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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-fifth session

SUMMARY RECORD OF THE 1942nd MEETING

Held at the Palais Wilson, Geneva,
on Friday, 7 August 2009, at 3 p.m.

Chairperson: Ms. DAH

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Tenth to thirteenth periodic reports of China

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Tenth to thirteenth periodic reports of China (CERD/C/CHN/10-13; CERD/C/HKG/13; CERD/C/MAC/13; CERD/C/CHN/Q/13; HRI/CORE/1/Add.21/Rev.2)

1. At the invitation of the Chairperson, the members of the delegation of China took places at the Committee table.
2. Mr. DUAN Jielong (China) said that the Chinese delegation was composed of more than 30 members of relevant departments of the central Government, the Government of the Hong Kong Special Administrative Region and the Government of the Macao Special Administrative Region. Three members of the delegation were Tibetan, Uighur and Bai officials from the Tibet Autonomous Region, the Xinjiang Uighur Autonomous Region and Yunnan Province respectively.
3. The combined tenth to thirteenth periodic reports (CERD/C/CHN/10-13) reviewed progress made since 2001 in implementing the Committee's concluding observations on China's previous report (A/56/18, paras. 231-255). They had been compiled after wide-ranging consultations of legislative, administrative and judicial bodies as well as relevant NGOs and experts. The Government had also submitted detailed replies to the Committee's list of issues (CERD/C/CHN/Q/13), which had been received less than two months previously.
4. All ethnic groups in China were equal. Apart from the majority Han ethnic group, there were 55 ethnic minorities, a total of 100 million people who accounted for 8 per cent of the total population. The Government attached great importance to their political, economic and cultural development and fully guaranteed their rights and interests. It had improved relevant legislation, formulated preferential policies and adopted supporting measures to enable the ethnic minorities to enjoy the benefits of reform and development. As a result, the relationship among China's ethnic groups was characterized by equality, solidarity and harmony.
5. The Constitution guaranteed the equality of all ethnic groups, protected their legal rights, and prohibited discrimination against any group as well as acts that undermined the unity of nationalities or instigated their secession. The same principles were enshrined in the Regional Ethnic Autonomy Law and other relevant regulations. All ethnic minority groups enjoyed the right to participate equally in the management of State and local affairs, to use and develop their spoken and written languages, and to preserve or change their customs.
6. China had 155 regional ethnic autonomous areas, including 5 autonomous regions, 30 autonomous prefectures, 120 autonomous counties and more than 1,100 ethnic townships. Autonomous administrative bodies enjoyed the right of self-management in political, economic, educational, scientific and cultural affairs and in public health. The regional ethnic autonomous areas had promulgated 137 regulations on the exercise of autonomy, 510 separate regulations and 75 alternative or supplementary regulations.

7. In 2007 the State Council had drawn up the eleventh Five-year Plan for the Ethnic Minority Cause, identifying 11 primary tasks and 11 major projects in a wide spectrum of fields including the economy, poverty alleviation, culture, public health, social welfare, education, training, the legal system and ethnic harmony. Three key measures had been taken to speed up development in ethnic minority areas: the strategy for the development of western China; promotion of the development of border areas; and support for ethnic minority groups with a population of less than 100,000. The State Action Plan on Human Rights adopted in April 2009 also set specific goals for the protection and advancement of ethnic minority rights in a variety of areas.

8. The Government had taken vigorous action to support the unique traditional culture of ethnic minorities, enacting relevant legislation, establishing specialized agencies, expanding investment, building cultural facilities, protecting the intangible cultural heritage and ancient books, and encouraging international ethnic-minority cultural exchanges. For example, in the wake of the devastating Wenchuan earthquake in 2008, the Government had taken prompt action to protect the traditional culture of the Qiang people. Two months previously, the State Council had approved a set of objectives and tasks for the further protection and development of ethnic minority culture.

9. In the course of Chinese history, ethnic groups had developed an integrated yet diversified relationship. Legislation prohibiting incitement to racial and ethnic hatred and racial discrimination had been enacted, and the law imposed penalties for violent offences committed by racial separatists, religious extremists and terrorists.

10. China had celebrated the thirtieth anniversary of its reform and opening-up policy in 2008. The total gross domestic product (GDP) of the ethnic minority areas had risen from 32.4 billion yuan in 1978 to 3,062.6 billion yuan in 2008. Per capita GDP had increased from 248 yuan to 16,057 yuan over the same period. Moreover, there had been a marked shift in the ethnic minority areas from an economy based on agriculture and animal husbandry to one based on industry and services. Airports, railways, highways and hydropower stations had been built. For example, the 1,956-kilometre Qinghai-Tibet railway, the highest in the world, had begun operating in 2006. It played a significant role in speeding up economic and social development in Qinghai and Tibet, enhancing national unity and benefiting members of all ethnic groups. Almost 40 million people had been lifted out of poverty over the same 30-year period.

11. The goal of universal nine-year compulsory education and the elimination of illiteracy among the young and middle-aged population of China had generally been realized. Some 10,000 schools in 12 provinces and autonomous regions, with almost 60 million students, provided instruction in ethnic minority languages or were bilingual. Urban and rural primary health organizations in ethnic minority areas had been established and strengthened. A rural cooperative medical system had achieved comprehensive coverage, and endemic and infectious diseases had been effectively controlled. The number of health institutions, hospital beds and medical professionals in minority areas had nearly doubled between 1978 and 2007. There were more than 100 ethnic hospitals and over 10,000 ethnic medical professionals. Tibetan, Mongolian, Uighur, Dai and Korean doctors had successfully completed the National Qualification Examination for Physicians.

12. By the end of 2006, there had been almost 3 million ethnic minority officials countrywide, 3.8 times as many as in 1978. Ethnic minority officials held the office of either chairman or vice-chairman of the standing committees of people's congresses in all 155 ethnic autonomous prefectures, and all autonomous regions, districts and counties were headed by an ethnic minority official. Each ethnic minority was represented by deputies in the National People's Congress.

13. The art of Uighur Muqam of Xinjiang and Mongolian pastoral songs had been placed on the list of Masterpieces of the Oral and Intangible Heritage of Humanity of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Five areas inhabited by ethnic minority groups were on the UNESCO World Heritage List. China had invested heavily in maintaining cultural relics and historical sites and in building museums. About 1 million ancient books of ethnic minorities had been rescued and classified. Radio and television coverage now exceeded 85 and 90 per cent respectively in ethnic minority areas. The number of performing arts groups, cultural and artistic centres and libraries per 100,000 people in ethnic minority areas was higher than the national average.

14. Compared with the developed coastal areas, development in ethnic minority areas was still hampered by geographical conditions and weak economic infrastructure. The Government would continue to adopt more effective policies and legal measures to close the gap.

15. Violent crimes involving beating, smashing, looting and arson had taken place in Lhasa and neighbouring areas of the Tibet Autonomous Region on 14 March 2008 and in Urumqi in the Xinjiang Uighur Autonomous Region on 5 July 2009, resulting in the loss of many innocent lives and damage to property. There was evidence that the two incidents had been premeditated and masterminded by separatists abroad and carried out by separatists within China with a view to promoting ethnic hatred, disrupting harmonious development in ethnic minority areas and undermining national unity and territorial integrity. The violent crimes perpetrated were also serious breaches of the purposes and principles of the Convention and had been widely condemned by Chinese people of all ethnic groups. The Government had taken prompt action to halt those criminal activities and to protect citizens' right to life and property. Public order had been quickly restored and unity among ethnic groups preserved.

16. The Chinese Government pursued a policy of "one country, two systems" with the Hong Kong and Macao Special Administrative Regions, which enjoyed a high degree of autonomy. He invited representatives of the two regions to report on their implementation of the Convention.

17. Mr. Arthur HO (China), speaking on behalf of the Hong Kong Special Administrative Region, noted that, when reviewing China's previous report in 2001, the Committee had expressed concern about the absence of legal provisions protecting persons from racial discrimination by private parties. The legislature, during its scrutiny of the Race Discrimination Bill introduced by the Hong Kong Government in 2006, had made a number of amendments to address those concerns. The Race Discrimination Ordinance had been enacted in July 2008 and become fully operational in July 2009 following enactment of the implementing rules and regulations. A code of practice provided guidance to employers and employees on compliance with the new legislation. The Ordinance bound every government department, including law enforcement agencies, in all the specified areas.

18. Support had been given to NGOs to establish and operate four support service centres for ethnic minorities in Hong Kong. They provided interpretation services, language training classes, orientation programmes, counselling and other services. Community development teams sponsored by the Government had been providing services to ethnic minorities through members of their own community for a number of years.

19. Non-Chinese-speaking students benefited from a range of measures aimed at facilitating their integration into the education system, including a four-week Summer Bridging Programme and intensive on-site support to designated schools to help them further enhance the education of non-Chinese-speaking students. Each designated school received a special grant to implement support programmes for the learning and teaching of their non-Chinese-speaking students. In addition, a local university had been commissioned to run Chinese learning support centres that offered language support after school and during the holidays. Detailed information on support services for non-Chinese-speaking students was provided in the report on the Hong Kong Special Administrative Region (CERD/C/HKG/13, para. 177).

20. Job seekers belonging to ethnic minorities benefited from a range of services aimed at enhancing employment opportunities, including placement-tied vocational training courses conducted in English, generic skills courses, Chinese language preparatory courses for trade tests, and courses in the hotel and tourism sectors. Training institutions were training their own staff to be more culturally sensitive.

21. New arrivals from mainland China were covered by the Race Discrimination Ordinance. Although the majority of those newcomers were of the same ethnic origin as most Hong Kong Special Administrative Region residents, some found it difficult to adapt to their new environment, and a range of support services was available to facilitate their integration, including school placement services and grants financing special school-based programmes for newly arrived children. In addition, special training courses, targeted employment services and tailor-made materials and briefing sessions were provided to facilitate adaptation to the local labour market.

22. The so-called “two-week rule” on foreign domestic helpers was imposed to prevent abuse and to deter foreign domestic helpers and imported workers from overstaying and taking up unauthorized work. It did not preclude the helpers from working in the Hong Kong Special Administrative Region again after returning to their places of origin. Foreign domestic workers enjoyed the same rights as local workers and were guaranteed a minimum allowable wage to protect them from exploitation. They were also guaranteed an employment contract, which set out employment terms such as free passage, accommodation, food and medical care provided by employers.

23. No cases involving violations of the Convention had been brought to court.

24. Mr. HO Kin-wah (China), speaking on behalf of the Macao Special Administrative Region and introducing the report in document CERD/C/MAC/13, said that Macao had received generations of immigrants throughout its history, and people of different nationalities and religious, linguistic and cultural backgrounds lived together and were entitled to practise their

own culture, religion and language. Article 25 of the Basic Law provided for equality before the law and freedom from discrimination for all Macao residents, while article 43 of the Basic Law granted non-residents enjoyment of constitutionally guaranteed rights and freedoms. Discrimination was established as a criminal offence.

25. Labour legislation guaranteed equal treatment of men and women in employment. Civil law provided for gender equality in respect of marriage, ownership of property and the right to inheritance, among others. Although de facto gender inequality persisted to some extent, much progress had been made, especially in the area of education. A Consultative Commission for Women's Affairs had been set up in 2005. The Social Welfare Institute provided special assistance to women in need through the Family Counselling Office, a body responsible for handling cases of family crisis, domestic violence and psychological distress. Those services were available to all residents, irrespective of their ethnic or national origin. There was no record of complaints based on racial or gender discrimination.

26. At the institutional level, the independent Commission against Corruption, which also fulfilled the function of Ombudsman, was responsible for monitoring the implementation of human rights by public authorities. He provided an extensive list of mechanisms responsible for the promotion and protection of human rights in different areas.

27. Mr. SICILIANOS (Country Rapporteur) said that legislation in the State party did not prohibit discrimination based on descent or national origin. Recalling that the provisions of the Convention also applied to non-citizens, he requested additional information on the situation of non-citizens, including asylum-seekers from North Korea. He also invited the delegation to comment on allegations of torture in relation to that category of persons.

28. While commending China for the legislative and other measures taken to implement human rights-related constitutional provisions and equality before the law, he noted that there was no comprehensive anti-discrimination legislation. The State party had made praiseworthy efforts to promote economic development, poverty alleviation and infrastructure development, especially in the provinces inhabited by ethnic minorities. However, the development gap between those provinces and economically developed areas persisted, illiteracy continued to affect minority groups disproportionately, and bilingual education was provided mainly in primary education, while most secondary schools operated in Mandarin. In that connection, NGOs from the Hong Kong Special Administrative Region had stressed the need for an education policy that provided for the needs of non-Chinese-speaking students with an ethnic minority background. He was pleased that the delegation had addressed the issue in its oral presentation.

29. He wished to learn more about the administrative and budgetary provision made for the implementation of the Racial Discrimination Ordinance in the Hong Kong Special Administrative Region and about arrangements for the review of its implementation. Subsection 8 (3) of the Ordinance excluded from the scope of its application acts committed on grounds of a person's immigration status, length of residence in Hong Kong, nationality, citizenship or resident status elsewhere. He enquired about the precise purpose of those provisions, reminding the delegation that, under the Convention, all persons must be protected from discrimination, irrespective of their immigration status.

30. According to the reports before the Committee, few cases involving violation of anti-discrimination provisions had been brought to court. However, rather than proving the absence of discrimination, the lack of case law might be an indication that the public, judges, lawyers and prosecutors were insufficiently aware of the relevant provisions of the Criminal Code. He wished to learn of the delegation's views on the matter.

31. The Committee welcomed the adoption of the National Human Rights Action Plan (2009-2010), which contained ambitious commitments and objectives relating to the prohibition of torture, conditions of detention, personal liberty and security, the right to a fair trial and freedom of religion, among others. Referring to the events that had occurred in Tibet in March 2008, he asked whether effective investigations had been conducted into torture allegations; whether the persons arrested had been granted access to a lawyer and medical care; what had been done to prevent enforced disappearance; and whether investigations had been conducted into the deaths that had occurred, including deaths in custody. With regard to the recent incidents in Urumqi, Xinjiang Uighur Autonomous Region, involving the arrest and detention of over 1,000 persons, he reminded the State party of its obligation to ensure that those detentions complied with international human rights standards.

32. On the issue of administrative detention, he said that information before the Committee suggested that members of certain religious and ethnic minorities were affected disproportionately by so-called "re-education through labour". Recalling that the National Human Rights Action Plan prohibited illegal detention, he asked what practical measures had been taken to prohibit, prevent and punish administrative detention, including re-education through labour.

33. Information before the Committee also suggested that the 1988 Law on the Preservation of State Secrets mainly affected members of ethnic minority organizations. During the current review of the Law, the State party should bear in mind that the rights to judicial review and access to a lawyer continued to apply, irrespective of the sensitive nature of offences covered by that Law. It should guard against the possible discriminatory application of the provisions concerned.

34. He wished to know what had been done to address the problem of harassment of defence lawyers, especially in cases involving ill-treatment of Tibetans and Uighurs. He also requested additional information on the freedom of religion of ethnic minorities, particularly Buddhists, Muslims and Taoists.

35. With regard to political participation and freedom of expression of minorities, he asked the delegation to comment on the alleged difficulties faced by civil society organizations operating in minority areas, including the shutting down of websites most used by Tibetan students and a Mongolian youth forum, and to provide additional information about the political participation of ethnic minorities, especially the number of members of ethnic minorities in government decision-making posts.

36. Again referring to the ambitious goals of the National Human Rights Action Plan, he noted that access to health care in minority areas remained insufficient, owing to their geographical remoteness and poverty. Unemployment among minority groups was also high, which was partly

a result of the recruitment requirement for fluency in Mandarin. However, low employment rates even among persons with the requisite professional skills and proficiency in Mandarin suggested that discrimination played a role. It might be necessary to impose hiring quotas for minorities.

37. Turning to the situation of foreign migrant workers in the Hong Kong Special Administrative Region, he noted the discriminatory nature of the so-called “two-week rule”. He wished to know why foreign domestic workers would not be covered by the proposed statutory minimum wage legislation.

38. With regard to the Macao Special Administrative Region, he requested additional information on the reportedly high incidence of trafficking in women and children for the purpose of sexual exploitation. He asked whether it was true that migrant workers were excluded from the social welfare system. If so, he wished to know the reasons for that policy.

39. Mr. LAHIRI welcomed the State party’s adoption of legislation to protect human rights and commended its spectacular economic growth. Nonetheless, the disadvantages suffered by ethnic minorities in China, particularly the Tibetans and Uighurs, continued to be of concern to the Committee, particularly in the light of the serious troubles in 2008 and 2009. It appeared that talks between the State party and the Dalai Lama’s representatives to resolve the Tibet issue on the basis of meaningful Tibetan autonomy under Chinese sovereignty had not made headway. The Uighur situation had drawn criticism of the State party from Turkey and the Organisation of the Islamic Conference, broadly reflecting the opinion of Governments of Muslim-majority countries, at least on issues involving Islam.

40. While the State party appeared to blame the unrest on separatists set on undermining its unity and territorial integrity, he noted that the Committee’s sole concern was the implementation of the Convention’s prohibitions against racial discrimination.

41. He noted that the State party had made provision for preferential minority access to education and employment, exempted minority groups from the one-child norm, and invested in the economic and social advancement of minority regions. He asked whether the legal and administrative provisions that had been adopted and the large investments and infrastructure projects had really contributed to the stated objective of improving the situation of the ethnic minority population. The periodic report unfortunately provided no statistics disaggregated by ethnicity to clarify that point, despite the Committee’s repeated requests for such data. Official statistics suggested that the current situation of many Tibetans and Uighurs had deteriorated in relative terms, particularly concerning per capita income, literacy levels and educational levels. He would welcome the delegation’s comments on persistent allegations that the State party’s laws, regulations and constitutional objectives were being widely contravened, at least in respect of the Tibetan population, with regard to economic and social development benefits actually reaching the ethnic minority. It would also be useful to hear the delegation’s reaction to reports of discrimination in minorities’ access to education, employment, health care, treatment under the justice system, public representation and participation in governance, the maintenance and development of minority languages, and the observance of traditional cultural and religious practices.

42. There appeared to be little doubt that one of the principal causes of unrest and dissatisfaction among the ethnic minorities was the change in the demographic balance brought

about by the continued influx of large numbers of Han settlers to the western regions, where many of the minorities lived, and their securing the majority of the benefits of government investments in those areas. In 2001, the State party had assured the Committee that the Government had no plans to encourage large-scale non-ethnic minority migration into those areas. Many Han settlers continued to migrate to those areas, nonetheless, encouraged by generous incentives. Lhasa reportedly had a Han majority, and the Uighurs were being reduced to a minority in Xinjiang. Action by the Government to arrest that trend was imperative.

43. He commended the State party's visionary approach to combining meaningful autonomy with a unified country under the "One country, two systems" formula in the Hong Kong and Macao Special Administrative Regions. The Government had clearly indicated that it would eventually welcome such a formula for Taiwan. He asked whether a similar solution could also be considered to meet the desire for meaningful autonomy of the Tibetans, and even the Uighurs. He asked the delegation to comment on the current position of the Government on the validity of the 17-point agreement reached in 1951 with the Tibetan local government.

44. In conclusion, he recommended that the State party should redesign its development and investment programmes for the western region, which were intended to boost the standard of living in those areas, as affirmative action programmes on behalf of the ethnic minorities. It should also set reasonable targets for time-bound improvement in the economic and social indicators of the ethnic minority community and reduction in the disparity in those indicators between ethnic communities and the State party as a whole. In order to measure progress in achieving the targets, systems for collecting relevant data, disaggregated by ethnicity, should be established and the resulting data included in future periodic reports. Finally, he recommended that incentives for large-scale non-ethnic migration to the western region should be discontinued.

45. Mr. DIACONU said that, despite the assurances provided in paragraph 92 of the periodic report on the right of children of minority groups to use their mother tongue in bilingual education, it was alleged that, in Uighur areas, children were allowed to use only Mandarin in school. He asked whether all minority languages were used in primary, secondary and higher education, and how many bilingual schools there were in Uighur regions.

46. Welcoming the introduction of free legal aid, he emphasized the role of the judiciary in protecting vulnerable groups against racial discrimination, including upholding their rights to legal defence and the presumption of innocence. He wished to know whether all individuals were entitled to legal defence and whether lawyers were free to assist all individuals in court cases. He also required whether the Convention could be invoked directly in domestic courts by lawyers or judges.

47. Additional information would be welcome on legal provisions prohibiting racial discrimination in access to places open to the general public, such as bars and restaurants. He asked whether any cases had been brought to court concerning such access and, if so, how they had been settled.

48. While the adoption of the Racial Discrimination Ordinance in the Hong Kong Special Administrative Region was a positive measure, that provision excluded certain State activities. Article 5 of the Convention clearly included both political, civil, economic, cultural and social rights. He asked whether there were plans to extend the Ordinance to cover all those rights.

49. He requested further details of the discriminatory attitude apparently often adopted by the police in their dealings with people belonging to ethnic minority groups.

50. Given that the Macao Special Administrative Region was a transit area for women who were trafficked for the purposes of exploitation or forced prostitution, he failed to understand why perpetrators of human trafficking were not effectively prosecuted by the local judicial authorities. He reiterated the recommendation that the Macao Special Administrative Region should establish a national human rights institution. He wished to know why migrant workers were excluded from the social protection system in that region.

51. Mr. KEMAL said that the State party should adopt a separate law against racial discrimination in order to facilitate prosecution in cases of racial discrimination by any individual, commercial organization, educational institution or government agency.

52. He asked to what extent the system of regional ethnic autonomy functioned in practice to ensure the protection of the rights of ethnic minorities. It would be useful to learn about measures that were taken to prevent discrimination against workers from minority groups. Despite the State party's unprecedented economic growth, there were clear emerging income disparities between urban and rural areas, the different economic classes and ethnic groups which could result in jealousy and resentment. While it might be argued that such disparities were an inevitable part of the process of rapid economic growth, the State party could not afford to ignore such developments. He asked how it intended to address that issue.

53. The new railway linking eastern China with Tibet could play an important role in promoting national unity among the different ethnic groups in the State party. It would be useful to know whether the project had had any adverse environmental impact and, if so, what measures the Government had taken to deal with the problem. He asked to what extent local people were benefiting from the railway, apart from access to cheaper goods and ease of travel to other provinces. In particular, he wished to know whether any special measures, such as subsidized tickets, were available to locals.

54. The Committee would welcome information on any special measures being taken by government agencies and educational institutions to ensure that minority groups, especially in Tibet, western China and other developing regions, were able to attain the educational level reached by the Han people. The State party should adopt such measures to ensure that, in time, members of minority groups were able to compete effectively.

55. Mr. de GOUTTES noted the apparent gap between legislation protecting human rights and the rights of ethnic minorities, and the current situation on the ground. In that connection, he repeated the recommendation that the State party should adopt a definition of racial discrimination that was in accordance with that in article 1 of the Convention. The current definition concerned discrimination based on nationality and ethnicity, but not racial discrimination. The Criminal Code appeared to contain no reference to provisions on racial discrimination that were in keeping with the definition in article 1 of the Convention. Similarly, the periodic report contained no data on complaints, prosecutions or convictions concerning acts of racism in accordance with articles 4 and 6 of the Convention, apart from the case against the Guangdong television station mentioned in paragraph 78. The absence of legal data was particularly regrettable given the State party's vast multi-ethnic, multiracial and multicultural

population, which made it difficult to believe that no acts of racial discrimination had been committed. As emphasized in paragraph 1 (b) of the Committee's general recommendation XXXI, the absence or small number of complaints, prosecutions and convictions relating to acts of racial discrimination was not necessarily positive. He would be interested to hear the delegation's comments concerning the link some NGOs had made between the lack of such data and the obstacles lawyers faced in their efforts to defend certain clients.

56. Welcoming the recognition in the periodic report of various difficulties in ethnic minority areas, he requested additional and updated information on issues such as recent measures taken under the Regional Ethnic Autonomy Law, the role of the State Ethnic Affairs Commission, and measures to protect ethnic groups, in particular Tibetans and Uighurs, against alleged ill-treatment by agents of the State. He also asked how many victims had resulted from the serious events in Tibet and Xinjiang earlier in 2009 and what measures were being taken to ensure equality among ethnic groups. What was being done to implement previous recommendations by the Committee concerning freedom of expression, association and religion in Tibet and Xinjiang? With reference to paragraph 119 of the periodic report, he asked for clarification on restriction of the right to freedom of religion in the case of criminal activities committed in the name of religion and sought examples of such activities. Referring to paragraph 101 of the report, he enquired about the respective percentages of students of Tibetan and Han origin at Tibet University.

57. He asked what measures were being taken to improve the economic, social, cultural and labour rights of migrant workers from mainland China and abroad arriving in the Hong Kong Special Administrative Region, particularly domestic workers. Did the Race Discrimination Ordinance protect the rights of all workers, including those from mainland China? Lastly, he asked whether the Chinese Government was intending to make the declaration provided for in article 14 of the Convention, to publish and disseminate the periodic reports under consideration, and to consult NGOs more fully in the next reporting exercise.

58. Mr. PROSPER, while recognizing the fundamental right of States to protect themselves from terrorism, asked what measures the Government was taking to ensure that measures against extremist or terrorist groups were limited to them rather than affecting the civilian population at large. Stressing the need to distinguish between prosecution and persecution, he requested clarification on what actions were being taken against such groups. How were charges against them framed? Were they brought before the ordinary courts? What rights did they enjoy in the legal process? The Committee must be able to understand whether groups such as the Uighurs had a justified fear of persecution or were being legitimately prosecuted.

59. Mr. PETER, welcoming China's acknowledgement of the existence of ethnic minorities within its territories and the weak economic foundations of ethnic areas, asked what was being done to ensure that resources were directed to those areas in order to promote development among ethnic minorities. He also asked what measures were taken to help members of ethnic minorities who moved to more prosperous areas to acclimatize.

60. With regard to positive discrimination measures for ethnic minority students, he asked whether targeted groups were aware that such measures existed, what was being done to publicize them, and how the authorities ensured that benefits were not diverted to other groups.

61. Noting that efforts were under way to examine the possibility of establishing a national human rights institution, he asked when such action might be taken. He further asked when the Government might prepare a bill on refugees and asylum-seekers and whether the United Nations High Commissioner for Refugees would be involved in the process. Was the State party intending to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness? Did the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees apply to the Hong Kong and Macao Special Administrative Regions and, if not, why not?

62. Mr. AVTONOMOV enquired about the provision of education to ethnic minorities in their own language. It seemed that current practice went beyond the legislative provisions in force; if so, consideration should be given to amending the relevant legislation accordingly. He asked whether the written languages of ethnic groups also present in other countries, for example Kazakhs, Mongolians and Uzbeks, were taught in the same script as elsewhere and, if not, how the alphabets used differed. He requested further information on current legislative provisions regarding elections in the Macao Special Administrative Region, and also asked whether elections had been held there and, if so, what the results had been, and how equality of participation among ethnic groups was ensured in law and in practice.

63. Mr. THORNBERRY enquired whether the Regional Ethnic Autonomy Law fulfilled all the functions of an anti-discrimination statute, particularly with regard to cultural issues and the broader interests of minority groups. How had the figure of 55 ethnic minorities been arrived at? Was the criterion of self-definition involved? Could new groups be recognized and granted autonomy?

64. He asked the delegation to comment on whether the *hukou* system of household registration according to agricultural or non-agricultural status constituted discrimination based on descent. With regard to bilingual education, he sought additional information on models used and success rates, together with clarification regarding the situation of children transferred from minority-group areas to cities.

65. The Committee had received much information from NGOs. Noting that many of them operated from outside the State party, he asked whether that situation was significant.

66. He requested clarification concerning the conflicting information received on the scope of the Race Discrimination Ordinance of the Hong Kong Special Administrative Region, particularly in terms of the various exemptions provided for and its restriction to certain spheres. He sought the delegation's comments on NGO proposals for a broad equality plan to address all issues. In general, he observed that the State party's approach to cultural diversity seemed to be increasingly in line with that of the Committee.

67. Mr. LINDGREN ALVES, while praising the steps taken by the State party to protect its ethnic minorities, nevertheless remarked that China's legislation seemed to lack provisions to protect individuals from discrimination and should be amended. The aim of the Convention was not to protect minority culture but to defend the rights of individuals belonging to minority groups. As such, the Committee was concerned to see fair trials for all those who had been

involved in recent riots in Xinjiang and Tibet. At the same time, he expressed support for Mr. Prosper's comments on the right of every country to defend itself against terrorism. He underlined the fact that decades of media manipulation made it virtually impossible for outsiders to have an objective view of recent events in China.

68. Mr. EWOMSAN said that, in view of its prodigious economic growth, people in many developing countries, particularly in Africa, saw their destiny as linked to that of China. In order to benefit all its 56 ethnic groups, 55 of which totalled only 8 per cent of the population, China must ensure respect for human rights in general and the provisions of the Convention in particular, so as to avoid racial discrimination. Events such as the recent rioting in Xinjiang, with its ethnic dimension, suggested that implementing the Convention and respecting the rights of individuals was the path to social peace and consolidation.

The meeting rose at 6.05 p.m.