



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9  
OF THE CONVENTION**

**Thirteenth periodic reports of States parties due in 2007\***

**CHINA\*\* \*\*\***

[24 June 2008]

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\* This document contains the tenth, eleventh, twelfth and thirteenth periodic reports of China, due on 28 January 2003, 2005 and 2007, submitted in one document. For the eighth and ninth periodic reports and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/357/Add.4, CERD/C/SR.1468-1469.

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\*\*\* The annexes to the report may be consulted in the files of the secretariat

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## Preface

1. Pursuant to Article 9 Paragraph 1 of the *International Convention on the Elimination of All Forms of Racial Discrimination* (hereinafter referred to as the Convention), the People's Republic of China (hereinafter referred to as the PRC) submits to the Secretary General an integrated report (containing the tenth, eleventh, twelfth and thirteenth periodic reports) on its implementation of the Convention.
2. The current report is mainly about the progress in China's implementation of the Convention from 1999 to 2007. It consists of three parts: Part One is written by the central Government, Part Two by China's Hong Kong Special Administrative Region about its implementation of the Convention and Part Three by China's Macao Special Administrative Region about its implementation of the Convention.
3. The current report is written in accordance with the *General Guidelines Regarding the Form and Contents of Reports to be Submitted by States Parties* adopted by CERD. The Chinese Government attaches great importance to CERD's deliberation and concluding observations. Related paragraphs of this report contain responses to CERD's concluding observations about China's 2001 report.
4. Eminent persons from ethnic minorities directly participated in writing this report. The views of legislative, administrative and judicial organs, relevant non-governmental organizations and experts in related areas were also incorporated.

## I. OVERVIEW

5. The PRC is a united multi-ethnic country. So far, 56 ethnic groups have been identified and recognized by the central Government. The population of various ethnic groups differs greatly. While the Han ethnic group has the largest population, that of the other 55 ethnic groups is relatively small, so they are customarily referred to as "ethnic minorities." According to the statistics of the fifth national population census conducted in 2000, in the 31 provinces, autonomous regions and municipalities directly under the central Government in China's mainland, the population was 1,265.830 million, of which 1,159.400 million were ethnic Han, accounting for 91.59% of the total, and 106.430 million were ethnic minorities, accounting for 8.41%. As compared with the statistics in the fourth national population census, conducted in 1990, the ethnic Han population increased by 116.920 million, up by 11.22%, while the population of ethnic minorities increased by 15.230 million, up by 16.70%. For relevant data concerning the 55 ethnic minorities, please refer to annex 1.
6. Article 33 Paragraph 3 of the amended Constitution of the PRC, which was adopted at the second meeting the 10<sup>th</sup> National People's Congress (hereinafter referred to as the NPC) on 14 March 2004, stipulates: "The State respects and guarantees human rights." Article 4 stipulates: "All ethnic groups in the People's Republic of China are equal. The State protects the lawful rights and interests of the ethnic minorities and upholds and develops the relationship of equality, unity and mutual assistance among all of China's ethnic groups. Discrimination against or oppression of any ethnic group is prohibited; any acts that undermine the unity of the ethnic groups or instigate their secession are prohibited. The State helps the areas inhabited by ethnic minorities speed up their economic and cultural development in accordance with the peculiarities

and needs of the different ethnic minorities. Regional autonomy is practised in areas where people of ethnic minorities live in compact communities; in these areas organs of self-government are established for the exercise of the right of autonomy. All the ethnic autonomous areas are inalienable parts of the People's Republic of China." Article 52 stipulates: "It is the duty of citizens of the People's Republic of China to safeguard the unity of the country and the unity of all its ethnic groups."

7. In paragraph 11 of the concluding observations about the previous report, CERD recommends that China review its legislation to ensure the adoption of a definition of discrimination in accordance with the Convention. The overwhelming majority of the Chinese people is of the yellow race. Only one ethnic group bears the features of the Caucasoid race. The "discrimination against any ethnic group" as prohibited by Chinese laws covers discrimination based on race, color and ethnicity. It is in line with the definition of racial discrimination in Article 1 of the Convention.

8. Since 1999, the Chinese Government has continued to follow the ethnic policy of upholding equality among all ethnic groups and practicing regional ethnic autonomy. It has defined united endeavor and common prosperity as the theme for ethnic work. Equal rights among all ethnic groups and the right to regional ethnic autonomy have been more fully guaranteed. At the same time, given the actual situation of relatively backward development in some ethnic minority areas due to historical or geographical reasons, the Chinese Government has adopted special measures to help the ethnic minorities and ethnic areas develop more rapidly in the economic, social, cultural and other fields.

9. China has basically systematized its laws and regulations protecting the rights and interests of ethnic groups. Like ethnic Han, ethnic minorities enjoy the same protection as provided generally by other laws. In addition, they are also entitled to the protection of specific ethnic laws and regulations. For the contents of China's systems of ethnic laws and regulations, please refer to paragraphs 9-11 in the previous report.

10. On 28 February 2001, the *Regional Ethnic Autonomy Law of the People's Republic of China* (hereinafter referred to as the *REAL*) was revised at the 20<sup>th</sup> meeting of the 9<sup>th</sup> NPC Standing Committee (see annex 2). As the basic law implementing the system of regional ethnic autonomy as stipulated in the Constitution, this law further improved the law on regional ethnic autonomy by setting forth new principles and goals in guaranteeing regional ethnic autonomy and promoting prosperity in areas where regional ethnic autonomy is practiced. Relevant departments of the State Council formulated documents standardizing the implementation of the *REAL*.

11. *Rules of the State Council on the Implementation of the REAL* (annex 3) which were promulgated by the State Council on 19 May 2005 and came into force on 31 May is the first supporting administrative statute since the *REAL* was promulgated. In the *Rules*, specific policy measures are set forth to support the comprehensive development of ethnic minorities and ethnic areas. In addition to the many effective policies in practice, which had been codified in legal forms, some new special policies were put forward. The *Rules* lay stress on the prevention of ethnic discrimination, consolidation of ethnic unity, promotion of ethnic solidarity and progress

as well as propagation and education on ethnic statutes and policies. Pursuant to the *Rules*, Guizhou, Gansu, Sichuan, Hainan and other provinces have also formulated their local supporting rules.

12. In June 2006, the NPC Standing Committee carried out the first review of the enforcement of the *REAL* over the past 22 years. In December 2006, the 25<sup>th</sup> meeting of the 10<sup>th</sup> NPC Standing Committee considered and approved the report on the review of the law enforcement. According to that report, over the past 22 years, the democratic political rights of China's ethnic minorities had been fully guaranteed, with rapid economic development, remarkable social progress and important achievement in the improvement of supporting statutes in ethnic areas. However, owing to such reasons as the weak foundation for self-development capability of these areas, China's endeavor related to the ethnic minorities still faces such problems as lagging-behind economy, arduous task in poverty alleviation, considerable difficulties in the development of education, weak foundation of medical and health care, as well as narrow coverage of social security and welfare. The report also put forward concrete proposals on further implementing the *REAL*, such as stepping up assistance, promoting ethnic unity in the spirit of "putting people first", improving the legal system and strengthening supervision and review. The NPC Standing Committee forwarded this report to the State Council and related departments and urged them to improve their work. The related departments of the State Council all formulated concrete measures and plans for improving their work in this regard.

13. In paragraph 21 of the concluding observations, CERD invites China to provide further information on the powers of the State Ethnic Affairs Commission (SEAC) and the impact of activities undertaken by it. The SEAC is a functional department of the State Council in charge of affairs of ethnic minorities. It plays an important role in protecting the lawful rights and interests of ethnic minorities and in promoting the development of ethnic areas. For its main functions and responsibilities, please refer to paragraph 20 of the previous report. The SEAC follows a system of concurrent positions. Its members comprises 24 ministries and commissions of the State Council and organizations directly affiliated to the State Council, including the National Development and Reform Commission (NDRC), Ministry of Education and Ministry of Science and Technology. These units formulate policy measures according to their respective functions to support and help the ethnic minorities and ethnic areas. The SEAC holds meetings of its members at irregular intervals every year, to exchange information and proposals on the work related to ethnic minorities, study, coordinate and resolve major problems, and report to the State Council on matters discussed and opinions voiced at the meetings. *The Development Program to Help Ethnic Groups with Relatively Small Populations (2005-2010)*, *the 11<sup>th</sup> Five-Year Program for the Action on Prosperity Promotion in Border Areas* and *the 11<sup>th</sup> Five-Year Program for Ethnic Minority Cause*, three special State programs worked out by the SEAC, have been approved by the State Council and become special programs formulated and implemented by the State.

14. On 27 May 2002, the Chinese Government accepted the amendment to Article 8 Paragraph 6 of the Convention as passed at the 14<sup>th</sup> meeting of States Parties to the Convention on 15 January 1992.

15. In paragraph 22 of the concluding observations, CERD recommends that China make an optional declaration provided for in article 14 of the Convention. Relevant departments in China are now making serious studies according to China's specific conditions.

16. The Chinese Government has taken note of the reference in CERD's general recommendation 28 to the *Durban Declaration and Program of Action* (DDPA). In August 2001, China dispatched a high-level delegation to participate in the World Conference Against Racism held in Durban, South Africa and made important contributions to the success of the conference and to the final adoption of the DDPA. Since then, the Chinese Government has been working hard to push for the international community's effective implementation of the DDPA by promoting, on many occasion at the UN General Assembly, the adoption of resolutions on the comprehensive implementation of the DDPA and follow-up mechanisms, supporting the work of the five independent expert panel established by the UN Human Rights Commission to supervise the implementation of the DDPA, and taking an active part in the four sessions of the inter-governmental working group for the effective implementation of the DDPA. During the 61<sup>st</sup> session of the UN General Assembly in 2006, China actively promoted the adoption of the resolution on holding a conference in 2009 to review the DDPA. The Chinese Government will take an active part in the series of preparatory meetings of the Human Rights Council for the review of the DDPA in Durban and make unremitting efforts to combat racism throughout the world.

17. China's NGO's and academic institutions have played an important role in promoting equal rights and interests among all ethnic groups. The more than 20 nation-wide academic institutions including the China Institute of Ethnology, China Institute of Ethnological Studies and China Institute of World Ethnology and the local academic organizations engaged in ethnic studies have done a lot of work in making studies on current world ethnic and racial problems and advocating ethnic equality. They have not only provided academic consultancy to the State in doing a good job of ethnic work, but also become active promoters in protecting, developing and carrying forward ethnic history, language, culture and literature or folk customs.

## **II. IMPLEMENTATION OF ARTICLES 2-7 OF THE CONVENTION**

### **Article 2**

#### **A. Laws and regulations on the elimination of ethnic discrimination**

18. Since 1999, the Chinese Government has continued to dedicate itself to stepping up the legislation on the elimination of ethnic discrimination. It has formulated and improved several laws and regulations to guarantee equal rights and interests among all ethnic groups.

19. Article 9 of the *REAL* revised in 2001 stipulates: "State organs at higher levels and the organs of self-government of ethnic autonomous areas shall uphold and develop the socialist relationship of equality, unity and mutual assistance among all of China's ethnic groups. Discrimination against or oppression of any ethnic group shall be prohibited. Any act that undermines the unity of the ethnic groups and instigates ethnic division shall also be prohibited."

20. Article 10 of the *Trademark Law* revised at the 24<sup>th</sup> meeting of the 9<sup>th</sup> NPC Standing Committee on 27 October 2001 stipulates: Signs having the nature of discrimination against any ethnic group shall not be used as trademarks.

21. Article 59 of the *Organic Law of Local People's Congresses and Local People's Governments at All Levels* revised at the 12<sup>th</sup> meeting of the 10<sup>th</sup> NPC Standing Committee on 27 October 2004 had a paragraph added: All local people's governments at and above the county level shall "guarantee the rights and respect the customs and habits of ethnic minorities, help areas where people of ethnic minorities live in compact communities practice regional autonomy according to the Constitution and laws and help all the ethnic minorities in their political, economy and cultural development."
22. Article 21 of the *Civil Servant Law* adopted at the 15<sup>th</sup> meeting of the 10<sup>th</sup> NPC Standing Committee on 27 April 2005 stipulates: "Where there is any recruitment of civil servants in an autonomous locality according to the provisions of the previous paragraph, the applicants from ethnic minorities shall be given appropriate preferential treatment according to laws and other relevant provisions."
23. Article 3 of the *Animal Husbandry Law* adopted at the 19<sup>th</sup> meeting of the 10<sup>th</sup> NPC Standing Committee on 29 December 2005 stipulates: "The State assists and supports the development of animal husbandry in ethnic minority areas and poverty-stricken areas, protects and rationally utilizes grasslands and improves the conditions of production in animal husbandry."
24. Article 4 of the *Compulsory Education Law* revised at the 22<sup>nd</sup> meeting of the 10<sup>th</sup> NPC Standing Committee on 29 June 2006 stipulates: "All school-age children having the nationality of the PRC, regardless of their gender, ethnicity, race, family property and religious belief, shall enjoy the right to compulsory education on an equal footing according to law and have the duty to receive compulsory education." Article 6 stipulates: The State Council and local people's governments at and above the county level shall take measures to "guarantee the implementation of compulsory education in ethnic areas."
25. Article 3 of the *Law on the Protection of Minors* revised at the 25<sup>th</sup> meeting of the 10<sup>th</sup> NPC Standing Committee on 29 December 2006 stipulates: "All minors, regardless of their sex, ethnicity, race, family property and religious belief, are entitled to their rights on an equal footing according to law."
26. Article 3 of the *Employment Promotion Law* adopted at the 29<sup>th</sup> meeting of the 10<sup>th</sup> NPC Standing Committee on 30 August 2007 stipulates: "Workers shall have the right to equal employment and to choose jobs on their own initiative in accordance with the law. Workers seeking employment shall not be subject to discrimination based on factors such as ethnicity, race, gender and religious belief." Article 21 stipulates: "The State supports the development of economy and increase of employment in ethnic minority areas." Article 29 stipulates: "Workers of all ethnic groups enjoy equal labor rights. When an employer recruits employees, it shall give appropriate consideration to workers of ethnic minorities."
27. Article 15 of the *Regulations on the Administration of Internet Information Service* promulgated by the State Council on 25 September 2000 stipulates: Providers of Internet information service may not produce, reproduce, issue or disseminate contents "provoking ethnic hatred or discrimination, or undermining ethnic solidarity."

28. Article 57 of the *Regulations on Telecommunications* promulgated by the State Council on 25 September 2000 stipulates: No organization or individual may use telecommunication networks to produce, reproduce, issue or disseminate contents “provoking ethnic hatred or discrimination, or undermining ethnic solidarity.”
29. Article 25 of the *Regulations on the Administration of Film Industry* promulgated by the State Council on 25 December 2001 stipulates: It is prohibited to contain contents in films that “provoke ethnic hatred or discrimination, undermine ethnic solidarity, or infringe upon ethnic customs and habits.”
30. Article 26 of the *Regulations on the Administration of the Publishing Industry* promulgated by the State Council on 25 December 2001 stipulates: Contents that “incite ethnic hatred or discrimination, undermine the solidarity of ethnic groups, or infringe upon ethnic customs and habits” are prohibited from being included in any publications.
31. Article 3 of the *Regulations on the Administration of Audio and Video Products* promulgated by the State Council on 25 December 2001 stipulates: Contents that “incite ethnic hatred or discrimination, undermine the solidarity of ethnic groups, or infringe upon ethnic customs and habits” are prohibited from being carried in any audio and video products.
32. Article 14 of the *Regulations on the Administration of Business Sites of Internet Access Services* promulgated by the State Council on 29 September 2002 stipulates: Neither an operating entity nor an Internet user shall make use of a business site of Internet Access Services to produce, download, reproduce, consult, promulgate, spread or use through other forms, any information containing contents inciting ethnic enmity or discrimination, undermining ethnic solidarity, or infringing upon the customs and habits of the ethnic groups.
33. Article 26 of the *Regulations on the Administration of Business Performances* promulgated by the State Council on 7 July 2005 stipulates: Business performances may not have any scene that “incites ethnic hatred or discrimination, infringes upon ethnic customs and habits, hurts ethnic feelings, undermines the solidarity of ethnic groups, or violates religious policies.”
34. Article 13 of the *Regulations on the Administration of Entertainment Sites* promulgated by the State Council on 29 January 2006 stipulates: The State prohibits recreational activities at any entertainment site from having contents that “incite ethnic hatred or discrimination, hurt ethnic feelings, infringe upon ethnic customs and habits, or undermine the solidarity of ethnic groups.”
35. Various provinces and regions in China have also formulated relevant local laws and regulations. For instance, Guangdong Province, Ningxia Hui Autonomous Region, Anhui Province and Gansu Province have successively formulated *Measures for the Administration of Place Names*, which stipulate that place names having the nature of ethnic discrimination or jeopardizing ethnic unity must be changed.

## **B. Policies and measures**

36. In paragraph 13 of the concluding observations, CERD cared for the enjoyment of China’s ethnic minorities from the benefits of economic development. Adhering to the policy of “putting people first”, the Chinese Government has shown great care for and taken measures to resolve

problems in the well-being of the ethnic areas and guarantee the lawful rights and interests of ethnic minorities. Since 1999, the Chinese Government has continued to implement multiple policies to support the ethnic minorities and ethnic areas in an effort to promote their rapid economic, social and cultural development, so that all the ethnic groups in the country make common progress, live in harmony, share the abundant fruits brought about by the reform and opening-up policy and enjoy material equality among all ethnic groups.

### **Economic development**

37. Thanks to many years' endeavor, revenues in China's ethnic areas have kept increasing, the people's living standards constantly improving and poverty remarkably alleviated. During the period of the 10<sup>th</sup> Five-Year Plan (2001-2005, same below), the annual average GDP in the five autonomous regions (Inner Mongolia, Xinjiang, Guangxi, Tibet and Ningxia) and the three provinces with relatively large ethnic minority populations (Yunnan, Guizhou and Qinghai) (hereinafter referred to as the 8 ethnic provinces and regions) increased by 11.5%, 2.6% higher than in the period of the 9<sup>th</sup> Five-Year Plan. In 2005, the revenue was 132.9 billion *yuan* (RMB, same below), 70 billion *yuan* more than in 2000. The per-capita disposable income for urban and rural residents was 8,868 *yuan*, 3,173 *yuan* more than in 2000. The per-capita income of rural residents was 2,326 *yuan*, 687 *yuan* more than in 2000.

38. At present, the 8 ethnic provinces and regions have become production bases of China's important agricultural and animal husbandry products and important industrial products. In 2005, the tobacco output of Yunnan and Guizhou accounted for 45.9% of the country's total, ranking first and second in China. The Cotton output of Xinjiang accounted for 32.8% of the country's total, ranking first in China. The milk output of Inner Mongolia accounted for 25.1% of the country's total, ranking first in China. The outputs of wool, cashmere and milk of Inner Mongolia and Xinjiang were among the front ranks in the country. The output of silkworm cocoon of Guangxi ranked first in the country. The output of fresh flowers of Yunnan ranked first in the country for 11 years running. The output of raw coal of Inner Mongolia ranked second in the country. The output of sugar of Guangxi accounted for about 60% of the country's total, making this region China's largest base for the production and comprehensive use of cane sugar. The capacity for making tomato juice in Xinjiang accounted for more than 90% of the country's total, making this region the largest tomato production and processing base in Asia. Guangxi, Guizhou and Ningxia are now China's important bases for producing aluminium oxide and electrolytic aluminium. The outputs of crude oil and natural gas in Xinjiang rank the third and second places in the country, making Xinjiang China's important production base of energy resources. In 2005, the composition of the primary, secondary and tertiary industries in the 8 ethnic provinces and regions was 18.6: 42: 39.4. As compared with the year of 2000, the share of primary industry in the GDP dropped from 23% to 18.6%; the secondary industry rose from 38.3% to 42%, and the tertiary industry from 38.7% to 39.4%.

39. The nationwide support and assistance to the development of Tibet have brought about earth-shaking changes to the snow-capped plateau. From 2001 to 2005, the revenue of Tibet Autonomous Region registered 4.366 billion *yuan*. Through the transfer payment from the central Government, the region's expenditures amounted to 70.760 billion *yuan*. During the period of the 10<sup>th</sup> Five-Year Plan, other provinces and regions provided aid to Tibet in the construction of 71 projects with financial input of 1.062 billion *yuan*. In 2006, Tibet's GDP reached 29.03 billion *yuan*, up by 13.2% over the previous year, making 2006 a year of the most

rapid development in a decade. Investment in fixed assets amounted to 23.110 billion *yuan*, up by 17.8% over the previous year. The local general budgetary income amounted to 1.456 billion *yuan*, up by 21%. The per-capita GDP of the region exceeded 10,000 *yuan*.

### **Grand strategy for the development of China's west**

40. Over 80% of China's ethnic minorities live in compact communities in western China. The Chinese Government started to implement the grand strategy for the development of China's west in 2000. (With regard to relevant policies, please refer to paragraph 21 of the previous report.) It is also a grand strategy for the development of ethnic areas. At present, China's 155 ethnic self-government localities consist of 5 autonomous regions, 30 autonomous prefectures and 120 autonomous counties, most of which have been incorporated into the scope of this Grand Strategy, while 9 autonomous counties in central China follow the policies according to this Strategy.

### **Formulation of development programs**

41. In February 2007, the State Council formulated the *11<sup>th</sup> Five-Year Program for the Ethnic Minority Cause* (annex 4) in accordance with the overall goals of the national economic and social development program and in the light of the current situation of ethnic minority development. It established the guiding ideology, overall objectives and major tasks for ethnic minority development from 2006 to 2010, defined 11 key projects to help the poverty-stricken ethnic minorities to lift themselves out of poverty, to support ethnic basic education, to build ethnic schools of higher education, to promote the use of traditional medicines of ethnic minorities, to develop their cultures, to train talented ethnic minority personnel, and to improve ethnic legal systems.

42. In May 2005, the Chinese Government formulated the *Program for Helping the Development of Ethnic Minorities with Relatively Small Populations (2005-2010)*, laying stress on 22 ethnic groups, each of whose population is less than 100,000. This program has the following objectives: to extend electricity, roads, radio and TV coverage as well as telephones to every incorporated village where ethnic minorities live in compact communities, except in the extremely difficult areas; to build basic farmlands or grasslands with schools, clinics, safe drinking water for man and animals, safe houses, stable food and clothing; to reach three targets, namely, the standard for per-capita grain possession, the average per-capital net income of farmers and the popularization of nine-year compulsory education, as required by the State in the *Anti-Poverty Program*; to make nine-year compulsory education basically universal and basically eliminate illiteracy among young and middle-aged adults. In order to implement the above-mentioned programs, the central budget would invest one billion *yuan* in infrastructure development in five years. From 2005 to 2007, the central budget allocated 456 million *yuan* from the ethnic minority development fund to improve the living standards of ethnic minorities with relatively small populations and help the farmers and herdsmen to increase their incomes. By now, Jinuo, Bulang and other ethnic minorities with relatively small populations have been basically lifted out of poverty.

43. In 107 ethnic self-government localities of China's 135 border counties (*banners* {administrative division at the county level in Inner Mongolia - tr. Same below}, cities and districts directly under counties), ethnic minorities account for 48% of the population. In order to

resolve the special difficulties in the development of border areas, China has implemented the “*Action on Prosperity Promotion in Border Areas*” since 1998. From 2000 to 2006, the central budget allocated a total of 480 million *yuan* from the ethnic minority development fund to support 46 border counties in the said Action and attracted the investment of more than 15 billion *yuan* from various funds all over the country in more than 20,000 projects involving infrastructure, agricultural production, ecological development, culture, education and other areas. All these have remarkably improved the infrastructure and the people’s living standards in the border areas. In 2006, China formulated the *11<sup>th</sup> Five-Year Program for the Action on Prosperity Promotion in Border Areas*.

### **Poverty alleviation work**

44. Ethnic minorities and ethnic areas have always been the country’s focus of poverty alleviation since the Chinese Government launched the poverty-alleviation campaign on a large scale and in an organized and planned way in the middle of the 1980’s. The *Poverty-Alleviation and Development Program for China’s Rural Areas* which started in 2001 once again confirmed the ethnic areas as the key targets of poverty alleviation. Among the 592 counties as the focal areas of poverty-alleviation by the State, ethnic self-government localities (other than Tibet) increased to 267 counties, accounting for 45.1% of the total focal areas. Tibet as a whole was listed in the scope of poverty-alleviation focus of the State.

45. During the period of the 10<sup>th</sup> Five-Year Plan, the Chinese Government put into the poverty-alleviation fund in 8 ethnic provinces and regions a total of 21.09 billion *yuan*, which accounted for 40% of the total central budgetary poverty-alleviation fund. The ethnic minority development fund was established in 1992 under the central budgetary poverty-alleviation fund. From 2001 to 2006, this development fund totalled 2.69 billion *yuan* with an average annual growth rate of 10.2%, reaching 570 million *yuan* in 2006. In addition, the Chinese Government has remarkably alleviated the poverty in ethnic areas through the training and transfer of labor force, industrialized poverty-alleviation, joint efforts in designated areas by central government departments and localities, as well as East-West coordination in poverty-alleviation. In the 8 ethnic provinces and regions, the population still not assured of adequate food and clothing has dropped by 2.93 million and the low-income poor population by 5.13 million. Poverty occurrence rate dropped from 8.6% to 6.2%.

### **Infrastructure development**

46. During the period of the 10<sup>th</sup> Five-Year Plan, investment in fixed assets in ethnic areas reached 3.0204 trillion *yuan*, with an average annual growth rate of 25.6%, up by 13.7% than in the period of the 9<sup>th</sup> Five-Year Plan, and 4.7% higher than the national average annual growth rate. In 2005, the Chinese Government effected 800,000 *mu* (one acre = 6.070 *mu* = 0.405 hectare - tr. Same below) of farmland capital construction, improved irrigation of 3.10 million *mu* of farmland and resolved the difficulties in drinking water for 1.20 million people and 900,000 livestock in ethnic areas.

47. Since 1999, the Chinese Government has invested a total of nearly 100 billion *yuan* in transportation infrastructure development for the benefit of all the ethnic self-government localities and newly constructed and reconstructed 225,000 kilometers of rural and county-level roads, greatly improving the backward transportation facilities in ethnic areas.

By the end of 2006, the mileage of highways in the 8 ethnic provinces and regions totalled 780,000 kilometers, of which 200,000 kilometers were asphalt (cement) roads and 6,450 kilometers expressways. Railways open to traffic in western China where ethnic minorities live in compact communities totalled 28,000 kilometers, accounting for 36.4% of the country's total. Since the implementation of the grand strategy for the development of China's west, the State has adopted preferential policies and given financial support to the construction of feeder-line airports and trunk-line airports in central and western China. During the period of the 10<sup>th</sup> Five-Year Plan, the State paid special attention to the construction of 28 feeder-line airports in central and western China. The investment in these projects totalled more than 6 billion *yuan* and the input of the central budget was about 4 billion *yuan*. At present, most of these projects have been completed and open to use.

48. The Chinese Government has made special arrangements for infrastructure development in Tibet. During the period of the 10<sup>th</sup> Five-Year Plan, the central Government and Tibet Autonomous Region together invested 31.2 billion *yuan* in 117 projects. In 2006, the mileage of highways totalled 44,800 kilometers, with highways extending to 76% of townships and 47% of incorporated villages. The construction of the 1,956 kilometers long Qinghai-Tibet railway was completed in October 2005 and the entire railway (the section from Gemur to Lhasa) was open to traffic on 1 July 2006, thus ending the history of no railway leading to Tibet. In September 2006, Linzhi Airport, the third civil airport in Tibet, was officially open to air traffic. By now, Tibet has opened 16 domestic and international air routes. A three-dimensional transportation network, with the railway and highways as the key link and air service and pipeline transport as the support, has basically taken shape in Tibet.

### **Stepping up financial transfer**

49. To support the grand strategy for the development of China's west, the State Council started in 2000 to establish "financial transfer and payment to ethnic areas" in the 8 ethnic provinces and regions and in ethnic autonomous prefectures of other provinces and regions, and extended the preferential scope to cover all other ethnic autonomous counties in 2006. From 2000 to 2006, the central budget effected transfer payment a total of 54.47 billion *yuan* to ethnic areas, with an average annual growth rate of 35.2%. In addition, the Chinese Government continued to give preferential treatment to ethnic areas in general transfer payment and in the adjustment of transfer payment for salaries and subsidies in poor and outlying areas. The two kinds of transfer payment amounted to 34.914 billion *yuan* and 7.244 billion *yuan* respectively in 2006.

### **Promotion of commodity production and trade**

50. Article 59 of the *Foreign Trade Law* revised at the 8<sup>th</sup> meeting of the 10<sup>th</sup> NPC Standing Committee on 6 April 2004 stipulates: "The State shall support and promote the development of foreign trade in ethnic autonomous areas and economically under-developed areas." In the first four years of the 10<sup>th</sup> Five-Year Plan, the import and export volumes in ethnic areas totalled 56.5 billion USD, 40.7% higher than in the 9<sup>th</sup> Five-Year Plan period, of which export volume reached 30.8 billion USD, up by 24.4%. In 2006, the export volume of Tibet totalled 328 million USD, a net increase of 123 million USD as compared with the previous year, 36.1% higher than the growth rate of the national foreign trade. Small-volume frontier trade grew year by year, which stimulated the large increase of Tibet's foreign trade volume.

51. China has adopted policies to grant preferential interest rate for working capital loans to enterprises designated to manufacture special ethnic commodities, interest discount and tax reduction for loans aimed at technical transformation and appropriate subsidies to investments in infrastructure projects of enterprises designated to manufacture special ethnic commodities. The *Measures for the Administration of State Reserve for Frontier Tea Trade* formulated in 2002 exercise reserve management over raw materials and finished products of frontier tea trade and give credit support to the reserve units. The central budget pays for the interests of the loans for the reserve. The above-mentioned policies have not only satisfied the needs of ethnic minorities in their production and daily life, but also promoted development of ethnic trade and economy in ethnic areas.

### **Attaching importance to environmental protection**

52. Ethnic areas mostly have dry or semi-dry geographical environments, with very unstable eco-systems of deserts, grasslands or forests. Since 2000, the Chinese Government has invested 850 billion *yuan* in more than 60 key projects in ethnic areas. Such key projects as returning farmland to forests, development of shelter-forest systems, returning grazing lands to grasslands, protection of natural forests, bringing sandstorms around Beijing and Tianjin under control and eco-protection at river sources have all achieved remarkable successes. In 1998, four of the key projects in the national eco-environment improvement program were in ethnic areas. Nearly half of the 226 State-class nature reserves are in ethnic areas. Taking into consideration the imperfect mechanism of providing subsidies to eco-development and eco-protection projects in ethnic areas, the Chinese Government has established a guarantee fund system for the restoration of the environment of mines and a subsidy fund system for central forest eco-effect projects. It will also provide ecological subsidies to nature reserves, key eco-functional areas, water environment protection at river reaches, etc., in an effort to reinforce eco-subsidies and support the economic development of eco-vulnerable ethnic areas.

53. From 1999 to 2005, the Chinese Government put 14.6 billion *yuan* into eco-development in Inner Mongolia, supported this autonomous region in bringing 210 million *mu* of desert under control and building 187 nature reserves of various types, thus increasing the percentage of protected land area to 13.2% of the autonomous region's total. In Guizhou, the percentage of forest cover increased from 30.8% in 2000 to 34.9% in 2004. In Xinjiang, with the start of five major forestry projects and pilot work of subsidizing eco-effect projects, forest resources increased steadily and desertification slowed down year by year. In the whole region of Xinjiang, 11 prefectures and 80 counties (cities) have their farmland covered with forest networks and 45 counties (cities) have their plains afforested. 93% of the farmland in this region is effectively protected by forest networks. In the *Overall Program on Eco-protection and Development for the Nature Reserve at the Sources of the Three Rivers in Qinghai Province* (The three rivers are: the Yangtze River, Yellow River and Lancang River - tr.) formulated in 2005, a decision was made to invest 7.50 billion *yuan* in the eco-protection and development in this nature reserve.

54. In the course of building the Qinghai-Tibet Railway (the section from Gemur to Lhasa), the Chinese Government attached great importance to the eco-protection of the Qinghai-Tibet Plateau and invested 1.54 billion *yuan* in eco-protection, accounting for 4.6% of the total investment in the railway. The work on eco-protection of the Qinghai-Tibet Railway achieved a number of breakthroughs in the history of China's railway construction: For the first time an

environment monitoring system was introduced; for the first time passages were built for the large-scale migration of wildlife; for the first time the restoration and re-creation of vegetation of the Qinghai-Tibet Plateau were experimented in a scientific way and implemented in the project; for the first time contracts on eco-protection responsibilities were signed with the province and region through which the railway runs. A public opinion poll shows that 93.6% of the general public, of which 96.9% are Tibetans, are satisfied with the work on eco-protection.

### **Supporting scientific and technological development**

55. Article 4 of the *Law on Popularization of Science and Technology* (PST) adopted at the 28<sup>th</sup> meeting of the 9<sup>th</sup> NPC Standing Committee on 29 June 2002 stipulates: “The State supports efforts for PST made by people in minority ethnic areas and in outlying and poverty-stricken areas.”

56. During the period of the 10<sup>th</sup> Five-Year Plan, the Chinese Government arranged a total of some 1,500 scientific and technological projects of various types in ethnic areas at the cost of nearly one billion *yuan*, of which 445 million *yuan* were devoted to the scientific and technological projects in Tibet and Xinjiang in five years from the special fund supporting the science and technology of Tibet and Xinjiang. In the campaign to “help people get rich and counties become prosperous” launched in 2005, twenty-two out of the 89 pilot counties were ethnic self-government localities. Through the development project of modern water-saving agricultural technology, the area using the technique of drip irrigation under plastic sheeting increased from some 4,000 *mu* during the 9<sup>th</sup> Five-Year Plan period to over 5 million *mu* in Xinjiang in 2005. The popularization of photovoltaic power-generating products invested by the State has enabled more than 60,000 Tibetans to have access to electricity.

### **Protecting traditional cultures**

57. Ethnic areas have successively promulgated local regulations on the protection of outstanding cultural traditions of ethnic minorities. Cases in point are: *Regulations of Yunnan Province on the Protection of Ethnic Traditional Folk Culture* (2000), *Regulations on the Protection of Dongba Culture of Ethnic Naxi* (2001), *Regulations of Guizhou Province on the Protection of Ethnic Traditional Folk Culture* (2002), *Regulations of Guangxi Zhuang Autonomous Region on the Protection of Ethnic Traditional Folk Culture* (2005), *Regulations of the Autonomous Prefecture of Ethnic Tujia and Ethnic Miao of Western Hunan Province on the Protection of Ethnic Traditional Folk Culture* (2006), etc.

58. The Chinese Government has organized experts to rescue endangered languages of ethnic minorities. In 2002, the Chinese Academy of Social Sciences defined the *Survey on Endangered Chinese Languages and Dialects* as Category A major subject. It organized ethnic language experts to go deep into ethnic areas to carry out investigations, make records, make descriptions, keep records and publish special research works or dictionaries on endangered languages. Up to now 20 volumes of the *Series of Dictionaries of Chinese Ethnic Minorities* have been published.

59. The Chinese Government has energetically supported the publication and distribution of publications of spoken and written languages of ethnic minorities. Article 50 of the *Regulations on the Administration of the Publishing Industry* stipulates: “The State supports the publication and distribution of publications in the language of any ethnic minority.” By the end of 2007, the

project “Fund of the Publication of Outstanding Books on Ethnic Minorities of the Whole Country” had supported 206 book-publication projects with a financial aid amounting to 11.240 million *yuan*, involving the written languages of Mongolian, Korean, Tibetan, Uygur, Kazak, Dai, Yi, Manchu, Zhuang and 5 other ethnic minority groups. In 2006, the Chinese Government formulated preferential policies on tax-reduction for publications in ethnic minority languages. There are now in China 38 publishing houses publishing books in more than 20 ethnic languages and 99 newspapers and 223 periodicals in more than 10 ethnic languages. Even the Arkmuz ethnic group with a population of only 170,000 living in the outlying areas of China’s western borders has a publishing house using its own language.

60. The Chinese Government has stepped up efforts in the protection and rescue of ancient books of ethnic minorities. In 1997, it started compiling the *Outline of the Catalogue of Ancient Books of Chinese Ethnic Minorities*. By now, the first volume of *Ethnic Group Naxi* has come off the press. The other volumes are expected to come off by 2008. The State invested more than 41 million *yuan* in the proofreading and publication of Tripitaka (term for Buddhist scripture - tr.) in Tibetan language, rescued and sorted out more than 310 medical documents in Tibetan language compiled after the woodcut Mongolian version, and has translated and published more than 40 copies from them in Mongolian language. By now, 25 provinces, autonomous regions, municipalities directly under the State Council and 130 autonomous prefectures, *leagues* (administrative division at the prefectural level in Inner Mongolia - tr. Same below) and cities have established institutions on studying and sorting out ethnic ancient books. Ethnic universities and colleges also have such institutions of their own. Up to now, more than 120,000 categories of ancient books on ethnic minorities have been collected and over 5,000 published.

61. The Chinese Government has put huge amounts of money into the protection of material and intangible cultural heritages in ethnic areas. By now, the central budget has put more than 700 million *yuan* into the renovation of ethnic cultural relics in Tibet, Qinghai and Xinjiang. It has already invested 330 million *yuan* in the maintenance and repair of the three major relics: the Potala Palace, Norbulingka and Saja Monastery, thus effectively protecting the centuries-old historical and cultural relics in Tibet. Seven places in ethnic areas, including the Potala Palace in Tibet and the ancient city of Lijiang in Yunnan, have been listed as world cultural heritages or nature heritages by UNESCO. The Uygur *Mukamu* Art and the Mongolian *Changdiao* folk song have been listed by UNESCO as representative works of oral and intangible cultural heritages of mankind. In the catalogue of the first batch of State-class intangible cultural relics promulgated by the Chinese Government in May 2006, 1/3 are items of ethnic minorities.

62. Traditional sport games of ethnic minorities are an important content of their outstanding traditional cultures. Up to now, China has organized 8 traditional sport games of the ethnic minorities. In order to protect, tap, sort out, disseminate, popularize, flourish and develop traditional sport items of ethnic minorities, China has filmed *Collection of Traditional Sports of China’s Ethnic Groups* in ten parts, incorporating 141 events of their traditional sports.

### **Rich and varied cultural and sport activities**

63. The Chinese Government attaches importance to the development of cultural institutions and facilities of ethnic minorities. Article 4 of the *Regulations on Public Cultural and Sport Facilities* promulgated by the State Council on 2 June 2003 stipulates: The State “supports the

development of public cultural and sport facilities in ethnic minority areas, outlying and poverty-stricken areas and rural areas.” Thanks to the various projects on cultural infrastructure improvement, a fairly comprehensive public cultural service network is initially in shape in ethnic areas. By the end of 2006, there were already 9,516 cultural institutions with 59,398 employees in ethnic self-government areas.

64. In 1998, the Chinese Government started the project of extending TV coverage to outlying ethnic areas. By the end of 2006, the central budget and local governments at all levels had altogether invested 1.581 billion *yuan* in this respect. Radio and TV coverage had been extended to over 50,000 incorporated villages and over 50,000 unincorporated villages, with items broadcast via satellite transmission in languages of the ethnic minorities such as Mongolian, Uygur, Kazak, Kerkz, Tibetan and Korean.

### **Guaranteeing equal rights and interests of scattered ethnic minorities**

65. Scattered ethnic minorities in China have a population of about 30 million, accounting for 1/3 of the total population of ethnic minorities. They are scattered in more than 98% of the counties and cities of China’s 31 provinces, autonomous regions and municipalities directly under the State Council. The Chinese Government attaches importance to the protection of the equal rights of the scattered ethnic minorities. Paragraphs 72 and 73 of the previous report remain relevant.

66. Since 1999, China has continued to guarantee by legislation the equal rights of scattered ethnic minorities in the political, economic, cultural and other fields. *Regulations of Fujian Province on the Guarantee of Rights and Interests of Ethnic Minorities (1999)*, *Regulations of Yunnan Province on Ethnic Work (1999)*, *Regulations of Jilin Province on the Guarantee of the Rights and Interests of Scattered Ethnic Minorities (2001)*, *Regulations of Jiangxi Province on the Guarantee of the Rights and Interests of Ethnic Minorities (2001)*, *Regulations of Shaanxi Province on Ethnic Work (2001)*, *Regulations of Zhejiang Province on the Guarantee of the Rights and Interests of Ethnic Minorities (2002)*, *Regulations of Liaoning Province on the Guarantee of the Rights and Interests of Scattered Ethnic Minorities (2004)* and *Regulations of Chongqing Municipality on the Guarantee of the Rights and Interest of Scattered Ethnic Minorities (2000)* all explicitly prohibit ethnic discrimination and any act undermining ethnic unity or creating ethnic split. They prohibit the use of spoken and written languages containing contents which insult or discriminate against ethnic minorities or undermine ethnic unity, as well as the making of broadcasts and network information in this regard. They stipulate that the customs and habits of scattered ethnic minorities must be respected and their freedom of religious belief guaranteed.

67. Paragraph 78 of the previous report gave an account of the *Regulations of Beijing Municipality on the Guarantee of the Rights and Interests of Ethnic Minorities* formulated by Beijing Municipality in 1998. In March 2006, the law enforcement group of the Standing Committee of the People’s Congress of Beijing Municipality reviewed the implementation of the regulations over the past 8 years. In these 8 years, Beijing Municipal Government successively formulated more than ten policy documents and regulations, including *Standardization of the Production and Management of Muslim Food*, *Opinions Regarding Accelerating Rural Economic Development of Ethnic Minorities During the 11<sup>th</sup> Five-Year Plan*, and *Program on the Selection and Training of Ethnic Minority Cadres 2001-2005*. Most of the district and county

governments under Beijing Municipality have also formulated supporting policy measures. In order to improve the conditions of the rural ethnic minorities in their production and life, Beijing's special fund for the economic development of ethnic minorities increased from an annual 10 million *yuan* during the 10<sup>th</sup> Five-Year Plan period to an annual 20 million *yuan* in the 11<sup>th</sup> Five-Year Plan period, with focus on supporting more than 100 projects related to water improvement, infrastructure development and tourism in ethnic villages. The average per-capita income of farmers in Beijing's five ethnic townships increased from 4,378 *yuan* in 2000 to 6,678 *yuan* in 2005, up by 52.5%. The per-capita income of farmers in 111 ethnic villages increased from 5,046 *yuan* in 2000 to 7,515 *yuan* in 2005, up by 48.9%.

### **International cooperation**

68. Taking an active part in international cooperation and exchanges on the protection of the rights of ethnic minorities, the Chinese Government has established long-term cooperation and exchange mechanisms with some countries and international research institutions. In 2005, China started cooperation with the Office of UN High Commissioner for Human Rights on a human rights technical cooperation project, covering the promotion of legal aid for economic, social and cultural rights of disadvantaged groups including ethnic minorities. China and some other countries exchanged experience on the subject of "protection of the rights of ethnic minorities" in their human rights dialogues and consultations. At the end of 2004, China and Australia co-sponsored a seminar on "Economic Development and the Protection of the Rights of Ethnic Minorities and Indigenous People". In October 2006, China and Australia co-sponsored in Xinjiang a seminar on the implementation of the concluding observations of the Committee on Economic, Social and Cultural Rights. One of the topics was "public health service in ethnic minority areas and free compulsory education for ethnic minority children". In addition, to strengthen international academic exchanges and cooperation, the Chinese Government has succeeded in the bid for the 16<sup>th</sup> International Congress of Anthropological and Ethnological Sciences. Preparatory work for this congress is going on smoothly at present.

### **Existing problems and difficulties**

69. Great changes have taken place with splendid achievements in the development of China's ethnic areas over the past few years. However, owing to the weak economic foundations of ethnic areas, there still exists a wide gap between ethnic areas and economically developed areas. First, economic development in ethnic areas still lags behind. In 2005, the GDP of ethnic self-government localities accounted for only 8.85% of the country's regional total. Per-capita regional GDP was equal to 60.43% of the per-capita national GDP. Difficulties related to roads, electricity and drinking water abounds in agricultural and pastoral areas. Second, poverty is deeply rooted in large areas with a high back-to-poverty rate. By the end of 2005, there was still a 11.704 million population of absolute poverty in ethnic agricultural and pastoral areas, accounting for 49.5% of the rural population of absolute poverty of the whole country. Third, there is still a gap in the development of education between ethnic areas and economically developed areas. Educational facilities in some rural schools are backward and the teaching staff there needs to be further reinforced. Fourth, medical and health work has a weak foundation. There is a serious shortage of medical personnel and facilities in ethnic areas, the outlying mountainous and pastoral areas in particular. There exists an acute problem of difficult access to medical treatment. Fifth, relevant laws and regulations are yet to be improved. The Chinese

Government takes the above-mentioned problems and difficulties seriously and is taking effective measures to push forward the accelerated and coordinated development of ethnic minorities and ethnic areas with determined objectives.

### Article 3

70. China has always opposed and condemned all forms of racism, including racial segregation and racial apartheid. Relevant contents in paragraphs 43-47 of China's previous report remain relevant.

71. At the 3<sup>rd</sup> World Conference Against Racism held in 2001, the Chinese delegate pointed out: It is necessary to formulate effective measures to thoroughly eradicate the tumour of racism in human society as typified by racial segregation and jointly build up an equal, peaceful, harmonious and prosperous world. He also put forward three propositions on "facing history, equality and mutual respect, promoting cooperation". At the successive meetings of the Human Rights Commission, Chinese delegates made speeches opposing all forms of racism. At the first meeting of the UN Human Rights Council in 2006, the Chinese delegate once again stressed the necessity of opposing racism.

72. As a State Party to the *International Convention on the Elimination of All Forms of Racial Discrimination*, the *International Convention on the Suppression and Punishment of the Crime of Apartheid* and the *Convention on the Prevention and Punishment of the Crime of Genocide*, China has been making unremitting efforts together with the international community to achieve ethnic equality and oppose racial segregation, ethnic oppression and discrimination.

### Article 4

73. In China, all are equal before the law. China prohibits any organization or individual person from engaging in activities disseminating racial discrimination or inciting ethnic hatred and metes out punishment to the violators.

74. Article 249 of the *Criminal Law* revised in 1997 stipulates: "Those provoking ethnic hatred or discrimination, if the case is serious, are to be sentenced to three years or fewer in prison, put under criminal detention or surveillance, or deprived of their political rights. If the case is especially serious, they are to be sentenced to three to 10 years in prison." Article 250 stipulates: "Persons directly responsible for publishing materials that discriminate or insult ethnic minorities, if the case is serious and results in grave consequences, are to be sentenced to three years or fewer in prison, or put under criminal detention or surveillance." Article 151 stipulates: "Workers of State organs who illegally deprive citizens' right to religious beliefs or who encroach on ethnic minorities' customs or habits, if the case is serious, are to be sentenced to two years or fewer in prison or put under criminal detention."

75. Article 2 of the *Decision of the NPC Standing Committee on Safeguarding Internet Security* adopted at the 19<sup>th</sup> meeting of the 9<sup>th</sup> NPC Standing Committee on 28 December 2000 stipulates: Those committing acts "provoking ethnic hatred, ethnic discrimination or undermining ethnic unity by using the Internet", if the case constitutes a crime, are to be held with criminal liabilities according to relevant provisions of the *Criminal Law*.

76. Article 47 of the *Law on Public Security Administration Punishments* adopted at the 17<sup>th</sup> meeting of the 10<sup>th</sup> NPC Standing Committee on 28 August 2005 stipulates: “Anyone who stirs up hatred or discrimination among ethnic groups, or publishes any content discriminating or insulting any minority ethnic group shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined 1,000 *yuan*.”

77. With regard to contents related to the punishment for inciting ethnic discrimination, provoking ethnic hatred and undermining ethnic unity as provided for in other laws and regulations promulgated by China’s State Council since 1999, please refer to paragraphs 27-34 of this report. All these laws and regulations prohibit disseminating ethnic discrimination or undermining ethnic unity in any publication, media or recreational activity, and lay down provisions on legal liabilities for violations of any relevant stipulations. In case a crime is constituted, the responsible person shall be charged with criminal liabilities and if no crime is constituted, the person in charge shall be given administrative sanctions according to law by the competent authority.

78. In October 1999, Guangdong TV Station broadcasted an animated cartoon program. When giving an account of the knowledge of ethnic groups, the presenter gave a wrong understanding of the Muslim’s diet taboos. This led to criticism from some Muslims. Relevant authorities imposed administrative sanctions on Guangdong TV Station.

79. In March 2000, a city newspaper in southern China printed the photo of a “cloned pig” side by side with a photo of “pilgrimage to Mecca”, which provoked massive protests by Muslims in Shenzhen and Guangzhou. Under the guidance of the government, the press offered earnest apologies to the Muslim community and the responsible person was given sanctions.

80. In June 2006, a Muslim in Chongqing Municipality bought a tin of canned beef for lunch in a supermarket in the Lanhua sub-district of the New High-tech Zone. Although there was a mark of “Muslim Food” on the exterior wrapping, there was no mention of any authority supervising the production. This caused the suspicion of the consumers. After investigations by relevant departments, it proved that the canned beef was fake Muslim food produced by Yuzhou Canned Food Company Lt. in Chongqing. The leader in charge of the supermarket in person offered apologies to the consumers, made compensations and extended apologies to the entire Muslim community of the municipality through the Municipal Muslim Association. Relevant authorities imposed sanctions on the producer.

## Article 5

81. In China, all ethnic groups enjoy equal rights provided by the Constitution and other laws. Ethnic minorities are entitled to special preferential policies and treatment according to law. Paragraph 54 of the previous report remains relevant.

82. On 28 February 2001, a decision was made at the 20<sup>th</sup> meeting of the 9<sup>th</sup> NPC Standing Committee on the ratification of the *International Covenant on Economic, Social and Cultural Rights*. The Chinese Government has earnestly implemented the various obligations in the covenant, done its utmost to take measures to safeguard the economic, social and cultural rights of Chinese nationals including ethnic minorities and gradually ensured the full exercise of the rights contained in the covenant. In order to raise the general public’s awareness of this

covenant, the Chinese Government has also done publicity work concerning this covenant and China's implementation of the covenant via mass media including websites, newspapers and magazines. China submitted in time its first report on the implementation of the covenant to the Committee on Economic, Social and Cultural Rights in June 2003. The Committee considered the report in April 2005.

### **The Chinese Government guarantees ethnic minorities' right to governance of State affairs**

83. In the election of the National People's Congress, the highest power organ of the State, all ethnic minorities enjoy the same rights as ethnic Han, with special consideration given to ethnic groups with relatively small populations. In accordance with the *Law on Elections of the National People's Congress and the Local People's Congresses at All Levels*, all ethnic minorities can elect their deputies to attend the National People's Congress. Among the deputies of the 10<sup>th</sup> NPC, 415 are ethnic minorities, accounting for 13.91% of the total. In the NPC Standing Committee, ethnic minorities account for 15.42% of its members. Each ethnic minority group with a population of more than one million has one or more members in the NPC Standing Committee. In the local people's congresses at all levels, ethnic minorities have proper percentages of deputies. In addition to the people's congresses at all levels, the committees at various levels of the Chinese People's Political Consultative Conference (hereinafter referred to as CPPCC) are also important channels for ethnic minorities to take part in the governance of state affairs and exercise the rights of political consultation, democratic supervision and participation and deliberation of state affairs. Of the 2,238 members of CPPCC National Committee, 262 are ethnic minorities. Of the 299 members of CPPCC Standing Committee, 37 are ethnic minorities. In NPC and CPPCC, the 55 ethnic minorities all have their deputies and members, at a higher percentage in terms of their respective populations.

84. Ethnic minorities take full part in the governance of state, local and social affairs by entering into administrative organs at all levels, as well as enterprises, public institutions or people's organizations to assume corresponding posts in accordance with legal procedures. When recruiting public servants in ethnic self-government localities, applicants from ethnic minorities will be accorded such preferential consideration as follows: a planned percentage of recruitment and posts for them, as evidenced in the devotion of 50% of posts in the recruitment plans of Linxia and Gannan, two autonomous prefectures in Gansu Province, to applicants from ethnic minorities; lowering qualification criteria to alleviate their pressure from competition; adding points to or lowering recruitment criteria for applicants from ethnic minorities, as evidenced in the two recruitment examinations in Tibet in 2006; the special differentiation method for applicants from ethnic minorities; allowing applicants from ethnic minorities to use their native languages in the written and oral examinations. Public servants from ethnic minorities account for a considerable percentage in the central and local government departments. At the end of 2006, there were more than 2.90 million public servants from ethnic minorities all over the country, accounting for 6.9% of the country's total. 40% of the public servants from ethnic minorities have records of education at or above universities or colleges.

85. Paragraph 60 of the previous report about Tibet remains relevant. In Tibet, Tibetans and personnel of other ethnic minorities hold 87.5% of the posts of Chairman or Vice Chairmen of people's congresses at all levels and 69.23% of the posts in the standing committees. They account for 90.42% and 89.4% respectively in CPPCC standing committees and memberships, 57% of the autonomous regions' Chairman and Vice Chairmen, and 77.97% of the public

servants of the government departments at the regional, prefectural (city) and county levels. 85% of the leading posts of the region at the county, city and district levels are held by citizens from ethnic minorities.

86. Every year since 2000, the Chinese Government has selected 400-500 public servants from ethnic minorities to take up temporary posts in central and government organs or in economically developed areas in order to train themselves.

### **The Chinese Government guarantees ethnic minorities' right to administer their own internal affairs**

87. China is a unified country practicing the system of regional ethnic autonomy. The Constitution and other laws confer the rights to self-government of their own internal affairs on the regional ethnic autonomous areas. The ethnic self-government localities consists of three levels: autonomous region, autonomous prefecture and autonomous county. According to the Constitution and the *REAL*, the people's congresses and people's governments of autonomous regions, autonomous prefectures and autonomous counties are the organs of self-government of ethnic self-government localities. While exercising the functions corresponding to local governments at the same levels, they also enjoy extensive rights of autonomy in the legislative, economic, financial, educational, cultural, public health, scientific and technological fields. In ethnic self-government localities, the posts of chairmen or vice chairmen of the standing committees of the people's congresses should be held by citizens of the native ethnic groups and so are the posts of the chairmen of the local governments of autonomous regions, prefectures, counties and *banners*. At present, 25 autonomous prefectures and 109 autonomous counties have formulated regulations on their self-government. There are more than 410 individual self-government regulations at the prefectural and county levels and over 80 flexible or supplementary self-government regulations at the regional, prefectural and county levels.

88. In order to ensure the self-government right to administer their own internal affairs by ethnic minorities living beyond their own autonomous localities or living in areas where ethnic autonomy has not been introduced, the Chinese Government has established ethnic townships where ethnic minorities live in compact communities. At present, China has established 1,173 ethnic townships. Nine out of the 11 ethnic minority groups in areas where regional autonomy has not been introduced have established their ethnic townships. The establishment of ethnic townships has played an important role in ensuring the scattered ethnic minorities their rights to governing their own internal affairs. It has become an important supplementary form to regional ethnic autonomy.

### **The Chinese Government guarantees ethnic minorities' right to use and develop their native spoken and written languages**

89. Of the 55 ethnic minorities in China, 53 ethnic groups, except the Hui and the Manchu who use the standard Chinese language, have their native ethnic languages. Some ethnic groups even have different languages among their different branches. Therefore, there are altogether 72 ethnic minority languages in China. 22 ethnic groups use 28 languages, of which 13 ethnic groups including the Zhuang, Buyi, Miao, Naxi, Lisu, Hani, Wa, Dong, Jingpo (Zaiwa) use 17 languages in Latinized characters created with the help of the government.

90. Both the Constitution and the *REAL* provide guarantee for the freedom of ethnic groups to use and develop their native spoken and written languages. Article 4 of the *Resident Identity Cards Law* adopted at the 3<sup>rd</sup> meeting of the 10<sup>th</sup> NPC Standing Committee on 28 June 2003 stipulates: “With respect to the items in the resident identity card to be registered in Chinese, the authority of autonomy in an ethnic autonomous area may in light of the actual conditions of the area decide to use at the same time the written language of the ethnic group enjoying regional autonomy or the written language that is commonly used locally.” Article 32 of the *Notarization Law* adopted at the 17<sup>th</sup> meeting of the 10<sup>th</sup> NPC Standing Committee on 28 August 2005 stipulates: A notarial certificate “may be made in the local commonly used ethnic minority language in an ethnic autonomous area as required by the party concerned.”

91. Ethnic minorities’ spoken and written languages are widely used whether in China’s political and social life or in the judicial, administrative and educational fields. Documents or oral interpretations in ethnic languages including the Mongolian, Tibetan, Uygur, Kazak, Korean, Yi and Zhuang are provided not only at important nationwide conferences including the NPC and CPPCC but also at major activities in ethnic autonomous areas. Organs at all levels in ethnic autonomous areas should use ethnic languages commonly used in the areas concerned in the performance of public functions. The Central People’s Radio Station makes broadcasts everyday in five ethnic languages, namely, the Mongolian, Tibetan, Uygur, Kazak and Korean. Radio and TV stations at the provincial or regional levels in Inner Mongolia, Xinjiang, Tibet, Qinghai and Guangxi broadcast items respectively in the languages of ethnic minorities including the Mongolian, Uygur, Kazak, Kerkz, Tibetan and Zhuang.

92. In paragraph 15 of the concluding observations, CERD recommends that China ensure that children in all minority areas have the right to develop knowledge about their own language and culture as well as the Chinese. The Chinese Government guarantees ethnic minorities’ right to receive education in their own spoken and written languages, encourages ethnic autonomous localities to promote “bilingual teaching” using both standard Chinese language and native ethnic language. There are now more than 10,000 schools of various types adopting “bilingual teaching”. At the same time, the State has supported the research, development, translation, compilation and publication of teaching materials in minority languages and trained teachers proficient in both minority language and standard Chinese language. In 2001, the State promulgated special policies stipulating that the deficit incurred in the publication of teaching materials in minority languages will be equally borne by the central and local budgets.

93. The *Detailed Regulations for the Implementation of the Rules of Tibet Autonomous Region on Learning, Using and Developing the Tibetan Language* promulgated in Tibet in 2002 stipulates that “a teaching system that mainly use the Tibetan language will be gradually established” and bilingual education in primary and secondary schools legalized so that students will pay equal attention to and be proficient in both Tibetan language and standard Chinese language. The *Regulations of Inner Mongolian Autonomous Region on the Spoken and Written Mongolian Language* adopted in November 2004 laid down provisions for the use and development of the Mongolian language.

### **The Chinese Government guarantees ethnic minorities’ rights to education and training**

94. The Chinese Government has boosted the input to the educational funds of ethnic minorities and guaranteed the education of poor school-age children of ethnic minorities.

Every year since 2000, the central budget has earmarked 10 million *yuan* as a special fund to subsidize the development of education in ethnic areas. From 2004 to 2007, the central budget invested special funds totalling 10 billion *yuan* in China's western parts to support the development of boarding schools in rural areas. In order to improve conditions for running schools in ethnic areas, the central budget invested during the period of the 10<sup>th</sup> Five-Year Plan 5 billion *yuan* in the second phase of the "compulsory education project of the State in poor areas" and 6 billion *yuan* in the "project of transforming dilapidated school buildings". In addition, it put 5 billion *yuan* into the implementation of the "project of modern distance education in rural primary and secondary schools". By February 2006, 549 counties (cities, districts and *banners*) of the 699 ethnic autonomous localities at the administrative level of counties had reached the goal of making nine-year compulsory education basically universal and basically eliminating illiteracy among young and middle-aged adults.

95. The Chinese Government has energetically supported the compulsory education of ethnic minorities. Since the spring semester in 2006 the Chinese Government has reformed the guarantee mechanism for compulsory education funds in rural areas. The reform measures include exemption of tuition and miscellaneous fees, free provision of textbooks and subsidies to resident students from poor families. In 2006, the central budget appropriated 12.29 million *yuan* to subsidize the boarding fees of students of ethnic groups with relatively small populations for their compulsory education in rural areas. About 100,000 students benefited from this. It also appropriated 182.58 million *yuan* to subsidize the boarding fees in compulsory education for students from pastoral areas of ethnic minority autonomous prefectures at high altitudes of more than 3,300 meters. What's more, every year the State appropriates special funds amounting to 20 million *yuan* for Tibet and 30 million *yuan* for Xinjiang from the "grant-in-aid for compulsory education for students from poor families" to subsidize boarding students in agricultural and pastoral areas.

96. In 2000, the Ministry of Education, the State Ethnic Affairs Commission and other organizations implemented the "one-to-one assistance project between schools in China's east and west to support schools in the poor western areas" and the "one-to-one assistance project between schools in large and medium cities in China's west and schools in the poor areas of their own provinces", encouraged and supported teachers and graduates from schools of high learning in cities to go in for compulsory education in ethnic areas.

97. In order to develop education in Tibet, the Chinese Government has taken a series of measures to step up investment in the development of universities as well as secondary and primary schools. The admission rate for school-age children reached 85.8% in 2005. Preferential policies have been applied, such as the "three guarantees" (for food, clothing and boarding fees) for Tibetan primary and secondary school children in agricultural and pastoral areas and promotion of boarding system in schools in the vast agricultural and pastoral areas.

98. The Chinese Government has opened schools or classes in economically developed areas to admit school-age children from ethnic minorities. At present, 23 cities including Beijing have opened Tibetan classes with 19,000 in-school students. 50 schools in 28 cities including Beijing have opened senior secondary Xinjiang classes with over 10,000 in-school students.

99. In paragraph 15 of the concluding observations, CERD recommends that China guarantee equal opportunities for ethnic minorities, particularly with regard to access to higher education.

Since 1999, the Chinese Government has continued to provide effective guarantees for minorities' right to higher education. The measures include: one-to-one assistance to schools of higher learning in ethnic areas, as evidenced by the support given by 13 first-class universities since 2001 to 23 schools of higher learning in ethnic areas, of which 11 in Xinjiang and 6 in Tibet; building and developing ethnic universities and colleges and stepping up the support to key scientific research bases, such as the establishment of the China Center of Ethnic Minority Studies; providing and training special talents for ethnic areas, such as the program for training high-level backbone talented personnel for ethnic minorities launched in 2006, drastically lowering the qualification criteria in re-examination for enlisting 640 post-graduates and 220 doctoral degree candidates from ethnic minorities in the same year; establishing ethnic preparatory courses and ethnic classes in schools of higher learning, with an enrolment of over 24,000 students from ethnic minorities.

100. By the end of 2006, China had 13 ethnic universities and colleges with more than 170,000 students, of whom 65% were ethnic minorities. The Central Ethnic University is the most representative school of higher learning among all the ethnic universities and colleges. It recruits students from all over the country. At present it has more than 13,000 in-school students of various categories. About 70% of the full-time students are ethnic minorities.

101. Founded in 1985, Tibet University has now shaped a multi-level, multi-facet schooling pattern of post-graduate education, general university and college education, vocational education, adult continuing education, returned student education and education by correspondence. This university takes it as its bounden duty to inherit and carry forward the outstanding Tibetan cultural tradition. It attaches importance to and supports the work of learning, use and development of Tibetan language and has incorporated the teaching of Tibetan language into the teaching programs of all fields of study with 100% coverage. Since 2000, the regular undergraduate course of Tibetan language and literature has recruited students from ethnic Han and other ethnic minorities. The source of students is no longer limited to Tibetans. During the 10<sup>th</sup> Five-Year Plan period, the State invested a total of 530 million *yuan* to support the overall reconstruction and extension of Tibet University.

102. In 2005, in-school students of ethnic minorities registered 995.200 in schools of higher learning and 6.8475 million in secondary schools, up by 23.28% and 1.28% respectively as compared with the year 2004. In-school pupils of ethnic minorities in primary schools registered 10.7802 million, exceeding the ratio of all the ethnic minorities to the total population of the country. At present, a comprehensive system from preschool education through to higher education is already in place in ethnic areas. The years for ethnic minorities to receive education have remarkably extended. Fourteen ethnic minorities including the Korean, Manchu, Mongolian, Kazak and Xibe enjoy more years of education than the average of the whole nation.

### **The Chinese Government Guarantees Ethnic Minorities' Right to Healthcare**

103. The new rural cooperative medical service system has been promoted at a faster pace in ethnic areas than in the whole country. By the first half of 2007, 634 counties (cities, districts, *banners*) in ethnic areas had implemented this system. It now has a 100% coverage in Tibet, Ningxia, Inner Mongolia, Yunnan and Qinghai and over 80% coverage in Xinjiang and Guangxi.

The economic burden resulted from sickness for farmers and herdsmen in ethnic areas has been lightened, the percentage of treatment increased and back-to-poverty cases because of sickness reduced.

104. According to the statistics of 2006, there were altogether 36,027 healthcare institutions in ethnic areas, with 420,000 beds, 530,000 healthcare technicians, 1,091 institutions for epidemic prevention and special disease prevention and treatment as well as 667 medical clinics or stations for the healthcare of women and children.

105. Since the launch of the *Building and Development Program of Rural Healthcare Service System* in 2004, the Chinese Government had, by the end of 2007, invested 1.66 billion *yuan* of construction fund to support the rural health infrastructure development in 5 ethnic autonomous regions. There had been 2,936 projects, of which 2,569 were township clinics, 207 county hospitals, 113 county-level healthcare centers for women and children and 47 traditional Chinese medicine (ethnic) hospitals. 1,378 township clinics had been provided with basic medical equipments.

106. The development of healthcare service in ethnic areas has remarkably increased the life expectancy of the population of ethnic minorities. 13 ethnic minorities have a higher life expectancy than the nation's average of 71.40 years and 7 ethnic minorities higher than ethnic Han's average of 73.34 years.

107. Since the 10<sup>th</sup> Five-Year Plan, the central budget has allocated 345 million *yuan* as special fund for free medical treatment to farmers and herdsmen in Tibet. In 2006, the annual per-capita free medical treatment to farmers and herdsmen in Tibet registered 100 *yuan*. By the end of 2006, the total population in Tibet was 2.81 million with an average life expectancy of 67 years. The maternal mortality rate was 244.1/100,000, and infant mortality 24.38‰.

### **The Chinese Government Guarantees Ethnic Minorities' Right to Social Security**

108. The Chinese Government started to implement the nationwide subsistence allowances system in rural areas in 2007. At present, five autonomous regions have applied this system. In 2007 the central budget appropriated 396 million *yuan* for the rural subsistence allowances of the five autonomous regions, accounting for 13.2% of the central budget's total subsidies. What's more, from 2001 to 2006, the central budget appropriated 25.4 billion *yuan* for the basic old-age pension and 5.6 billion *yuan* for the subsistence allowances for urban residents in the five autonomous regions.

109. In the poor ethnic minority areas prone to natural disasters, the afflicted people have weak self-support capabilities. Therefore, the Chinese Government pursues a preferential policy to ethnic minority areas in allocating disaster-relief funds, with priority on providing disaster-relief equipments. From 2001 to 2006, the central budget devoted some 16% of its total disaster-relief funds to such work in ethnic areas.

110. The central budget lays even more emphasis on the preferential policy towards subsidies for medical support and assistance in ethnic areas. From 2003 to 2007, the central budget appropriated 1.031 billion *yuan* to subsidize the medical services in the five autonomous regions.

All the counties (cities, districts) with agricultural populations in ethnic areas had implemented the rural medical support system by the end of 2006. By September 2007, 284 counties (cities, districts) had implemented this system.

### **The Chinese Government respects and guarantees ethnic minorities' right to freedom of religious belief**

111. Following a policy of freedom of religious belief, the Chinese Government has always respected and protected the right of free choice for religious belief of its citizens, ethnic minorities included. China's Constitution and laws provide guarantees in this respect. In order to guarantee freedom of religious belief, safeguard religious harmony and standardize administration of religious affairs, the State Council promulgated the *Regulations on Religious Affairs* on 30 November 2004, which came into force on 1 March 2005. As China's first comprehensive administrative statute on religious affairs, the regulations explicitly provide for the citizens' freedom of religious belief. The Chinese Government guarantees its citizens' normal religious activities. Any act infringing upon the citizens' right to freedom of religious belief shall be punished according to law.

112. China is a multi-religion country. China's religious followers mainly believe in Buddhism, Taoism, Islamism, Catholicism and Protestantism. Chinese citizens may freely choose and express their beliefs and show their religious identities. At present in China, there are more than 13,000 Buddhist temples and monasteries, 200,000 monks and nuns, as well as 32 Buddhist institutes. There are more than 1,500 Taoist temples, 25,000 Taoist priests and Taoist nuns, as well as 3 Taoist institutes. The population generally believing in Islamism in the 10 ethnic minority groups is about 21 million. There are more than 35,000 mosques, over 40,000 *ahungs*, *maulas* and imams, as well as 10 Islamic scripture institutes. Protestants amount to some 16 million with about 50,000 churches and gathering sites, 15,000 in-service clergymen and 110,000 volunteers, running 18 Protestant theological seminaries. The 97 Catholic parishes have 5.3 million believers and more than 6,000 churches, over 60 bishops and more than 1,800 priests, running 12 schools of divinity. There are altogether more than 3,000 religious organizations all over the country, of which 7 are nation-wide religious organizations. Each province, autonomous region and municipality directly under the State Council has its corresponding religious organizations. Cities (prefectures, *leagues*) and counties (cities, districts, *banners*) with fairly large populations of religious believers also have their religious organizations. All these religious organizations select their leaders and leading organs according to their statutes and run their own religious affairs.

113. In paragraph 14 of the concluding observations, CERD expressed concern about the actual enjoyment of the right to freedom of religion by ethnic minority people, particularly in the Muslim part of Xinjiang and in Tibet. With regard to religious belief in Tibet, please refer to paragraph 98 of the previous report. The State Administration for Religious Affairs promulgated on 18 July 2007 the *Measures for the Administration of the Reincarnation of Living Buddhas in Traditional Tibetan Buddhism*, which became effect on 1 September the same year. At present, there are more than 3,500 sites for Tibetan Buddhist activities in Tibet as well as in Tibetan-inhabited areas of Sichuan, Qinghai, Gansu and Yunnan, with more than 120,000 monks and nuns and over 1,700 living buddhas. In Tibet and other Tibetan-inhabited areas, there are also some people believing in Islamism, Catholicism and other religions. All religions co-exist in harmony.

114. The religions in which the ethnic groups in Xinjiang believe are mainly Islamism, Buddhism (including the traditional Tibetan Buddhism and the traditional Han Buddhism), Protestantism, Catholicism, the Orthodox Church and Taoism. Ten ethnic groups including the Uygur, Kazak and Hui generally believe in Islamism, with 11 million believers, accounting for 56% of Xinjiang's population. The Mongolian group, part of the Manchu, Daur and Xibe groups and a small number of ethnic Hans believe in Buddhism, with some 200,000 believers. The Russian group has over 1,000 believers in the Orthodox Church. A small number of ethnic Hans believe in Protestantism, Catholicism or Taoism. In the ethnic minorities living in outlying areas of Xinjiang, some people believe in Shamanism.

115. The Muslims in Xinjiang fully enjoy freedom of religious belief like other ethnic groups throughout the country. The *Regulations on the Administration of Religious Affairs* promulgated by the autonomous region in 1994 stress: No government organs, social organizations or individuals may compel citizens to believe, or not to believe, in religion; they may not discriminate against citizens believing, or not believing, in religion; they shall respect and protect normal religious activities. In practice, the central Government and regional autonomous government have never interfered in the normal religious activities such as pilgrimage, worshipping, alms-giving, scripture-chanting, conducting rites of releasing souls from the purgatory, attending or conducting preaching services.

116. The various religious organizations in Xinjiang independently carry out religious activities according to law, including organizing religious activities, running religious schools and institutes, training and administering religious functionaries and carrying out external religious exchanges. There are altogether 88 religious organizations of various types in Xinjiang. The Xinjiang Islamic Association was established in 1958. Nearly 80 cities and counties in the whole autonomous region have established Islamic associations, which have played an important role in safeguarding the lawful rights and interests of the Muslim people. Thanks to the support and assistance of the Chinese Government, China Islamic Association has continuously enlarged the scope of organizing pilgrimages to Mecca and facilitated the pilgrims' travels by chartering special planes for their round trips. Up to now, about 60,000 Muslims in Xinjiang have been on such pilgrimages.

117. There are more than 24,000 sites for religious activities in Xinjiang, of which over 23,700 are mosques with more than 29,000 Islamic functionaries. The numbers of mosques and Islamic functionaries as well as their ratios to the entire Xinjiang Islamic population are all higher than those in many Islamic countries. At present, there are six fairly large religious institutes and some classes on religious scriptures. Some 2,000 students had graduated from these institutes and classes and 1,500 had become religious functionaries by 2005. In addition, a group of religious personnel are training some 2,000 *talifu* (title for students of Islamic scripture institutes or schools - tr.). Through various methods such as studying in scripture institutes or schools and training of *talifu* by *ahungs*, a system of training Islamic functionaries is in place in Xinjiang, thus ensuring there are successors to *ahungs* and *maulas*.

118. Islamic functionaries of Xinjiang have 1,731 deputies to people's congresses or members of CPPCC at the national, regional or other lower levels, exercising the rights to governance, participation in and deliberation of state affairs. The government of Xinjiang Autonomous Region provides subsidies for *ahungs* and *maulas* who have difficulties in their daily life.

119. In China no person has been arrested or sentenced for reason of religious belief. While safeguarding the freedom of religious belief, the Chinese Government prohibits any criminal activity in the name of religion. The purpose is to protect the safety of life and property of all the ethnic groups and protect normal religious activities from being tarnished and impaired. This has won the support of all ethnic groups including religious believers.

### **The Chinese Government respects and protects ethnic minorities' customs and habits**

120. Many ethnic minorities in China have special customs and habits in diet and attire. Ten ethnic minority groups believing in Islamism have the habit of taking Muslim food. The Chinese Government has listed Muslim food in the *Catalogue of Special Products Needed by Ethnic Minorities*. 345 enterprises have been designated to produce Muslim food, thus resolving the problem in the supply of special products needed by more than 20 million ethnic minority people in their life. From 1999 to 2006, twenty provinces and municipalities promulgated regulations related to Muslim food, laying down explicit provisions for the production, operation and sale of Muslim food and guaranteeing the customs and habits of ethnic minorities. The formulation of State regulations on the administration of Muslim food is now under way.

121. The Chinese Government respects ethnic minorities' customs and habits in funerary rites, such as cremation, burial in the ground, water burial and celestial burial. Although China has a huge population with a small per-capita land area, the Chinese Government has, for the sake of respecting the customs of ethnic minorities believing in Islamism for burial in the ground, allocated special lands to build cemeteries for this purpose and established special funeral service departments to serve their needs. For instance, Nanjing formulated in 2004 the *Regulations on the Funeral Administration of Hui and Other Ethnic Minorities*, which, in the form of local statute, determined to respect ethnic minorities' funeral customs and standardized funeral administration.

122. The Chinese Government guarantees ethnic minorities' right to enjoy their ethnic festivals. It has formulated measures on holidays to be enjoyed by ethnic minorities, provided sites for their festival activities and ensured supplies for their festivals. There are altogether 62 festivals of ethnic minorities throughout the country. 37 of these festivals have one or more days off for holiday according to the regulations in different places. For instance, In Xinjiang, the *Id al-Kurban* and the *Id al-Fitr* are legal holidays with three days off for each. In Tibet, the Tibetan New Year, the *Shotaan* (Yoghurt Festival) and three other festivals are legal holidays, with three days off for each.

### **The Chinese Government guarantees ethnic minorities' equal right to employment**

123. The Chinese Government attaches importance to the employment of ethnic minorities. Many laws and regulations including the *REAL*, the *Labor Law* and the *Employment Promotion Law* contain provisions prohibiting discrimination against the employment of ethnic minority workers.

124. The Chinese Government has adopted various measures to promote the employment of ethnic minorities. One, it has continuously intensified its support to the employment and re-employment in ethnic areas. From 2003 to 2006, the central budget appropriated 3.6 billion *yuan* to subsidize the re-employment in five autonomous regions, accounting for 9%

of the total subsidies of the central budget. Two, it has stepped up services in the employment in ethnic areas, established standard administration and service systems and improved the development of human resources markets. For instance, it helped establish a labor coordination relationship between Jiangsu and Qinghai for joint development of labor resources. Three, it has helped ethnic areas enhance their capabilities for employment services. In order to help Tibet in this respect, the Ministry of Labor and Social Security organized and implemented a project “intellectual support to Tibet in employment services” in 2005 and 2006, organizing 75 Tibetans working in Tibetan employment service institutions in two batches to receive training in Beijing and 8 other cities. It also carried out a variety of activities in Tibet including the training of a backbone force in the labor employment system, training of professional guidance and training of doing pioneering work. In addition, in order to promote employment for graduates from schools of higher learning in ethnic areas and do a good job of registering the unemployment and providing employment guidance, the Chinese Government has carried out such activities as initiating cross-region recruitment by Beijing, Jiangsu and other places from selected ethnic areas as well as holding the “nation-wide recruitment week by non-state-run enterprises” to promote labor export.

### **The Chinese Government guarantees the rights of ethnic minority women**

125. According to the 5<sup>th</sup> national population census, there were 51.11 million women in China’s ethnic minorities, accounting for 48% of the total ethnic minority population and 8.4% of the total Chinese women population. According to Article 49 of the Constitution, Chinese women enjoy equal rights with men in all spheres of life, in political, economic, cultural and family life. The Chinese Government has formulated and implemented the *Chinese Women Development Program (1995-2000)* and the *Chinese Women Development Program (2001-2010)*, two long-term programs aimed at guaranteeing and promoting the overall development of Chinese women’s lawful rights and interests. The *Law on the Protection of Women’s Rights and Interests* revised in 2005 provides guarantee in legal form and system for the various rights of Chinese women, ethnic minority women included. The Chinese Government has earnestly implemented the *Convention on the Elimination of All Forms of Discrimination Against Women* and accepted in 2006 the deliberations of the Committee on the Elimination of Discrimination Against Women about China’s fifth and sixth reports on the implementation of the convention.

126. The Chinese Government fully guarantees ethnic minority women’s right to participation in and deliberation of state affairs. At the 10<sup>th</sup> NPC, there were 134 ethnic minority women deputies, accounting for 32% of all the deputies from ethnic minorities. In the 10<sup>th</sup> CPPCC National Committee, there were 64 minority women, accounting for 24.4% of all the ethnic minority members. Women account for about 35% of the public servants from ethnic minorities throughout the country. In Xinjiang, female public servants of ethnic minorities account for more than 66% of the female public servants of the whole autonomous region. In order to enhance the overall capabilities of public servants from ethnic minority women, the State Ethnic Affairs Commission has sponsored a training course for female public servants from ethnic minorities every year since 2000.

127. The Chinese Government has adopted special measures for the education and employment of ethnic minority women to enhance their educational levels and increase opportunities for their employment, so that they can participate more in social and economic life. For example, girl

classes are run to help poor girls in ethnic areas. According to the 5<sup>th</sup> national population census, 5.28 persons out of every thousand ethnic minority women boast cultural levels at or above the secondary specialized or technical schools. There are university students from the female population of every ethnic group. The illiteracy and semi-illiteracy of ethnic minority women was 20.56%, down by 21.2% as compared with the statistics of the 4<sup>th</sup> population census in 1990. As a result of the measures adopted by the government to provide training to ethnic minority women and to help promote their employment, the employment percentage of ethnic minority women has increased year by year. Women account for 47% of all the employment of ethnic minorities in the 8 ethnic provinces and regions.

128. Owing to the fact that ethnic minority women mostly live in outlying mountainous and pastoral areas with rather backward healthcare conditions, the Chinese Government has appropriated special funds to establish healthcare institutions for mothers and children, increase medical institutions and workers and provide training on the knowledge of healthcare for mothers and children as well as new way of midwifery. These measures have ensured the health of women and children of ethnic minorities, lowered maternal mortality rate and raised the average life expectancy of ethnic minority women.

#### Article 6

129. Since 1999, the Chinese Government has continued to strengthen the judicial system. Judicial organs have strictly enforced laws, upheld the principle of all being equal before the law and provided effective protection and help to ethnic minorities by judicial means.

130. On 29 April 1999, the 9<sup>th</sup> meeting of the 9<sup>th</sup> NPC Standing Committee adopted the *Administrative Reconsideration Law*. According to this law, a citizen, legal person or any organization of all ethnic groups may apply for reconsideration by administrative reconsideration authorities or file an administrative lawsuit according to the *Administrative Reconsideration Law* when the party concerned considers an administrative act made by an administrative body has impaired its lawful rights and interests.

131. Article 76 of the *Administrative Licenses Law* adopted at the 4<sup>th</sup> meeting of the 10<sup>th</sup> NPC Standing Committee on 17 August 2003 stipulates: “Where an administrative organ impairs the legitimate rights and interests of the parties concerned due to its illegal implementation of an administrative license, it shall make compensations in accordance with the compensation law of the State.”

132. Article 62 of the *Employment Promotion Law* adopted in August 2003 stipulates: “Workers may bring a lawsuit to the people’s court where this law is violated or discrimination is practised in employment.”

133. In March 1999, the Supreme People’s Court promulgated the *Regulations on the Strict Implementation of Open Trial System*, laying down strict provisions for the scope of open trial cases and making clear that the entire trial process should be open. The further improvement of the open trial system has played an important role in guaranteeing the legitimate rights and interests of citizens of all ethnic groups, ethnic minorities included.

134. In June 2006, the Supreme People's Procuratorate publicised the *Opinions of the Supreme People's Procuratorate Regarding Further Deepening "Open Procuratorial Work" of People's Procuratorates*, laying down provisions for the basic principles and contents for "open procuratorial work", promoting open electronic procuratorial work and broadening the open channels. The improvement of the "open procuratorial work" system has played a significant role in further promoting judicial reforms, conscientiously accepting the supervision of citizens and the general public, as well as ensuring the fair law-enforcement by procuratorial bodies.

135. In January 2006, the Supreme People's Court promulgated the *Interpretations of the Supreme People's Court on a Number of Questions Concerning the Application of Law in Handling Criminal Cases Committed by Minors*, guaranteeing the lawful rights and interests of minors in criminal cases. Remarkable progress has been made in the experimental work of juvenile tribunal of the people's court.

136. In December 2006, the Supreme People's Procuratorate promulgated the *Regulations on Handling Criminal Cases Committed by Minors*, laying down the principles of education, compassion and rescue, with education as the main method and punishment as the auxiliary. People's procuratorates have achieved initial successes in establishing special working bodies and groups to handle criminal cases by minors.

137. The Chinese Government has since 1994 established a legal aid system, explicitly defining legal aid as a government responsibility. Chinese nationals including ethnic minorities may get legal aid free of charge in civil and criminal legal areas if they cannot afford the attorney fee or if designated by the people's court. At present, the 8 ethnic provinces and regions have all established their legal aid bodies.

138. In recent years, the Chinese Government has every year put from 50 to 60 million *yuan* into subsidizing the legal aid work in poor areas in central and western China. It has every year recruited from 100 to 300 volunteers from graduating university students to do voluntary legal aid services in central and western ethnic areas. It has also trained legal aid personnel for ethnic areas by such ways as running training courses for legal aid in ethnic areas and commending the good deeds of organizations and ethnic minority workers engaged in legal aid in ethnic areas.

139. In China's prisons, the lawful rights and interests of ethnic minority criminals are fully respected and protected. These criminals are accorded special treatment different from other criminals with regard to their life, administration and labor. China's prisons have special kitchens for ethnic minority criminals with special diet habits.

140. The Chinese Government guarantees ethnic minorities' right to use their native spoken and written languages in judicial lawsuit. Article 9 of the *Criminal Procedure Law* stipulates: "Citizens of all ethnic groups shall have the right to use their native spoken and written languages in court proceedings. The people's courts, the people's procuratorates and the public security organs shall provide interpretations or translations for any party to the court proceedings who is not familiar with the spoken or written language commonly used in the locality. Where people of a minority group live in a concentrated community or where a number of ethnic groups live together in one area, court hearings shall be conducted in the spoken language commonly used in the locality, and judgments, notices and other documents shall be issued in the written language commonly used in the locality." The *REAL* stipulates: "The people's courts and

people's procuratorates in ethnic self-government localities shall conduct court hearings and procuratorial cases in languages commonly used in the locality and guarantee the right of citizens of all ethnic groups to use their native ethnic languages in court proceedings. They shall provide interpretations or translations for any party to the court proceedings who is not familiar with the spoken or written language commonly used in the locality. Legal documents shall be issued in one or more languages commonly used in the locality according to actual needs." The people's courts and people's procuratorates in ethnic self-government localities shall be "provided with personnel proficient in the spoken and written languages commonly used in the locality". The laws mentioned above have guaranteed that any party from any ethnic group can equally enjoy and fully exercise the various rights in their court proceedings.

141. Article 32 of the Constitution stipulates: "The People's Republic of China protects the lawful rights and interests of foreigners within Chinese territory; foreigners on Chinese territory must abide by the laws of the People's Republic of China."

142. In paragraph 16 of the concluding observations, CERD recommends that the State party consider pursuing the adoption of formal legislative or administrative provisions in order to implement objective criteria for the determination of refugee status. Since acceding to the *Convention Relating to the Status of Refugees* in 1982, China has been implementing the convention in real earnest. At present, the Chinese Government is working on the legislation on refugee affairs and has been appropriately handling related cases in accordance with international laws and in the spirit of humanitarianism.

#### **Article 7**

143. Since 1999, the Chinese Government has continued to attach importance to propagate the idea of ethnic equality and unity in the educational, press, cultural and other fields.

144. The Chinese Government has propagated the idea of ethnic equality and unity through holding press conferences and releasing white papers. Cases in point are: a press conference on the "development and protection of cultures of ethnic minorities in China" on 21 September 2006; the white paper on "regional ethnic autonomy in China" released and a press conference held on 28 February 2005; the white paper on "regional ethnic autonomy in Tibet" released and a press conference held in May 2004; the white paper on the "history and development of Xinjiang" released in May 2003, etc.

145. The Chinese Government lays stress on education of in-school students on ethnic unity. The "*Circular on Carrying out Educational Activities Related to Ethnic Unity among all Secondary and Primary Schools in China*" jointly issued by the Ministry of Education and the State Ethnic Affairs Commission stipulates: Educational and propagating activities are to be carried out in all forms in secondary and primary schools to enhance the knowledge about ethnic groups and the awareness of ethnic policies. In addition, in the curriculum of all ethnic universities and colleges, the *Universal Declaration of Human Rights*, the *UN Declaration on the Elimination of All Forms of Racial Discrimination* and the *International Convention on the Elimination of All Forms of Racial Discrimination* have universally been the contents of teaching.

146. Attaching importance to the propagation of China's ethnic laws and regulations as well as the Convention, the Chinese Government has taken it as an important dimension to educate the public about laws. In the course of the 4<sup>th</sup> Five-Year Program for Law Popularization Education from 2001 to 2005 and in the 5<sup>th</sup> Five-Year Program for Law Popularization Education starting in 2006, the Chinese Government sets forth clear requirements for the propagation of ethnic laws, regulations and policies. The *Collection of Ethnic Laws and Regulations*, the compilation of which started in 2001, has included the *International Convention on the Elimination of All Forms of Racial Discrimination* and has been published in the standard Chinese, Mongolian, Korean, Uygur and Kazak languages. This has further strengthened the propagation and implementation of the Convention.

147. The Chinese Government has continued to hold "ethnic unity month" activities to promote understanding and harmony among all ethnic groups. The activities include propagation and education on ethnic unity, review of the implementation of ethnic policies and citing of collectives and individuals for their outstanding contributions to safeguarding and strengthening ethnic unity. The 3<sup>rd</sup> and 4<sup>th</sup> nation-wide commendation conferences on ethnic unity and progress held respectively in 1999 and 2005 cited 642 "national model collectives on ethnic unity and progress" and 676 "national individuals on ethnic unity and progress". The commendation activities exerted a fine impact on the society and promoted the development of the cause of ethnic unity and progress. Article 4 of the *Regulations of the State Council on the Implementation of the REAL* provides that it is the legal duty and responsibility of people's governments at all levels to hold such activities.

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