



消除一切形式
种族歧视国际公约

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消除种族歧视委员会

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中国对国别报告员送交的审议中国第十次至第十三次
定期报告的问题清单(CERD/C/CHN/10-13)* 的答复

* 按照已通知各缔约国的报告处理办法，本文件在送交联合国翻译部门前未经正式编辑。

中国政府对委员会问题清单的答复

概况及制度框架

1. 请根据委员会上次审议结论性意见的要求(A/56/18 第 250 段), 提供中方管辖范围内少数民族, 包括难民和无国籍人的有关社会经济的分类数据资料(作为中国报告附件的核心材料第 7 段)。

自 2001 年委员会上次审议中国报告以来, 中国政府继续采取一系列政策和措施, 加快少数民族和民族地区的经济和社会发展。2007 年经济和社会发展情况如下:

一、经济保持快速增长, 整体实力显著增强。民族地区 GDP 总量由 1978 年的 324 亿元增加到的 24768 亿元, 按可比价格计算增长了 15.2 倍, 年均增速 10.1%。民族地区人均 GDP12954 元, 2005 年首次超过 1000 美元大关。特色经济区域逐步形成, 如内蒙古呼包鄂地区、广西北部湾经济区、宁夏“沿黄经济带”等, 逐步形成了各具特色的产业链和关联密切的产业群, 对民族地区经济发展的带动作用更加明显。其中, 较有代表性的内蒙古自治区, 截至 2007 年底, 全区人均 GDP 大幅度增加, 达到了 25393 元, 按 2007 年年平均汇率折算, 为 3339 美元, 首次超过了具有标志性意义的 3000 美元大关, 并连续四年居全国第 10 位, 连续五年保持西部第 1 位。

二、产业结构不断完善, 特色优势产业不断壮大。民族地区三次产业分布由 1978 年的 38: 41: 21 变为 17: 45: 38, 农牧业比重明显下降, 工业和第三产业比重显著上升。一批特色优势产业不断发展壮大。例如, 新疆的棉花生产, 2007 年产量达到 270 万吨, 约占全国产量的 40%, 棉花种植面积、总产量连续 14 年位居全国首位。内蒙古的畜牧业, 2007 年度牲畜总头数达到 1 亿头只, 肉类总产量达到 202 万吨, 羊肉、牛奶的产量居全国首位。广西的桑蚕业, 2007 年全区桑园面积达 202 万亩, 养蚕 561 万张, 蚕茧产量 20.5 万吨, 蚕茧产量连续三年稳居全国第一位; 广西还是全国最大的蔗糖生产和综合利用基地, 产糖量约占全国的 60%。云南的花卉产业, 2007 年全省花卉种植面积 26 万亩, 花卉产业总产值 80 亿元, 鲜切花产量 45 亿枝, 出口创汇 8000 万美元, 云南已成为亚洲最大的花卉基地。例如, 新疆蕃茄酱的生产能力占到全国的 90%以上, 形成了亚洲最大的蕃茄生产、加工基地。广西、贵州和宁夏成为我国氧化铝和电解铝的重要生产基

地。例如，新疆的石油和天然气产量，2007 年产量分别达到 2610 万吨、210 亿立方米，分居全国第三和第一，其中石油年增长量连续 18 年保持全国第一。

三、固定资产投资高速增长，基础设施建设成绩斐然。国家不断加大对民族地区基础设施建设的投入，民族地区的全社会固定资产投资从 1978 年的 76 亿元增加到现在的 1.4 万多亿元。民族地区的全社会固定资产投资从 1978 年的 76 亿元增加到现在的 1.4 万多亿元。国家相继在民族地区安排了一批重大项目，修建了机场、铁路、高速公路、水电枢纽及城乡基础设施等，对促进民族地区经济社会发展，造福少数民族发挥了重要作用。

四、城乡居民收入稳步增加，人民生活水平日益提高。民族地区城镇居民收入稳步提高，居民生活有了巨大改善。城镇居民人均可支配收入由 1980 年的 414 元增加到 2007 年的 11490 元，增长了 26.8 倍。民族地区农村居民人均纯收入从 1980 年的 168 元增加到 2007 年的 2937 元，增长了 16.5 倍。农村贫困人口减少近 4000 万，人民生活基本实现了从大面积贫困到解决温饱再到总体小康的两次飞跃。例如在内蒙古牧区，2007 年，内蒙全区每百户农牧民家庭拥有摩托车 63 辆，比 2000 年增加 43 辆。在西藏，人民群众的收入不断增加，生活质量显著改善。2007 年，西藏城镇居民人均可支配收入和农牧民人均纯收入分别达到 11131 元和 2788 元，比 1978 年分别增加 10566 元和 2613 元，年均增长达到 10%以上。固定电话、彩色电视机、洗衣机等现代生活用品进入普通家庭。

五、民族地区公共服务水平不断提高。国家不断加强对民族地区的财政支持，公共资源更多地向贫困群众和贫困地区倾斜，免除了农牧业税，建立了农村最低生活保障制度。民族地区城乡基层卫生组织得到了建立和健全，少数民族医疗卫生人才得到了积极培养，民族医药得到了重视和发展，新型农村合作医疗制度实现了全面覆盖，地方病和传染病得到有效控制。从 1978 年到 2007 年，民族地区卫生机构、卫生机构床位数、卫生技术人员都增长了近 1 倍。民族医药事业重新焕发生机，全国民族医院已达 100 多所，民族医药专业人员有 1 万多人，藏医、蒙医、维医、傣医、朝医先后被纳入了国家医师资格考试。

六、教育事业稳步发展。民族教育办学规模和师资队伍不断发展壮大。截至 2007 年底，民族自治地方小学有专任教师 89.1 万人，在校生 1645 万人；中等学校有专任教师 63.7 万人，在校生 1084 万人；高等学校专任教师 7.7 万人，在校生

123.5 万人。有普通高等院校 167 所，其中广西 55 所，内蒙古 37 所，新疆 31 所，宁夏 13 所，贵州 9 所，云南 6 所，西藏 6 所，湖南 3 所，四川 3 所，湖北 2 所，吉林 1 所，甘肃 1 所。这些高等院校，除综合性大学外，还有一些工业、农业、财经、师范、理工、医药、体育院校，学科门类专业涵盖了所有 11 个门类。全国 55 个少数民族都有了自己的大学生，大多数民族有了研究生、博士生，维吾尔、回、朝鲜、纳西等十几个少数民族每万人平均拥有的大学生人数已超过全国的平均水平。

七、文化事业继续推进。民族地区有艺术表演团体 525 个，文化馆 630 个，群众艺术馆 83 个，图书馆 591 个，每十万人拥有的文化单位(艺术表演团体，文化馆和群众艺术馆，公共图书馆)数高于全国平均水平。民族地区广播、电视覆盖率分别超过 85%和 90%。少数民族语言文字在行政、司法、图书报刊出版、广播影视、文学艺术、信息化等领域，都得到了广泛运用和发展。

2. 请说明非政府组织是否参与了第十至十三期合并报告的撰写准备工作，是以何种方式参与的？

在撰写本合并报告的过程中，政府主管部门通过举办座谈会，走访、书面咨询等方式，广泛征求了非政府组织、研究机构和专家学者的意见，还专门邀请中国民族问题研究中心、中国社会科学院民族研究所等研究机构以及中央民族大学、北京大学等大学的学者对一些专门事项发表意见和建议；非政府组织和专家学者的意见和建议得到高度重视和认真研究，在报告中得到了反映。

3. 中方是否有意根据《巴黎原则》(联合国大会 48/134 号决议附件)设立国家人权机构？

中国尚未设立《巴黎原则》所界定的国家人权机构，但许多部门承担着促进和保护人权的职责：各级人民代表大会和政府均设有信访办公室，接受、调查和处理各种申诉；中国监察部门负责监督政府机构和官员的行为；中国检察机关负责查处国家机关工作人员的渎职侵权行为；国家民族事务委员会专门负责保护和促进少数民族权利。中国有关部门正在根据中国的具体情况进一步研究设立国家人权机构问题。

第 一 条

4. 中方是否准备根据委员会上次审议结论性意见(A/56/18 第 241 段)的建议，依公约有关条款在宪法中对“种族歧视”加以定义，以禁止基于种族、肤色、世系、民族或人种的歧视(中国报告第 7 段)?

本合并报告第 6 段说明中国宪法和法律禁止“民族歧视”，第 7 段答复了委员会上次审议的结论性意见中对“种族歧视”加以定义的建议，其中指出：“中国法律中禁止的‘民族歧视’，涵盖了基于人种、肤色或种族的歧视，符合公约第一条关于种族歧视的定义”。中国是一个统一的多民族国家。反对基于种族、肤色、世系、民族或人种的任何民族歧视，依法维护全体公民的平等合法权利，是中国基本的立法原则之一。通过宪法和法律规定，反对任何形式的民族歧视，倡导民族平等团结互助和谐，与《公约》中所倡导的反对“种族歧视”的宗旨或效果相一致。

第 二 条

5. 根据委员会上次的结论性意见(第 242 段)，请说明中方是否有意按照公约规定通过一部综合性的《反歧视法》?

中国已经建立了综合的法律体系确保公约的精神和规定在中国境内得到实现：《中华人民共和国宪法》明确规定了“民族平等”、“禁止民族歧视”的基本原则；《中华人民共和国民族区域自治法》作为具体实施宪法中民族区域自治基本原则的专门法律，在政治、经济、社会、教育、科技、文化、环境保护等各方面对保障少数民族平等权利和合法权益作出详细规定。国务院颁布了《国务院实施<中华人民共和国民族区域自治法>若干规定》，国务院有关部门制定了 22 件配套性文件或规章，四川、海南、重庆等省市出台了 13 个贯彻实施民族区域自治法的地方性法规，民族自治地方共制定了 137 个自治条例，510 个单行条例，75 个变通和补充规定。此外，国家重视以法律形式保障散居少数民族的平等合法权益，国家已经制定了《城市民族工作条例》和《民族行政工作条例》，少数民族散居的 10 个省、市出台了少数民族权益保障条例。除以上专门的保护民族权益的法律法规外，在其他一般性的法律法规中，凡有可能涉及民族事务的，也明确规定了民族平等、禁止歧视。例如 2007 年颁布的《中华人民共和国就业促进法》明确规

定了“禁止民族和种族歧视”。总体上，中国的法律体系符合公约的规定，能够保障公约的宗旨和目的在中国得到充分实现。

6. 请提供《国家人权行动计划》(2009年4月公布)中直接涉及公约所庄严保障之权利的规定的详细资料。中方在制订该《计划》时，是否征求过民间社会的意见？该《计划》是否会适用于香港和澳门？

一、《国家人权行动计划(2009-2010)》(中英文见附件)中保护少数民族权利的内容

(一) 第三章第一节“少数民族的权利保障”

中国是统一的多民族国家，迄今为止，通过识别并经中央政府确认的民族有56个。除汉族以外的55个少数民族总人口为10643万，占全国总人口的8.41%。各民族一律平等，国家保障各少数民族的合法权益。

推进与少数民族相关的立法。推动制定贯彻实施民族区域自治法的配套规定，修订《城市民族工作条例》和《民族乡行政工作条例》。

保障少数民族依法管理民族自治地方事务和参与管理国家事务的权利。保证55个少数民族都有本民族的全国人大代表，人口特少的民族至少也有一名代表。保证人口超过100万的少数民族都有本民族的全国人大常委会委员。继续保证在民族自治地方的人大常委会中均有实行区域自治的民族的公民担任主任或副主任，民族自治地方政府的主席、州长、县长均由实行区域自治的民族的公民担任。继续保证在中央和地方国家权力机关、行政机关、审判机关和检察机关都有相当数量的少数民族人员，参加国家和地方事务的管理。

促进少数民族教育事业的发展。继续建立和发展各类民族学校，举办民族预科班，实行双语教学，对少数民族考生升学予以照顾，在广大农牧区推行寄宿制教育，在内地设立西藏中学和新疆高中班等。至2010年，民族自治地方普及九年义务教育人口覆盖率达到95%以上。

加强对少数民族人才的培养，并使各类少数民族人员就业的比重接近少数民族人口在全国总人口中的比重。对地、县级少数民族干部进行轮训，对民族工作系统的干部进行现代管理知识和综合能力培训，选拔县

(市、旗、区)、乡镇少数民族中青年干部接受各种形式的大专以上学历教育，包括选派优秀的少数民族中青年专业技术人员到国外参加培训。

保障少数民族学习、使用和发展本民族语言文字的权利。培养少数民族语言文字专门人才，保证少数民族语言文字在司法、行政、教育领域中的应用，增加对少数民族语言文字出版物资助，扶持少数民族语言文字图书报刊的出版，提高少数民族语言广播电影电视节目的译制、制作能力，提高边境地区少数民族语言广播电视覆盖率，促进少数民族语言文字的规范化、标准化和信息化。

促进少数民族文化发展。推出在国内外具有较大影响的少数民族文学、戏曲、音乐、舞蹈、美术、工艺、建筑、风情、服饰、饮食等文化艺术品牌。制作优秀的少数民族题材广播影视作品，扶持对少数民族文化发展具有重大影响的民族出版项目。向少数民族聚居的县(市、旗、区)图书馆和中小学校、农牧区村赠送民族语文和汉语文图书、杂志。保护、发展和培育少数民族特色表演艺术。

促进民族地区经济发展，提高少数民族的生活水平。加大对民族地区经济社会发展投入的力度。2009-2010 年，国家将投入少数民族发展资金 20 亿元以上，促进经济社会加快发展，其中投入近 10 亿元，用于帮助人口较少民族聚居地区的基础设施建设、危旧房改造、群众生产生活条件改善、产业发展、群众增收和社会事业发展。继续支持边境地区经济社会发展，重点解决边境地区群众民生方面的特殊困难。优先解决少数民族特困村的贫困问题，基本实现具备条件的特困村通路、通电、通电话、通广播电视，有学校、有卫生室、有安全的人畜饮用水、有安居房、有稳定解决温饱的基本农田或草场的目标。

(二) 第二章“公民权利与政治权利保障”相关内容中对少数民族的权利保障作出特别规定：

1. 宗教信仰自由：

尊重少数民族的信仰传统，保护少数民族宗教文化遗产。继续投入资金用于维修少数民族地区具有重要历史文化价值的寺庙和宗教设施。

2. 参与权：

完善人民代表大会制度，修改选举法，完善选举制度，逐步实行城乡按相同人口比例选举人大代表，适度提高各级人民代表大会中少数民族、归国华侨、妇女、基层工人、农民与农民工代表的比例，密切人大代表同选民的联系。切实保障人大代表依法行使职权。

二、征求民间社会的意见

《国家人权行动计划》是在中国政府各有关部门和社会团体广泛参与下制定的。中国政府专门设立了国家人权行动计划联席会议机制，包括 53 个成员单位，中华全国总工会、中华全国妇女联合会、中国残疾人联合会、中华全国青年联合会、中国人权研究会等社会团体直接参与其中。许多高校和研究机构的专家组成专家小组参与了起草工作。起草过程中，多次召开座谈会，邀请中国法学会、中华全国律师协会、中国法律援助基金会、中国教育学会、中国妇女发展基金会、中国扶贫基金会、中国残疾人福利基金会等 20 多个团体的专家学者和代表人士参加，广泛征求各社会团体、非政府组织、高等院校、研究机构以及社会各界的意见。

三、《国家人权行动计划》是否会适用于香港和澳门

《国家人权行动计划》是根据中国内地的情况制定的，仅适用于中国内地。

7. 请提供国家民委所从事活动及活动的影响的更详细资料，包括具体的事例(中国报告第 13、96、126、145 段)。

正如本合并报告第 13 段所阐明的，国家民委是国务院管理少数民族事务的职能部门，在保护少数民族合法权益、促进民族地区发展方面发挥着重要作用。国家民委的职能在上次报告中作了说明，现就近年来国家民委的主要活动及影响举例如下：

积极推进立法，保障少数民族的平等权利和少数民族区域自治权利。如合并报告中提到的《国务院实施〈中华人民共和国民族区域自治法〉若干规定》，就是国家民委提出建议并负责起草、经国务院批准后颁布实施的。这项行政法规的实施有力地推进了民族自治地方自治权利的进一步落实。

在经济和社会事业发展方面，国家民委经常发起行动计划，联合国务院其他主管部门，制定推进少数民族地区发展的政策、措施。如合并报告中提到的《少数民族事业第十一个五年规划》、《兴边富民行动“十一

五”规划》和《扶持人口较少民族发展五年规划(2005-2010)》等，就是国家民委负责起草，由国务院批准后颁布的。这些规划的实施，对少数民族地区的发展有巨大的促进作用。

监督检查国家有关少数民族法律法规政策的执行，也是国家民委的一项重要职责。国家民委专设有监督检查司，经常开展监督检查行动。如 2008 年，国家民委会同有关部门对 13 个省(自治区、直辖市)和 12 个国务院部委贯彻执行国家关于民族问题方面的法律法规政策的落实情况进行检查。

国家民委还在少数民族语言文字的使用、少数民族传统文化的保护、少数民族教育的发展等方面制定计划，并推进计划的实施。

国家民委经常举办大型活动，以促进少数民族文化的继承和传播。如，每五年举办一次全国少数民族传统体育运动会，每五年举办一次全国少数民族文艺汇演。这些活动成为少数民族的文化节日。

各级地方政府一般都设有地方民族事务委员会，国家民委对他们的工作进行指导。

8. 请说明《少数民族事业“十一五”规划(2006-2010)》中是否包括保护少数民族语言、习俗和民生的保障措施。

制定执行《少数民族事业“十一五”规划》(以下简称《规划》)是中国政府为加快少数民族和民族地区发展所做出的一项重大战略部署。《规划》从经济、扶贫、文化、医疗、社会福利、教育、人才培养、法制建设、民族和谐等广泛领域，就未来五年少数民族事业发展和少数民族权利保障提出了十一项主要任务和十一项重点工程，这些任务和工程包括了对少数民族语言、风俗习惯和民生的保障内容。

一、在少数民族语言和习俗保障方面，《规划》明确要求“充分尊重少数民族群众的风俗习惯和宗教信仰”，“大力发展少数民族文化事业”，“尊重、使用和发展少数民族语言文字”，主要措施包括：加强民族自治地方文化基础设施建设；发展少数民族新闻出版、广播影视和文化艺术事业；扶持少数民族文化产业发展；加强少数民族文化遗产保护、抢救、发掘、整理和宣传展示；积极开展少数民族特色文化活动；加强少数民族文化的对外宣传、交流与合作；加强民族自治地方文化艺术人才培养。

二、在少数民族的民生保障方面，政府更加重视解决少数民族和民族自治地方与人民群众生产生活密切相关的教育、卫生、文化和社会福利等民生问题，包括：

在教育方面，着力提高少数民族和民族自治地方的教育水平。主要采取以下措施：普及和巩固九年义务教育，全面落实农村义务教育阶段学生免收学杂费、对贫困家庭学生免费提供教科书、补助寄宿生生活费等政策；办好民族自治地方普通高中，大力发展中等职业教育；改善中小学办学条件，提高中小学公用经费保障水平；强化民族自治地方中小学教师培养培训，逐步提高中小学师资水平和教师待遇；适当扩大全国普通高等院校少数民族预科班、民族班的招生规模；建立有效教育资助体系，帮助少数民族贫困大学生完成学业。

在医疗卫生方面，着力加快发展少数民族医疗卫生事业。主要采取以下措施：完善民族自治地方公共卫生和基层医疗服务体系；加快民族自治地方医疗保障制度建设；加强民族自治地方农村医疗卫生人才培养；加强民族自治地方传染病和地方病防治工作；加大少数民族传统医药的保护和抢救力度；大力宣传普及人口与计划生育、卫生、疾病预防知识，倡导科学、文明、健康的生活方式。

在社会福利方面，稳步提升少数民族社会福利水平。主要采取以下措施：建立健全社会保障体系，扩大社会保障覆盖面；完善城镇居民最低生活保障制度，全面推进农村居民最低生活保障制度的建立；加快发展以扶贫、助残、救孤、济困为重点的社会福利事业和社会慈善事业；加强就业培训和服务体系建设；加大农村劳动力转移培训力度。

《规划》全文见中国合并报告附件四。

9. 《民族区域自治法》的监督机制是什么(中国报告第 10-12 段)?

《民族区域自治法》作为中国的基本法律，其监督机制包括国家监督和社会监督两个方面。国家监督指各级立法机关、政府机关和司法机关在职权范围内监督《民族区域自治法》的实施，主要包括：1、各级人民代表大会及其常务委员会对该法实施的监督，如本合并报告第 12 段说明了全国人大常委会于 2006 年成立执法检查组，对《民族区域自治法》实施 22 年的情况进行了执法检查；2、各级行政机关对该法实施情况的监督，例如国务院出台了贯彻《民族区域自治法》的行

政法规，即《国务院实施〈中华人民共和国民族区域自治法〉若干规定》，其中专门规定：“各级人民政府民族工作部门对本规定的执行情况实施监督检查，每年将监督检查的情况向同级人民政府报告，并提出意见和建议”；3、各级人民检察院和人民法院在办理具体司法案件中，对违反《民族区域自治法》的行为予以制裁和处罚，也起到监督作用。

社会监督主要包括政党监督、人民团体、新闻舆论以及公民的监督。这些部门或个人都可以对《民族区域自治法》的实施情况中存在的问题向相关部门进行反映，提出改进意见，实施监督。

10. 中方是否已根据上次委员会结论性意见的建议，通过了难民法(中国报告第 142 段)? 同时，请提供关于目前确立难民地位的程序，以及防止对政治避难者和难民的歧视的保障措施的可详细资料。

中国是《1951 年关于难民地位公约》及其 1967 议定书的缔约国，高度重视难民立法问题。为更好履行上述公约及议定书，同时也是考虑到委员会在上次结论性意见中提出的建议，中国政府已经启动了制定难民立法的进程。外交部、公安部、民政部正在起草《难民甄别和管理办法》，主要内容包括难民定义、难民事务管理机关、难民地位甄别、难民临时安置和遣返、难民地位的丧失与取消、难民的驱逐等。有关主管部门正在积极进行协调，争取尽早完成难民立法，并确保在难民立法中充分体现平等和非歧视原则。

在中国完成难民立法前，中国政府将继续根据国内法、有关国际公约和人道主义精神妥善处理有关个案。

11. 请提供香港特别行政区反歧视立法的内容和进展的最新资料(上次审议结论性意见第 247 段；中国香港特区报告第 65-72 段)；目前文本是否禁止歧视来自中国大陆的移民，以及是否禁止司法官员和其他公众机构基于种族和民族的所有歧视行为和实践？

请参见中国香港特别行政区提供的答复材料。

第 五 条

12. 请提供关于保护特定少数民族，包括维吾尔族和藏族，免受国家官员不公正待遇所采取措施的资料。有何保障措施来确保所声称的不公正待遇，包括在 2008 年 3 月在西藏自治区及其周边地区发生的事件中对藏族人的羁押和过度使用武力，会得到迅速、公正和独立的调查？

一、在中国，各民族一律平等。新中国成立以来，特别是改革开放以来，为了加快少数民族和民族地区经济社会发展，切实保护少数民族合法权益，政府制定了一系列优惠政策，采取了许多特殊的扶持措施，使广大少数民族群众共享改革发展的成果，形成了各民族共同团结奋斗、共同繁荣发展的良好局面。平等、团结、互助、和谐是当前中国民族关系的主要特征。国务院明确要求各部门严格执行有关法律法规和国家的民族政策，杜绝侵害少数民族群众正当权益事件的发生。中央政府还组织有关人员就有关措施的落实进行了专门的督促检查。

二、2008 年 3 月中旬，在拉萨等地接连发生了打砸抢烧等严重暴力犯罪案件。这是中国境内外的“藏独”分裂势力相互勾结，精心策划，有组织、有预谋地、蓄意制造的一次犯罪活动，造成了 18 名无辜群众死亡、数百名无辜群众受伤，严重危害了人民群众的生命财产安全，严重破坏了社会稳定，严重影响了拉萨等地经济社会发展，广大人民群众强烈要求司法机关依法惩处犯罪分子。

在拉萨等地“3·14”严重暴力犯罪案件发生后，西藏自治区公安机关共依法拘捕涉嫌打砸抢烧的违法犯罪嫌疑人 953 名，362 名违法犯罪嫌疑人主动向公安机关投案自首。西藏自治区司法机关对 1231 名违法犯罪嫌疑人经治安处罚、具结悔过和教育后予以释放；对 77 名被告人分别以犯放火罪、抢劫罪、盗窃罪、妨害公务罪、寻衅滋事罪、聚众扰乱社会秩序罪和聚众冲击国家机关罪判处了刑罚，对 7 名被告人分别以间谍罪、为境外非法提供情报罪判处了刑罚。

在处理拉萨等地“3·14”严重暴力犯罪案件过程中，西藏自治区司法机关采取了教育大多数、处理极少数的原则，坚持依法、公正、文明办案，充分维护了违法犯罪嫌疑人的合法权益。为了保护广大人民群众的生命财产安全，维护正常的社会秩序，值勤的公安民警、武警官兵被暴徒打伤 241 名，其中重伤 23 名，另牺牲 1 人。拉萨市中级人民法院和区、县人民法院严格依照刑法和刑事诉讼法的规定，依法公开开庭审理了被告人，为少数民族被告人提供了翻译，各被告人的

辩护律师都充分发表了辩护意见，被告人的诉讼权利得到了充分保障，民族习惯和人格尊严受到了充分尊重。

13. 尽管有措施保障所有少数民族平等的政治代表权(中国报告第 83-86 段)，但在公共事务的决策层，少数民族，尤其是妇女仍未被充分代表。请提供在这方面的进一步计划，同时请提供少数民族在警察、军队和执法部门代表情况的有关资料。

一、少数民族包括少数民族妇女担任公职情况。自委员会上次审议中国报告以来，中国少数民族干部人数继续有较大的增长，全国共有少数民族干部 299.4 万人，全国县(处)级以上干部中有少数民族干部 4.5 万人，占同级干部总数的 7.6%。在各级公共事务的决策层，都有适当比例的少数民族人士。在 155 个民族自治地方的人大常委会中，都有实行区域自治的民族干部担任主任或副主任，自治区主席、自治州州长、自治县县长全部由实行区域自治的民族干部担任，每一个少数民族都至少有 1 名全国人大代表，少数民族平等参与管理国家事务和自主管理本地区本民族内部事务的各项权利得到切实尊重和保障。

在少数民族干部队伍中，少数民族妇女干部占相当比例。例如在西藏，自治区级主要政府机构均配有女干部，地县级领导班子中女干部配备率达到 80%以上。自治区人民代表大会女代表和政治协商会议女委员的比例均在 20%以上。新疆全区少数民族干部已达 34.8 万人，占全区干部总数的 51.8%，其中，少数民族妇女干部占全区妇女干部总数的 46%以上。其他少数民族地区的情况和西藏、新疆地区情况类似。

二、进一步措施。2007 年发布的《少数民族事业“十一五”规划》明确提出要“切实加强少数民族人才队伍建设”，“制订和实施少数民族人才队伍建设规划.....实施少数民族人才队伍培养工程.....培养更多的少数民族领导干部。”各级政府将继续落实上述规划任务，为少数民族人士、包括少数民族妇女享有管理国家事务和管理本民族事务的权利提供保障。

三、少数民族在警察(执法部门)和军队的代表性。

(一) 少数民族民警数量

改革开放以来，公安机关少数民族民警数量逐年增长。截至 2008 年底，少数民族民警 121171 名，占民警总数的 7.62%，是 1979 年少数民族

民警数量的 3.1 倍。2000 年以来少数民族民警数量变化情况以及与 1979 年的对比如下：

	1979	2000	2001	2002	2003	2004	2005	2006	2007	2008
数 量	38823	92824	95047	92952	94452	94458	105311	109900	115452	121171
所占比例	5.5%	7.02%	7.06%	6.96%	6.95%	6.95%	7.2%	7.28%	7.54%	7.62%

(二) 少数民族担任民警领导干部情况

2008 年底，全国省级公安机关领导干部中，少数民族领导干部 22 人，占领导干部总数的 7.7%。其中，内蒙古、广西、贵州、西藏、新疆等省区公安厅少数民族领导干部所占比例均达到或接近 30%，西藏比例最高，为 54.5%。

地市级公安机关领导干部中，少数民族领导干部 276 人，占领导干部总数的 8.1%。其中，内蒙古、广西、贵州、云南、西藏、青海、宁夏、新疆等省区地市级公安机关少数民族干部所占比例均达到 20%以上，西藏比例最高，为 55.8%。

县级公安机关领导干部中，少数民族领导干部 2576 人，占领导干部总数的 11.4%。其中，广西、贵州、云南、西藏、青海等省区县级公安机关少数民族领导干部所占比例均达到 30%以上，西藏比例最高，为 58.6%。

(三) 女性民警数量

1. 改革开放以来，公安机关女性民警数量逐年增长。截至 2008 年底，全国公安机关有女性民警 215617 名，是 1979 年女性民警数量的 4.2 倍；女性民警占民警总数的 13.56%，所占比例比 1979 年上升 6.26 个百分点。2000 年以来女性民警数量增长变化情况以及与 1979 年对比如下：

	1979	2000	2001	2002	2003	2004	2005	2006	2007	2008
数 量	51898	158926	164001	169818	176677	185380	195015	202351	206341	215617
所占比例	7.30%	12.02%	12.20%	12.70%	12.99%	13.17%	13.33%	13.41%	13.47%	13.56%

(四) 公安机关女性担任领导的情况

2008 年底，省级公安机关领导干部中，女性领导干部 10 人，占领导干部总数的 3.5%；地市级公安机关领导干部中，女性领导干部 103 人，占领导干部总数的 3%；县级公安机关领导干部中，女性领导干部 677 人，占领导干部总数的 3%。

(五) 军队中的少数民族干部。目前，军队少数民族干部共有 24532 人，其中少将以上军衔干部 27 人，高级专业技术职务干部 1015 人，女干部 3198 人。

- 14. 据报道，包括藏族、维吾尔族和回族穆斯林在内的一些少数民族宗教信仰自由和言论自由受到限制，请就此进行评论(上次审议结论性意见第 244 段；中国报告第 111-119 段)。**

中国宪法明确规定每个公民均享有宗教信仰自由和言论、出版、集会、结社、游行、示威的自由。第 41 条规定：“中华人民共和国公民对于任何国家机关和国家工作人员的违法失职行为，有向有关国家机关提出申诉、控告或者检举的权利。”中国公民依照法律规定通过各种渠道(人民代表、新闻媒体、政府机构信访部门等)表达自己的意见。中国政府充分尊重各民族人民宗教信仰自由的权利，尊重和保护宗教活动；保障宗教团体的合法权益。关于保障西藏、新疆地区宗教信仰的情况见中国合并报告第 113 至 118 段。

- 15. 请说明中方为解决某些信教少数民族，包括藏族、维吾尔族和回族在就业、充分的生活标准和就医方面的困难所采取的步骤和措施(例如：中国报告第 103-10 段)。2007 年的《就业促进法》是否包含监督和执行的条款？**

一、中国宪法明确规定：“各民族一律平等，国家保障少数民族的合法权利和利益，禁止对任何民族的歧视和压迫”。根据宪法这一规定，有关法律法规做出了一系列规定，保障各少数民族包括藏族、维吾尔族和回族作为中华人民共和国平等的一员，享有在政治、经济、文化、教育等社会生活的各个方面的一切权利平等。中国对少数民族各项权利的平等保护，不仅表现为禁止歧视，还表现为优待。即基于少数民族在经济文化发展的相对滞后，对少数民族在经济发展、文化、就业、医疗和教育权利的享受方面给予特别的照顾。例如在就业方面，切实保障少数民族在求职就业上的平等权利，民族自治地方在录用聘用国家工作人员

时给予优惠照顾；在医疗卫生方面，着力解决民族地区缺医少药和少数民族群众看病难问题，等等。

从统计数据看，民族地区农村居民人均纯收入从 1980 年的 168 元增加到 2007 年的 2937 元，增长了 16.5 倍。农村贫困人口减少近 4000 万，人民生活基本实现了从大面积贫困到解决温饱再到总体小康的两次飞跃。同时，随着中央对民族地区转移支付力度不断加大和自身财力的逐步增强，民族地区不断提高公共服务水平，推动公共资源更多地向贫困群众和贫困地区倾斜，免除了农牧业税，普及了九年免费教育，实施了新型农村合作医疗制度，建立农村最低生活保障制度，使经济发展成果更多体现在改善教育、就业、社会保障、医疗卫生等各项社会事业上，人民群众的生产生活水平得到了显著改善和提高。

二、西藏自治区、新疆维吾尔自治区、宁夏回族自治区保障本区少数民族权利的情况如下：

(一) 西藏自治区。

1. 就业。自治区政府从制定政策、加强培训和信息服务等方面入手，采取有效措施，促进就业。2006 年 9 月，西藏自治区政府拿出 3000 万元专项资金，购买了 2700 个公益性岗位，帮助“零就业家庭”和大龄就业困难群体实现再就业。2007 年，全区城镇新增就业 1.8 万人，消除零就业家庭 1304 户，城镇登记失业率控制在 4.3% 以内，拉萨市成为全国首个无零就业家庭的省会城市。

2. 生活保障和福利。自治区政府高度重视西藏农牧区的经济发展并给予大力扶持和资助，提高农牧民生活水平，使得广大农牧民能够充分享受改革开放和经济发展的成果。

2008 年，西藏农牧民人均纯收入达到 3176 元，是 1984 年和 1978 年的 7.1 倍和 18.1 倍，从 1978 年到 2008 年的 30 年，其年均增长率超过 10%，达到了较高水平。自 20 世纪 80 年代以来，西藏农牧区恩格尔系数维持在 53.18%—69.5% 之间，到 2008 年，西藏农牧区恩格尔系数为 56.0%，农牧民生活开始向小康生活迈进。政府建立了广泛的社会保障和救助体系。全面实施农牧区特困群众生活救助制度，将年人均纯收入低于 800 元的特困农牧民全部纳入保障范围之内。西藏五保户(包吃、包穿、

包住、包医、包葬)的供养金补助为人均 1500 元，高于全国农村五保户人均供养水平。

3. 医疗。西藏在全国率先实现了城镇居民医疗保险全覆盖；全面建立了农牧区医疗保障制度，农牧民人口 100%地被纳入到以免费医疗为基础的医疗保障体系之中，农牧民免费医疗补助人均达到 140 元。2008 年，西藏共有卫生机构 1339 个，比 1959 年增加近 20 倍；实有病床床位 7127 张，比 1959 年增加 6647 张；卫生技术人员 9098 人，比 1959 年增加 8307 人。西藏自治区每千人拥有床位数和卫生技术人员数均高于全国平均水平。

(二) 新疆维吾尔自治区。

1. 就业和社会保障。1981 至 2007 年城镇登记失业率均保持在 3.6%-3.9%的较低水平，2008 年控制在 3.7%。2008 年实现就业再就业 43 万人，农村劳动力转移就业 187 万人次。改革开放 30 年来，城镇居民人均可支配收入增长 35 倍，农民人均纯收入增长 28 倍。社会保障体系日臻完善，社会救助范围进一步扩大，2007 年起，对全区 191.1 万低保人员发放低保资金，城乡最低生活保障实现了“应保尽保”。

2. 医疗。公共卫生体系和基本医疗服务不断健全。2008 年新型农牧区合作医疗实现全覆盖，参合率达 94.5%；社区卫生服务机构从无到有，目前覆盖率已提高到 50%以上。

(三) 宁夏回族自治区。

1. 就业和社会保障。政府大力促进就业，2008 年，自治区政府筹资 1.47 亿元对各类中小企业吸纳近 3 年未就业并进行失业登记的高校毕业生就业；自治区财政对企业给予社会保险补贴(企业缴纳部分)和岗位补贴；国有和国有控股企业吸纳近 3 年未就业并进行失业登记的高校毕业生就业；2009 年 4 月，自治区总工会在银川启动就业援助招聘活动，为下岗失业人员、农民工、高校毕业生提供 2600 多个就业岗位。

2. 医疗。2007 年至 2009 年，自治区实施免费为城乡居民提供基本公共卫生服务并不断扩大范围，包括急性传染病预防和控制、计划免疫、妇幼卫生保健、健康管理、重点传染病的预防和控制、地方病监测和控

制、健康相关技术的指导和咨询、健康教育和健康促进、慢性病管理、基层公共卫生管理 10 类。作为“人人享有基本医疗卫生服务”试点城市，2009 年 1 月起，银川市和固原市的全部农村居民和部分城镇居民将免费享受 10 类 40 项基本公共卫生服务。2009 年，自治区提高医疗保险的待遇水平，城镇职工医疗保险和城镇居民医疗保险最高支付限额分别达到城镇在岗职工平均工资和城镇居民可支配收入的 6 倍左右。城镇职工医疗保险和城镇居民医疗保险的政策范围内住院费用报销比例分别达到 70%以上和 50%以上。

三、《就业促进法》的监督执行条款

2007 年颁布的《就业促进法》第三条明确规定：“劳动者就业，不因民族、种族、性别、宗教信仰等不同而受歧视。”该法专门把“监督检查”设为一章，规定“各级人民政府和有关部门应当建立促进就业的目标责任制度。县级以上人民政府按照促进就业目标责任制的要求，对所属的有关部门和下一级人民政府进行考核和监督”、“劳动行政部门应当对本法实施情况进行监督检查，建立举报制度，受理对违反本法行为的举报，并及时予以核实处理”。

16. 请问缔约国是否采取额外的措施以消除少数民族儿童在受教育方面的不平等，尤其是藏族儿童和彝族(四川)儿童(上次审议结论性意见第 245 段；中国报告第 94-102 段)。请进一步提供资料说明中方提高少数民族妇女识字率的具体步骤以及衡量该项工作进展的方式(中国报告第 127 段)。

一、中国采取了许多特殊政策和措施，保障少数民族地区的儿童享有平等接受教育的权利，包括：

- (一) 国家各项重大教育工程向民族地区倾斜，通过实施两期“国家贫困地区义务教育工程”、两期“农村中小学危房改造工程”和“农村寄宿制学校建设工程”，中央投入 200 多亿资金，极大地改善了民族地区办学条件。
- (二) 实施各项助学政策，重点保证民族地区贫困家庭学生接受义务教育。一是从西部民族地区开始实行“两免一补”政策(免杂费、免费提供教科书、补助义务教育阶段家庭贫困寄宿学生生活费)，惠及绝大部分少数民族学生；二是对特别困难的民族和地区，中央安排专项资金

进行生活补助：补助 22 个人口较少民族农村义务教育阶段寄宿生生活费；对西藏农牧区义务教育阶段学生实行“三包”（包吃、包住、包学习费用）。

- (三) 高等教育阶段的特殊优惠政策措施包括：普通高等学校招生入学考试中允许使用少数民族语言答卷；高校招生录取，各省制定对少数民族加 5-30 分投档的政策。举办预科和民族班，降分录取以民族语言接受教育的少数民族学生。目前全国有 300 多所普通高校招收少数民族预科学生，每年招生 2.4 万余人，累计招收少数民族预科生 20 余万人；启动少数民族高层次骨干人才培养计划，降低复试分数要求，招收和培养少数民族高层次人才。目前共招收硕士 4108 名、博士 1541 名；充分利用招生计划的宏观调控手段，支持中西部地区高校稳步扩大高等教育招生规模，2008 年安排中西部研究生招生计划增长 10.8%，高于全国平均 6% 的增幅；实行对少数民族地区考生在硕士生复试中的适当照顾政策；采用单独考试的方式，为西藏、新疆等培养高层次专门人才。

二、提高少数民族妇女识字率的措施。

- (一) 实施“妇女扫盲工程”和“人口较少民族扫盲工程”。2007 年，中央财政将年度扫盲资金由 800 万元增加到 5000 万。教育部要求各地将中央扫盲资金主要用于妇女扫盲和少数民族地区扫盲工作中，并集中力量首先实现一些人口较少民族的整体脱盲。各地还在中央资金的基础上，进一步加大资金投入，并将主要工作集中在妇女扫盲和少数民族扫盲上。近年来，全国包括少数民族脱盲人员中，妇女比例不断提高。
- (二) 衡量上述措施进展的方式。1、在年度中央扫盲资金的分配中，要求各地提供上一年度妇女脱盲的数据和少数民族地区扫盲的工作进展情况，并作为资金分配的重要依据。2、国家教育统计中，每年都要求提供脱盲目的人数，其中将妇女文盲单独统计，以此作为妇女扫盲工作的基本情况。例如，在少数民族聚居的甘肃省，2008 年，全省脱盲人数 188296 人，其中妇女 106155 人，占脱盲总数的 56.38%。

17. 缔约国如何加强少数民族语言的使用和学习及何种机构负责执行双语教学政策？请提供关于少数民族语言在高等教育中使用情况的资料(中国报告第 99-102 段)。缔约国是否制订宣传少数民族历史、传统、文化和宗教知识的规划？请说明在实践中，是否可以在区级或地级公共机构使用少数民族语言(核心文件第 7、49 段；中国报告第 89-93,140 段)？

一、中国政府保障少数民族使用和发展本民族语言文字的权利(见合并报告第 89-93 段)。《国家人权行动计划》明确指出要继续“保障少数民族学习、使用和发展本民族语言文字的权利”，包括：培养少数民族语言文字专门人才，保证少数民族语言文字在司法、行政、教育领域中的应用，增加对少数民族语言文字出版物资助，扶持少数民族语言文字图书报刊的出版，提高少数民族语言广播电影电视节目的译制、制作能力，提高边境地区少数民族语言广播电视覆盖率，促进少数民族语言文字的规范化、标准化和信息化。

实践中，在立法、行政、司法、教育等领域，少数民族语言文字都得到广泛的使用。

二、双语教学。国家法律保证各少数民族使用和发展本民族语言文字的权利。各级政府教育行政部门负责组织落实双语教学。民族自治地方因地制宜，在中小学采用民族语和汉语双语教学，逐步形成了“民族语授课为主，加授汉语”、“汉语授课为主，加授民族语”的两种基本教学模式。目前，全国共有 1 万多所学校使用 21 个民族的文字开展民、汉双语教学，在校学生达数百万人。

少数民族语言文字的使用在高等教育中也得到切实保障。普通高等学校招生入学考试中允许使用少数民族语言答卷，部分民族自治地方的高等学校设有使用民族语言授课的专业。如内蒙古自治区 37 所普通高校中有 17 所开设了 101 个蒙古语授课专业。

为保证双语教学的顺利进行，中央和地方各级政府从人、财、物方面对少数民族双语教学和民族文字教材的编译、审定和出版给予了大力支持。民族省、自治区都建立了民族文字教材编译出版机构，每年编译出版教材 3500 多种，总印数达 1 亿多册，基本保证了教学需求。中央财政设立了少数民族双语教学专项经费，主要用于少数民族文字教材的编译和审查；国家对少数民族文字教材出版发行实行补贴政策；农村中小学现代远程教育工程安排资金支持民语教学教学资源开发；中央民族教育专项资金自 2006 年开始主要用于少数民族双语教师培训。

三、少数民族语言文字使用在高等教育中得到切实保障。在普通高等学校招生入学考试中允许使用少数民族语言答卷，对用少数民族语文授课的考生实施预科教育，国家鼓励民族自治地方推行少数民族语文和汉语文授课的“双语教学”，部分民族自治地方的高等学校广泛使用本民族语文授课，如西藏大学将藏语文教学列入各专业教学计划当中，藏语文教学覆盖率达到 100%。一些民族院校设立了“中国少数民族语言文学”专业，开设了少数民族语言基础普及类的跨专业选修课。

四、中国政府高度重视少数民族传统文化的传承和保护，《宪法》、《民族区域自治法》、《文物保护法》等法律以及《少数民族事业“十一五”规划》中都有关于继承、保护、发展少数民族传统文化的相关规定。现就教育领域的情况举例说明如下：

国家历来高度重视在各级各类学校学生中开展国家民族情况和各民族的历史、传统、宗教、文化等知识的教育。

2001 年中国启动了基础教育课程改革，将基本的民族常识和政策等作为基础教育的重要内容充分体现到了中小学语文、品德与生活、历史、地理等相关课程中，使学生了解不同民族的生活习惯和风土人情，理解和尊重不同民族的文化与习俗。新课程方案还留出一定空间，鼓励地方和学校结合当地实际，开发或选用地方和学校课程。一些地方，尤其是民族地区，把传承民族文化作为学校重要的教育内容，列入到地方和学校课程或利用课外活动开展民族文化体育活动。此外，从 1994 年起进行试点，2000 年在全国中小学全面开展民族团结教育也包含各少数民族历史和文化内容。

国家重视少数民族历史和文化教学资源开发。农村中小学现代远程教育工程少数民族资源建设项目中专门安排有少数民族特色的专题教育资源开发。比如朝鲜族专题教育资源建设内容就包括“中国朝鲜族历史”、“我的家乡”、“朝鲜族体育”、“朝鲜族民俗”、“朝鲜族歌舞”、“朝鲜族礼节”6 个大类，21 个专项。藏族专题资源建设包括《我们的家园》、《西藏的文化艺术》、《西藏的经典格言》《西藏的唐卡》《西藏的民歌》、《布达拉宫》、《美丽的青海湖》《雅鲁藏布江大峡谷》等 20 个专题内容。

18. 据报道，少数民族地区的发展规划破坏了当地的文化传统，影响了包括蒙古人、藏族人和维吾尔族人等少数民族群体(中国报告第 120-122 段)，请就此进行评论。对于发展项目，特别是对少数民族的环境有潜在负面影响的的项目的设计和执行，中方设立了何种机制以征求少数民族群众意见并使其参与其中？据称，在一些少数民族地区，尤其是在西藏的发展规划，都伴随着汉族人的移居，请就此进行评论。

一、中国在制定和实施少数民族地区发展规划中，高度重视保护少数民族传统文化，采取了各项措施，包括：把发展少数民族文化事业作为重要的法律和政策原则写入宪法和其他相关法律，加快少数民族民间传统文化保护立法，保护民族文化多样性，加大对民族地区文物保护的投入，加强少数民族文化遗产和文化古籍的抢救保护，逐步建立少数民族文化生态保护区，等等。2009 年 6 月 10 日，国务院常务会议通过《关于进一步繁荣发展少数民族文化事业的若干意见》，对促进少数民族传统文化的传承、发展、创新等提出了具体的政策性措施。

二、中国在少数民族地区进行的发展项目，始终坚持可持续发展战略，坚持生态建设、环境保护和经济建设紧密结合、协调发展的原则。对于对生态环境有潜在负面影响的发展项目，都进行充分论证和研究，并通过各种渠道广泛征求和听取当地群众特别是少数民族群众的意见和建议，力争在推动经济快速发展、人民生活水平稳步提高的同时，使生态环境也得到有效保护。此外，加强对资源开发、重大基础设施建设项目的生态环境影响评价和管理，严格执行环境影响评价制度。

例如，在举世瞩目的青藏铁路的建设和运营中，国家始终把维护青藏高原生态和环境保护作为一条必须遵循的重要原则。在设计初始，就将环境保护和生态安全置于非常高的位置。铁路大部分沿青藏公路走行，基本没有新开辟通道，设计方案中充分考虑了保护高原植被、冻土环境、野生动物和减少“三废”(废水、废气、废物)排放等因素。国家还先后安排落实环保措施相关投资 15.4 亿元，并且首次引进了中国大型工程建设环保监理，委托第三方对青藏铁路全线进行全程环保监控，确保青藏铁路的修建对高原生态的扰动降到了最低限度。这条被称为“天路”的青藏铁路在促进西藏经济发展的同时，较好地实现了生态环境的保护。

三、中国实行市场经济以来，少数民族人口到汉族地区、汉族人口到少数民族地区从事商贸、旅游、学习等活动，这种人口双向流动的频率和数量增加了。这

有利于各民族增加了解、互相合作，有利于各民族的发展。从总的情况看，中国民族地区的各民族人口构成的结构没有大的改变。

四、关于“在西藏的开发项目伴随着汉人的移居”。西藏的地理、气候等条件不同于内地，外来人员难以适应这些条件，因此经济开发项目并不会引发外来人口的大批流入或迁入，仍以当地劳动力为主。西藏广大农牧民群众将直接参与这些项目的建设，逐步转变为非农行业的从业人员。对于那些技术要求高、专业性强的项目，需要具有特殊技能的专业人员和技术工作人员，由于西藏自治区这方面的人才相对缺乏，需要一定程度地从区外引入，数量有限，且不在西藏定居。这是国内人才市场中的正常合理流动，并不构成大规模的“移民”。到 2008 年末，西藏常住总人口为 287.08 万人，藏族和其他少数民族仍占 95%以上，藏族依然是西藏的主体民族，藏族人口始终占西藏总人口的绝大多数。

图表：西藏 1964-2008 年总人口及藏族人口数变化示意图



图表：西藏 1964-2007 年藏族人口占西藏总人口中比重变化示意



19. 请说明中方在 2008 年 5 月四川地震后的灾区重建工作中，在保护和保存羌族的核心文化价值和传统生活方式方面所做的努力。

一、中国政府在汶川地震后重建工作中，把尊重少数民族的传统文化和风俗习惯作为重要内容。2008 年 9 月，国务院公布的《国家汶川地震灾后恢复重建总体规划》中，专门制定了抢救和保护羌族传统文化的专项规划。有关部门在震后及时召开四川地震灾区羌族文化抢救和保护座谈会，成立了“羌族文化遗产保护协调小组”，重建了“羌族博物馆”，建立了羌族文化生态保护实验区，及时采取各项措施，有效地保护了羌族传统文化。

二、有关具体保护措施如下：

- (一) 实施震后羌族碉楼与村寨的抢救保护工程。目前已经完成遗产价值与受损情况评估、专项规划编制工作，对受损严重的全国重点文物保护单位制订现场勘察和抢险维修方案。组织开展了藏羌地区古建维修人才培训工作。
- (二) 震后茂县羌族博物馆恢复重建工作。茂县羌族博物馆是目前阿坝州惟一的博物馆，也是全国惟一的羌族博物馆，是羌族文化遗产抢救保护

的核心，该馆的恢复重建已列入《国家汶川地震灾后恢复重建总体规划》。

- (三) 抢救和保护羌族非物质文化遗产。对四川省羌族文化遗产名录数据库、羌族非物质文化遗产影像资源库等 10 项非物质文化遗产数字空间建设项目，羌族文化传承人纪实录、千年古歌——羌族多声部音乐研究、羌族释比文化研究、禹羌文化研究等 4 项非物质文化遗产保护研究项目，对北川羌族民俗博物馆、茂县羌族博物馆等 39 项国家级羌族文化生态保护实验区规划项目，陕西省羌文化保护区建设等均作了详细规划和重点安排。安排四川、甘肃、陕西地震灾区非物质文化遗产恢复与重建工作经费 1181.6 万元。
- (四) 批准设立了“羌族文化生态保护实验区”。羌族文化生态保护实验区，以四川省阿坝藏族羌族自治州茂县、汶川县、理县和绵阳市北川羌族自治县，毗邻的松潘县、黑水县、平武县等羌族聚居区，以及陕西省宁强县、略阳县的相关区域为保护范围，对该区域空间内所承载的文化表现形式，特别是对以活态传承作为文化生态链的非物质文化遗产实施整体性保护。
- (五) 筹办并开通了羌族文化数字博物馆。2008 年 7 月 23 日，“羌族文化数字博物馆”正式在互联网开通，这是中国第一个以少数民族文化为专题的数字化博物馆。该数字博物馆系统运用数字化手段，通过互联网，以大量文字、图片和两百多分钟的音频、视频资料，全面介绍了羌族这一古老民族的独特文化，详细地介绍了羌族的历史、现状及其文化遗产和灾后抢救重建情况。网址 www.qiang.ihchina.com。

20. 请进一步提供关于在香港的外国籍家政工人的具体工作条件的资料(上次审议结论性意见第 248 段)。尤其是，他们的最低工资是否等同于国家规定的最低工资(中国香港特区报告第 77 段)? 是否仍要求家政工人“住家”(中国香港特区报告第 147 段)? 家政工人是否享受同国民一样的怀孕保障(中国香港特区报告第 150 段)? 他们是否同国民一样拥有基本的医疗保险(中国香港特区报告第 151 段)? 如何确保关于家政工人工作时间的协议不构成歧视(中国香港特区报告第 148 段)?

请参见中国香港特别行政区政府提供的答复。

21. 关于香港和澳门，请提供针对非华人种群的汉语培训措施的成效的材料(中国香港特区报告第 177 段；中国澳门特区报告第 15 段)。

请参见中国香港特别行政区和澳门特别行政区政府提供的答复。

第 六 条

22. 忆及上次委员会的结论性意见(A/56/18,第 249 段)，请说明涉及公约规定的司法案件是否被提交法院(核心文件第 244 段；中国香港特区报告第 13 段；中国澳门特区报告第 22 段)。

中国内地的有关情况请参见核心文件第 51 和 52 段。根据中国法律制度，中国参加国际条约，需经全国人民代表大会常务委员会批准，公约一经批准即对中国具有法律约束力，中国按照公约规定承担相应的义务。中国建立了符合公约的完备国内法律体系，通过适用国内法律确保公约得到实施。

另请参见香港特别行政区和澳门特别行政区的答复。

23. 请提供关于确保不同民族在法院面前一律平等的具体措施的资料，其中包括提供本地语言翻译的举措。请提供更加详细的资料说明对少数民族的法律援助(中国报告第 137 段)。

一、中国法律规定，公民在法律面前一律平等。少数民族在法院程序中享有和其他公民同等的权利。中国《宪法》以及三大诉讼法(《民事诉讼法》、《刑事诉讼法》和《行政诉讼法》)明确规定：“各民族都有使用和发展自己语言文字的自由”，“各民族公民都有使用本民族语言文字进行诉讼的权利。人民法院和人民检察院对于不通晓当地通用的语言文字的诉讼参与人，应当给予翻译。”

二、对少数民族的法律援助。多年来，各地司法行政机关和法律援助机构高度重视少数民族人员法律援助工作。

- (一) 积极为少数民族人员提供法律援助。2008 年，全国各地法律援助机构共为 43785 名少数民族人员提供了法律援助，其中为 35047 人次少数民族人员提供了民事法律援助，为 8472 人次少数民族人员提供了刑事法律援助，为 266 人次少数民族人员提供了行政法律援助，切实

维护了少数民族人员的合法权益。此外，还为 193461 人次少数民族人员提供了法律咨询。

- (二) 法律援助机构建设取得新进展。目前全国共有 3268 个法律援助机构，为少数民族在内的困难群众依法提供法律援助。内蒙古、广西、宁夏、新疆等四个自治区的县级法律援助机构基本建立。西藏自 2007 年 6 月第一个县级法律援助机构挂牌成立以来，全区县级法律援助机构已达 57 个。
- (三) 加大资金投入，解决少数民族地区法律援助资金短缺问题。2008 年财政部共下拨 6000 万元中央补助地方援助办案专款，投向国家级和省级扶贫开发工作重点县(市、区)法律援助机构，其中五个自治区共获得拨款总额为 720 万元，其他民族自治地方也获得一定数量的拨款。
- (四) 加强对少数民族地区的智力支持和培训工作。司法部、共青团中央联合开展大学生西部基层法律援助志愿服务行动，2008 年向内蒙古、广西、宁夏、新疆等四个自治区派遣大学生志愿者 92 名，为少数民族等各类群众提供法律援助，进一步缓解了少数民族地区法律人才缺乏的状况。司法部还从师资、培训教材等方面大力支持少数民族地区，鼓励其积极开展教育培训工作。
- (五) 进一步提高面向少数民族人员法律援助服务的针对性。一些地方积极培养既精通法律又熟悉民风民情和少数民族语言的法律援助人才。贵州等省法律援助机构在少数民族聚居或者多民族杂居的地区，对不通晓通用语言文字的受援人，为其提供翻译。还有一些地方印制、提供少数民族语言文字的法律援助宣传材料。

24. 如果有，请提供关于少数民族群众根据中国报告中提及的宪法第 41 条或法律，就与公约规定不符的行为成功获得赔偿的案例资料(核心文件第 44-47 段；中国报告第 130-132 段)。

经向有关部门和地区了解，尚没有发现这样的案例。

25. 请说明中方，包括香港是否有申诉机制以审查对警察歧视少数民族的不当行为的指控(中国香港特区报告第 116-119 段)。

根据《中华人民共和国宪法》，中国公民不论民族或种族如何，均依法享有申诉权。中国建立了完备机制调查和处理针对警察的申诉，这种机制也适用于有关歧视少数民族的指控，这些机制主要包括：

一、公安机关的机制，公安机关监察部门根据《中华人民共和国行政监察法》和《中华人民共和国人民警察法》的有关规定对公安民警的执法办案活动进行监督检查，对涉嫌违纪违法的申诉进行调查处理；警务督察部门根据《公安机关督察条例》的规定，对公安机关及其人民警察依法履行职责、行使职权和遵守纪律的情况进行现场督察；法制部门根据《公安机关内部执法监督工作规定》和《公安机关人民警察执法过错责任追究规定》对公安机关及其人民警察执法进行监督和执法过错责任认定。

二、检察机关的机制。根据中国《刑事诉讼法》、《监狱法》、《看守所条例》以及全国人民代表大会常务委员会批准的《国务院关于劳动教养的补充规定》，中国检察机关对监狱、看守所、劳教所、未成年犯管教所等羁押场所的监管活动实行法律监督，有权受理针对看守警察的申诉。

三、监狱机关的机制。中国监狱和有关劳动教养机构在管理囚犯、劳动教养人员时，保障囚犯和劳动教养人员享有申诉权利。被看押人员如果认为受到了警察的不当待遇，可以提出申诉、申诉渠道包括，1、直接向监狱、劳动教养机构提出申诉；2、以通信方式，向监狱、劳动教养机构的上级机关提出申诉。

26. 请提供中国报告中提及的，关于香港劳动仲裁庭迫使外籍家政工人接受歧视性协议的案件的材料。(中国香港特区报告第 190 段)。

参见中国香港特别行政区的答复。

27. 请说明缔约国是否考虑对公约第 14 条作出声明。

中国政府尊重委员会根据公约行使职责，并一直本着积极和合作的态度，配合委员会的工作。中国政府历来主张，各国应在尊重国家主权原则的基础上，加强

在国际人权领域的合作与对话，促进和保护人权应主要依赖各国政府通过自身努力实现。公约第 14 条是任择性条款，中国政府未声明接受委员会在接收个人来文的职权，不影响中国积极、认真履行公约义务。

第 七 条

28. 请进一步提供材料说明中方在教育领域中采取的改善民族间关系以及消除可能导致种族歧视的偏见的措施。

在学校开设民族团结教育课程。从 1994 年起，教育部和国家民委开始在北京等七省市的部分中小学开展民族团结教育试点活动，2000 年这项工作在全国中小学全面铺开。目前，各地已逐步把在中小学开展民族团结教育纳入课程，中小学通过保证一定量的教学课时与丰富多彩的课外活动结合起来，寓教于乐。民族团结教材主要有《中华大家庭》、《民族常识》、《民族政策常识》、《民族理论常识》。各地根据不同民族的历史、文化特点，在地方课程、校本课程中都有这方面的课程，把传承民族文化作为学校重要的教学内容，使学生从各方面接受民族平等的观念。

2001 年中国启动了基础教育课程改革，将基本的民族常识和政策等作为基础教育的重要内容充分体现到了中小学语文、品德与生活、历史、地理等相关课程中，使学生从小接受民族平等的观念，了解不同民族的生活习惯和风土人情，理解和尊重不同民族的文化与习俗，增进民族团结。

在《中等职业学校德育课程教学大纲》中，将民族问题和民族政策列为重要的教学内容；在全国高校思想政治理论课中，对大学生加强民族平等和民族团结教育。

2008 年 3 月教育部和国家民委印发了《关于在中小学切实抓好民族团结教育工作的通知》，同年 12 月，教育部和国家民委下发了《关于印发<学校民族团结教育指导纲要(试行)>的通知》，进一步明确了学校民族团结教育的指导思想、课程性质、基本原则、目标任务、主要内容和实施方案。同时，由有关部门统一组织编写的民族团结教育教材正式通过全国中小学教材审查委员会审查后供学校统一使用。

29. 请进一步向委员会提供关于“种族和谐促进委员会”和“香港少数民族论坛”工作情况的资料(中国香港特区报告第 74,197 段)。

参见中国香港特别行政区的答复。

(完)

附件：《国家人权行动计划(2009-1010)》

附 件

国家人权行动计划

(2009-2010 年)

中华人民共和国国务院新闻办公室

二〇〇九年四月·北京

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导 言

实现充分的人权是人类长期追求的理想，也是中国人民和中国政府长期为之奋斗的目标。

中华人民共和国成立以来，在中国共产党的领导下，中国政府将人权的普遍性原则与中国的具体国情相结合，为促进和保障人权做出了不懈的努力，中国人民的命运发生了翻天覆地的变化，中国人权事业实现了历史性发展。特别是改革开放以来，中国把尊重和保障人权作为治国理政的重要原则，庄严载入《中华人民共和国宪法》，采取切实有效的措施促进人权事业发展，使中国人民的物质文化生活水平得到大幅提高，政治、经济、文化、社会权利得到切实保障，谱写了中国人权事业发展的新篇章。

中国是一个拥有 13 亿人口、人均资源占有率很低、生产力欠发达、经济文化发展不平衡的发展中国家。当前，中国正处于全面建设小康社会、加快推进社会主义现代化新阶段，改革发展稳定的任务十分繁重。受自然、历史、文化和经济社会发展水平等因素的影响和制约，中国的人权发展还面临诸多挑战，不断推进人权事业发展任重道远。

中国政府坚持以人为本，落实“国家尊重和保障人权”的宪法原则，既尊重人权普遍性原则，又从基本国情出发，切实把保障人民的生存权、发展权放在保障人权的首要位置，在推动经济社会又好又快发展的基础上，依法保证全体社会成员平等参与、平等发展的权利。中国政府在治国理政中坚持发展为了人民，发展依靠人民，发展成果由人民共享，着力解决好人民最关心、最直接、最现实的利益问题，促进社会公平正义，努力使全体人民学有所教、劳有所得、病有所医、老有所养、住有所居；坚持以保证人民当家作主为根本，从各个层次、各个领域扩大公民有序政治参与，健全民主制度，丰富民主形式，拓宽民主渠道，依法实行民主选举、民主决策、民主管理、民主监督，着力保障人民的知情权、参与权、表达权、监督权。与此同时，中国政府主张加强国际人权交流、对话与合作，同世界各国一道，共同致力于推动世界人权事业健康发展，为建设持久和平、共同繁荣的和谐世界做出应有的贡献。

中国政府坚定不移地推进中国的人权事业，并响应联合国关于制定国家人权行动计划的倡议，在认真总结经验、客观分析当前实际情况的基础上，制定《国家

人权行动计划(2009-2010 年)》，明确未来两年中国政府在促进和保护人权方面的工作目标和具体措施。

制定本行动计划的基本原则是：第一，根据中国宪法的基本原则，遵循《世界人权宣言》和国际人权条约的基本精神，完善保障人权的各项法律法规，依法推进中国人权事业的发展；第二，坚持各类人权相互依赖与不可分割的原则，平衡推进经济、社会和文化权利与公民权利和政治权利的协调发展，促进个人人权和集体人权的均衡发展；第三，从中国的国情出发，本着务实的精神，确保设定的目标和措施切实可行，科学推进中国人权事业的发展。

《国家人权行动计划(2009-2010 年)》是在中国政府各有关部门和社会各界广泛参与下制定的。为制定好本行动计划，中国政府专门设立了国家人权行动计划联席会议机制。联席会议机制的牵头单位为国务院新闻办公室和外交部，成员包括全国人大常委会法制工作委员会、全国政协社会和法制委员会、最高人民法院、最高人民检察院、国家发展和改革委员会、教育部、国家民族事务委员会、民政部、司法部、人力资源和社会保障部、卫生部、中国残疾人联合会、中国人权研究会等 53 家单位。同时，邀请了来自南开大学、上海社会科学院、山东大学、中国政法大学、中国社会科学院、北京大学、武汉大学、中国人民大学、中央党校等高校和研究机构的专家组成专家小组参与本计划的起草制定工作。在计划起草制定过程中，多次召开联席会议，与政府各有关部门进行反复研究；多次召开座谈会，邀请中国法学会、中华全国律师协会、中国法律援助基金会、中华环境保护基金会、中国教育学会、中国妇女发展基金会、中国扶贫基金会、中国残疾人福利基金会、中国人权发展基金会等 20 多个单位参加，广泛征求各社会团体、非政府组织、高等院校、研究机构以及社会各界的意见，反复讨论和修订。

《国家人权行动计划(2009-2010 年)》是中国政府促进和保障人权的阶段性政策文件，其内容覆盖政治、经济、社会、文化等各个领域。各级政府以及政府各部门将依照“各司其职、分工负责”的原则，将本行动计划纳入本地区和本部门的工作职责积极认真地予以落实。各类企事业单位、社会团体、非政府组织、新闻媒体和社会公众积极参与本行动计划的宣传，参与推动本行动计划的落实。由国务院新闻办公室和外交部牵头、立法和司法机关以及国务院相关职能部门组成

的国家人权行动计划联席会议机制，负责统筹协调本行动计划的执行、监督与评估工作。

本计划业经国务院批准，授权国务院新闻办公室予以公布。

一、经济、社会和文化权利保障

2009-2010 年，国家将采取积极有效的措施，努力克服国际金融危机带来的消极影响，切实保障全体社会成员的经济、社会和文化权利。

(一) 工作权利

大力促进就业和再就业，保障劳动者的合法权益。

- 落实就业促进法，实现城乡就业统筹，促进就业增长。2009-2010 年，新增 1800 万城镇就业人口，转移 1800 万农业劳动人口，城镇登记失业率控制在 5% 以内，重点解决高校毕业生和农民工就业问题。
- 落实劳动合同法，普遍推行劳动合同制度，大力推广集体合同制度，健全劳动关系三方协调机制，全面落实最低工资制度，促进职工工资水平稳步增长。
- 扩大职业培训，全国技能劳动者总数达到 11 亿，其中技师和高级技师占技能劳动者总数的 5%，高级工占 20%。
- 落实安全生产法，坚持“安全第一、预防为主、综合治理”的方针，加强劳动保护，改善生产条件，亿元国内生产总值生产安全事故死亡率比 2005 年降低 35%，工矿商贸就业人员 10 万人生产安全事故死亡率比 2005 年降低 25%。
- 落实劳动争议调解仲裁法，公正及时解决劳动争议，促进劳动关系和谐稳定。推广工资支付监控和工资保证金制度，依法追究恶意拖欠工资行为的法律责任。

(二) 基本生活水准权利

继续采取有效措施，促进城乡居民特别是中低收入居民收入的逐步增长，完善最低生活保障等制度，努力维护城乡居民获得基本生活水准的权利。

- 努力提高国民收入水平，城镇居民年人均可支配收入达到人民币 15781 元以上，农村居民年人均纯收入在 2008 年的 4761 元的基础上，每年实际增长 6%左右。
- 加大扶贫工作力度，尽快稳定解决扶贫对象温饱问题，并逐步提高其收入水平，实现脱贫致富。加大“雨露计划”(注 1)实施力度，每年完成对 100 万贫困劳动者的转移技能培训和 1000 万劳动者的实用技术培训。
- 发展普通商品住房和经济适用住房，改善城市中低收入家庭住房条件；健全廉租房制度，加快解决城市低收入家庭住房困难；严格执行拆迁的许可、资金监管、协议、评估、项目转让审批、住房保障、补偿救济和听证等制度，保障被拆迁人的合法权益。
- 完善最低生活保障制度。修订《城市居民最低生活保障条例》，研究制定《城市低保标准测算与调整办法》、《城市低保家庭收入核算办法》和《城市低保分类施保实施办法》。推进《农村最低生活保障条例》的制定工作，规范农村最低保障标准、对象审核、分类分档救助等环节，实现应保尽保，逐步提高保障水平。

(三) 社会保障权利

完善和落实基本养老和基本医疗、失业、工伤、生育保险制度和社会救助制度，提高社会保障水平。

- 抓紧起草制定与社会保障有关的法律法规的配套规定，建立健全相关制度，加强对社会保险基金的管理、使用和监督，促进社会保险基金法规政策的贯彻落实，确保社会保险基金安全完整。
- 扩大各类社会保险覆盖面。到 2010 年，城镇基本养老保险参保人数超过 2.23 亿，基本医疗保险参保人数超过 4 亿，失业保险参保人数超过 1.2 亿，工伤保险参保人数超过 1.4 亿，生育保险参保人数超过 1 亿。参加农村社会养老保险和企业年金的人数逐年增长。
- 提高社会保险统筹层次。基本实现基本养老保险省级统筹，推进医疗、失业和工伤保险市(地)级统筹，完善工伤保险储备金制度。

- 完善农村“五保”供养制度(注 2)。制定《农村五保供养服务机构管理办法》、《农村五保供养服务标准》和《农村五保供养服务设施建设专项规划》，继续实施“霞光计划”(注 3)，切实保证农村五保对象达到当地村民平均生活水平。
- 完善城市流浪乞讨人员的救助制度。修订《城市生活无着的流浪乞讨人员救助管理办法》，制定《流浪未成年人救助保护条例》、《救助管理站服务标准》、《流浪未成年人救助保护机构服务标准》等行政法规和规范性文件。在市(地)级以上城市和重点县区建设一批设施比较完善的流浪未成年人救助保护中心。

(四) 健康权利

初步建立覆盖全国城乡居民的基本医疗卫生制度框架，使中国进入实施全民基本卫生保健国家行列。

- 2010 年预定达到的主要健康指标是：人口平均预期寿命达到 73 岁，婴儿死亡率控制在 14.9‰以内，5 岁以下儿童死亡率控制在 17.7‰以内，孕产妇死亡率控制在 40/10 万以内，儿童国家免疫规划疫苗接种率城市和农村分别达到 95%以上和 90%以上。
- 加快推进基本医疗保障制度建设。到 2010 年，各级财政对城镇居民医疗保险和新型农村合作医疗的补助标准提高到每人每年 120 元。到 2011 年，城镇职工基本医疗保险、城镇居民基本医疗保险和新型农村合作医疗覆盖城乡全体居民，参保(合)率提高到 90%以上。逐步提高财政范围内的住院费用报销比例，扩大门诊费用报销范围和比例。
- 健全基本医疗卫生服务体系。从 2009 年起，三年内重点支持约 2000 所县级医院(含中医院)建设，使每个县至少有 1 所县级医院基本达到标准化水平；新建、改造 3700 所城市社区卫生服务中心和 1.1 万个社区卫生服务站。全面完成中央规划支持的 2.9 万所乡镇卫生院建设任务，改建扩建 5000 所中心乡镇卫生院，每个县 1-3 所。
- 促进基本公共卫生服务逐步均等化。从 2009 年开始，逐步在全国统一建立居民健康档案。定期为 65 岁以上老年人做健康检查，为 3 岁以下婴幼儿做生长发育检查，为孕产妇做产前检查和产后访视，为

高血压、糖尿病、精神疾病、艾滋病、结核病等人群提供防治指导服务。实施结核病等重大疾病防控、国家免疫规划、农村妇女住院分娩等重大公共卫生项目。开展为 15 岁以下人群补种乙肝疫苗、消除燃煤型氟中毒危害、贫困白内障患者复明、农村改水改厕以及为预防出生缺陷而进行的农村妇女孕前和孕早期补服叶酸等项目。

- 有效控制传染病流行。加大艾滋病防治力度，加强重点传染病的预防控制，县级以上和乡镇医疗卫生机构传染病网络直报覆盖率分别达到 100%和 80%以上，报告的完整率和及时率达到 90%以上。强化计划免疫，保持无脊髓灰质炎状态，麻疹发病率比 2007 年下降 50%，乙脑、狂犬病、出血热等可预防传染病发病率比 2007 年下降 30%。扩大国家免疫规划疫苗种类，落实农村人口和流动人口的预防接种措施，优先保护新生儿和在校生等重点人群，有效遏制乙肝的高流行状态。切实加强对寄生虫病等地方病的防治，力争所有流行县(市、区)都达到控制传播标准。
- 制定出台食品安全法，建立健全与食品、药品相关的生产许可、强制检验、市场准入、召回以及进出口检验检疫等制度，并对贯彻实施情况加强检查监督，确保严格执法，保障食品、药品安全。
- 在 2009 年再解决 6000 万农村人口的饮水安全问题，提前实现联合国确定的“2015 年前无法可持续获得安全饮水人口比例减半”的目标。
- 加强城乡社区体育设施建设，力争到 2010 年人均体育场地设施面积达到 1.4 平方米，城市社区和农村村镇的公共体育设施条件明显改善。广泛开展全民健身运动，健全群众体育组织，完善全民健身体系。

(五) 受教育权利

优先发展义务教育、农村教育，大力发展职业教育，提高高等教育质量，进一步推进校外教育，保障公民平等受教育权利。

- 制定到 2020 年的《国家中长期教育改革和发展规划纲要》，明确教育改革与发展的目标、任务、主要措施，提高公民总体受教育水平。
- 全面普及九年义务教育。小学净入学率保持在 99%以上，初中毛入学率达到 98%以上，初中三年保留率达到 95%。继续扫除青壮年文

盲，青壮年文盲率下降到 4%以下。流动人口中的儿童基本能接受九年义务教育，大中城市和经济发达地区适龄儿童基本能接受学前 3 年教育，农村儿童学前 1 年受教育率有较大提高。

- 积极推进义务教育均衡发展。将义务教育的重点放在办好每一所学校和关注每一个孩子的健康成长上，积极回应联合国教科文组织大力倡导的“全纳教育”理念，关注每一个孩子身心的健康成长，把提高农村学校教育质量和改造城镇薄弱学校放在重要的位置。
- 加快发展农村教育事业。落实农村中小学教师工资和办学经费保障机制，实施中西部农村初中校舍改造工程和新农村卫生校园建设工程，基本建成农村学校远程教育网络。实施农村义务教育阶段学校教师特设岗位计划、农村学校教育硕士师资培养计划、大学生志愿服务西部计划。
- 加快发展职业教育。建设 2000 个专业门类齐全、装备水平较高、优质资源共享的职业教育重点专业实训基地，扶持建设一批县级职业教育中心、中等职业学校和 100 所示范性高等职业院校。
- 中央政府投入专项资金实施“高等学校本科教学质量与教学改革工程”。继续实施“211 工程”(注 4)和“985 工程”(注 5)，加快推进高水平大学建设。
- 加快校外教育发展。2009-2010 年，中央政府将筹集彩票公益金 30 亿元，用于支持校外活动场所的建设和运营，力争到 2010 年实现全国每个县(区)都有一所校外活动场所的目标，保障未成年人享受校外教育的权利。
- 进一步建立健全家庭经济困难学生资助体系。加大财政投入，落实各项助学政策，扩大受助学生覆盖面，提高资助水平。

(六) 文化权利

采取有力措施，发展繁荣文化事业，保障公民基本文化权益。

- 建设公共文化服务体系。基本建成覆盖城乡的公共文化服务设施网络，实现大城市和中心城市有大剧院、公共图书馆、博物馆、美术馆、电影院、群众艺术馆，县(市)有文化馆、图书馆、电影院，行政

村有文化活动室，社区有文化中心。在中西部地区新建、改扩建 2.67 万个综合文化站。每年建设农家书屋 7 万家左右，到 2010 年底，全国共建设农家书屋 23.7 万余家。国家财政投入 11.15 亿元，建成覆盖城乡的数字文化服务体系。

- 实现全国文化信息资源共享工程“十一五”建设目标。到 2010 年底，实现县县建有支中心、村村建有基层服务点，完成 100TB 数字资源建设任务。
- 全面推进广播影视数字化。构建全国地面数字电视覆盖网、卫星直播及移动多媒体广播系统，推进“三网融合”，构建海量内容资源管理系统和内容集成分发交换平台，建立电影数字节目集成等平台，推进农村流动数字放映进程。
- 实施重大文化产业项目带动战略。加快文化产业基地和区域性特色文化产业群建设，培育文化产业骨干企业和战略投资者，鼓励非公有资本进入政策许可的文化产业领域，鼓励民营文艺表演团体发展，依法发展文艺经纪代理、无形资产评估鉴定、信息咨询等中介服务机构。
- 鼓励支持文化创造和普及。设立文化发展专项资金和优秀剧节目创作演出专项资金，扶持传统剧种新剧目的创作、人才培养及公益演出，扶持公益性、示范性文化艺术活动。鼓励国有文艺表演团体深入基层演出，2009-2010 年，国家财政投入 1 亿元，为剧团等基层文化机构配备流动舞台车 300 辆左右，开展流动文化服务，使文化下乡活动小型化、经常化。国家安排资金 34 亿元，运用卫星直播技术，到 2010 年底实现 71.66 万个 20 户以上已通电自然村通广播电视，基本实现全国农村电影数字化放映，一村一月放映一场。
- 继续推动博物馆和爱国主义教育基地向公众免费开放，研究建立有关公益性文化事业保障的法律制度。
- 加大知识产权保护力度。依法惩处各种侵权行为，维护知识产权人的合法权益。初步建成服务公众的专利检索与服务平台。

(七) 环境权利

坚持人与自然和谐发展的方针，合理开发利用自然资源，积极参与国际合作，创造有益于人类生存和持续发展的环境，努力建设资源节约型、环境友好型社会，保障公众环境权益。

- 到 2010 年，二氧化硫和化学需氧量排放得到控制，重点地区和城市的环境质量有所改善，生态环境恶化趋势基本遏制，确保核与辐射环境安全。2010 年，化学需氧量、二氧化硫排放量比 2005 年下降 10%，地表水国控断面劣 V 类水质的比例比 2005 年下降 4.1 个百分点，七大水系国控断面好于 III 类的比例提高 2 个百分点，重点城市空气质量好于 II 级标准的天数超过 292 天的比例提高 5.6 个百分点。
- 落实《国家环境与健康行动计划(2007-2015)》，完善环境与健康工作的法律、管理和科技支撑体系，控制有害环境因素及其对健康的影响，减少环境相关性疾病发生，维护公众健康，促进国家“十一五”规划纲要中提出的环保约束性指标和联合国千年发展目标的实现。
- 强化环境法治，维护公众环境权益。深入开展整治违法排污企业，保障群众健康专项行动，严厉查处环境违法行为和案件。持续开展环境安全检查，重点排查沿江沿河和人口密集区的石油、化工、冶炼等企业，努力消除环境隐患。加强危险化学品、危险废物、放射性废物监管，防范环境风险。推行政务公开，实行环境保护政策法规、项目审批、案件处理等政务公告公示制度。加强信访工作，充分发挥 12369 环保热线作用，拓宽和畅通群众举报投诉渠道。
- 力争实现 2010 年单位国内生产总值能耗比 2005 年降低 20% 左右。
- 发展可再生能源。努力使可再生能源消费到 2010 年达到全部能源消费的 10%。
- 落实《应对气候变化国家方案》，减缓温室气体排放，在通过提高能源效率和开发可再生能源以减少二氧化碳排放的同时，力争使工业生产过程的氧化亚氮排放稳定在 2005 年的水平，森林覆盖率达到 20%，年碳汇数量比 2005 年增加约 0.5 亿吨二氧化碳。到 2010 年使改良草地达到 4000 万公顷，治理退化、沙化和碱化草地达到 1.1 亿公顷，将农业

灌溉用水有效利用系数提高到 0.5。努力使 90%左右的典型森林生态系统和国家重点野生动植物得到有效保护，自然保护区面积占国土总面积的比重达到 16%左右，治理荒漠化土地面积 2200 万公顷。50%的自然湿地得到有效保护。

- 2009-2010 年，新增水土流失综合治理面积 10 万平方公里，实施生态修复面积 12 万平方公里。黑河、塔里木河、石羊河等部分生态脆弱河流得到初步治理。

(八) 农民权益的保障

着力破除城乡二元结构，加快新农村建设，维护农民的合法权益。

- 保障农民土地权利。做好农村土地确权、登记、颁证工作，依法保障农民对土地的占有、使用、收益等权利；惩处违反土地管理规定的行为；健全土地承包经营权流转市场，按照依法自愿有偿原则，采取转包、出租、互换、转让、股份合作等多种形式流转土地承包经营权。全面推进集体林权制度改革，确保农民平等享有集体林地承包经营权，确保农民的经营主体地位。
- 保障农户宅基地用益物权。适应农民住宅建设的特点，按照严格管理、提高效率、便民利民的原则，进一步加强宅基地管理工作。规范简化宅基地审批程序，通过公开、公示等方式接受村民监督，强化对农村宅基地分配和使用情况监管，提高宅基地的利用效率。
- 改革征地制度，严格界定公益性、经营性用地，逐步缩小征地范围，完善征地补偿机制。依法征收农村集体土地，按照同地同价原则及时足额给予农民集体和被征地农民合理补偿，并解决好被征地农民的就业、住房、社会保障问题。在土地利用总体规划确定的城镇建设用地范围外，经批准占用农村集体土地建设的非公益性项目，允许农民依法通过多种方式参与开发经营。
- 提高农民收入水平。逐年较大幅度增加农民种粮补贴，完善与农业生产资料价格上涨挂钩的农资综合补贴动态调整机制。完善粮食等主要农产品价格形成机制，健全农产品价格保护制度，完善农产品市场调

控体系，稳步提高粮食最低收购价，改善其他主要农产品价格保护办法，保持农产品价格合理水平。

- 推进城乡基本公共服务均等化。促进公共资源在城乡之间均衡配置、生产要素自由流动。建立政府扶持、多方参与、市场运作的农村信贷担保机制，加快建立农业再保险和巨灾风险分散机制。加快建立城乡统一的人力资源市场，支持农民外出就业、就近转移就业和返乡创业。
- 提高农民健康水平。到 2010 年，实现新型农村合作医疗制度基本覆盖农村居民。每个乡镇设立 1 所政府办的卫生院，每个行政村设立 1 个卫生室。加强农村初级卫生保健工作，以县为单位的初级卫生保健合格率达到 80%。2009-2010 年全国计划解决 1.2 亿农村人口饮水问题。使现已查明的中重度氟病区村、砷病区村、血吸虫疫区以及其他涉水重病区村实现安全饮水。完成《全国农村饮水安全工程“2010-2013 年”规划》的编制工作。
- 加强农民工权益保护。逐步实现农民工在劳动报酬、技能培训等方面与城镇职工享有同等待遇，逐步改善农民工子女就学、公共卫生、住房租购等方面的待遇。改善农民工劳动条件，扩大农民工工伤、医疗、养老保险覆盖面，尽快制定和实施农民工参加基本养老保险办法。推进户籍制度改革，放宽中小城市落户条件。

(九) 四川汶川特大地震灾后重建中的人权保障

2008 年 5 月 12 日发生的四川汶川特大地震，给灾区人民生命财产造成了巨大损失。国务院专门制定了《汶川地震灾后恢复重建条例》和《汶川地震灾后恢复重建总体规划》，决定用三年左右时间完成恢复重建的主要任务，使受灾群众基本生活条件和灾区经济发展水平达到或超过灾前水平，实现家家有房住、户户有就业、人人有保障的目标。

- 基本完成因灾倒塌和严重损毁的农房重建，保证受灾群众在 2009 年 12 月底前住进新房。
- 采取多种措施，解决恢复重建规划区内 100 万左右劳动力的稳定就业问题，重点帮助零就业家庭实现至少一人就业。城镇居民人均可支配

收入和农村居民人均纯收入超过灾前水平，灾区群众普遍享有基本生活保障。

- 高质量地恢复重建中小学校，重点恢复、重建县级医院和疾病预防控制、妇幼保健、计划生育服务机构，以及乡镇卫生院、中心乡镇计划生育服务站。
- 尊重遇难者，对地震中遇难和失踪人员登记造册并予以公布。
- 坚持不懈地做好抗震救灾资金物资监督检查工作，确保救灾资金物资全部用于灾区、用于受灾群众，确保灾后恢复重建顺利进行。建立健全社会捐赠和援建资金管理使用等方面的规章制度，加强对重点领域、重点环节的专项检查，充分发挥人民群众的监督作用，严肃查处贪污私分、截留克扣、挤占挪用救灾款物等违纪违法行为。
- 贯彻执行防震减灾法等法律和相关法规，为今后防震减灾提供更为健全的法制保障。普及减灾知识，开展防震减灾救灾知识的宣传普及活动，将灾害教育纳入国民教育体系，将减灾知识纳入文化、科技、卫生“三下乡”活动中，将应急避难场所等防灾设施建设纳入城乡规划。

二、公民权利与政治权利保障

2009-2010 年，国家将继续加强民主法治建设，健全民主制度，丰富民主形式，拓宽民主渠道，强化行政执法和司法中的人权保障，提高公民权利与政治权利的保障水平。

(一) 人身权利

完善预防和救济措施，在执法、司法的各个环节，依法保障人身权利。

- 严禁刑讯逼供。依照法定程序收集证据，严禁刑讯逼供和以威胁、引诱、欺骗以及其他非法的方法收集证据。对刑讯逼供或者体罚、虐待、侮辱犯罪嫌疑人的，将根据不同情节和后果，分别给予相应的处理；构成犯罪的，依法追究刑事责任。

- 严禁执法人员实施非法拘禁行为。收押、换押、延押必须依法进行，防止错误羁押和超期羁押。完善对受害者的经济赔偿、法律救济、恢复名誉等措施，对造成非法拘禁、错误羁押、超期羁押的责任人进行责任追究和处罚。
- 严格控制并慎用死刑。慎重判处死刑，完善死刑缓期二年执行制度，在死刑缓期执行期间没有故意犯罪的，不执行死刑并予以减刑。
- 严格死刑审判程序，完善死刑复核程序。办理死刑案件，应当严格依照刑法和刑事诉讼法的有关规定，坚持罪刑法定、罪刑相适应、适用刑法人人平等和审判公开、程序法定等基本原则；坚持程序公正和实体公正并重原则，切实保障被告人充分行使辩护权等诉讼权利；坚持死刑二审案件开庭审理，确保死刑案件质量。死刑除依法由最高人民法院判决的以外，一律由最高人民法院核准。人民检察院依法加强对死刑案件的监督。
- 建立和完善执法、司法监督机制。严格实施执法责任制、执法质量考核评议制、错案责任追究制、领导责任追究和引咎辞职制度。依法惩处国家机关工作人员利用职权实施的侵犯公民人身权利的违法行为，依法惩处司法工作人员非法取证、暴力取证等侵害公民人身权利的行为。

(二) 被羁押者的权利

完善监管立法，采取有效措施，保障被羁押者的权利与人道待遇。

- 推动完善被羁押者权利保护与人道待遇方面的法律法规、政策措施。
- 严格依法执行收监、减刑、假释、暂予监外执行、释放等主要刑罚执行环节。进一步规范执法程序，保证执法程序严密、细致，各执法环节的法律文书和凭证齐备真实、保存完好、档案规范。
- 完善监所执法责任制、执法公示制、执法工作评议考核和执法过错责任追究制，建立监所执法执纪监督制度和权力制约机制，加大对监所执法活动中违法犯罪行为的查处和责任追究的力度。

- 采取有效措施，严防对被羁押者实施刑讯逼供或者体罚、虐待、侮辱等行为的发生；所有提讯室实施强制物理隔离；建立并推广提讯前后对被羁押者进行体检的制度。
- 进一步完善被羁押者的处遇制度。完善被羁押者通信、会见、生活娱乐、离监探亲等规定；完善被羁押者生活卫生管理制度和医疗保障机制，推行生活卫生标准化管理；加强对被羁押者的个别化教育和矫治，推广和深化心理咨询和心理健康教育；加大对监所的资金投入，改善被羁押者的监管环境和条件，保障监所的给养费、公务费、装备购置消耗费、修缮费及其他费用。
- 完善监管执法公开制度，将被羁押者权利以及监所有关执法标准、程序向被羁押者、家属及社会公开，通过举报箱、举报电话、监所领导接待日、聘请执法监督员等方式，对监所执法活动进行有效监督。
- 加强人民检察院对监管场所内执法活动的实时检察监督。在监室设置举报箱，方便被羁押者投诉。落实被羁押者约见驻监所检察官制度，被羁押者若认为自己遭受非法待遇，可约见驻监所检察官。

(三) 获得公正审判的权利

依法保障诉讼当事人特别是受刑事指控者获得公正审判的权利。

- 采取有效措施，保证依法、及时、公正审理各类案件。保证案件审理事实清楚，证据确实充分，审判程序合法。
- 全面公开审判信息。对于公开审判的案件，人民法院在开庭三日以前公布案由、被告人姓名、开庭时间和地点；对于不公开审理的案件，须宣布依法不公开审理的理由。
- 公开审理时，公开举证、质证、辩论，并公开宣判。公民持有效证件，可以旁听。
- 有条件的人民法院对于庭审活动和相关重要审判活动进行录音、录像，建立审判工作的声像档案，当事人可以按规定查阅和复制。
- 鼓励各高级人民法院制定通过出版物、局域网、互联网等方式公布生效裁判文书的具体办法，加大生效裁判文书公开的力度。

- 切实保障人民陪审员依法参加审判的权利，保证人民陪审员在参加合议庭审判案件时，对事实认定、法律适用独立行使表决权。
- 推动修改或废止与律师法规定不一致的各类法规、规章、规范性文件，保障律师会见、通信、阅卷和调查取证等方面的权利，保障律师在执业活动中的人身权、辩护权和辩论权。
- 扩大司法救助的对象和范围。按照有关规定，根据案件具体情况，降低诉讼费用的收取标准，依法增加缓、减、免交诉讼费用的范围和数额，简化程序；推动刑事被害人国家救助制度立法工作，明确刑事被害人国家救助的条件、标准、程序等。
- 加强法律援助制度建设，落实政府责任。扩大法律援助覆盖面，加大经费保障力度，努力为更多困难群众提供方便、快捷、优质的法律援助。
- 推进国家赔偿法的修订，完善对赔偿请求人、赔偿种类和范围、赔偿义务机关、赔偿程序、赔偿方式和计算标准等问题的规定，保障公民、法人和其他组织依法取得国家赔偿。

(四) 宗教信仰自由

全面贯彻宗教信仰自由政策，依法管理宗教事务，切实保障公民的宗教信仰自由。

- 依法保护正常的宗教活动，维护宗教团体、宗教活动场所和信教公民的合法权益。
- 落实《宗教事务条例》，完善相关配套规章，制定相应的地方性法规和规章，保障公民宗教信仰自由权利。
- 保护公民不被强制信仰或不信仰宗教、不因宗教信仰而受到歧视，保障宗教信徒的权益。
- 尊重少数民族的信仰传统，保护少数民族宗教文化遗产。继续投入必要资金用于维修少数民族地区具有重要历史文化价值的寺庙和宗教设施。

- 充分发挥宗教界在促进社会和谐和经济社会发展中的积极作用。鼓励和支持宗教界开展社会公益慈善活动，探索宗教服务社会、服务人群的方法和途径。

(五) 知情权

积极推行政务公开，完善相关法律法规，切实保障公民的知情权。

- 全面贯彻实施《政府信息公开条例》，对政府及相关部门的信息公开工作进行全面定期考核，检查督促具有公共事务管理职能的组织公开政务信息的情况，依法追究违反该条例的主管人员和直接责任人员的责任。完善地方性政务公开法规。
- 逐步形成相对完整的政务公开制度体系。乡镇机构重点公开贯彻落实国家有关农村工作政策，以及财政、财务收支、各类专项资金等情况。县、市政府重点公开本地区发展规划、重大项目审批和实施、政府采购、征地拆迁等事项。省级政府重点公开本地区经济建设和社会发展的相关政策和总体规划、财政预决算报告、产权交易等情况。深入推进电子政务建设，逐步实现所有县级以上政府和政府部门建立政府网站，绝大多数政府机关和公共企事业单位开通热线电话。
- 完善政府新闻发布制度和新闻发言人制度，加大对新闻发言人和新闻发布工作人员的培训，积极开展多种形式的新闻发布，提高发布会质量，及时、准确、权威地发布政府信息，增强政府工作的透明度，提高政府的信息服务水平。
- 依法、及时、准确发布自然灾害、突发事件和安全生产责任事故信息。及时向社会公布重特大安全生产责任事故的调查、处理结果。
- 深入推进村务公开。加强村务公开目录的编制工作，基本实现县级单位制定村务公开目录，推进村务公开规范化。

(六) 参与权

从各个层次、各个领域扩大公民有序政治参与，保障公民的参与权。

- 完善人民代表大会制度，修改选举法，完善选举制度，逐步实行城乡按相同人口比例选举人大代表，适度提高各级人民代表大会中少数民族

族、归国华侨、妇女、基层工人、农民与农民工代表的比例，密切人大代表同选民的联系。切实保障人大代表依法行使职权。

- 进一步把政治协商纳入决策程序，提高各民主党派和无党派人士参政议政实效。适当提高民主党派和无党派人士担任政府部门实职、尤其是担任正职干部的比例。尊重各民主党派和无党派委员在政协的各种会议上发表的意见，保障他们开展视察、参与调查和检查活动、提出提案、反映社情民意的权利。
- 健全基层群众自治制度，扩大基层群众自治范围，完善民主管理制度。推动修订村民委员会组织法，提高农村村民自治和民主管理水平；进一步扩大城市居民委员会直接选举的覆盖面，到 2010 年争取达到 50%；完善以职工代表大会为基本形式的企事业单位民主管理制度，支持职工参与管理，维护职工合法权益；探索城市社区社会组织参与社区管理和服务的方式和途径，健全城市社区民主听证会、协调会等社会参与形式；探索流动人口参与经常居住地社区居民自治的有效途径。
- 推进决策民主化、科学化，增强决策过程中公众的参与度。在制定与群众利益密切相关的法律法规和公共政策时，原则上要公开听取意见。推进重要法律法规的立法听证会、重大政策措施制定公开听取意见、重大决策接受专家咨询或第三方论证的制度化建设。
- 保障工会、妇联、青联等人民团体依照法律和各自章程开展工作，积极拓宽渠道，支持各人民团体参与社会管理和公共服务，维护群众合法权益。在制定相关法律法规和公共政策时，认真听取各人民团体的意见。
- 加强社会组织建设与管理，增强服务社会功能。修订《社会团体登记管理条例》、《民办非企业单位登记管理暂行条例》和《基金会管理条例》，保障社会组织依照法律和各自章程开展活动。鼓励社会组织参与社会管理和公共服务，在教育、科技、文化、卫生、体育、社会福利等领域兴办民办非企业单位，发挥行业协会、学会、商会等社会团体的社会功能。发展和规范各类基金会，促进公益事业发展。

(七) 表达权

采取有力措施，发展新闻、出版事业，畅通各种渠道，保障公民的表达权利。

- 加强对新闻机构和新闻记者合法权利的制度保障，维护新闻机构、采编人员和新闻当事人的合法权益，依法保障新闻记者的采访权、批评权、评论权、发表权。继续推动电视台、广播电台、互联网以及报业的改革与发展，到 2010 年，千人日报拥有量力争达到 90 份，报纸普及率达到每户 0.3 份。
- 完善治理互联网的法律、法规和规章，促进互联网有序发展和运用，依法保障公民使用互联网的权益。
- 完善新闻出版、广播影视方面的法规。启动《出版管理条例》的修改，明确规定各级人民政府保护合法出版物的责任。研究起草《民间文学艺术作品著作权保护条例》。推进完善有关广播电视传输保障和电影的法律制度。
- 发挥社会组织在扩大群众参与、反映群众诉求方面的积极作用，增强社会自治功能。在各级政协中，应当增加社会组织代表比例，各级政府在制定重大法律法规和公共政策时，应当听取社会组织的意见和建议，行业协会、商会要收集行业、企业的意见和建议。学会、研究会要研究社会大众的呼声，基金会、公益性组织要反映弱势群体利益诉求和需求，城乡社区社会组织要了解社情民意，引导社会公众合理表达意见，有序参与公共事务。
- 进一步拓宽和畅通信访渠道。通过开通绿色邮政、专线电话、网上信访、信访代理等多种渠道，使人民群众以书信、传真、电子邮件等书面形式表达诉求；建设全国信访信息系统，设立国家投诉受理办公室，建立健全人民建议征集制度，为人民群众表达诉求、反映问题、提出意见建议提供便利；坚持党政领导干部阅批群众来信、定期接待群众来访制度，完善党政领导干部和党代会代表、人大代表、政协委员联系信访群众制度，切实维护人民群众的合法权益。

(八) 监督权

健全法律法规，探索科学有效的形式，完善制约和监督机制，保障人民的民主监督权利。

- 贯彻落实各级人民代表大会常务委员会监督法，把关系改革发展稳定全局、影响社会和谐、群众反映强烈的突出问题作为监督重点，加强人大对行政机关、审判机关、检察机关的监督。2009-2010 年，全国人大常委会将听取和审议国务院关于农村社会保障体系建设、促进就业和再就业等方面的报告，最高人民法院关于加强民事执行工作情况的报告，最高人民检察院关于加强渎职侵权检查工作情况的报告等专项工作报告；继续加强对国民经济和社会发展规划以及预决算的审查监督；认真组织开展对工会法、畜牧法、食品安全法等法律实施情况的检查工作，做好劳动合同法、义务教育法、未成年人保护法等执法检查报告所提建议的跟踪监督；进一步加强对规范性文件合宪合法性的审查监督。
- 完善人民政协的民主监督机制。在知情、沟通、反馈环节上建立健全制度，畅通民主监督的渠道，提高民主监督的质量和成效。切实发挥政协提案、建议案在民主监督方面的作用，有关政府部门要认真办理政协提案和建议案，及时给予正式答复。
- 加强人民群众对国家行政机关、审判机关、检察机关等的监督。加大执法监察、廉政监察和效能监察力度，进一步完善特约监察员制度，加强对国家行政机关及其工作人员的监督；探索、试行特约监督员制度，配合其他监督形式，开展对法院工作及审判人员的审判作风、工作作风、职业道德和廉洁自律等方面的监督；探索、试行特约检查员制度，改革和完善人民监督员制度，配合其他监督形式，对检察机关进行监督。
- 保障公民对国家机关和国家工作人员提出批评、建议、申诉、控告、检举的权利，发挥人民团体、社会组织和新闻媒体对国家机关和国家工作人员的监督作用。

- 严格落实预防和惩治腐败的各项法规制度，认真抓好领导干部廉洁自律各项规定的贯彻落实，切实加强对主要领导干部的监督，确保权力正确行使。充分发挥行政监察职能作用，坚决纠正损害人民群众根本利益的不正之风，解决群众反映强烈的突出问题。

三、少数民族、妇女、儿童、老年人和 残疾人的权利保障

2009-2010 年，国家将采取措施，进一步保障少数民族、妇女、儿童、老年人和残疾人的权益。

(一) 少数民族权利

中国是统一的多民族国家，迄今为止，通过识别并经中央政府确认的民族有 56 个。除汉族以外的 55 个少数民族总人口为 10643 万，占全国总人口的 8.41%(注 6)。各民族一律平等，国家保障各少数民族的合法权益。

- 推进与少数民族相关的立法。推动制定贯彻实施民族区域自治法的配套规定，修订《城市民族工作条例》和《民族乡行政工作条例》。
- 保障少数民族依法管理民族自治地方事务和参与管理国家事务的权利。保证 55 个少数民族都有本民族的全国人大代表，人口特少的民族至少也有一名代表。保证人口超过 100 万的少数民族都有本民族的全国人大常委会委员。继续保证在民族自治地方的人大常委会中均有实行区域自治的民族的公民担任主任或副主任，民族自治地方政府的主席、州长、县长均由实行区域自治的民族的公民担任。继续保证在中央和地方国家权力机关、行政机关、审判机关和检察机关都有相当数量的少数民族人员，参加国家和地方事务的管理。
- 促进少数民族教育事业的发展。继续建立和发展各类民族学校，举办民族预科班，实行双语教学，对少数民族考生升学予以照顾，在广大农牧区推行寄宿制教育，在内地设立西藏中学和新疆高中班等。至 2010 年，民族自治地方普及九年义务教育人口覆盖率达到 95%以上。
- 加强对少数民族人才的培养，并使各类少数民族人员就业的比重接近少数民族人口在全国总人口中的比重。对地、县级少数民族干部进行

轮训，对民族工作系统的干部进行现代管理知识和综合能力培训，选拔县(市、旗、区)、乡镇少数民族中青年干部接受各种形式的大专以上学历教育，包括选派优秀的少数民族中青年专业技术人员到国外参加培训。

- 保障少数民族学习、使用和发展本民族语言文字的权利。培养少数民族语言文字专门人才，保证少数民族语言文字在司法、行政、教育领域中的应用，增加对少数民族语言文字出版物资助，扶持少数民族语言文字图书报刊的出版，提高少数民族语言广播电影电视节目的译制、制作能力，提高边境地区少数民族语言广播电视覆盖率，促进少数民族语言文字的规范化、标准化和信息化。
- 促进少数民族文化发展。推出在国内外具有较大影响的少数民族文学、戏曲、音乐、舞蹈、美术、工艺、建筑、风情、服饰、饮食等文化艺术品牌。制作优秀的少数民族题材广播影视作品，扶持对少数民族文化发展具有重大影响的民族出版项目。向少数民族聚居的县(市、旗、区)图书馆和中小学校、农牧区村赠送民族语文和汉语文图书、杂志。保护、发展和培育少数民族特色表演艺术。
- 促进民族地区经济发展，提高少数民族的生活水平。加大对民族地区经济社会发展投入的力度。2009—2010 年，国家将投入少数民族发展资金 20 亿元以上，促进经济社会加快发展，其中投入近 10 亿元，用于帮助人口较少民族聚居地区的基础设施建设、茅草房危旧房改造、群众生产生活条件改善、产业发展、群众增收和社会事业发展。继续支持边境地区经济社会发展，重点解决边境地区群众民生方面的特殊困难。优先解决少数民族特困村的贫困问题，基本实现具备条件的特困村通路、通电、通电话、通广播电视，有学校、有卫生室、有安全的人畜饮用水、有安居房、有稳定解决温饱的基本农田或草场的目标。

(二) 妇女权利

全面实现《中国妇女发展纲要(2001-2010 年)》规定的目标，促进妇女在各方面享有与男子平等的权利，保障妇女合法权益。

- 提高妇女参与管理国家和社会事务的水平。各级人大、政协和人民政府领导成员中都要有 1 名以上的女性。50%以上的国家机关部(委)和省(自治区、直辖市)、市(地、州、盟)政府工作部门要有女性领导成员，提高女性在市(地)级以上国家机关中的厅局级、处级公务员中的比例，在省、市、县级后备干部队伍中女性不少于 20%。提高女性在各级各类国家机关公务员中的比例，在女性比较集中的部门、行业管理层中女性的数量要与女职工比例相适应。在村民委员会、居民委员会成员中要有一定比例的女性成员。
- 保障妇女工作权利和获得经济资源的平等权利。在招工、招聘中禁止性别歧视。保证在劳动合同和集体合同中有对女职工的特别保护条款，健全对女职工的特别劳动保护措施。城镇职工生育保险覆盖面达到 90%以上。保障农村妇女依法享有农村集体经济组织成员资格和各项合法权益，纠正违反法律法规规定、侵犯农村妇女权益的村规民约，保障妇女的土地及其相关财产权益。
- 保障女性受教育的权利。小学适龄女童的净入学率达到 99%以上，小学 5 年巩固率提高到 95%左右，初中女童毛入学率达到 95%左右，高中女性毛入学率达到 75%左右，高等教育女性毛入学率达到 15%左右。成人妇女的识字率要提高到 85%以上，其中青壮年妇女识字率提高到 95%左右。把社会性别意识教育纳入教师培训课程。
- 保障妇女的生育权利，完善生育保健服务。实行计划生育男女平等，提供计划生育、生殖健康的信息和教育，提供避孕节育技术和生殖保健服务，为妇女知情选择安全、有效、适宜的避孕节育措施提供有效服务。到 2010 年，孕产妇保健覆盖率在城市达到 90%以上，在农村达到 80%以上。普及生殖保健和育龄人口计划生育知识，普及率达到 80%以上。农村孕产妇住院分娩率达到 90%以上。住院分娩确有困难的边远地区，新法接生率达到 95%以上。节育手术并发症发生率控制在 1%以下。
- 预防和打击拐卖妇女犯罪。出台并落实《中国反对拐卖妇女儿童行动计划(2008—2012 年)》，建立反对拐卖妇女儿童行动工作部际联席会

议制度，开展对拐卖犯罪的综合治理，防范、打击拐卖妇女儿童犯罪活动，积极救助、妥善安置被拐卖的妇女儿童。

- 禁止针对妇女的一切形式的家庭暴力，探索建立预防、制止、救助一体化的反对家庭暴力的工作机制。
- 对被监禁女性采用适用女性特点的管理方式。重视被监禁女性回归社会后生存就业能力的提高，对她们开展有针对性的职业技能培训。

(三) 儿童权利

全面实现《中国儿童发展纲要(2001-2010 年)》规定的目标，根据儿童最大利益原则，努力保障儿童的生存、发展和参与的权利。

- 完善未成年人法律政策体系。推动修订省级未成年人保护法配套法规，推动各地制定预防未成年人犯罪法配套法规。
- 保障儿童健康权。以 2000 年为基数，5 岁以下儿童中重度营养不良患病率下降四分之一。儿童保健覆盖率在城市达到 90%以上，在农村达到 60%以上，中小学生符合《国家体育锻炼标准》的及格率达到 90%以上。
- 促进儿童参与。根据儿童的身心发展程度，创造空间和机会，扩大儿童在家庭、学校、社区和社会生活中的参与。促进媒体、新闻出版、广播影视等单位保障儿童获取必要信息的权利。
- 禁止雇用童工。依法惩治雇佣童工的单位和个人。
- 预防和打击拐卖儿童犯罪，建立完善救助机制，帮助被解救儿童顺利回归社会，帮助其解决生活、维权和康复等方面的实际困难和问题。
- 强化司法中的未成年人权利保护。人民法院根据需要设立审理未成年人犯罪案件和涉及未成年人权益保护案件的机构，公安机关、人民检察院根据需要设立办理未成年人犯罪案件的工作机构，或者指定专人办理。开展对违法犯罪未成年人的教育挽救和遭受侵害未成年人的身心康复、回归社会工作，积极探索社区矫正新模式。
- 保护弱势儿童权利。对孤残儿童，鼓励公民收养，推进家庭寄养，强化亲属监护，提倡社会助养和规范福利机构集中供养，到

2010 年，主要地级城市均有 1 所具有养护、康复、教育能力的儿童福利院。在地级以上城市和重点县区建设一批设施比较完善的流浪未成年人救助保护中心。对视力、听力、言语、智力等有残疾的儿童实施特殊教育。

- 保护女童权利。禁止非医学需要的胎儿性别鉴定和选择性别别人工中止妊娠，惩治溺弃女婴等违法犯罪行为。

(四) 老年人权利

逐步完善老年人社会保障制度，推进老年人服务体系建设，保障老年人的各项合法权益。

- 推动修订老年人权益保障法，健全对老年人住房、财产、婚姻、医疗、养老等方面的法律保障。
- 构建以居家养老为基础、社区照料为依托、机构养老为补充的老年人服务体系。采取公建民营、民办公助和政府购买服务等方式，支持和鼓励社会力量参与老年人服务事业。以社区为平台，通过多种方式，为老年人提供生活照料、精神慰藉和卫生服务。
- 推进老龄服务设施建设。农村五保供养服务机构新增供养床位 220 万张。新增城镇孤老集中供养床位 80 万张。在大中城市建设一批“老年护理院”。加强农村乡镇敬老院、老年活动中心和综合性老年福利服务中心建设，争取覆盖 75%以上的乡镇。
- 丰富老年人精神文化生活。积极兴办各类老年大学和老年学校。西部地区的每个县、中东部地区的乡镇至少建 1 所设施比较齐全的老年活动中心。
- 培育为老年人服务的非营利性民间组织，发展志愿者队伍和社工队伍。

(五) 残疾人权利

中国有各类残疾人 8300 多万，占总人口的 6.34%。国家大力发展残疾人事业，加强残疾人社会保障和服务体系建设，保障残疾人的合法权益。

- 完善促进残疾人事业发展和保障残疾人权利的法律法规体系，推动制定精神卫生法，启动制定残疾人康复条例、无障碍建设条例等行政法规，推动地方修订残疾人保障法实施办法和优惠扶助规定。

- 做好残疾预防、康复和服务工作。启动制定国家预防出生缺陷、减少残疾规划，探索建立 0-6 岁儿童早期筛查、早期康复工作机制。加强劳动安全卫生工作监督，防止和减少因工伤和职业病致残。2009-2010 年，在全国 80%的市辖区和 70%的县开展规范化的社区康复服务，向 200 万残疾人提供社区康复服务。开展智力、精神及重度残疾人托养服务。鼓励发展残疾人社区服务和居家服务。
- 推动无障碍建设。在 100 个城市开展无障碍城市创建工作。采用盲文、手语、字幕、特殊通讯设备等辅助技术或替代技术，为残疾人接受和传播信息、参与社会生活创造条件。开办电视手语节目，开设广播电台残疾人专题节目，推动影视作品加配字幕工作。
- 保障残疾人的受教育权利。保障残疾学生享受国家助学政策，实施好社会扶残助学项目。在中西部地区，新建和改扩建一批特殊教育学校。推动残疾人中职学校骨干课程建设。
- 保障残疾人的劳动就业权利。加强对残疾人的就业培训和就业服务网络建设，规范和发展残疾人集中就业，推进残疾人按比例就业。完善税费减免、专产专营等残疾人就业保护制度。落实公益岗位开发、社会保险补贴等措施，到 2010 年，城镇新增残疾人就业 30 万人。
- 加大对农村贫困残疾人的扶助力度。扶助 400 万尚未解决温饱的农村残疾人基本解决温饱，帮助中西部地区 40 万农村贫困残疾人接受实用技术培训，扶持 12.8 万户农村贫困残疾人进行危房改造。
- 保障残疾人的文化体育权利。继续推动公共文化、体育设施对残疾人优惠开放。扶持残疾人文化艺术产品生产和盲人读物出版等公益性文化事业。发展残疾人特殊艺术，培养优秀特殊艺术人才。开展残疾人群众性体育健身活动和残奥、特奥、聋奥运动。

四、人权教育

2009-2010 年期间，国家将结合普法活动，积极依托现有的义务教育、中等教育、高等教育、职业教育体系和国家机关内的培训机构以及广播、电视、报刊、网络等多种媒体，有计划地开展形式多样的人权教育，普及和传播法律知识和人权知识。

- 在中小学教育中逐步增加法律和人权方面的教学内容。充分利用思想品德课等课程，培养学生的公民意识和权利意识，树立民主法治、自由平等、公平正义理念，形成健康的人际观念、集体观念以及国家和社会观念。
- 中小学人权教育根据中小学生的年龄特点，采取灵活多样、生动有趣的方式进行。通过丰富多彩的课外实践活动，使学生在亲身体验中，接受人权教育，养成健全人格。在教学以及学校管理方面，积极推动教学与学校管理方式的改革，倡导教师与学生的民主平等、积极互动关系，鼓励学生参与班级与学校的民主管理，让学生在一种平等、民主关系的体验和实践中，增强民主、法治、人权意识。
- 在高级中学，除了进行一般性的人权观念培育外，要在有关课程中，系统开展有关中国宪法“公民的基本权利与义务”教育和国际人权知识的教育。
- 继续鼓励高等院校开展人权理论与教育。选取若干高等院校进行人权教育的调研，鼓励高校学者开展人权研究，推动制定高等院校人权教育规划。鼓励高等院校面向本科生开设人权公共选修课，面向法学专业本科生开设人权法课程。推进人权法教材的编写以及教学课件的开发。选取若干开展人权教育较早的高等院校作为人权教育与培训基地。
- 有重点地开展针对公职人员的人权教育培训，特别是针对公安、检察院、法院、监狱、城管、行政执法机构等特定执法机构和人员的人权教育培训。各执法部门根据自己的工作特点制定人权教育培训计划，加大对人权保护方面的法律法规的宣传教育，推动人权知识教育常态化、经常化、制度化。组织专家编写人权培训专门教材。选取一些有条件的国家机关和城市作为人权教育培训的示范单位，进行跟踪监测。
- 有计划地开展面向大众的人权教育活动，普及人权知识，提高全民的人权意识。支持中国人权研究会在全社会组织人权理论研究和实地调查研究，举办人权知识培训班和讲座等形式多样的人权知识教育和普及活动。鼓励开发民众喜闻乐见的人权教育产品，通过灵活多样的形式，寓教于乐，建立起人权教育的长效机制。

- 充分利用广播、电视、报刊、网络等大众传播媒体对公众进行人权知识的普及。鼓励中央新闻媒体和地方新闻媒体开设人权专栏、专题。支持《人权》杂志、“中国人权网”和其他民间人权网站的发展，充分利用互联网等新媒体开展人权知识普及教育。
- 开展人权教育方面的国际交流与合作。鼓励、支持中国人权研究会、高等院校和社会科学研究所的人权研究机构，充分利用教学、科研平台，多渠道开展国际交流与合作，努力培养具备国际视野的人权领域高级专门人才。

五、国际人权义务的履行及国际人权领域交流与合作

2009-2010 年，国家将继续认真履行已参加的国际人权条约规定的义务，倡导并积极参与国际人权领域的交流与合作。

(一) 国际人权义务的履行

国家重视国际人权文书对促进和保护人权的重要作用。截至目前，中国已参加 25 项国际人权条约。国家将认真履行条约义务，及时向相关条约机构提交履约报告，与条约机构开展建设性对话，并充分考虑条约机构提出的建议与意见，结合中国国情对合理可行的建议加以采纳和落实。

- 完成《经济、社会和文化权利国际公约》第二次履约报告的撰写工作，并将报告提交相关条约机构审议。
- 完成《消除对妇女一切形式歧视公约》第七、八期合并履约报告的撰写工作，并将报告提交消除对妇女歧视委员会审议。
- 完成《儿童权利公约》第三、四期合并履约报告的撰写工作，并将报告提交儿童权利委员会审议。
- 完成《儿童权利公约关于儿童卷入武装冲突问题的任择议定书》的首期履约报告的撰写工作，并将报告提交儿童权利委员会审议。
- 完成《儿童权利公约关于禁止买卖儿童、儿童卖淫和儿童色情制品的任择议定书》最新履约情况的撰写工作，并纳入执行《儿童权利公约》第三、四期合并报告，一并提交儿童权利委员会审议。
- 完成《残疾人权利公约》首期履约报告的撰写工作，并将报告提交残疾人权利委员会审议。

- 参加消除种族歧视委员会对中国依照《消除一切形式种族歧视国际公约》提交的第十、十一、十二、十三期合并报告的审议会议。
- 中国已签署《公民权利和政治权利国际公约》，将继续进行立法和司法、行政改革，使国内法更好地与公约规定相衔接，为尽早批约创造条件。
- 认真履行《联合国反腐败公约》，努力做好《联合国反腐败公约》与中国法律制度相衔接的有关工作。

(二) 国际人权领域交流与合作

中国致力于在平等和相互尊重的基础上，开展国际人权交流与合作，推动国际人权事业健康发展。

- 深入参与联合国人权理事会工作，推动理事会以公正、客观和非选择方式处理人权问题。
- 认真参加人权理事会对中国的首次普遍定期审议，与各方开展建设性对话，落实合理建议。
- 继续与联合国人权特别机制合作，答复特别机制的来函，根据接待能力并兼顾各类人权平衡的原则，考虑邀请一位特别报告员访华。
- 继续与联合国人权高专办公室开展人权技术合作。
- 继续加强与联合国粮农组织、教科文组织、世界卫生组织、国际劳工组织等专门机构和其他相关国际组织的交流与合作。
- 继续在平等和相互尊重的基础上与有关国家开展双边人权对话与交流。
- 继续参与亚太地区、次区域框架下的人权活动。

注

¹ 2006 年 11 月，国务院扶贫办公室正式启动“雨露计划”，计划在“十一五”期间通过职业技能培训，促成 500 万左右经过培训的青壮年贫困农民和 30 万左右贫困地区复员退伍士兵转移就业。

² “五保”供养制度指为农村无劳动能力、无生活来源又无法定赡养、抚养、扶养义务人的老年、残疾或者未满 16 周岁的村民，提供吃、穿、住、医、葬(教)的生活照顾和物质帮助。

³ “霞光计划”指民政部于 2007 年 1 月开始启动的“农村五保供养服务设施建设霞光计划”，计划在“十一五”时期，在政府投入的基础上，利用发行福利彩票筹集的彩票公益金，修建、改建一批敬老院等农村五保供养服务机构以及散居五保对象的集中居住点，集中解决各地农村五保供养设施滞后的问题。

⁴ “211 工程”是中国政府在 21 世纪，重点建设 100 所左右的高等学校和一批重点学科的建设工程。

⁵ “985 工程”是指教育部 1998 年 5 月开始启动的建设若干所世界一流大学和一批具有世界先进水平的知名大学的建设工程。

⁶ 根据 2000 年第五次全国人口普查数据。

National Human Rights Action Plan of China (2009-2010)

Information Office of the State Council of the People's Republic of China

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Introduction

The realization of human rights in the broadest sense has been a long-cherished ideal of mankind and also a long-pursued goal of the Chinese government and people.

Since the founding of the People's Republic of China in 1949, under the leadership of the Communist Party of China, the Chinese government, combining the universal principles of human rights and the concrete realities of China, has made unremitting efforts to promote and safeguard human rights. Hence, the fate of the Chinese people has changed fundamentally, and China has achieved historic development in its efforts to safeguard human rights. It is worth mentioning that, since the introduction of the reform and opening-up policy at the end of 1978, China has enshrined respect for and protection of human rights in its Constitution as a major principle of government, and has taken effective measures to promote the cause of human rights, while enhancing the material and cultural life of the Chinese people and providing firm guarantees for their political, economic, cultural and social rights. Thus, a new chapter has opened in the history of the development of the cause of human rights in China.

China is a developing country with a population of 1.3 billion, low per-capita share of resources, underdeveloped productivity and unbalanced economic and cultural development. Having just entered the stage of building a moderately prosperous society in an all-round way and accelerating socialist modernization, China is faced with the arduous tasks of reform, development and stabilization. Due to the influences and limitations of nature, history, culture, economic and social development level, and other factors, China still confronts many challenges and has a long road ahead in its efforts to improve its human rights situation.

By putting people first, the Chinese government makes sure the constitutional principle that "the state respects and protects the human rights of its citizens" is implemented. While respecting the universal principles of human rights, the Chinese government in the light of the basic realities of China, gives priority to the protection of the people's rights to subsistence and development, and lawfully guarantees the rights of all members of society to equal participation and development on the basis of facilitating sound and rapid economic and social development. In the practice of governance, the Chinese government stands by the principle that development is for the people, by the people and with the people sharing its fruits, spares no effort to solve the most specific problems of the utmost and immediate concern to the people, promotes social equity and justice, and strives to ensure that all the people enjoy their rights to education, employment, medical and old-age care, and housing. The Chinese government persists in ensuring the people's position as masters of the country, expands citizens' orderly participation in political affairs at each level and in every field, improves the institutions for democracy, diversifies its forms and expands its channels, carries out democratic election, decision-making, administration and supervision in accordance with the law to guarantee people's rights to be informed, to participate, to be heard, and to oversee. In addition, the Chinese government advocates strengthening international communication, dialogue and cooperation regarding human rights, collaborating with other countries to accelerate the healthy development of the international cause of human rights, and contributes its share to building a harmonious world of lasting peace and common prosperity.

The Chinese government unswervingly pushes forward the cause of human rights in China, and, in response to the United Nations' call for establishing a national human rights action plan, has instituted the National Human Rights Action Plan of China (2009-2010) on the basis of painstakingly summing up past

experience and objectively analyzing the current situation. The plan defines the Chinese government's goals in promoting and protecting human rights, and the specific measures it is taking to this end.

The plan was framed on the following fundamental principles: First, in pursuit of the basic principles prescribed in the Constitution of China, and the essentials of the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, the plan is aimed at improving laws and regulations upholding human rights and advancing the cause of China's human rights in accordance with the law; second, adhering to the principle that all kinds of human rights are interdependent and inseparable, the plan encourages the coordinated development of economic, social and cultural rights as well as civil and political rights, and the balanced development of individual and collective rights; third, in the light of practicality and China's reality, the plan ensures the feasibility of the proposed goals and measures, and scientifically promotes the development of the cause of human rights in China.

The National Human Rights Action Plan of China (2009-2010) involves broad participation by the relevant government departments and all social sectors. The Chinese government has established the "joint meeting mechanism for the National Human Rights Action Plan" for the purpose of working out a good plan. The Information Office of the State Council and Ministry of Foreign Affairs, two members of the "joint meeting mechanism", take the responsibility of convening meetings. Other members include: Legislative Affairs Committee of the Standing Committee of the National People's Congress, Committee for Social and Legal Affairs of the Chinese People's Political Consultative Conference National Committee, Supreme People's Court, Supreme People's Procuratorate, National Development and Reform Commission, Ministry of Education, State Ethnic Affairs Commission, Ministry of Civil Affairs, Ministry of Justice, Ministry of Human Resources and Social Security, Ministry of Health, China Disabled Persons' Federation, and China Society for Human Rights Studies, altogether 53 organizations.

A group of experts from universities and research institutions, including Nankai University, Shanghai Academy of Social Sciences, Shandong University, China University of Political Science and Law, Chinese Academy of Social Sciences, Beijing University, Wuhan University, Renmin University of China, and the Central Party School, also participated in the drafting and formulation of the plan. In the drafting and formulation process, joint meetings were held on many occasions to conduct thorough discussions with relevant government departments; several symposia were convened with representation from over 20 organizations, such as China Law Society, All-China Lawyers' Association, China Legal Aid Foundation, China Environmental Protection Foundation, Chinese Society of Education, China Women's Development Foundation, China Foundation for Poverty Alleviation, China Foundation for Disabled Persons, and China Foundation for Human Rights Development, to solicit suggestions for revisions through thorough discussions among social and non-governmental organizations, universities and research institutions, and other social sectors.

The National Human Rights Action Plan of China (2009-2010) is a document explaining the policy of the Chinese government with regard to the promotion and protection of human rights during the period 2009-2010, covering the political, economic, social and cultural fields. Governments and government departments at all levels shall make the action plan part of their responsibilities, and proactively implement it in line with the principle of "each performing its own functions and sharing out the work and responsibilities." All enterprises, public institutions, social and non-governmental organizations, press and media agencies, and the general

public shall give vigorous publicity to this action plan, and expedite its implementation. Initiated by the State Council Information Office and the Ministry of Foreign Affairs, the "joint meeting mechanism for the National Human Rights Action Plan, " comprising legislative and judicial organs and departments under the State Council, is responsible for coordinating the implementation, supervision and assessment of the plan.

The State Council has approved this action plan and has authorized its Information Office to promulgate it as follows)

I. Guarantee of Economic, Social and Cultural Rights

In 2009 and 2010, the state will take proactive and effective measures to offset the negative impacts of international financial crisis, and ensure the economic, social and cultural rights of all members of society.

(1) Right to work

Efforts will be made to promote employment and re-employment, and guarantee the legitimate rights and interests of workers.

- Coordinating the rural and urban employment situations in accordance with the Law on Employment Promotion to secure the growth of employment. In 2009 and 2010, an additional 18 million urban workers will be employed and 18 million rural laborers will move to cities or towns and find jobs there. The registered urban unemployment rate will be kept below 5 percent, and the priority is to find employment for college graduates and rural migrant workers.
- Widespread introduction of labor contracts will involve encouraging collective contracts, improving the mechanism of coordination among employers, employees and the government, implementing the minimum salary system and steadily raising workers' salary levels in accordance with the Labor Contract Law.
- Expanding vocational training to bring the total number of skilled workers to 110 million nationwide, with technicians and senior technicians accounting for 5 percent of all skilled workers and senior workers accounting for 20 percent of all skilled workers.
- Adhering to the principles of "safety first, with focus on prevention and taking comprehensive measures to guarantee production safety, " strengthening labor protection, and improving production conditions in accordance with the Law on Safe Production. The goal is to reduce the number of deaths caused by industrial accidents per 100 million yuan GDP by 35 percent compared with the figure for 2005, and the deaths per 100,000 workers in factories, mines and businesses by 25 percent.
- Solving labor disputes fairly and promptly to promote harmonious and stable labor relations; tightening supervision over salary payment, spreading the practice of employer leaving a deposit in banks to guarantee salary payment, and affixing the legal liability of deliberate default on payment in accordance with the Law on Mediation and Arbitration of Labor Disputes.

(2) Right to basic living conditions

Effective measures will continue to steadily raise the incomes of rural and urban residents, especially people with middle- and low-income, and improve the system of subsistence allowances so as to ensure the right of urban and rural residents to a basic standard of living.

- Raising citizens' incomes so that the average annual disposable income of urban residents will reach 15,781 yuan or more and that rural residents will see their net annual income increase by 6 percent every year from the 4,761 yuan in 2008.
- Intensifying efforts in poverty-alleviation work so as to smoothly solve the food and clothing problems of the target population as soon as possible, gradually raise their incomes, and help them shed poverty and make good. In this regard, the "Raindrop Program" (Launched in November 2006 by the State Council Leading Group Office of Poverty Alleviation and Development, the program is aimed at training and qualifying 5 million young and middle-aged impoverished farmers and 300,000 demobilized soldiers from poverty-stricken areas for jobs elsewhere during the 11th Five-Year Plan period (2006-2010).) will provide pre-employment training for 1 million impoverished laborers and practical skill training for 10 million laborers every year.
- Building more commercial and affordable housing to improve the living conditions of urban families with middle- and low-incomes; improving the low-rent housing program and accelerating the pace to solve the housing problems of the urban poor; and strictly implementing the relevant systems regarding demolition permits, fund supervision, relevant agreements, evaluation, examination and approval of projects to be transferred, housing security, compensation and aid, and public hearings, so as to guarantee the legitimate rights and interests of people whose housing is demolished to make way for new construction.
- Improving the system of subsistence allowances. The state will revise the Regulations on Basic Living Allowances to Urban Residents, and formulate the Methods on the Measurement and Adjustment of Urban Basic Living Allowances, the Methods of Calculating the Income of Urban Families Entitled to Basic Living Allowances, and the Implementing Methods for the Classification of Urban Basic Living Allowances. It will accelerate the drafting of the Regulations on the Rural Basic Living Allowances to standardize the practices for rural basic living allowances, the screening of the beneficiaries and the classified aid to them, so that those in need will receive the necessary help and the level of allowance will be raised gradually.

(3) Right to social security

The insurance systems covering basic old-age pension, basic medical care, unemployment, work-related injury and maternity, as well as the social-aid system will be perfected, so as to raise the level of social security.

- The drafting of provisions supplementary to social security laws and regulations will be speeded up, and relevant system will be established or improved to strengthen the management, use and supervision of social insurance funds. Laws,

regulations and policies regarding social insurance funds will be implemented to guarantee the sound management and safety of the funds.

- The coverage of various types of social insurance will be expanded. By 2010, the population covered by the urban basic old-age pension insurance is expected to exceed 223 million; that covered by basic medical care insurance, 400 million; that by unemployment insurance, 120 million; that by work-related injury insurance, 140 million; and that by maternity insurance, over 100 million. The population covered by rural social old-age pension insurance and corporate annuity will expand year by year.
- The pooling of social security funds will be raised to higher levels, with the pooling of funds for basic old-age pension insurance being raised to the provincial level while that for medical care, unemployment and work-related injury insurance being raised to the city (prefecture) level. The system of reserve fund for work-related injury insurance will be improved.
- The system of "Five Guarantees" (Guarantee of food, clothing, housing, medical care, and burial (education) expenses for elderly people, handicapped people and residents under the age of 16 living in the countryside who have lost the ability to work, have no sources of income and have no people to support them.) will be improved. The Methods on the Management of Rural Five-Guarantee Providers, the Standards for Rural Five-Guarantee Services, and the Construction Plan of Rural Five-Guarantee Facilities will be worked out. The "Xianguang Program" (Launched by the Ministry of Civil Affairs in January 2007, using government investment and welfare lottery funds, this program intends to build and renovate nursing homes for people under the care of the system of Five Guarantees in rural areas in the period 2006-2010.) will be continued to ensure that rural residents under the care of the system of "Five Guarantees" enjoy the average standard of living of local villagers.
- The system of aid to urban vagrants and beggars will be improved. The state will revise the Measures for Assisting and Managing Urban Vagrants and Beggars with No Means of Livelihood, and institute the Regulations on Aid to and Protection of Vagrant Minors, the Service Standards of Assistance and Management Centers, the Service Standards of Assistance and Protection Centers for Vagrant Minors, and other administrative rules and documents. More assistance and protection centers for vagrant children with complete sets of facilities will be constructed in cities at the prefectural level or above, and in key counties and districts.

(4) Right to health

The basic framework for a basic medical and health system covering the entire nation will be established so as to make China among the countries providing national basic health service.

- The main goals expected to be reached in 2010 are: average life expectancy, 73 years; infant mortality rate, below 14.9 per thousand; mortality rate of children under five, below

17.7 per thousand; mortality rate of pregnant and lying-in women, below 40 per 100,000; and the free national immunity vaccination program for children, 95 percent in cities and 90 percent in the countryside.

- Expediting the establishment of the basic medical care system. By 2010, the allowances from the budgets of governments at all levels to urban residents covered by medical insurance and rural residents covered by new rural cooperative medical services will be raised to 120 yuan per person annually. By 2011, urban workers' basic medical insurance, urban residents' basic medical insurance and new rural co-operative medical services will spread to cover the entire nation, with the rate of people taking out such insurance policies and of those who participate in rural cooperative medical services both reaching 90 percent or higher. The proportion of in-patient expenses to be reimbursed will be raised gradually, and the proportion and scope of out-patient expenses to be reimbursed will also be expanded.
- Improving basic medical and health services. Within three years, starting in 2009, efforts will be made to support the construction of 2,000 county-level hospitals (including traditional Chinese medicine hospitals), so that every county will have at least one up-to-standard hospital; 3,700 community health service centers and 11,000 community health service stations will be built or renovated in cities. The construction of 29,000 township hospitals planned and financially supported by the central authorities will be completed, as will the renovation or expansion of 5,000 hospitals in key townships, resulting in one to three hospitals for each county.
- Promoting equality in right to basic health services. Starting in 2009, a uniform health record for all residents will be established throughout the country. Regular health checkups will be conducted for people over 65 years old, so will be growth tests for infants below the age of three, prenatal examinations and postnatal visits for pregnant women and women who have given birth, and prevention and counseling services for sufferers of high blood pressure, diabetes, mental illnesses, AIDS and tuberculosis. Major public health programs will be carried out to prevent and control tuberculosis and other fatal diseases, spread national immunization, and ensure in-patient delivery of newborns by rural women. Other programs will be carried out to help those below the age of 15 receive Hepatitis B vaccines, eliminate risk posed by coal-burning fluorine poisoning, extract cataracts from poor patients to give back their eyesight, improve rural water and toilet facilities, and provide folic acid to rural women who are going to get pregnant and who are in their early pregnancy to prevent the birth of deformed babies.
- Infectious diseases will be brought under control. Endeavors will be made to strengthen the prevention and treatment of AIDS, and the prevention and control of major infectious diseases. The coverage of direct reporting of infectious disease incidences by medical and health institutions at the county level and above will be 100 percent, and that by those at town and township level will be 80 percent. The completeness and timeliness of such reporting will be 90 percent or above. Planned immunity will be made compulsory; the

current zero rate of poliomyelitis will be maintained, and the incidence of the preventable measles will drop by 50 percent compared with the 2007 figure, and incidence of other preventable infectious diseases such as meningitis B, rabies and hemorrhagic fever will drop by 30 percent compared with the 2007 figures. The categories of immunity vaccines under state planning will be expanded, vaccination for rural residents and migrant population will be intensified, with priority being given to newborns, in-school students and other vulnerable persons, and the prevalence of Hepatitis B will be put under effective control. The prevention and treatment of parasitical and other endemic diseases will be tightened, so as to bring all relevant counties (cities and districts) up to the standards of control.

- The Law on Food Safety will be enacted, and systems governing food and medicine production permits, compulsory test, market access, recall, and import and export inspection and quarantine will be put in place, and examination and supervision will be strengthened over the implementation of the Law so as to ensure that the Law is enforced to the letter and our foodstuffs and medicines are safe.
- Providing safe drinking water for another 60 million rural population in 2009, so as to realize the goal of "halving the proportion of the population unable to sustainably get safe drinking water by 2015" set by the United Nations, ahead of schedule.
- More community sports facilities will be built for both urban and rural residents. By 2010, such facilities per capita will reach 1.4 sq m, and public sporting facilities in urban neighborhoods and rural towns and villages will be markedly improved. National fitness programs will be further spread, mass sport organizations will be encouraged and the national fitness system will be improved.

(5) Right to education

Priority will be given to compulsory education and rural education; vocational education will be developed with great efforts, and the quality of higher learning will be enhanced; after-school education will be promoted, so as to guarantee the citizens' right to equal schooling.

- The Outline of State Medium- and Long-term Program on Education Reform and Development through 2020 will be worked out, and the goals, tasks, and main measures of reform and development will be defined. The final aim is to raise the overall educational level of Chinese citizens.
- Nine-year compulsory education will be comprehensively implemented to achieve a net enrollment rate of 99 percent in elementary schools, gross enrollment rate of 98 percent in junior high schools, and retention rate of 95 percent for students during three years of junior high school. The efforts to eliminate illiteracy among young and middle-aged people will continue, to cut the illiteracy rate among them to below 4 percent. The state will make sure that almost all the children of migrant workers will receive nine-year compulsory education, that children in medium-sized and large cities and economically developed areas will receive three years of pre-school education, and the number of rural children receiving one-year pre-school education will be increased markedly.

- The balanced development of compulsory education will be promoted, with emphasis placed on running every school well and caring for the healthy growth of every child. With an active response to the "inclusive education" advocated by the UNESCO, both the physical and the mental health of every child will be stressed. Special attention will be paid to raising the educational quality of rural schools and reforming urban schools that remain weak in teaching.
- The progress of rural education will be accelerated. The state will ensure teachers of middle and elementary schools in rural areas receive their salaries in full and on time and the schools' operating outlay is guaranteed. Renovation of the buildings of junior high schools in rural areas in central and western China, and building of clean school campuses in the new countryside will be carried out. Distance-education network of rural schools will be completed. Special programs will continue to attract college graduates to work at rural schools. For instance, they can apply for teaching posts at rural elementary and junior high schools, or volunteer to teach in western China. They may get free enrollment for a master's degree in education if they work for a certain period in rural schools.
- Vocational education will be boosted by building 2,000 key vocational practice bases with complete array of disciplines, good facilities and rich resources that can be shared by all. Support will also be given to the construction of a batch of county-level vocational education centers, secondary vocational schools and 100 model vocational colleges.
- The central government has appropriated special funds for the project of improving the quality of undergraduate teaching and reform at institutions of higher learning. The 211 Program (This is a program of the Chinese government to give priority to the building of 100 key institutions of higher learning and a batch of key branches of learning in the 21st century.) and the 985 Program (Launched by the Ministry of Education in May 1998, the program aimed at building a number of world-class universities and some universities with advanced international level that are well-known in the world.) will continue to quicken the construction of high-level universities.
- After-school education will be expanded. In 2009 and 2010, the central government will pool 3 billion yuan of lottery earnings to support the building and operation of after-school facilities, and by 2010 every county (district) across the country will have one venue for after-school activities to guarantee the right of minors to after-school education.
- The system of assistance to poor students will be improved by increasing budget inputs, implementing all policies concerning financial aid to such students, expanding the assistance coverage and raising the level of assistance.

(6) Cultural rights

Effective measures will be taken to promote cultural undertakings and guarantee the citizens' basic cultural rights.

- Building a public cultural service system. A network of public cultural service facilities covering both urban and rural areas will be basically completed, which ensures that there are large theaters, public libraries, museums, art galleries, cinemas and mass-culture centers in

all major cities; cultural centers, libraries and cinemas in counties (cities); cultural activity halls in rural administrative villages; and cultural centers in urban communities. In the central and western regions, 26,700 all-inclusive cultural stations will be built, rebuilt or expanded; and some 70,000 farmers' reading rooms will be set up every year. By the end of 2010, the number of farmers' reading rooms across the country will reach 237,000. A digital cultural service system covering urban and rural areas will be built with 1.115 billion yuan of state investment.

- Fulfilling the target set for the national cultural resources sharing project in the 11th Five-year Plan. By the end of 2010, the 100TB digital resources construction task will be finished, with a branch center in each county and a grassroots service center in every village.
- Overall promotion of digitalized movie, radio and TV service. The national surface digital television broadcasting network, satellite live broadcasting system and mobile multimedia broadcasting system will be established and integrated, forming a vast content resource management system and an information integration, distribution and exchange platform, as well as a platform for integrating digital film programs. Mobile digital film projection in rural areas will also be promoted.
- Implementing major culture industry projects strategy to expedite the construction of culture industry bases and regional culture industry groups with special characteristics. The growth of key culture industry enterprises and strategic investors will be promoted, encouraging non-public capital to enter culture industries permitted by current policies and promoting the development of private artistic performance troupes. Intermediary culture agencies, such as artistic performance agencies, intangible assets evaluation agencies and information and consultation agencies, will be developed in accordance with the law.
- Encouraging cultural creativity and popularization. A special fund for cultural development and a special fund for the creation and performance of excellent theatrical programs will be established to support the creation of new programs in traditional operas as well as their training of performers and charity performances, and to boost cultural and artistic activities for the purpose of public welfare or as a demonstration. State-run art troupes are encouraged to perform at community-level venues. In 2009 and 2010, the state will invest 100 million yuan to provide some 300 mobile stages for art troupes and other grassroots cultural establishments so that they can easily and regularly go to the countryside to stage performances. The government will appropriate 3.4 billion yuan, using live satellite broadcasting technology, to make radio and TV broadcasting available in 716,600 villages each with at least 20 households where electricity is available by the end of 2010. The fund will also help bring digital film projection to rural areas throughout the country, one showing per month in each village.
- Continuously making museums and patriotic education bases open to the public free of charge, and conducting studies for formulating laws and instituting systems regarding the guarantee of cultural undertakings of a public welfare nature.

- Intensifying efforts in the protection of intellectual property rights and punishing all infringements of IPR in accordance with the law to safeguard the legitimate rights and interests of IPR holders. A public patent search and service platform will be put in place.

(7) Environmental rights

Upholding the principle of harmonious development between man and nature and the rational exploitation and utilization of natural resources, China will take an active part in international cooperation in an effort to create an environment favorable for human existence and sustainable development and build a resource-conserving and environment-friendly society to guarantee the public's environmental rights.

- By the year 2010, the emission of sulfur dioxide and the amount of chemical oxygen demand will be brought under control; the environment quality in major areas and cities will be improved and the deterioration of the ecological environment will be basically checked; and the environment is safe from nuclear and radiation hazard. In 2010, the amount of chemical oxygen demand and the emission of sulfur dioxide will be 10 percent lower than those in 2005, and the percentage of poor-quality surface water areas of Level V under the state's water-monitoring standards will be down by 4.1 percentage points from that of 2005. Meanwhile, the percentage of areas in the seven major water systems categorized as higher than Level III will increase by 2 percentage points, and the percentage of days in a year surpassing 292 days with better than Level-II air quality in major cities will be up by 5.6 percentage points.
- Implementing the National Environment and Health Action Plan (2007-2015) by improving the legal, management, and scientific and technological support systems related to the environment and health to limit the impact of hazardous environmental factors on health, reduce the occurrence of environment-related diseases to safeguard the public health. This will help realize the compulsory targets for environmental protection set in the Outline of the 11th Five-year Plan and the UN Millennium Development Goals.
- Strengthening the rule of law in the sphere of environmental protection to safeguard the public's environmental rights and interests. Special actions will be taken to protect public health by intensifying monitoring over and punishing enterprises that discharge pollutants against the law, and by investigating and severely punishing acts and cases of violating laws and regulations on environmental protection. Environmental safety checkups will be conducted continuously, focusing on enterprises in the petroleum, chemical and smelting industries located by rivers and in densely populated areas to eliminate potential risk factors that threaten the environment. Supervision and management of dangerous chemicals, dangerous wastes and radioactive wastes will be strengthened to ward off environment-related risks. To promote open government administration, China practices the system of publicizing state policies, laws, regulations and project approvals, as well as releasing information on the handling of cases related to environmental protection. The work of handling public complaints and petitions will be improved to bring the role of the "12369"

environmental protection hotline into full play, and to widen and smooth out the channels for people to report and complain to the government.

- Doing all we can to make the ratio of energy consumption per GDP unit in 2010 around 20 percent lower than that in 2005.
- Developing renewable energy resources, and working toward the goal of increasing their consumption to 10 percent of the total energy consumption by 2010.
- Implementing China's National Plan for Coping with Climate Change by slowing down greenhouse gas emission. While enhancing energy utilization efficiency and developing renewable energy resources to reduce the emission of carbon dioxide, China will strive to maintain the discharge of nitrous oxide in the processes of industrial production at the 2005 level, to increase the forestry coverage to 20 percent, and increase the annual carbon sink by about 50 million tons of carbon dioxide over the level of 2005. By 2010, the country expects to have 40 million ha of improved grasslands, have 110 million ha of degraded, sand-encroached and alkaline grasslands treated, and raise to 0.5 the effective utility coefficient of agricultural irrigation water. At the same time, China will put around 90 percent of its typical forest ecological systems and national key wild animals and plants under proper protection, to increase the percentage of nature reserves to the total land area in the country to about 16 percent, and to treat 22 million ha of desertified land. Half of China's total wetland area is to be satisfactorily protected.
- In the 2009-2010 period, an additional 100,000 sq km of land that has suffered soil erosion previously will be treated comprehensively, and 120,000 sq km of land will undergo ecological restoration. The ecologically vulnerable environment of such rivers as the Heihe, Tarim and Shiyang will be improved.

(8) Safeguarding farmers' rights and interests

China will make great efforts to break the dual structure of urban and rural systems, speed up the construction of a new countryside and safeguard farmers' legitimate rights and interests.

- Guaranteeing farmers' land right. The government has made it a point to confirm and register rural land and issue land-right certificates, protect farmers' right to own and use their land and obtain profits from the land, and punish any actions violating the regulations on land management. The market for circulating the right to contract and manage land will be improved, where the farmers can turn over their land-use and contract rights by means of subcontract, lease, interchange or transfer, or by joining stock cooperatives, following the principle of voluntariness and with compensation. Overall reform of the collective forest ownership system is expected to make headway, aiming to ensure that farmers have equal right to manage collective forest land under contract and to ensure their status as the main player of operation.
- Protecting farmers' usufructuary right to their homesteads. On the principles of having a strict and efficient administration, raising efficiency and making it convenient for and beneficial to the people, the management of farmers' homesteads will be strengthened to better suit farmers' needs in their house construction. The examination and approval

procedure for homesteads will be standardized and simplified, and made open through public bulletins to get the supervision of the villagers. Supervision over the distribution and use of homesteads in rural areas will be reinforced to raise the efficiency of homestead utilization in rural areas.

- Reforming the land requisition system by strictly defining land for public use and land for business purposes, gradually reducing the scope of land requisition and improving the compensation mechanism for land requisitioned. The requisition of collective land in rural areas in accordance with the law should follow the principle of same price for the same land, paying in full and in a timely manner reasonable compensation to the collective or farmers whose lands have been requisitioned. Meanwhile, the farmers' employment, housing and social security problems should be addressed properly. Farmers are allowed to take part in, in accordance with the law, the development and management of collective land used for non-public-welfare purposes that is not included in the overall land-use plan for urban construction.
- Raising farmers' income level. The Chinese government will increase the subsidies for grain-producing farmers by relatively a large margin each year, improving the dynamic mechanism for adjusting the comprehensive subsidies for agricultural production means in association with their price hikes. Efforts will be made to improve the price-forming mechanism for grain and other major agricultural products, as well as the protection system for the prices of agricultural products, and the regulatory system of the agricultural product market by steadily raising the minimum grain-purchase prices. The state will improve the methods of protecting the prices of other major agricultural products, and keep the prices of agricultural products at a reasonable level.
- Promoting equality between urban and rural areas in availability of basic public services. This will help balance the distribution of public resources between urban and rural areas, and enable the free flow of elements of production. A rural credit guarantee system is to be set up with government support, multi-party participation and market operation, and efforts will be made to accelerate the building of a mechanism for agricultural reinsurance that can split the risks of major disasters. The government will also speed up the building of a unified urban-rural human resources market to help farmers find jobs away from their hometowns or in non-agricultural employment within their regions, or setting up businesses after returning to their hometowns.
- Improving farmers' health. By 2010, a new rural cooperative medical care system will cover virtually all the rural residents. Every township will have a government-run hospital, and every administrative village will have a clinic. Rural grassroots health and hygiene work will be strengthened to ensure that the pass rate of health and hygiene work at grassroots level reaches 80 percent in every county. China plans to solve the drinking water problem for 120 million people in rural areas in the period 2009-2010. This will make drinking water safe in villages that are now moderately or seriously haunted by fluorine, arsenic or schistosomes. To this end, the government will work out the 2010-2013 Plan for the Nationwide Safe Drinking Water Project in Rural Areas.

- Strengthening the protection of the rights and interests of rural migrant workers. Equal treatment for migrant workers and urban resident workers will be gradually realized in terms of payment, skill training, etc., and the treatment of the migrant workers regarding their children's education, public hygiene, as well as renting and purchasing of houses will be improved step by step. Working conditions of migrant workers will be improved, and coverage of industry-related injury insurance, medical care insurance and old age pension for migrant workers will be expanded. Methods for migrant workers underwriting basic old-age insurance policies will be formulated and implemented as soon as possible. Efforts will be made to push forward the reform of the household registration system to gradually relax the requirements for settling down in small and medium-sized cities.

(9) Guarantee of human rights in the reconstruction of areas hit by the devastating earthquake in Wenchuan, Sichuan Province

The massive earthquake which struck Wenchuan, Sichuan Province, on May 12, 2008 caused colossal life and property losses to the areas hit. The State Council specially enacted the Regulations on Post-Wenchuan Earthquake Rehabilitation and Reconstruction and the General Plan for Post-Wenchuan Earthquake Restoration, decided to finish the major reconstruction tasks, make the basic living conditions of the victims and the economic development level of the quake-hit areas restore to or exceed the pre-quake levels in three years' time, and attain the goal that every family has a house to live in as well as an income from employment, with social security for everyone.

- Basically completing rebuilding of collapsed or seriously destroyed farmers' houses to ensure that quake survivors can move into new houses by the end of December 2009.
- Taking a range of measures to resolve the problem of employment for over 1 million people in the restoration areas included in the plan, with emphasis on finding a job for at least one member of each jobless family. In these areas, urban residents' average disposable income and rural residents' average net income will surpass the levels before the earthquake, with a secured basic living standard for all people in the quake-devastated areas.
- Rebuilding and restoring elementary and middle schools to high quality. Priority is given to restoring and rebuilding county-level hospitals and public service institutions for disease prevention and control, women's and children's healthcare and family planning, as well as township-level clinics and major township family planning service stations.
- Respecting earthquake victims. Registering the names of people who died or disappeared in the earthquake and made them known to the public.
- Persistently supervising and checking the use of relief funds and materials to ensure that they are all sent to and used for people in the disaster-hit areas and for the smooth progress of the rehabilitation and reconstruction work. Regulations have been worked out and improved for the management and use of relief funds donated by society, stressing special checks on major areas and key links. The people are given full scope in their supervisory role. Any illegal acts of embezzlement, or unauthorized withholding or misappropriation of

relief funds or materials will be investigated and severely dealt with in accordance with the law.

- Implementing the Law on Earthquake Prevention and Disaster Reduction and other relevant laws and regulations to provide better legal guarantee for future precautions against earthquakes and disaster reduction. Knowledge of disaster reduction and the necessary precautions against disasters should be made more widely known through campaigns to popularize them, and education in this regard should be included in the national education system. Disaster-reduction-related knowledge should also be integrated into the activities of spreading cultural, science and technology and hygiene knowledge in the countryside. The construction of emergency shelters and venues for disaster relief should be included in urban and rural planning.

II. Guarantee of Civil and Political Rights

In the period 2009-2010, China will continue to strengthen work to improve democracy and the rule of law, improving systems for democracy, diversifying the forms of democracy and expanding the channels of democracy, strengthening the protection of civil rights in the execution of administrative laws and in judicial practices, and raising the level of ensuring people's civil and political rights.

(1) Rights of the person

China will improve its preventative and relief measures to protect citizens' personal rights in every process of law enforcement and judicial work.

- The state prohibits the extortion of confessions by torture. Evidence will be collected in accordance with the legally prescribed process. It is strictly forbidden to extort confessions by torture and to collect evidence by threat, enticement, deceit or other unlawful means. Anyone who coerces confessions out of a suspect by torture, corporal punishment, abuse or insult shall be handled in accordance with the seriousness of the acts and consequences. If the case constitutes a crime, criminal responsibility shall be investigated in accordance with the law.
- The state prohibits illegal detention by law enforcement personnel. Taking a criminal suspect in custody, changing the place of custody, or extending the term of detention must be carried out in accordance with the law. Wrongful or prolonged detention shall be prevented. The state will improve the measures of providing economic compensation, legal remedies and rehabilitation to victims. Those who are responsible for illegal, wrongful or prolonged detention shall be subjected to inquiry and punished if found culpable.
- Death penalty shall be strictly controlled and prudently applied. Every precaution shall be taken in meting out death sentence, and the system of death sentence with a two-year reprieve shall be improved. If a criminal sentenced to death with a two-year reprieve commits no intentional offense during the suspension period of the sentence, he/she will not be executed at the end of such suspension period, and his/her punishment will be commuted in accordance with the law.

- The state implements stringent judicial procedures for death sentences, and improves such procedures for review. Death penalty cases shall be handled in accordance with the relevant articles of the Criminal Law and the Criminal Procedure Law. China adheres to the basic principle of legally prescribed punishment for each specified crime, suitable punishment for each crime, criminal law equally applicable to everyone, public trial and statutory procedures. It attaches equal importance to procedural impartiality and substantive impartiality, and guarantees the full execution of litigation rights (including the right to defense) of criminal suspects and defendants. China sticks to the principle of public trial for death penalty cases of second instance, so as to ensure the integrity of such cases. Apart from the death sentences given by the Supreme People's Court in accordance with the law, all death sentences must be reported to the Supreme People's Court for review and approval. The People's Procuratorate shall tighten its supervision over death penalty cases in accordance with the law.
- The state establishes and improves supervisory mechanisms for enforcement of law and administration of justice. The state shall rigorously implement a responsibility system in law enforcement, a law enforcement quality evaluation system, a system of accountability for cases mishandled, a system of leadership accountability, and a system of resignation. In accordance with the law, China punishes unlawful infringements of citizens' personal rights by state functionaries taking advantage of their positions and powers. Judicial officers shall be punished for infringements of citizens' personal rights, such as extracting evidence illegally or by violence, in accordance with the law.

(2) Rights of detainees

The state will improve the legislation concerning prison management and take effective measures to ensure detainees' rights and humanitarian treatment.

- The state will make efforts to improve the laws, regulations, policies and measures related to the protection of detainees' rights and humanitarian treatment.
- In accordance with the law, the state strictly carries out every procedure in the execution of criminal punishment, such as taking a convict into custody, commutation, parole, temporary serving of a sentence outside prison and release from prison. The procedures for law enforcement shall be further standardized, so as to ensure that they are rigorous and detailed, and that the legal documents and warrants provided at every stage of law enforcement are authentic, properly kept and documented in files.
- The state is improving the system of accountability, the system of publication, the system of performance evaluation and examination, and the system of investigating wrongdoing in law enforcement in prisons and detention houses; it is establishing a supervisory system and a power-restraint mechanism for law enforcement, and intensifying investigation into illegal activities committed during law enforcement and punishing those who are held accountable.
- Effective measures shall be taken to prohibit such acts as corporal punishment, abuse, insult of detainees or the extraction of confessions by torture. All interrogation rooms must impose a physical separation between detainees and interrogators. The state establishes and

promotes the system of conducting a physical examination of detainees before and after an interrogation.

- The state is further improving the system of treatment for detainees. The rules regarding detainees' correspondence, meeting with people, entertainment, and family visits shall be improved. The state is improving the sanitation management system for detainees as well as their medical treatment, and promoting standardized management of detainees' life and health care. The state will pay attention to individualized education and correction of detainees, popularizing and intensifying education concerning mental health and psychological counseling. More funds will be made available to improve the environment and conditions for detainees in prisons and detention houses, and to help cover the expenses for daily supplies, overhead, the purchase and wear and tear of equipment, maintenance and other expenditures.
- The state is improving an open system of law enforcement in prisons and detention houses by making public detainees' rights as well as the law-enforcement standards and procedures to detainees, their families and society at large. Supervision is effectively carried out over law-enforcement activities in prisons and detention houses by providing complaint services (letter boxes or telephone numbers), directly meeting leaders of prisons or detention houses, or hiring public supervisors.
- The state is intensifying real-time supervision conducted by the people's procuratorate on law enforcement in prisons and detention houses. For detainees' convenience, complaint letter boxes are set up in their cells, and a detainee may meet the procurator stationed in a prison or detention house by appointment, if the former feels he has been abused and wants to make a complaint.

(3) The right to a fair trial

The state, in accordance with the law, guarantees the rights of litigants, especially those charged with criminal offences, to an impartial trial.

- The state takes effective steps to guarantee the lawful, timely and impartial trial of all cases, and ensures clear facts, sufficient evidence and legitimate trial procedures.
- The information of open trials shall be fully released. As for open trial cases, the people's court shall announce, three days before the opening of the session, the summary of the case to be heard in public, the name of the defendant, and the time and place of the court session. People's courts are required by law to give the reasons for cases that are not tried openly.
- When trying cases openly, the court allows for evidence to be provided openly, witnesses to be questioned openly, all arguments made openly, and all judgments announced openly. Citizens with valid certificates may attend any open court session.
- People's courts with necessary conditions shall record or video their court sessions and major relevant trial activities, and establish audio-visual archives of trial work. The parties concerned may, in accordance with the law, consult or duplicate materials documented by the courts.

- The state encourages the higher people's courts at all levels to intensify their efforts to publicly release their judgment paper that has come into effect by working out detailed measures, such as via publications, local networks or the Internet.
- The state takes concrete measures to ensure people's jurors' right to participate in court trials in accordance with the law, allowing them to exercise their voting right independently in a collegial panel concerning the facts determined and the application of law in the judgment.
- The state encourages the revision and abolition of various laws, regulations and regulatory documents that are inconsistent with the Lawyers Law; guarantees lawyers' rights to meet, correspond with and review files of persons in custody, and to conduct investigations and collect evidence. The state also guarantees the personal rights of lawyers and their right to debate or defend when they carry out their duties.
- The state expands the targeted recipients and scope of judicial assistance. In light of relevant rules and actual case situation, the litigation fees shall be lowered by simplifying the procedures and increasing the range and sums of litigation costs that can be deferred, reduced or exempted in accordance with the law. The state promotes legislative work to provide national assistance to victims of crime, specifying the conditions, standards and procedures for such national assistance.
- The state is strengthening the legal aid system, and fulfilling the government's responsibility in this regard. It is also expanding the coverage of legal aid and increasing related funding, to extend convenient, rapid and sound legal aid to more poor people.
- The state is revising the State Compensation Law, and clarifying compensation issues, involving the applicant, the categories and scope, the organs under compensatory obligation, as well as the procedures, means and calculating standards, thus guaranteeing citizens, legal persons and other entities in their obtaining of state compensation.

(4) Freedom of religious belief

China fully implements the policy of freedom of religious belief, and, in accordance with the law, manages religious affairs and protects citizens' freedom of religious belief.

- The state, in accordance with the law, protects normal religious activities, as well as the lawful rights and interests of religious bodies, venues of religious activities and religious believers.
- The state implements the Regulations on Religious Affairs, improves relevant auxiliary regulations and enacts relevant local laws and regulations to guarantee freedom of religious belief of citizens.
- The state protects its citizens from being compelled to believe in or not believe in any religion, and from any discrimination on the grounds of religious belief, and guarantees the rights and interests of religious believers.
- The state respects ethnic minorities' religious beliefs, and protects their religious cultural heritage. It continues to make necessary investments in the maintenance and reconstruction

of temples, mosques and other religious facilities of important historical and cultural value in ethnic-minority areas.

- The state gives full play to the positive role of religious circles in the promotion of social harmony and socio-economic development. It also encourages and supports religious circles in launching social welfare programs, exploring methods and channels for religions to better serve society and promote the people's well-being.

(5) The right to be informed

The Chinese government will make more efforts to keep the public informed of government affairs, and improve relevant laws and regulations, so as to guarantee citizens' right of information.

- By implementing the Regulations on the Disclosure of Government Information, the state will make comprehensive, regular assessments of the work of the government and relevant departments about the disclosure of government information, examine and urge organizations responsible for public affairs management to make public of information related to government affairs, and in accordance with the law call to account personnel in charge and people directly responsible who violate the Regulations. Local regulations concerning how to make known to the public government affairs will be improved.
- A comprehensive system ensuring transparency in government affairs will be gradually put in place. Governments at town and town-ship levels shall make public the implementation of relevant state policies regarding rural work, their revenue and expenditure, and their use of various kinds of special funds. Governments at the county or city levels shall mainly publicize plans about local development, the examination and approval of major projects and their execution, government procurement details, the requisition of lands, demolition of houses and so on. Provincial governments shall mainly publicize policies and overall plans for local economic and social development, fiscal budget reports and final account reports, and property transactions. E-government will be promoted to gradually achieve the goal that governments above the county level and their departments each has a website and most government organs and public institutions each has a hotline.
- Government news release system and the spokesperson system will be improved. The state will make greater efforts to train spokespersons and news release staff, releasing news in various forms, enhancing the quality of press conferences, releasing government information in a timely, accurate and authoritative manner, so as to increase the transparency of government work and improve the level of information service by the government.
- The state will release information on natural disasters, emergencies and production safety accidents in a timely and accurate manner, and in accordance with the law, and publicizes timely the results of investigation and handling of serious or exceptionally serious production safety accidents.
- The state will make efforts to make village affairs more transparent. Catalogues of information regarding village affairs to be released to the public will be compiled by county-level organs, so as to mak

(6) The right to participate

The government will expand citizens' participation in political affairs in an orderly way at all levels and in all sectors, so as to guarantee citizens' right to participate.

- The people's congress system will be improved. Revisions will be made to the Election Law to improve the election system. Deputies to the people's congresses will be elected according to the same ratio of population in both urban and rural areas; the proportions of deputies from among ethnic minorities, returned overseas Chinese, women, grassroots workers, farmers and migrant workers in the total number of deputies to people's congresses at all levels will be increased appropriately, and the close ties between the deputies and their constituencies will be maintained. Earnest measures will be taken to ensure that deputies to people's congresses exercise their functions and powers in accordance with the law.
- Political consultation will be incorporated further in the decision-making procedures, and the effectiveness of the participation and deliberation of state affairs by personages from non-Communist parties and people with no political affiliation will be enhanced. The ratio of personages from non-Communist parties and people with no political affiliation holding leadership positions in government departments, particularly principal positions, will be appropriately increased. Respect will be shown to opinions and suggestions raised by people from non-Communist parties and people with no political affiliation at CPPCC meetings, guaranteeing their right to make inspections, take part in investigations and examinations, submit proposals and report social conditions and public opinion.
- The system of people's self-governance at the grassroots level will be improved, its scope expanded, and the system of democratic management perfected. The amendment of the Organic Law of the Villagers Committee will be pushed ahead, and the level of villagers' self-governance and democratic management enhanced. The coverage of direct elections of urban neighborhood committee members will be expanded, aiming to reach 50 percent by 2010. The democratic management system in enterprises and public institutions, with workers' conferences as its basic form, will be improved; the workers and staff are encouraged to share part of the management duties, and their legitimate rights and interests are safeguarded. Exploration shall be made for new methods and approaches by which neighborhood and social organizations in urban areas participate in neighborhood management and services, and the existing forms of social participation in urban communal affairs, including democratic hearing and coordination meetings, shall be improved. Effective methods and approaches shall be explored to let the floating population participate in residents' self-governance in the neighborhoods they usually live in.
- Democratic and scientific decision-making will be promoted to expand public participation in the decision-making process. In principle, public opinions will be solicited when laws, regulations or public policies which are closely related to the interests of the people are formulated. Institution building will be promoted for holding public hearings on the legislation of important laws and regulations, soliciting public opinions for the formulation

of major policies and measures, and holding expert consultation or third-party verification when making decisions over major issues.

- Guarantee will be extended to trade unions, women's federations, youth federations and other mass organizations for them to carry out their work in accordance with the law and their respective charters. The channels will be broadened to support mass organizations to participate in social management and public services, so as to protect the people's legitimate rights and interests. The government will earnestly solicit opinions from the mass organizations when formulating relevant laws, regulations and public policies.
- The construction and management of social organizations will be strengthened to enhance their functions in serving society. Revisions will be made to the Regulations on the Registration and Management of Social Organizations, Interim Regulations on the Registration and Management of Private Non-enterprise Entities, and Regulations on the Management of Foundations to ensure social organizations conduct activities in accordance with the law and their respective charters. The government encourages social organizations to participate in social management and public services, encourages the establishment of private non-enterprise entities in the fields of education, science and technology, culture, health care, sports and public welfare. It gives play to the social functions of social organizations such as industry associations, societies, and chambers of commerce, and develops and standardizes all kinds of foundations to promote programs for the public good.
- e the publicity of village affairs more standardized.

(7) The right to be heard

The state will take effective measures to develop the press and publications industry and ensure that all channels are unblocked to guarantee citizens' right to be heard.

- Institutional guarantees for the legitimate rights of news agencies and journalists will be strengthened, the legitimate rights and interests of news agencies, journalists, editors and the person(s) concerned in news items safeguarded, and journalists' right to gathering materials, criticize, comment and publish ensured in accordance with the law. The government will continue to push forward the reform and development of television stations, radio stations, the Internet and the newspaper industry. Efforts will be made to reach the goal of 1,000 people having 90 daily newspapers and every family having 0.3 news-paper, on average, by 2010.
- Laws, regulations and rules governing the Internet will be improved to promote the orderly development and application of the Internet and guarantee citizens' right to use the Internet in accordance with the law.
- Laws and regulations related to the press, publishing, radio, film and television will be improved. The amendment of the Regulations on the Administration of Publications will be launched, and the responsibility of people's governments at all levels in protecting legal publications will be clearly spelled out. The government will research and draft the Regulations on Copyright Protection of Folk Literature and Artistic Works, and improve the

legislation and systems regarding the guarantee of radio and television transmission, and motion pictures.

- The state will give full play to the positive role of social organizations in expanding public participation and reporting their petitions for improvement of the self-governance capability of society. The proportions of deputies from social organizations to the Chinese People's Political Consultative Conference (CPPCC) at all levels will be increased. People's governments at all levels, when formulating major laws, regulations and public policies, will solicit opinions and comments from social organizations. Industry associations and chambers of commerce will solicit suggestions from their respective trades and enterprises; learned societies and research societies will study the demands of the common people; foundations and organizations of a public welfare nature will report to authorities the appeals and demands of the underprivileged; and neighborhood organizations in both urban and rural areas will get to know social conditions and public opinions better. All these measures are aimed at guiding people to express their opinions in a reasonable way and participate in public affairs in an orderly way.
- The channels for people to make complaints in the form of letters and visits will be broadened and remain unblocked. The government will open up different channels, including Green Post, special telephone lines, online complaints and agencies, to ensure that the people can voice their petitions by letter, fax, e-mail or other written forms. A nationwide complaint information system will be built, a state-level office to deal with complaints set up, and a system to solicit suggestions from the people established and improved, so as to make it convenient for the people to voice their petitions, report problems and offer suggestions. We will persist in the system that Party and government leaders read letters from the people and make comments or issue instructions on them and receive visitors on a regular basis. Efforts will be made to improve the system in which Party and government leaders, deputies to Party congresses, deputies to people's congresses and CPPCC members take the initiative to contact people who make complaints through letters and visits, so as to safeguard the people's legitimate rights and interests.

(8) The right to oversee

The state will improve laws and regulations, and explore scientific and effective approaches to improve the mechanism of restraint and supervision, and guarantee the people's right of democratic supervision.

- The Law on the Supervision by the Standing Committees of People's Congresses at All Levels shall be implemented to strengthen supervision by the people's congresses' over administrative, trial and procuratorial organs, focusing on conspicuous problems that have a bearing on the overall situation of reform, development and stability, affect social harmony or cause strong public resentment. In the period 2009-2010, the Standing Committee of the National People's Congress will hold hearings and deliberate on reports of the State Council concerning the building of the rural social security system and efforts to improve employment and reemployment; and reports of the Supreme People's Court on

strengthening enforcement of court rulings in civil cases, and special reports of the Supreme People's Procuratorate on strengthening inspection of malfeasance and other work. It will continue to strengthen examination and supervision of plans for national economic and social development, and of budgets and final accounts. It will earnestly organize for inspection on the enforcement of the Trade Union Law, Stock-breeding Law, the Law on Food Safety and other laws, do a good job in the follow-up and supervision of any suggestions proposed in inspection reports on the enforcement of the Labor Contract Law, Compulsory Education Law, Law on the Protection of Minors and other laws. It will also strengthen examination and supervision regarding whether normative documents conform to the Constitution and laws.

- The democratic supervision mechanism of the CPPCC will be improved, making institutional improvements in the links of getting information, communication and feedback to guarantee unblocked channels for democratic supervision and enhance the quality and efficiency of democratic supervision. Full play will be given to the role of CPPCC bills and proposals in democratic supervision, and government departments concerned shall handle them seriously, and give formal replies without delay.
- The people's supervision over administrative, trial and procuratorial organs will be strengthened, and efforts will be stepped up to exercise supervision over law enforcement, and government honesty and efficiency. The special supervisor system will be further improved to strengthen supervision over administrative organs and their functionaries. The state will explore and experiment with the special examiner system to supervise, together with other forms of supervision, court operation and judicial officers in terms of trial style, style of work, professional ethics, honesty and self-discipline. The state will explore and experiment with the special inspector system, reform and improve the people's supervisor system, and supervise procuratorial organs, together with other forms of supervision.
- The state will guarantee citizens' rights to criticize, give advice to, complain of, and accuse state organs and civil servants, and give full play to the role of mass organizations, social organizations and the news media in supervising state organs and civil servants.
- Laws and regulations on the prevention and punishment of corruption will be strictly implemented, so will rules that require leading cadres to be clean and self-disciplined. Supervision over principal leading cadres will be earnestly strengthened to ensure the correct exercise of power. Full play will be given to the role of administrative supervision to resolutely stop unhealthy practices that hurt the fundamental interest of the public, and effective measures will be taken to deal with major issues that cause strong public resentment.

III. Guarantee of the Rights and Interests of Ethnic Minorities, Women, Children, Elderly People and the Disabled

In the period 2009-2010, China will take further measures to protect the rights and interests of ethnic minorities, women, children, elderly people and the disabled.

(1) The rights of ethnic minorities

China is a unified country composed of 56 ethnic groups identified and acknowledged by the central government. The 55 minority ethnic groups - Han Chinese not included - have a total population of 106.43 million, accounting for 8.41 percent of the total population of China (Based on statistics released after the fifth national census in 2000). In China, all ethnic groups are equal, and the state protects the lawful rights and interests of ethnic minorities.

- Promoting lawmaking related to the affairs of ethnic minorities. The state will expedite the formulating of ancillary regulations that promote the implementation of the Law on Regional Ethnic Autonomy. The Regulations on Ethnic Minority Work in Cities and Regulations on Administrative Work in Ethnic Townships will be revised.
- Guaranteeing that ethnic minorities exercise the right to manage the affairs of ethnic autonomous areas and participate in managing state affairs. The state will make sure that all the 55 minority ethnic groups have their representatives in the National People's Congress, with at least one representative for any ethnic group with a very small population. Any minority ethnic group with a population of more than 1 million is guaranteed to have a member on the Standing Committee of the National People's Congress. The state will continue to guarantee that among the chairman and vice-chairmen of the standing committee of the people's congress of an autonomous area there shall be one or more citizens of the ethnic group or groups exercising regional autonomy in the area concerned, and that the head of an autonomous region, autonomous prefecture or autonomous county shall be a citizen of the ethnic group exercising regional autonomy in the area concerned. The state will guarantee that people from minority ethnic groups are well represented in state power organs as well as administrative, judicial and procuratorate organs at the central and local levels to participate in the management of state and regional affairs.
- Promoting the development of education for ethnic minorities. The state will continue to establish and develop schools and organize preparatory classes for ethnic minorities, adopt bilingual teaching systems and give preferential treatment to students of minority ethnic groups in enrollment in schools and universities. It will promote boarding education in the vast rural and pastoral areas, and establish Tibetan junior high schools and Xinjiang senior high classes in the hinterland. By 2010, more than 95 percent of the population of ethnic autonomous areas should have access to nine-year compulsory education.
- Strengthening the training of personnel of ethnic minorities, and making efforts to let the proportion of people from ethnic minorities in employment approach the proportion of the ethnic minority population to that of China's total population. The state will train, by rotation, cadres of ethnic minorities at the district/county level, and have cadres working in

the field of ethnic minority work receive training in modern management and general skills. It will pick candidates from among the middle-aged and young cadres of ethnic minorities at the county (city, banner, district) and township levels to receive college education, including sending outstanding middle-aged and young technicians of ethnic minorities to other countries for training programs.

- Guaranteeing ethnic minorities' right to learn, use and develop their own spoken and written languages. The state will train people to be specialists in the spoken and written languages of ethnic minorities, and guarantee the use of such languages in the judicial, administrative and educational fields. It will increase financial aid to publications using languages of ethnic minorities, and support the publishing of books and magazines in ethnic-minority languages. It will help enhance the capabilities to produce (as well as the capabilities to translate) films, and radio and television programs in languages of ethnic minorities. It will raise the rate of coverage of radio and television broadcasting in languages of ethnic minorities in border regions, and promote the standardization and informationization of the spoken and written languages of ethnic minorities.
- Promoting the development of the cultures of ethnic minorities. The government will continue to introduce to China and the rest of the world the famous cultural and artistic accomplishments of ethnic minorities in the fields of literature, opera, music, dance, fine arts, handicrafts, architecture, customs, costume and food. It will produce fine films, and radio and television programs with ethnic minorities as the subject matter, and support ethnic publishing projects that have a significant impact on the cultural development of ethnic minorities; donate books and magazines in languages of ethnic minorities as well as Chinese to libraries and elementary and middle schools in counties(cities, banners, districts) where ethnic minorities live in compact communities, and to farming and pastoral areas inhabited by ethnic minorities; and protect, develop and foster performing arts with characteristics of ethnic minorities.
- Promoting economic development in areas inhabited by ethnic minorities and raising the standard of living of the ethnic minorities. The state will increase investment in economic and social programs in areas inhabited by ethnic minorities. During the period 2009-2010, the state will appropriate more than 2 billion yuan as a development fund for ethnic minorities to accelerate their economic and social development. Of the sum, nearly 1 billion yuan will be used to help the construction of infrastructure, the renovation of dilapidated houses, the improvement of people's living and production conditions, industrial development, salaries and social programs in regions where ethnic minorities with relatively small populations live in compact communities. The state will continue to support the economic and social development of border areas, focusing on solving difficulties in people's livelihood in those areas. Poverty elimination in extremely impoverished ethnic villages will be a priority. The goal is to make these villages have access to roads, electricity, telephone service, and radio and TV programs, making sure that these villages

have schools, clinics, safe drinking water for people and livestock, safe housing as well as farm fields or pastureland that can provide sufficient food and clothing for the villagers.

(2) Women's rights

The state will continue its efforts to realize the goals stated in the Program for the Development of Chinese Women (2001-2010), promoting gender equality as well as guaranteeing women's legitimate rights and interests.

- Increasing women's participation in the management of state and social affairs. People's congresses, political consultative conferences and local governments at all levels should have at least one female member in their leadership. Women should be present in at least 50 percent of the government leadership of central government ministries, provincial governments (governments of autonomous regions and municipalities directly under the central government) and city governments (governments of prefectures and leagues). The proportion of female civil servants in the leadership of departments and divisions will be increased in government bodies above the city (prefecture) level. At least 20 percent of the reserve cadres at provincial, city and county levels should be women. The proportion of women civil servants in state organs at all levels will be increased, and in professions and industries where women are in the majority the number of women holding managerial posts should be in an appropriate proportion to the number of total women workers. An appropriate number of women members will be included in community committees and village committees.
- Guaranteeing equal right for women in employment and their access to economic resources. Gender discrimination is prohibited in the recruit of new workers and staff. Special provisions for the protection of women will be included in job contracts and collective contracts, and special labor protection measures for women will be improved. The coverage of maternity insurance for urban female employees will reach 90 percent. The membership and legal rights of women in rural collective economic organizations will be guaranteed, and local practices against related laws or regulations must be corrected to ensure that women enjoy equal land rights and other property rights with men.
- Guaranteeing women's right to education. The net enrollment rate of school age girls will reach 99 percent, and the proportion of girls staying in elementary school for five years will reach 95percent. The gross enrollment rate of female students in junior high schools will reach 95 percent; that in senior high schools, 75 percent; and that in institutions of higher education, 15 percent. The literacy rate of adult women will be raised to 85 percent, and that of young and middle-aged women, 95 percent. Teachers' training programs should include education on gender awareness.
- Guaranteeing women's reproductive rights and improving maternity health care services. Information and education on family planning and reproductive health will be provided for women, who enjoy equal rights in family planning with men. Information on contraception and reproductive health services will be provided for women to choose, according to their individual conditions, safe, effective and appropriate contraception methods. By 2010, the

coverage of maternity health care services in urban and rural areas will exceed 90 percent and 80 percent, respectively. The dissemination rate of knowledge on reproductive health and family planning for women of childbearing age will reach 80 percent. In rural areas, the rate of women giving birth in hospitals will reach 90 percent. In remote areas where hospitalization for lying-in women is hard to achieve, the utilization rate of new delivery methods will reach 95 percent. Complications caused by birth control surgery should be controlled under one per thousand.

- Preventing and cracking down on the crimes of abducting and trafficking in women. The Action Plan to Crack Down on the Abduction and Trafficking in Women and Children (2008-2012) has been promulgated and implemented, and an inter-ministry joint conference system of working units will be established to prevent and crack down on the crimes of abducting and trafficking in women and children, as well as to rescue and resettle those who have been abducted.
- Prohibiting all forms of domestic violence against women, exploring and establishing a working mechanism that combines prevention, prohibition and assistance in the fight against domestic violence.
- Adopting forms of management appropriate for women convicts. The emphasis will be placed on enhancing the ability of female convicts to get jobs after they return to society through training courses in professional skills.

(3) Children's rights

Centering around the "children first" principle, the government will endeavor to realize the goals set in the Program for the Development of Children of China (2001-2010), making every effort to guarantee children's rights to life, development and participation in various affairs.

- Improving law and policy making for the juvenile population. Correlative regulations to the Law on the Protection of Minors will be revised at provincial levels, and supportive regulations to the Law on the Prevention of Juvenile Delinquency will be made by local governments.
- Guaranteeing children's right to health. Cases of children under five suffering serious malnutrition will drop by one-fourth from that of 2000. Children's health care coverage will reach 90 percent in urban areas, and 60 percent in rural areas, and 90 percent of elementary and middle school students should pass the "National Physical Exercises Standards" test.
- Promoting children's participation. The state will create an environment and opportunities to expand children's participation in family, school, community and social affairs in line with children's physical and psychological development. Children's right to get access to necessary information will be guaranteed through the joint efforts of media, publishing, radio, television and film agencies.
- Prohibiting the employment of child labor. Any individual or entity using child labor will face severe punishment.
- - Preventing and cracking down on the crimes of abducting and trafficking in children. The government will establish and improve a rescuing mechanism to help children rescued

from abduction integrate again into society, and help them with practical difficulties in life, legal rights, rehabilitation and other problems.

- Reinforcing judicial protection for juveniles' rights. People's courts will, if needed, set up special departments for the trial of juvenile delinquency cases and cases involving the protection of juveniles' rights. In accordance with the actual needs, public security organs and people's procuratorates will setup special working departments for the handling of juvenile delinquency cases or appoint special staff to deal with such cases. Efforts will be made to educate and rehabilitate juvenile delinquents, and communities should play a more important role in helping them return to society. For young victims of crimes, physical and psychological rehabilitation will be provided.
- Protecting disadvantaged children's rights. Families are encouraged to adopt or foster orphans and disabled children. For disadvantaged children with relatives, the guardianship system will be strengthened, with help from society. Welfare centers for children will be standardized. By 2010, every major prefecture-level city will have one welfare center for children's rearing, protection, rehabilitation and education. In cities at and above the prefecture level and key counties (districts), a batch of well-equipped sheltering centers for homeless children will be established. For children with eyesight, hearing, language or intelligence problems, special education will be provided.
- Protecting girls' rights. Identifying the sex of a fetus for other than medical purposes and termination of pregnancy in the case of a female fetus are strictly prohibited. Crimes of killing or abandoning baby girls will be severely punished.

(4) Senior citizens' rights

The government will continue to improve the social security system for the aged, pushing forward the establishment of a service system for the elderly and guaranteeing their legitimate rights and interests.

- Revising the Law on the Protection of the Rights and Interests of the Elderly, and reinforcing legal protection of senior citizens' rights to housing, property, marriage, medical care, old-age support and other areas.
- Establishing an integrated service system for the elderly, with home-based care as the basis, community care as support, and nursing homes as supplement. The government supports and encourages social engagement in old-age services through various means, including private running of public facilities, government-supported private facilities and government purchasing services for the elderly. Communities will play an important role in senior citizens' care, tending their physical, psychological and medical needs.
- Pushing forward the construction of old-age service facilities. An additional 2.2 million beds will be placed in the service centers for rural households enjoying the "five guarantees" (guarantee of food, clothing, housing, medical care, and burial [education] expenses for elderly people, handicapped people and residents under the age of 16 living in the countryside who have lost the ability to work, have no sources of income and have no people to support them). Some 800,000 new beds will be added to nursing homes for

bereaved seniors in towns. A batch of nursing homes will be established in big and medium-sized cities. Nursing homes, recreation centers and comprehensive welfare centers for senior citizens will be constructed in rural areas, with the target coverage of 75 percent in the villages and towns.

- Enriching senior citizens' cultural life. More colleges and schools for the elderly will be opened. At least one well-equipped recreation center will be established in each county in the western region of the country, and in every township in the central and eastern areas.
- Developing nonprofit non-governmental organizations that provide service to the elderly, and increasing the number of volunteers and social workers.

(5) The rights of the disabled

There are over 83 million people with various kinds of disabilities in China, accounting for 6.34 percent of the total population. The state has made great efforts to develop undertakings relating to the disabled and to beef up the building of the social security and service systems for them, providing guarantees for the legitimate rights and interests of the disabled.

- Improving the legal system to promote the development of undertakings for the disabled and to guarantee their legal rights. The state is pushing forward the formulation of the Mental Health Law, has started formulating the Regulations for the Rehabilitation of the Disabled, Regulations on the Construction of a Barrier-Free Environment, and other administrative rules and regulations, while encouraging local governments to revise the rules on implementing the Law on Protection of the Disabled and regulations for providing related preferential assistance.
- Promoting disability prevention, rehabilitation and other services. The state has started mapping out a national plan for preventing birth defects and reducing the number of disabled people, exploring a way to establish a mechanism for early screening and rehabilitation for children aged up to six. Supervision of labor safety and hygiene will be strengthened to prevent and minimize disabilities caused by work-related injuries and diseases. In the period 2009-2010, standardized community rehabilitation services will be carried out nationwide in 80 percent of urban districts and 70 percent of counties, providing such services to 2 million disabled people. The provision of community or household services is encouraged for people suffering from intelligence or mental disabilities and diseases, as well as for seriously disabled people.
- Promoting the construction of a barrier-free environment. Such work will be carried out in 100 cities. Assistance techniques or substitute technologies such as Braille, sign language, captions and special communication facilities are to be adopted to pave the way for the disabled to receive and send out information, and to participate in social activities. TV programs with sign language and special broadcasting programs for the disabled are to be launched, together with the subtitling of TV programs and films.
- Guaranteeing disabled people's right to education. Students with disabilities are guaranteed to benefit from relevant preferential policies of the state, and non-governmental programs to assist the disabled in schooling are also promoted. In central and western China, a batch of

special-education schools will be built or expanded. Secondary vocational schools are encouraged to set up special courses for the disabled.

- Guaranteeing the disabled people's right to employment. The government will strengthen employment training for the disabled and the construction of an employment service network, standardize and develop business that offer jobs to a considerable number of disabled people at one go. It will promote compulsory hiring of disabled people in accordance with their proportion to the population at large. The protective employment system for the disabled will be improved, which includes tax deduction and exemption, and the special production and marketing of certain products by the disabled. Measures such as creating welfare work posts and providing social security subsidies will be implemented to ensure that by the year 2010 there will be 300,000 additional jobs for the disabled in cities and towns.
- Enhancing support for poverty-stricken disabled people in rural areas. Help will be provided to enable the 4 million disabled rural people who want for food and clothing to have adequate food and clothing, to enable the 400,000 disabled rural people with financial difficulties in the central and western regions to receive training in practical skills, and to enable 128,000 rural disabled people to rebuild their dilapidated houses.
- Guaranteeing the cultural and sports rights of the disabled. Disabled people will continue to use public cultural and sports facilities at a discount or free of charge. The Chinese government supports cultural programs of a public welfare nature, such as the production of cultural and artistic products for the disabled, and the publication of books for the blind. Encouragement will also be given to develop the special artistic skills of the disabled. Mass sports and fitness activities for the disabled will be promoted to boost their participation in the Paralympic Games, the Special Olympics and the Deaflympics.

IV. Education in Human Rights

In the period 2009-2010, along with the dissemination of knowledge of the law among the general public, the state will actively rely on the present systems of compulsory education, secondary education, higher education and vocational education, training organizations in state agencies, as well as the media, including radio, television, news-papers, magazines and the Internet, to carry out education in human rights in various forms in a planned way, popularizing and spreading knowledge of the law and human rights.

- Gradually increasing the content of the law and human rights in courses of secondary and elementary schools. By making good use of the courses of Ideological and Moral Standards, China will foster students' awareness of the obligations and rights of citizens, tutoring them in the ideas of democracy, rule of law, freedom, equality, fairness and justice, as well as a healthy concept about interpersonal relations, collectivism, nation and society.
- Human rights education in secondary and elementary schools will be conducted in a flexible and vivid way in line with the characteristics of students at young age. Through varied and vivid activities after class, students will receive education in human rights from first-hand experiences

and build up a healthy personality. The reform of teaching and school management will be energetically pursued, and a democratic, equal, and interactive relationship will be advocated between teachers and students, encouraging students to participate in the democratic management of the class and school, so as to enhance their awareness of democracy, rule of law and human rights through experiencing an equal and democratic relationship.

- In senior high schools, besides human rights education of a general nature, education in the "basic rights and obligations of citizens" stipulated in the Constitution and knowledge of international human rights will be carried out.
- The state continues to encourage institutions of higher learning to conduct research and education in human rights theory. Investigations into human rights education will be conducted in a number of institutions of higher learning, while scholars from universities and colleges are encouraged to carry out human right studies. The state will promote the formulating of plans for human rights education in institutions of higher learning, encouraging them to offer human rights as an elective course to all undergraduate students, and offer the course of human rights law to undergraduate students majoring in the science of law. It will promote the compiling of textbooks on human rights law and the development of teaching courseware. A number of institutions of higher learning which started human rights education earlier than others will be designated as the bases for human rights education and training.
- Human rights education and training will be carried out especially among government employees, focusing on people working in public security agencies, procuratorates, courts, prisons, urban management organs, and administrative law enforcement organs. The law enforcement departments will draw up their own plans for human rights education and training in line with their own work needs, highlighting publicity and education of regulations and laws on the protection of human rights, and give human rights education on a regular basis. The government will organize experts to compile special textbooks for human rights training. State agencies and cities with appropriate conditions will be selected as demonstration units for human rights education and training, and follow-up examinations will be conducted.
- Carrying out activities of human rights education among the general public to disseminate the knowledge of human rights and enhance the public's awareness of human rights. The government supports research on human rights theory and on-the-spot investigations throughout society organized by the China Society for Human Rights Studies, as well as the holding of training classes and lectures on human rights. The government will encourage people to develop products for human rights education that appeal to the general public, and set up a permanent mechanism for education in human rights.
- Making good use of the media, including radio, television, newspapers, magazines and the Internet, to disseminate the knowledge of human rights among the general public. The state encourages central and local news media to open special columns on human rights. It supports the development of the magazine Human Rights, China Human Rights Net and other nongovernmental websites on human rights, making good use of new media, including the Internet, to spread knowledge of human rights.

- Carrying out international exchanges and cooperation in human rights education. The state encourages and supports the China Society for Human Rights Studies, as well as human rights research organizations in institutions of higher learning and social science academies and institutes, to make good use of their teaching and scientific re-search platforms to engage in international exchanges and cooperation through various channels, and work hard to train senior professionals in human rights field with an international vision.

V. Performing International Human Rights Duties, and Conducting Exchanges and Cooperation in the Field of International Human Rights

In the period 2009-2010, China will continue to fulfill its obligations to the international human rights conventions to which it has acceded, and initiate and actively participate in exchanges and cooperation in the field of international human rights.

(1) Fulfillment of international human rights obligations

China cherishes the important role played by international instruments on human rights in promoting and protecting human rights. So far, China has acceded to 25 international conventions on human rights. China will earnestly fulfill its obligations to those conventions, submit timely reports on implementing the conventions to the treaty bodies concerned, hold constructive dialogues with these treaty bodies, take into full consideration the proposals raised by them, and adopt rational and feasible ones in the light of China's actual conditions.

- Completed the second report on implementing the "International Covenant on Economic, Social and Cultural Rights, " and submitted it to the treaty bodies concerned for consideration.
- Completed the 7th and 8th combined report on implementing the "Convention on the Elimination of All Forms of Discrimination Against Women, " and submitted it to the Committee on the Elimination of Discrimination Against Women for consideration.
- Completed the 3rd and 4th combined report on implementing the "Convention on the Rights of the Child, " and submitted it to the Committee on the Rights of the Child for consideration.
- Completed the first report on implementing the "Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, " and submitted it to the Committee on the Rights of the Child for consideration.
- Completed the latest report on implementing the "Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, " included it in the 3rd and 4th combined report on implementing the "Convention on the Rights of the Child, " and submitted them together to the Committee on the Rights of the Child for consideration.
- Completed the first report on implementing the "Convention on the Rights of Persons with Disabilities, " and submitted it to the Committee on the Rights of Persons with Disabilities for consideration.

- Participated in the deliberation meeting held by the Committee on the Elimination of Racial Discrimination on China's 10th, 11th, 12th and 13th combined report submitted in accordance with the "International Convention on the Elimination of All Forms of Racial Discrimination."
- China has signed the "International Covenant on Civil and Political Rights (ICCPR), "and will continue legislative, judicial and administrative reforms to make domestic laws better linked with this Covenant, and prepare the ground for approval of the ICCPR.
- Earnestly executed the "United Nations Anti-Corruption Convention, " and worked hard to link the Convention to domestic laws.

(2) Exchanges and cooperation in the field of international human rights

China is committed to hold exchanges and cooperation in the field of international human rights and promoting the healthy development of international human rights on the basis of equality and mutual respect.

- China takes an active part in the work of the United Nations Human Rights Council (HRC), and helps that body to solve human rights problems in a fair, objective and non-alternative way.
- China participated in the HRC's first Universal Periodic Review (UPR) for China, holding constructive dialogues with various sides and carrying out rational proposals.
- China continues its cooperation with the Special Procedures of the United Nations Human Rights Council, answers letters from it, and considers inviting a special rapporteur to visit China while taking into account the principle of balancing various human rights and China's reception abilities.
- China continues technical cooperation with the United Nations Office of the High Commissioner for Human Rights.
- China continues to strengthen exchanges and cooperation with the Food and Agriculture Organization (FAO) of the United Nations, the UN Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), International Labor Organization (ILO) and other relevant international organizations.
- China continues to hold bilateral dialogues and exchanges on human rights with various countries concerned on the basis of equality and mutual respect.
- China continues to participate in human rights activities in the framework of the Asian-Pacific Region and Sub-region.

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