the field of human rights. In this regard, firstly, human rights policies of China in general are mentioned. Next, the specific human rights issues are addressed within the context of HRW and AI’s reports and news. Thus, the situation of human rights defenders, restrictions on freedom of expression, arbitrary detentions and torture and ill-treatment, and human rights violations in Tibet and Xinjiang are considered. Finally, the conclusion evaluates the situation in China and to predict what is to come for this issue.

### **Human Rights Policies Of China**

China has been a party to the wide range of United Nations (UN) human rights treaties, namely a party to 26 international human rights treaties and their related protocols (UNGA- Human Rights Council, 2018/1:4). China has ratified six of nine UN treaties except for Convention for the Protection of All Persons from Enforced Disappearance, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and International Covenant on Civil and Political Rights, which is signed on 5 October 1998 but not yet ratified (United Nations Human Rights Office of the High Commissioner (OHCHR), 2018).

It has also released three National Human Rights of Action Plans which have covered the periods of 2009-2010, 2012-2015, and currently 2016-2020. In the second Action Plan for the period of 2012-2015, the government has explicitly declared that China would fulfil its obligations to international human rights conventions in order to protect and promote human rights. It has also accepted the universality of human rights, however by upholding “*proceeding from China's national conditions and new realities to advance the development of its human rights cause on a practical basis.*” Likewise, the Action Plan has set up numerous objectives including providing comprehensive protection to citizens' economic, social and cultural rights, effective protection to the citizens' civil and political rights, full protection to the lawful rights of ethnic minorities, conducting extensive education and actively participating in international exchanges and cooperation on human rights during 2012-2015 period (National Human Rights Action Plan of China (2012-2015), 2012). In September 2016, the Government has adopted the third National Plan and set up a joint meeting mechanism for the Plan, which is charged with the formulation, implementation and evaluation of the Plan, with cooperation of 50 government departments, universities, research institutions and civil society organizations. (UNGA- Human Rights Council, 2018/1: 5) The same principles as the Second National Plan have been repeated in the latter Plan, with an emphasis on “*upholding socialism with Chinese characteristics*”, and “*fully implementing the guiding principles of the 18th National Congress of the Communist Party of China*”. The current Action Plan for the period of 2016-2020 has stated that the government has enhanced the protection of human rights, people's living standards, strengthened their economic, cultural rights and guaranteed their civil and political rights, as well. It has also stated the problems. According to the government:

“The rule of law in safeguarding human rights needs to be further promoted and more efforts are required to realize higher levels of human rights protection.” (National Human Rights Action Plan of China (2016-2020), 2016)

Furthermore, the 19<sup>th</sup> National Congress of the CPC has declared that “*socialism with Chinese characteristics has entered a new*

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*era*" (National Congress of the Communist Party of China, 2017). It has been presented that with the major change in China's historical position, human rights in China has also entered a new era of socialism with Chinese characteristic by Li Junru, who is the Vice President of the Party School of the CPC Central Committee (Junru, 2017: 1).

In August 2018, China's National Report submitted to the UN General Assembly in the context of Universal Periodic Review by Human Rights Council has been published. In the report, it is emphasized once again that China has not believed there is a single way or a universal road for the protection and promotion of human rights in the world and again underlined the road of developing human rights with Chinese characteristics." (UNGA- Human Rights Council, 2018/1: 2)

The main Chinese characteristic for protection and promotion of human rights has been the emphasis on the prioritization of socio-economic rights and development. Both National Reports and the statements of Chinese officials have demonstrated that the Xi Administration has considered the realization of the people's rights to subsistence and development as its top priority (Ibid., p.7). According to Sceats and Breslin, the key features of China's official conception of human rights are clear prioritization of socio-economic rights, a development paradigm, and focus on the rights of the many or mainly state, and stability as a precondition for the enjoyment of rights (Sceats-Shaun, 2012: 7-9; Yunlong, 2014). The statements of President Xi Jinping have also proven these features. In its "Congratulatory Message to the "South-South Human Rights Forum" on 13 December 2017, he stated:

"Following a people-centered development philosophy, the Communist Party of China (CPC) and the Chinese government have all along placed people's interests above all else, and worked hard to meet people's desire for a better life and improve respect for and protection of the fundamental rights of the Chinese people. (...) (The Permanent Mission of the People's Republic of China to the UN, 2018)

In addition to the importance given to socio-economic rights, both National Plan and National Report have also guaranteed political and civil rights of people, rule of law and the basic principles of international law. In this context, they have addressed legislative and institutional safeguards for human rights, particularly strengthening judicial safeguards, human rights education, participation of non-governmental organizations, academic institutions and media, safeguarding the rights to life and to liberty of person, voting rights, political participation, prohibition of torture, the right to fair adjudication, freedom of religious belief, of expression and press, and rights of women, children, disabled persons and ethnic minorities. The National Report has stated that:

“China is implementing the five-sphere integrated plan to promote coordinated economic, political, cultural, social and ecological development, the four-pronged comprehensive strategy to make comprehensive moves to finish building a moderately prosperous society in all respects, deepen reform, advance law-based governance, and strengthen Party self-governance.” (UNGA-Human Rights Council, 2018/1: 18)

The difficulties and challenges faced by China and future objectives to overcome those challenges have also been addressed in the report. Within this framework, it has been stated that some salient problems arising from unbalanced and inadequate development have not still been arrived a solution and the quality and efficiency of its development have needed to increase. The other areas requiring improvement and policy reforms have been law-based governance, the judicial system and impartiality, formalism and bureaucratism, malpractice and corruption (Ibid.). In the National Report, Chinese government has promised to expand political participation of people through free and democratic elections, to promote human rights and rule of law and to expedite the development of ethnic minorities, while it fights against discrimination on the ground of gender, ethnicity, age and disability (Ibid.).

The Action Plans, National Reports and statements of government officials have addressed the main issues for the

protection and promotion of human rights. However, they have been criticized, as they are hortative and symbolic official documents which have been prepared to quell the criticism of international community and reaction of citizens, who have progressively demanded their rights and freedom. They have also seen as a tool of the government to identify and take under control the scope and meaning of human rights in China (Teng, 2009: i).

Although the Constitution and Action Plans have guaranteed the fundamental human rights and freedoms, it has been argued by the human rights NGOs that the Xi administration has maintained the broad human rights violations in China. In this context, human rights issues addressed by HRW and AI reports in particular the situation of human rights defenders, restrictions on freedom of expression, arbitrary arrests and detentions, torture and ill-treatment, human rights violations in Tibet and Xinjiang Uyghur Autonomous Region will be examined in the next part of the article.

### **Human Rights Situation In China In The Context Of HRW And AI Reports**

HRW and AI have reported human rights situation in China during the Xi Jinping's leadership. According to their reports and news, during this period the government has extended its restrictions on human rights. Chinese government has silenced civil society, human rights defenders, lawyers, journalists and all kind of peaceful criticisms against the government, since Xi came into power five years ago (Human Rights Watch, 2017/1). In January 2018, Sophie Richardson, the China director of HRW has stated that *"Chinese authorities are leaving no stone unturned in their cruel campaign against peaceful human rights activism"* (Human Rights Watch, 2018/1). President Xi has adopted *"stability maintenance"* policy *"to ensure that nothing unexpected happens and nobody challenges its rule"*, meaning the government's suppression on fundamental rights and rule of law (Human Rights Watch, 2017/1).

From HRW's perspective, Xi Jinping has made an effort to erase the term limits for presidents from the Constitution in order to remain in power. It has emphasized that this change will lead to potentially destructive results for human rights in China. (Human

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Rights Watch, 2018/2). In March 2018, HRW has submitted the UN Universal Periodic Review (UPR) of China. In its submission, it has stated:

“Since President Xi Jinping took office in March 2013, China’s government has tightened its control over society and stepped up its campaign against independent activists, lawyers and others deemed a threat to the Chinese Communist Party. The death of Nobel Peace Prize laureate Liu Xiaobo in a hospital while under heavy guard in July 2017, highlighted the authorities’ deepening contempt for fundamental human rights. China’s deteriorating rights record is also being felt beyond its borders as it seeks to undermine international human rights institutions” (Human Rights Watch, 2018/3).

Although the government accepted recommendations to ratify the International Covenant on Civil and Political Rights (ICCPR) to ensure freedom of expression and press, and promised to prevent torture and arbitrary detention, during its previous UPR, it has failed to implement these recommendations (Ibid.).

HRW and AI have also criticised the UN’s and European Union (EU)’s approach towards China. According to them, despite the deteriorating human rights record of China, the UN and EU have appraised China and Xi Jinping due to his recent re-election, by putting Chinese leaders over its people (Human Rights Watch, 2018/4). They have evaluated China’s resolution on “Promoting the International Human Rights Cause through Win-Win Cooperation” in March 2018 at United Nations Human Rights Council in Geneva, as an attempt for the world to believe it is a model regarding human rights. HRW has also accused China of “*focusing only on intergovernmental dialogue and cooperation, rather than actual human rights violations or accountability for those*” (Human Rights Watch, 2018/5). In this regard, HRW has called the UN upon taking action regarding the human rights abuses in China and “*ensuring effective outcomes, placing victims first*” (Human Rights Watch, 2018/3). In addition, regarding the EU- China relationship, human rights NGOs including AI and HRW have sent a Joint Letter to European Commission President Juncker and European Council President



Tusk. The NGOs have urged EU leaders to take an action for releasing of human rights defenders and lawyers. They have also called the EU and its member states for identifying human rights violations in China. (Human Rights Watch, 2018/6).

### **A. The Situation of Human Rights Defenders**

From the HRW and AI's point of view, the situation of human rights defenders has been one the most alarming issues during the Xi administration. These NGOs have reported that human rights activists, lawyers and journalists have faced a surge in reprisals under Xi administration, at times enduring arbitrary detention, enforced disappearance, politicized prosecutions, torture, harassment and violence by authorities (Amnesty International, 2016: 117; Human Rights Watch, 2016/3: 177)

Between 2013 and 2018, the authorities have maintained politically motivated prosecutions of human rights defenders and lawyers (Human Rights Watch, 2017/2: 139). According to reports, during the Xi era, human rights defenders have mainly charged with *"subverting state power"*, or *"inciting subversion of state power"*, *"picking quarrels and provoking trouble"* or *"disclosing state secrets"* and *"gathering crowds to disturb public order"* (Amnesty International, 2017: 119; Human Rights Watch, 2017/3: 188). Most of them have been held in *"residential surveillance in a designated location"* which is a system that allows the police to detain people up to six months without any jurisdiction. In addition, family members of the defenders have also been subjected to police investigation, harassment and restriction of their freedom of movement (Amnesty International, 2016: 117). Furthermore, when human rights lawyers refused to be part of politicized review process, they have faced numerous sanctions. For instance, in February 2018, human rights lawyer Sui Muqing's license had been stripped off on the grounds of violating *"courtroom etiquette"* and the registration of the Wutian Law Firm had been cancelled due to firm's refusal to participate in a politicized review process (Human Rights Watch, 2018/7).

One of the events which had a broad repercussion in international reports and press has been the death of Nobel Prize

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laureate Liu Xiabo in custody due to liver cancer in July 2017, after serving nine years of his eleven years prison sentence for “*inciting supervision*” (Amnesty International, 2018/1: 126). According to HRW,

“During his hospitalization, authorities isolated Liu and his wife, Liu Xia, from family and supporters, and denied Liu’s request to seek treatment outside the country. Since Liu’s death, authorities have forcibly disappeared Liu Xia. The government also harassed and detained a group of Liu’s supporters for commemorating his death.” (Human Rights Watch, 2017/2: 139).

Liu Xia, Liu Xiabo’s wife, has also been held under house arrested since 2010. According to AI, she had been monitored by security officials and had only been allowed to talk to her closest friends by phone in limited circumstances. Including AI and HRW, several NGOs, and also the UN have called the government for releasing Liu Xia. Finally, Liu Xia has released in July 2018, nearly after one year her husband Liu Xiaobo’s death (Amnesty International, 2018/2). The Chinese government has allowed Liu Xia to board a plane to Germany as a result of Germany’s sustained pressure for her release. HRW has stated that “*the release of Liu Xia shows that when concerned governments have pushed hard enough, Beijing will back down*” (Human Rights Watch, 2018/8).

According to HRW and AI, under Xi’s leadership, China has continued and even expanded its suppression of the peaceful protests. The government has denied the democratic demands of the protesters and intensified its ideological control by attacking civil society groups and imprisoning human rights defenders. For instance, HRW reported that the government has censored to discuss the Tiananmen Massacre in 1989 and human rights activists who gathered for commemorating the Tiananmen Massacre in 1989 have been persecuted and imprisoned. (Human Rights Watch, 2018/9). Furthermore, it has been stated in the reports that China has tighten its oppression over the independent groups and foreigner human rights advocates. For instance, on 3 January 2016, a Swedish human rights activist, Peter Dahlin was detained by Chinese security agents and remained under detention for 23 days.

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He has also forced to confess on television and finally deported from China (Human Rights Watch, 2017/3: 189). He argued that he was deprived from access to the embassy, even access to the sunlight and subjected to a lie-detection machine (The Guardian, 2017).

Finally, HRW has also reported that the government has attempted to suppress the independent human rights news websites including Civil Rights and Livelihood Watch and 64 Tianwang, through the jailing of their founders (Human Rights Watch, 2017/2: 140). As another example, Zhen Jianghua, who is the executive director of the Human Rights Campaign in China, or Quanli Yundong, an online platform publishing information on detentions of human rights defenders, torture, and other abuses and also founder of [ATGWF.org](http://ATGWF.org) providing information and services to access the global internet without censorship has been held in solitary confinement since September 2017. HRW has reported that on 30 March 2018, Zhen has been formally arrested with the charge inciting subversion. However, he has not been allowed to see his lawyer or family members, due to “national security” concerns. (Human Rights Watch, 2018/10).

Therefore, according to the HRW and Amnesty International, China has a very negative record in terms of the situation of human rights activists.

## **B. Restrictions on Freedom of Expression**

Freedom of expression and freedom of press have been the other fields in which a great deal of human rights violations occurred in China between 2013 and 2018. According to 2018 World Press Freedom Index, in terms of press freedom, China was on the 176<sup>th</sup> rank out of 180 countries, which has put it on “very bad (black)” category (2018 World Press Freedom Index, 2018).

During the Xi government, measures on freedom of expression has been more tightened and it has been violated by the government’s restrictions and censorship on media. The CPC established a “coordinate internet security group” in 2013, whose duty was to fight against “ideological penetration from foreign hostile forces” (Amnesty International, 2015: 109). Furthermore, in

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2015, Chinese military declared the internet as a “battlefield” to fight against “Western hostile forces” by stating that

*"the Internet has grown into an ideological battlefield, and whoever controls the tool will win the war," "Western hostile forces along with a small number of Chinese 'ideological traitors', have maliciously attacked the Communist Party of China, and smeared our founding leaders and heroes, with the help of the Internet" (Xinhuanet, 2015/1).*

HRW has asserted that since 2010, the Chinese government has expanded the restrictions on human rights and freedom of expression. Those restrictions and censorship requirements have been even intensified during Xi Jinping Presidency in order to bring the media under ideological control of the Party.

HRW has identified 2016 as the hardest year for freedom of press and expression. It has addressed that in February 2016, President Xi carried out visits to top three media companies. During the visits, he asked them to promise absolute loyalty to the CPC. After his visits, some journalists have been fired from these media outlets, because of their critical views (Human Rights Watch, 2017/3: 191). Similarly, in 2017 the Chinese government shut down of numerous social media accounts, urged to internet companies to “actively promote socialist core values”. It has enacted strict regulations such as requiring “real-name registration, disabling people from protecting their identities if they engaged in disfavoured speech” (Human Rights Watch, 2018/11).

As HRW has reported: “The government has significantly broadened mass surveillance efforts using big data and artificial intelligence-driven technology across China, particularly in the minority region of Xinjiang. The government also recently enacted laws that impose new requirements on companies to facilitate online surveillance. The Cybersecurity Law requires certain technology companies to retain, store, and disclose user data inside China and monitor and report “network security incidents.” Other new rules require app providers to keep user logs for 60 days to reduce the spread of “illegal information.” Under Chinese law, “security incidents” and “illegal information” are often defined broadly to encompass peaceful criticism of the government.” (Ibid.)

HRW has also reported that social media services have to store all personal data inside China to the end that security forces can easily reach those data when deemed necessary. For instance, the government has used those data in investigations of individuals who criticized the CPC (Human Rights Watch, 2018/12). In accordance with these policies, thousands of websites and social media services including Facebook, Instagram and Twitter has been blocked in China (Amnesty International, 2018/1: 127). China's Great Firewall Internet filtering system has served to block websites and search engines, including Google, as well.

Due to unreliable human rights and cybersecurity atmosphere, Google withdrew from China in 2010. However, on 1 August 2018, The Intercept, an online news agency, reported that Google has been planning to launch a censored version of its search engine, code-named Dragonfly, which will be in concordance with Chinese censorship rules, for the purpose of re-entering the Chinese market (The Intercept, 2018; Amnesty International, 2018/3). Patrick Poon, who is China Researcher at Amnesty International has argued that if Google has deferred to strict censorship rules of Chinese government in order to be allowed market access, it would be a dark day in terms of internet freedom (Amnesty International, 2018/3). On 3 August, six the U.S Senators has sent a joint letter to Sundar Pichai, Chief Executive Officer of Google, and stated that if the reported plan was true, it is *"deeply troubling and risks making Google complicit in human rights abuses related to China's rigorous censorship regime."* The senators have considered forcing Google to comply with censorship rules as a coup for Chinese government and Communist Party. They have also argued that this plan has set *"a worrying precedent for other companies seeking to business in China without compromising their core values"* (Letter to Mr. Pichai - Censorship in China, 2018). On 28 August, 14 human rights organisations, including AI and HRW, also sent an open letter to Pichai and requested Google to answer basic questions about the Dragonfly Project and called on Google to cancel the plan (China: Open Letter to Google on Reported Plans to Launch a Censored Search Engine in China, 2018).

In addition, HRW has also reported based on eye witnesses' reports that since early November 2018, Xi's government has been targeting Twitter users in China by detaining and forcing them to delete their tweets which are not complied with its censorship policy or to close their accounts (Human Rights Watch, 2018/13).

The Chinese government has also adopted several regulations to limit the access to circumvention tools. They have been declared as unlawful, unless there has been no pre-approval of the Ministry (Human Rights Watch, 2017/2: 142). The criminal law has been used to restrict the freedom of expression. As noted above, several owners of human rights websites have been arbitrarily arrested and detained.

Academic freedom has been another area which was affected by the restrictions. HRW has claimed that in January 2017, the staff working at Sun Yatsen University have been forbidden to make negative comments about the CPC. Following the report of the CPC's Central Commission for Discipline Inspection, several professors have been dismissed from their job, since they criticized the party and Xi administration on social media (Ibid.) Therefore, there has always been an emphasis on "core socialist values", and the different views which are seen as a threat to these values have faced a great number of suppression. Those who had "dangerous opinions" have been labelled as traitors and faced with numerous arbitrary detentions and even torture to confess their crimes.

In addition to HRW and AI, several the UN bodies have also stated their concerns about restrictions on freedom of expression and the situation of human rights defenders. While the Committee on Economic, Social and Cultural Rights has called on China to take precautions to eliminate restrictions on freedom of expression and information in order to provide the people to participate in social and cultural life, UNESCO has pointed out that freedom of expression was effected by the national monopoly of the telecommunications industry and of Internet companies, including search engines and social media (UNGA- Human Rights Council, 2018/2: 5).

### C. Arbitrary Detentions and Torture/Treatment

Arbitrary detentions and torture in detention have been one of the most systemic abuses of the right to liberty and security in China. Although there have been some improvements in Chinese domestic law regarding prohibition of torture, they have been insufficient to prevent torture in practice (Pignuolo, 2015: 160). This systemic problem has remained an issue of concern during the new Chinese leadership, as well. Although Xi Jinping has made some important reforms, soon after he came to power, such as abolishing of "Re-education Through Labour (RTL)" system, which was the one of the main arbitrary detention tool in 2013, the system has been replaced by other administrative arbitrary detention tools such as "Legal Education Centres" and "black jails" (Amnesty International, 2015: 108).

In 2012, Xi Jinping has started a fight against corruption. He has stated:

"[And] there are also many pressing problems within the Party that need to be resolved, particularly corruption, being divorced from the people, going through formalities and bureaucratism caused by some Party officials. The whole Party must stay on full alert." (Xinhuanet, 2016/1).

The head of the CPC Central Committee for Discipline Inspection (CCDI), Wang Qishan, has expressed that *"more than one million people have been punished for violating CPC and government rules since November 2012. In total, 222 centrally administered officials have been investigated, with 212 receiving disciplinary punishment"* (Ibid.). Regarding corruption investigations, one of the most dangerous detention tools has been "the Shuanggui System" of the Chinese Communist Party. HRW has defined the Shuanggui system as follows:

"The shuanggui system, which functions beyond the reach of China's criminal justice system, gives the CCDI the authority to summon any of the Communist Party's 88 million members to account for allegedly ill-gotten gains at a "designated location at a designated time." (Human Rights Watch, 2016/1: 1).

The system has led to very serious human rights violations such as no access to lawyer, no contact with family members and outside world, torture and ill-treatment in detention. On the other hand, in March 2018, National People's Congress has enacted a new legislation, the Supervision Law. Under the new system, named "liuzhi" and replacing "shuanggui", supervision bodies have been allowed to arbitrarily detain CPC members and public-sector personnel including judges and academicians up to six months without charge or legal process, AI reported. It has been considered as a systemic threat to human rights by the human rights organisations (Amnesty International, 2018/4). The current example of "liuzhi" system has been the detention of Meng Hongwei, the president of Interpol, and China's vice-minister for public security. Days after his disappearance, Chinese government has announced a statement that he is being investigated by China's National Supervisory Commission for suspected violations of laws, and corruption. (Xinhuanet, 2018) But officials has not given any information about his location. (Human Rights Watch, 2018/14).

Apart from fighting against corruption, the Chinese government has also lunched a "strike at mafia forces", as a part of its policy of struggling with organised crime. However, similar to "shuanggui system", this campaign has led to human rights abuses and violations as well. (Human Rights Watch, 2018/15).

Finally, the UN Committee against Torture has also stated several concerns regarding China. For instance, in its "Concluding observations on the fifth periodic report of China" published in 2016, it has pointed out great concerns on some issues such as prolonged pre-trial detention, restrictions to the rights to access a lawyer, deaths in custody and prompt medical treatment in detention, and coerced confessions and exclusionary procedures. The Committee has called on the Chinese government to take necessary measures to prevent torture and ill-treatment (The United Nations Committee Against Torture, 2016). It has also reiterated its recommendations on a legislation covering a comprehensive definition of torture complying with the Convention against Torture. It has also recommended China to reduce the 37-day maximum period of police custody (UNGA- Human Rights Council, 2018/2: 4).



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However, as stated above, the international NGOs working in the field of human rights have criticised the approach of the UN and especially the UN Secretary General, since he has not put any emphasis on human rights situation of China.

#### **D. Human Rights Violations in Xinjiang Uyghur Autonomous Region**

The situation in Xinjiang Uyghur Autonomous Region has been one of the most significant problems in China's human rights record. During the Xi administration, under the name of fighting against terrorism; discrimination, arbitrary detentions and torture, restrictions on the freedom of religion and belief and expression, and unfair and politically motivated judicial system have been the main characteristic of the China's policy towards the Uyghurs. According to the Amnesty International, Uyghurs have faced a pervasive discrimination in "employment, education, housing and curtailed religious freedom, as well as political marginalization" (Amnesty International, 2015), by restraining religious practices and banning Muslim names, wearing burkas, having an "abnormal" beard and forcibly relocating the Uyghurs.

The Chinese government has launched a policy namely "fight against three evils, which are terrorism, separatism and extremism". On a number of occasions, President Xi has emphasized this policy. For instance, during the Summit of the Shanghai Cooperation Organization (SCO) in Astana, in 2017, he has expressed that "*Without security, there will be no development to speak of. Recent acts of terrorism in this region show that the fight against the three forces remains a long and arduous task*" and proposed to establish a defence security forum and a three-year cooperation program between member states of SCO. (China Daily, 2017). On the other hand, in HRW's point of view, China has justified the ethnic discrimination and a growing religious and cultural repression in the name of the counterterrorism and an atmosphere of fear has run rampant and led to increasing of polarization based on ethnicity (Human Rights Watch, 2014: 330).

One of the main campaigns carried out by the government has been a predictive policing program which is based on big data

collection and analysis in Xinjiang. HRW has stated that the government has collected “DNA samples, fingerprints, iris scans, and blood types of all residents in the region between the age of 12 and 65” through a free annual physical exams program, “Physicals for All” and this has meant the expansion of previous government efforts to collect biodata in the region (Human Rights Watch, 2017/4).

Another campaign of the government violated basic human rights has been “home stays” program. According to the HRW, Chinese authorities have imposed “home stays” on families in Xinjiang, as a part of “Strike Hard” campaign. In this program, Chinese officials have carried out visits to families’ home in Xinjiang at least five days every two months. During their visits, they have collected data about family members, including their religion and belief, and political or philosophical opinions. Furthermore, they have also made propaganda for “Xi Jinping Thought”, the CPC’s Xinjiang policies, and dangers of “Pan-Islamism, pan-Turkism and Pan-Kazakhism” (Human Rights Watch, 2018/16).

The opposition in Xinjiang has manifested itself both in a peaceful and violent way. The several bombing attacks had occurred in the region and the Chinese government has adopted a year-long crackdown, which expanded several times and “strike hard” campaign in Xinjiang, by accusing Uyghurs of carrying out the attacks. (Radio Free Asia (RFA), 2014). Within this framework, many Uyghurs has been arbitrarily detained and imprisoned without any fair trial, according to the HRW and AI reports (Human Rights Watch, 2016/2: 158; Amnesty International, 2015: 110). For instance, Ilham Tohti, who is a Uyghur economist and was awarded Martin Ennals Human Rights Award, has been accused of separatism and sentenced to life imprisonment. However, in AI and HRW’s point of view, these charges were baseless and he sentenced because of his critical of the Chinese government’s Xinjiang policy (Human Rights Watch, 2015: 158).

Within the framework of “Strike Hard Campaign against Violent Terrorism” launched in May 2014, Uyghurs have been held in pre-trial detention centres and prisons, including the formal ones and political education camps, which have no basis under Chine

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legislation, HRW reported (Human Rights Watch, 2018/17: 2). While Chinese officials have identified these camps as “*vocational education and employment training centres*”, human rights organisations have argued that these facilities have usually had poor conditions and many detainees have not exercised their rights and have been subjected torture and ill-treatment (Ibid.). In September 2018, HRW has published a new report titled “*Eradicating Ideological Viruses*” that presented “*new evidence of the Chinese government’s mass arbitrary detention, torture, and mistreatment, and the increasingly pervasive controls on daily life.*” According to the report, the number of Uyghurs who have been subjected to forced political indoctrination, restrictions on freedom of religion and movement and mass surveillance has reached to 13 million people, while one million of them have been held in detention centres, prisons or education camps. (Human Rights Watch, 2018/17: 2)

Furthermore, apart from detainees and people held in educational camps, Uyghurs have also been subjected to arbitrary arrest and mass surveillance outside of the camps, as well. People who have travelled abroad to work or study, especially to “26 sensitive” majority Muslim countries including Malaysia, Indonesia, Kazakhstan and Turkey, have become suspect (Ibid.).

In its briefing dated 24 September 2018, AI has asked Chinese authorities where Uyghurs who have been disappeared are and highlighted “*the anguish of people who have lost touch with relatives and friends inside the XUAR and who fear they have been detained*” (Amnesty International, 2018/5).

In addition to HRW’s and AI’s reports, Committee on the Elimination of Racial Discrimination’s “*Concluding Observations*” published on August 2018 has pointed out the similar concerns that human rights organizations have mentioned in their reports. It has raised concern over the absence of a comprehensive anti-discrimination law and broad and unclear definitions of terrorism and separatism, which could have the potential to criminalize peaceful civic and religious expression of ethno-religious minorities, including Muslim Uyghurs and Buddhist Tibetans (The UN Committee on the Elimination of Racial Discrimination (CERD),

2018: 7). Besides, it has raised concern about incommunicado detention of Uyghurs for prolonged periods under the name of countering terrorism and extremism and mass surveillance and restrictions on movement and language education of ethnic Uyghurs. CERD has recommended China its existing relevant laws, regulations, and practices in order to ensure effective mechanisms and protect ethnic minorities' rights including Uyghurs and Tibetans. (Ibid.)

The Committee has recommended China to stop the practice of detaining individuals who have not been lawfully charged, to carry out impartial investigations into all allegations of racial, ethnic and ethno-religious profiling, to eliminate travel restrictions that disproportionately affect members of ethnic minorities; and to provide the number of people involuntarily held in all extra-legal detention facilities in Xinjiang (Ibid.)

According to the reports and statements of organizations working in the field of human rights, while the government's security concern has been reasonable, its repressive minority policies to solve the security problem has even worsen the situation in Xinjiang (Human Rights Watch, 2015: 158). Human rights violation in Xinjiang and disregarding the Uyghurs' rights have more directed Uyghurs to acts of violence and resulted in a security predicament of extremism and terrorism (Aktas, 2015: 143).

### **E. Human Rights Violations in Tibet Autonomous Region**

The reports of HRW and AI regarding China's human rights records in Tibet have also drawn a negative image similar to the Xinjiang case. The situation in the Tibet has reached a perturbative dimension during the Xi Administration. Like Uyghurs, Tibetans have been suppressed by the government regarding their political, cultural, religious and economic rights. The main argument of the government to justify the human rights violations in Tibet has been the fight against separatism (Human Rights Watch, 2014: 328) as in the case of Uyghur. The Xi Administration has adopted a White Paper on Tibet in April 2015 by eulogising its development path and *denouncing the "middle way" advocated by the Dalai Lama*. The

government has accused of the Dalai Group being ill-intentioned and temporiser. (Xinhuanet, 2015/2).

One of the most worrisome issues in Tibet has been the systemic arbitrary detention and torture. China's Tibet policy has led to several protests during the Xi era. However, these protests have been suppressed with the use disproportionate force by security officials including tear gas and gunshots (Amnesty International, 2016: 121).

For instance, Tashi Wangchuk, who is a Tibetan language rights defender has been prosecuted and held in a secret detention centre in January 2016 without any notification to his family for security purposes. Although the existence of many attempts for release of Wangchuk including statements and recommendations of UN experts, and international organizations, he has imprisoned to 5 years charging with "inciting separatism" on 22 May 2018 (Human Rights Watch, 2018/18; Human Rights Watch, 2018/19).

Furthermore, in accordance with an anti-mafia campaign which was carried by the Chinese government and allegedly targeted political opponents and civil society organisations, in February 2018, China's Public Security Bureau in the Tibet Autonomous Region published a notification alerting the public to underworld forces and declaring "*even traditional forms of social action, including local mediation of community or family disputes by lamas or other traditional authority figures*" to be illegal (Human Rights Watch, 2018/20: 1). In July 2018, HRW published a report titled "Illegal Organizations': China's Crackdown on Tibetan Social Groups" and detailed the new policy and efforts of the CPC to wipe out "*the remaining influence of lamas and traditional leaders within Tibetan communities*". According to the report, illegal activities have included "*local initiatives for environmental protection, language preservation, and dispute mediation, some of which the notice claimed secretly encourage support for the exiled Dalai Lama or for Tibetan independence*" (Ibid.) HRW has warned that this policy of impression which aimed to strengthen CPC's authority in the region at the grass roots level will undermine traditional social practices in Tibetan society (Ibid.).

Freedom of religion and belief has one of the main liberties restricted by the Chinese government under Xi's leadership. According to HRW, during this period, Chinese authorities have expanded the restrictions and imposed new administrative controls on the Tibetan Buddhist monastic centres. The control on the monks and nuns has been tightened. For instance, 200 the CPC cadres and lay officials have taken over all management, finances, security, admissions, and even the choice of textbooks at Larung Gar, a Tibetan Buddhist monastic centre. Furthermore, it has been notified that all residents and visitors have been subjected to "real-name registration". While monks have been required to have red tags, nuns have yellow labels, and lay devotees have green ones (Human Rights Watch, 2018/21).

In October 2018, HRW has also argued that the government has required foremost monks and nuns in Tibet to act for the sake of the government and the CPC. In accordance with a new policy named "Sinicizing" religion, which has sought to reshape the religion in concordance with socialist core values, the government has selected some key monastics and nuns and trained to their political beliefs in harmony with the state ideology (Human Rights Watch, 2018/22).

Another issue has been the relocation and rehousing policy of the government. Within the context of building a "New Socialist Countryside" on Tibetan plateau, the government has implemented development programs including relocation of rural population (Human Rights Watch, 2013/1: 310). The government agencies have claimed that these relocations were voluntary and "*respected the will of the Tibetan farmers and herders*" and also "*The majority of Tibetans have been lifted out of poverty and now enjoy relatively comfortable lives.*" (Xinhuanet, 2015/2). However, HRW has concluded from its interviews with communities that the relocations have an involuntary character. Furthermore, there have been no "meaningful avenues for challenging or seeking remedies for wrongful eviction orders" and also there have been problems with the quality of new houses (Human Rights Watch, 2013/2).

The UN human rights bodies have also drawn attention to situation in Tibet. The Committee on the Rights of the Child has

been concerned about an alarming escalation of incidents of self-immolation by Tibetan children and the government's failure to prevent them. Besides, in the report of the Special Rapporteur on extreme poverty and human rights on his mission to China has underlined significantly higher poverty rates, ethnic discrimination and forced relocation. (The UN Human Rights Council, 2017: 11).

In addition, the UN special rapporteurs and human rights experts have also emphasized their concerns on the restrictions of linguistic and cultural rights and human rights advocacy (OHCHR, 2018). In addition, CERD has reiterated its concerns in the aforementioned report regarding the Tibetans. In addition, it has pointed out its concerns on restrictions on freedom of movement within and beyond Tibet and Tibetan language teaching in schools in Tibet. It has addressed that Tibetan language rights advocates have been sentenced and recommended abolition of those restrictions. (The UN Committee on the Elimination of Racial Discrimination (CERD), 2018: 9)

Therefore, both human rights organization's reports and the United Nations' treaty bodies' reports and observations have showed that the concerns on human rights situation and significant violations in Tibet has remained during the Xi era.

## **Conclusion**

This article has aimed to provide an examination of China's human rights records during the leadership of Xi Jinping from the view of Human Rights Watch and Amnesty International. While doing this, it has submitted the China's official human rights discourse and reports of the United Nations' human rights bodies. Besides, it has addressed the specific and most problematic human rights issues in China, including human rights activists' situation, restrictions on freedom of expression, arbitrary detentions and use of torture, and finally systemic human rights abuses in Xinjiang and Tibet autonomous regions.

Despite the fact that the fundamental human rights and freedoms have been explicitly recognised in the Chinese Constitution, China has faced with problems in implementation of the Constitution and relevant domestic law. It is obvious that the

government has given priority to economic growth rather than rights and freedoms of citizens. Furthermore, the government has chosen the security side in the balance between freedom and security by expanding the restrictions and suppressing policies in many field particularly right to liberty and security, freedom of expression and press, freedom of thought, conscience and religion, freedom of assembly and association. It has also adopted discriminative and repressive policies regarding the ethnic minorities in the country in order to assure stability and security. On the other hand, security based and discriminative policies have led to much more insecurity and instability in the country. When President Xi Jinping and the Communist Party of China tried to suppress the demands of its citizens for rights and freedoms, the situation has turned into a more violent way. Within this framework HRW has argued that the human rights situation in China has not seemed to change for the better, since "Xi Jinping has been expected to remain in power at least until 2022" (Human Rights Watch, 2017/5: 137).

To sum up, the human rights situation in China is incompatible with both the Constitution and international conventions which China is party to. In the light of international standards and judgments, the Chinese government has to eliminate the systemic violation of its citizens' rights and must respect and protect them. It has to adopt a rights-based approach in compliance with its obligations under the international law. Finally, to realise that, the international society must take the responsibility.

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