



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

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION  
Seventy-fifth session  
3 - 28 August 2009

**LIST OF QUESTIONS BY THE COUNTRY RAPPOREUR IN CONNECTION  
WITH THE CONSIDERATION OF  
THE TENTH TO THIRTEENTH PERIODIC REPORTS OF CHINA  
(INCLUDING HONG KONG AND MACAU)**

**General information and institutional framework**

1. As requested in the Committee's previous concluding observations (A/56/18, para. 250), please provide disaggregated socio-economic data regarding the minority populations living within the jurisdiction of the State party, including refugees and non-citizens (Core document, para. 7, Annex to State report).
2. Please indicate if, and if applicable how, non-governmental organizations have been consulted in the preparation of the State party's tenth to thirteenth periodic reports to the Committee.
3. Does the State party intend to establish a national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134, annex)?

**Article 1**

4. As recommended in the Committee's previous concluding observations (A/56/18, para. 241), does the State party intend to adopt a constitutional definition of racial discrimination in line with article of the Convention, prohibiting discrimination based on race, colour, descent, or national or ethnic origin (State report, CERD/C/CHN/13, para. 7)?

## **Article 2**

5. With regard to the Committee's previous concluding observations (para. 242), please indicate whether the State party intends to adopt a comprehensive anti-discrimination law in line with the provisions of the Convention.
6. Please provide detailed information on provisions in the national human rights action plan (released in April 2009) relating directly to the rights enshrined in the Convention. Did the State party consult with civil society in the development of the plan? Will it also be applicable in Hong Kong and Macau?
7. Please provide more detailed information, including concrete examples, on the activities undertaken by the State Ethnic Affairs Commission (SEAC) and their impact (State report, CERD/C/CHN/13, paras. 13, 96, 126, 145).
8. Please explain whether safeguards are contained in the Ethnic Minorities Affairs 11<sup>th</sup> Five Year Plan (2006-10) to protect the minority languages, customs and livelihoods.
9. What mechanisms exist to monitor compliance with the Law on Regional Ethnic Autonomy (State report, CERD/C/CHN/13, para. 10-12).
10. As recommended in the Committee's previous concluding observations, please indicate whether the State party has adopted a refugee law (State report, CERD/C/CHN/13, para. 142). Please also provide more detailed information on the current refugee determination procedures and the protection measures in place to prevent discrimination against asylum-seekers and refugees.
11. Please provide updated information on the content and status of the non-discrimination legislation in Hong Kong (previous concluding observations, A/56/18, para. 247; State report, CERD/C/HKG/13, paras. 65-72)? Does the current text prohibit discrimination against migrants from mainland China as well as all discriminatory acts and practices on the basis of race or ethnicity by law enforcement officials and other public bodies?

## **Article 5**

12. Please provide information on the measures taken to protect members of certain ethnic groups, including the Uyghur and Tibetans, from ill-treatment by State officials. What guarantees exist to ensure that allegations of such ill-treatment, including with regard to the detention and excessive use of force against ethnic Tibetans during the March 2008 events in the Tibetan Autonomous Region and neighbouring areas, are promptly, impartially and independently investigated.
13. Notwithstanding the measures taken to ensure equal political representation between all ethnic groups (State report, CERD/C/CHN/13, paras. 83-86), members of ethnic minorities, in particular women, are still underrepresented in decision-making positions in public life. Please indicate which further measures are planned in this respect. Please

also provide information on the representation of minorities in the police force, the military and among law enforcement officials.

14. Please comment on reports according to which the right to freedom of religion and expression of some ethnic minorities, including ethnic Tibetans, Muslim Uyghur and Hui continues to be limited (previous concluding observations, para. 244; State report, CERD/C/CHN/13, paras. 111-119).
15. Please indicate the steps taken to address disadvantages faced by certain ethnic and religious minorities, including Tibetans, Uyghur, and Hui, in their access to employment, adequate standards of living and healthcare (e.g. State report, CERD/C/CHN/13, paras. 103-107). Does the Employment Promotion Law of 2007 contain provisions for monitoring and enforcement?
16. Has the State party taken additional measures to eliminate the disparities in access to education affecting ethnic minority children, in particular Tibetans and Yi (Sichuan) (previous concluding observations, para. 245; State report, CERD/C/CHN/13, paras. 94-102)? Please provide more information on the steps taken by the State party to increase literacy among women from ethnic minorities and on ways and means to measure progress in this regard (State report, CERD/C/CHN/13, para. 127).
17. How does the State party promote the use and learning of minority languages and what body is responsible for the implementation of the bilingual education policy? Please also provide information on the use of minority languages in higher education (State report, CERD/C/CHN/13, paras. 99-102). Has the State party developed any programs to promote knowledge of histories, traditions, and culture of ethnic minorities? Please indicate whether minority languages are used before regional or local public authorities in practice (Core document, HRI/CORE/1/Add.21/Rev.2, paras. 7, 49; State report, CERD/C/CHN/13, paras. 89-93, 140).
18. Please comment on reports according to which development programs in ethnic minority regions have disrupted local and regional cultures and traditions, affecting, *inter alia*, the Mongol, Tibetan and Uyghur ethnic groups (State report, CERD/C/CHN/13, paras. 120-122). What mechanisms have been put into place by the State party to consult and involve ethnic minorities in the planning and implementation of development projects, in particular projects with a potentially negative impact on their environment? Please also comment on allegations that development programs in some ethnic minority regions, in particular Tibet, are coupled with the resettlement of ethnic Han into these areas.
19. Please indicate what efforts are made in connection with the rebuilding efforts following the earthquake in Sichuan in May 2008 to ensure the protection and preservation of the core cultural values and traditional way of life of the Qiang people.
20. Please provide more information on the specific working conditions of foreign domestic workers in Hong Kong (previous concluding observations, A/56/18, para. 248). In particular, please indicate whether their minimum wage is equivalent to the national minimum wage (State report, CERD/C/HKG/13, para. 77), whether the live-in

requirement continues to exist (CERD/C/HKG/13, para. 147), and whether they enjoy the same maternity protection as nationals (CERD/C/HKG/13, para. 150). Do they have access to health insurance on an equal footing with nationals (CERD/C/HKG/13, para. 151)? How does the State party ensure that working hour agreements for domestic workers do not amount to discrimination (CERD/C/HKG/13, para. 148)?

21. With regard to Hong Kong and Macau, please provide information on the effectiveness of the measures taken to provide Chinese language training to persons who are not ethnically Chinese (State report, CERD/C/HKG/13, para. 177; State report, CERD/C/MAC/13, para. 15).

### **Article 6**

22. With reference to the previous concluding observations of the Committee (A/56/18, para. 249), please indicate whether judicial cases relating to the provisions of the Convention have been brought in the Courts of the State party (Core document, HRI/CORE/1/Add.21/Rev.2, para. 244; State report, CERD/C/HKG/13, para. 61; State report, CERD/C/MAC/13, para. 22).
23. Please provide information on practical measures taken to ensure the equal treatment of members of different ethnic groups before the Courts, including measures to ensure the availability of interpretation in local languages. Please also provide more detailed information on the legal aid system available to ethnic minorities (State report, CERD/C/CHN/13, para. 137)
24. Please provide information on cases, if any, in which members of ethnic minorities have successfully claimed compensation under article 41 of the Constitution or under the laws mentioned in the State report in relation to acts incompatible with the Convention (Core document, paras. 44-47; State report, CERD/C/CHN/13, paras. 130-132).
25. Please indicate whether a complaint mechanism against alleged abusive behaviour by members of the police force against ethnic minorities exists, including in Hong Kong (State report, CERD/C/HKG/13, paras. 116-119).
26. Please provide updated information on the cases mentioned in the State report regarding domestic foreign workers who were pressured into accepting discriminatory agreements by the Hong Kong Labour Tribunal (State report, CERD/C/HKG/13, para. 190).
27. Please indicate whether the State party considers making a declaration under article 14 of the Convention.

### **Article 7**

28. Please provide more information on measures taken in the field of education to improve inter-ethnic relations in the State party and to combat prejudices which could lead to racial discrimination.

29. Please provide the Committee with additional information on the work of the Committee on the Promotion of Racial Harmony and the Ethnic Minorities Forum in Hong Kong (State report, CERD/C/HKG/13, paras. 74, 197).

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