



China: Minority Exclusion, Marginalization and Rising Tensions

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OVERVIEW

China's increasing engagement with the international community in recent years has been accompanied by rapid domestic social and economic changes. Although the People's Republic of China (PRC) is now an active participant in multilateral forums and processes of international human rights law, its policies continue to undermine human rights, especially that of vulnerable populations.

This report documents the serious impediments to the fulfillment of China's human rights obligations, in the areas of ethnic minority political participation, development, and preservation of cultural identity. Given the destabilizing levels of social unrest and protests, generated by inequality and human rights violations, the PRC government has real incentives to find sustainable, lasting solutions to the discontent of petitioners, human rights defenders, activists, and ethnic minorities. Its responses, however, have been violent and repressive, not only in ethnic minority areas but also against its Han Chinese majority. This is evidence that the current wave of repression against minorities has wider implications on the human rights situation for all. Minority individuals face particular attacks as a result of their ethnic identity, but are not the only targets of PRC control and suppression. Consequently, the protection of rights for these ethnic minority groups is a piece of the larger framework of institutional human rights protection, which is essential in building a peaceful society.

SUMMARY OF CONCLUSIONS

Legal framework: International obligations and PRC law

The PRC is not adequately protecting the legal rights of ethnic minorities, despite an existing domestic framework for ethnic autonomy, as well as its obligations to respect, protect, promote and fulfill international human rights law.

- Failure to comply with international obligations: International law stipulates that constitutional and legislative protections must be enacted, and that China must ensure the implementation of these rights. Although many laws, regulations, policies and statements address the importance of equality among Chinese ethnic groups, the PRC is not meeting its international obligations on minority rights for the Mongols, Tibetans and Uyghurs.
- Shortcomings of the LREA and its implementation: Implementation of the Law on Regional Ethnic Autonomy (LREA) and other state policies has failed to protect minorities' unique cultures, as a result of 1) gaps between central policies and local implementation, 2) the lack of a legal definition of discrimination, 3) the lack of systematic and effective monitoring and assessment of implementation, and 4) poor institutional capacity. LREA implementation must also address the obstacles facing the overall development of a rule of law in China, including the lack of accountability and transparency, and independence from the Communist Party of China (CPC).

Limited and ineffectual political participation

Despite the PRC's obligations to implement international human rights law, and its own framework of autonomous governance, minorities are unable to exercise real political decision-making that has an impact on their own communities.

- As a result of severe gaps between law and practice, there are major weaknesses in the PRC's ethnic autonomy arrangements.
- Additionally, because of limited access to the CPC, ethnic minority individuals cannot participate in real decision-making.
- Restrictions on overall growth of domestic civil society mean that opportunities for ethnic individuals to form organizations around cultural or political interests are strictly limited.
- Furthermore, the government's violations of civil and political rights, exacerbate the vulnerable situation of minorities in China.

Given the government's intolerance of critical views and rejection of political reforms, the prospects for meaningful political participation are limited – not only for ethnic minorities but for everyone living within China's borders.

Inequitable and discriminatory development

Although there have been attempts to address the growing disparities within its borders, China's rapid economic transformation has not improved the lives of ethnic minorities overall.

- Instead, there continue to be sharp inequalities in basic social services, such as education and health, while income and unemployment comparisons show that persons belonging to ethnic groups fall behind national averages and those for Han Chinese.
- The costs of inequitable development are high for those living in rural areas, and political exclusion from the process means that solutions are not necessarily made in the best interest of local ethnic minorities.
- The Western Development Strategy (WDS), targeting the western provinces and autonomous regions, is intended to 'modernize' these areas and narrow the development gap between the interior and the wealthier coastal provinces. Given the potential for discontent in such inequitable situations, however, the WDS is widely seen as a political tool for strengthening national unity through 'common prosperity'. Its official development goals are undermined by three unspoken but overarching objectives—resource extraction from the borderlands to benefit the coast, assimilation of local ethnic minority groups through Han Chinese population transfers to the autonomous areas, and the alternate purpose of infrastructure development for military use.

These policies and the failure of the government to address the resulting inequalities and discrimination contribute to the violations of human rights for ethnic minorities.

Inadequate protection of cultural identity

As the object of integrationist policies, which are comprised of political, economic and social elements, minorities are under continual threat, both officially-sanctioned and otherwise. Han Chinese settlers now dominate the urban public sphere in autonomous regions, making it difficult for minorities to maintain distinct cultural identities.

- Decreased use of local languages in the public sphere, as well as the imposition of Mandarin, means that ethnic minority children have limited access to native language or cultural education.
- The declining availability of ethnic language or cultural education is compounded by an aggressive campaign of Chinese nationalist 'patriotic education', instituted in primary and secondary schools, in addition to centers of religious learning such as monasteries and mosques.

These attempts to assimilate ethnic minorities is occurring in tandem with systematic violations of civil and political rights, making it nearly impossible for ethnic individuals to express their cultural identities publicly.

Linking conflict with political participation, inequitable development, and protection of cultural identity

Although this report focuses on Mongols, Tibetans, and Uyghurs, instances of conflict are occurring with increasing frequency across China—not just among these minority groups but also among the Han Chinese. As a result, minority rights protection has implications for wider human rights issues across China. The government is willing to suppress any individual or group—not just minorities—who are perceived as threats to the integrity of the PRC. However, the ethnic status of Mongols, Tibetans and Uyghurs makes them especially vulnerable to the mechanisms of repression.

This report identifies three key potential causes of conflict for these groups: 1) limited and ineffectual political participation, 2) inequitable and discriminatory development, and 3) inadequate protection of cultural identity. Sustainable solutions must be adopted if a stable, peaceful society is the ultimate goal. Such a society can only be achieved in China if minorities and other individuals and groups are empowered to voice their opinions. Opportunities must be created for ethnic groups to participate in governance, and also in the creation of a civil society. Development policy must focus on the local population—both in planning and in project implementation, so that benefits are shared evenly. At the same time, adequate minority rights protections must be in place, so that expressions of cultural identity are encouraged rather than stifled or attacked. Only when these issues can be resolved peacefully within the context of respect for human rights, will the PRC rhetoric about China’s ‘harmonious society’ become a reality.

RECOMMENDATIONS

The international community has a critical role in the promotion of minority rights protections inside China. International organizations, governments, multinational corporations, and civil society groups should continue to engage the Chinese government in substantive dialogue on the issue of human rights and political reforms to increase transparency and accountability, through monitoring and pressure. International cooperation and further engagement should take into serious consideration this report’s recommendations, which are directed at the PRC government, in the following areas:

- ⇒ Delivering on promises to the international community
- ⇒ Ensuring effective protection against discrimination
- ⇒ Promoting greater transparency and access to information
- ⇒ Advancing genuine and inclusive political participation
- ⇒ Promoting equitable and non-discriminatory development
- ⇒ Facilitating the preservation of cultural identity