



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 1943rd meeting

Held at the Palais Wilson, Geneva, on Monday, 10 August 2009, at 10 a.m.

Chairperson: Ms. Dah

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Tenth to thirteenth periodic reports of China (continued)

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The meeting was called to order at 10.10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (item 5 of the agenda) (*continued*)

Tenth to thirteenth periodic reports of China (CERD/C/CHN/10-13; CERD/C/MAC/13; CERD/C/HKG/13); written replies to the list of issues, documents without symbol distributed in the meeting room, in English only (continued)

1. *At the invitation of the Chairperson, the members of the delegation of China took places at the Committee table.*
2. **The Chairperson** expressed the Committee's full sympathy to the Chinese delegation for the destruction caused by Typhoon Morakot in the south-east of China.
3. **Mr. Duan Jielong** (China) said that under the Chinese Constitution, all citizens were equal before the law, which meant that China prohibited all forms of discrimination, including discrimination based on race, colour, descent or national or ethnic origin. Every victim of discrimination had the right to reparation. Chinese law did not use the precise definition of racial discrimination set out in the Convention since China followed its own legal practices and traditions and existing laws already covered the issues referred to in the Convention. While those laws did not deal specifically with discrimination based on descent, respect for the principle of equality and a rejection of discrimination nevertheless ensured that descent-based discrimination was also prohibited. Furthermore, the Chinese Government had endorsed the Committee's general recommendation XXIX concerning discrimination based on descent. The prohibition against discrimination and the principle of equality applied to non-citizens, including to refugees and asylum-seekers. In China, the legitimate rights and interests of all foreign nationals were protected by law. China had not enacted a law dealing specifically with racial discrimination because it already possessed a comprehensive legal system, including the Constitution and the Regional Ethnic Autonomy Law, which protected the rights of those minorities and prevented and prohibited racial discrimination. That being the case, the Chinese delegation had taken note of the suggestions made by members of the Committee that such a law should be adopted.
4. China's accession to any international instrument was subject to the approval of the Standing Committee of the People's National Assembly. Once ratified, the Convention became legally binding on China. The Chinese legal system was fully compatible with the Convention. In cases of racial discrimination, the national courts applied Chinese laws and regulations rather than directly invoking the provisions of the Convention, which did not prevent the State from fulfilling its obligations under the Convention. The Chinese delegation would provide later on examples and statistics in respect of cases of racial discrimination in which compensation had been awarded and sanctions applied.
5. With regard to the acts of violence that had taken place on 5 July 2009 in the Xinjiang Uighur Autonomous Region, China had already explained at the previous meeting that they had had nothing to do with religious or ethnic issues. According to the latest available data, 1,700 persons had been injured and 197 had died, among them 156 innocent people (134 of whom were Han) and rioters whose identity could not be established for various reasons. To avoid an escalation of the violence, the police had made a number of arrests and held a number of people for questioning at the site. Those who had committed minor offences had been treated with leniency. In total, 718 people suspected of criminal acts were still being held by the Chinese authorities. Judicial inquiries were under way and 83 persons had already been charged under the Criminal Code. All legal guarantees had been fully respected and sanctions had been applied in accordance with the law. Furthermore, the cases had only been brought before the ordinary courts. Criminal suspects had access to legal assistance. The Chinese Government systematically rejected all attempts

to link terrorism with a specific ethnic or religious group. The terrorists were identified and charged on the basis of solid evidence. No specific ethnic group had been targeted.

6. With regard to the events that had occurred on 14 March 2008 in the Tibetan Autonomous Region, separatists forces had gathered at Lhasa for the purpose of carrying out criminal activities. Hundreds of persons had been injured and 18 had died. The central Government's measures to combat the violence and re-establish public order had been carried out with the support of various ethnic groups, including the Tibetans. Most of the suspects had been released; only 80 people had been tried and sentenced. The rights of all concerned had been duly respected and the Intermediate People's Court of Lhasa had held public hearings. Interpretation services and legal aid had been provided to defendants belonging to ethnic groups. The Chinese Government had already provided information on that subject to the Committee against Torture in December 2008 (CAT/C/CHN/CO/4/Add.1).

7. The autonomous regions of Tibet and Xinjiang had been part of Chinese territory since time immemorial. Any attempt to divide up Chinese territory was doomed to failure even though the autonomy of regions populated by ethnic minorities was a basic principle under the Constitution. In its 2004 report on regional ethnic autonomy in Tibet, the Government had clearly stated that Tibet should be treated differently from Hong Kong and Macao. The Tibetan Autonomous Region had been established in accordance with the Constitution and the laws and regulations relating to regional ethnic autonomy and had taken into account Tibet's past and present circumstances. Any move to undermine or change the regional ethnic autonomy system in Tibet was contrary to the Constitution and Chinese law. That principle also applied to the Xinjiang region.

8. On 23 May 1951, the central Government and the local government of Tibet had signed a 17-point agreement on the peaceful liberation of Tibet. At the time, a feudal serfdom system had existed in Tibet and over 95 per cent of Tibetans had been reduced to a state of slavery. The 17-point agreement provided for democratic reforms, to be implemented with the consent of the local authorities. In March 1959, members of the ruling class, who wished to retain their privileges, vainly fomented an armed rebellion before fleeing the country. Democratic reforms were introduced and serfdom was abolished. That was an important chapter in the combat against slavery and the promotion of human rights in China. Any attempt to reintroduce serfdom in Tibet was contrary to the will of the Tibetan people.

9. Lastly, the representative confirmed that China had not created a national human rights institution pursuant to the Paris Principles; he noted, however, that many bodies performed similar functions. Moreover, China was cooperating with national human rights bodies in other countries. Consideration would nevertheless be given to the question of creating a national institution, in the light of China's particular circumstances.

10. **Mr. Zhang Ruopu** (China) said that ethnic groups in the autonomous regions elected their own local administrative authorities, which had the right to adopt separate regulations. Depending on the level of the region's economic development, such local authorities could make economic reforms, undertake construction projects, manage local businesses and institutions, conclude foreign trade agreements in accordance with the law, and create foreign trade port facilities with the approval of the State Council. In the field of education, local authorities could define their own academic programmes, open schools and decide how they were to be run, and determine enrolment requirements and what languages and other subjects would be taught. They could also undertake all sorts of activities in the field of the arts, literature, cinema and television in order to protect and develop cultural traditions. The authorities could use one or more commonly practiced local languages in performing their official duties. The autonomous regions of Tibet, Xinjiang and Inner Mongolia had adopted regulations concerning the use and development of their own written

and oral languages. In accordance with the Constitution and the law, the local administrative authorities respected and protected the freedom of religion belief of ethnic minorities. They also worked to preserve the customs of ethnic minorities and to protect their environment.

11. The system of regional ethnic autonomy guaranteed the development of those regions. Under the Chinese Constitution, the State did its utmost to promote the prosperity and development of all ethnic groups. The Regional Ethnic Autonomy Law expressly stated that the higher State authorities were under a legal obligation to help ethnic minority regions develop. It was therefore inaccurate to claim that regions inhabited by ethnic minorities were less advanced economically and socially than regions inhabited by the Han. In 2008, the per capita gross domestic product in Inner Mongolia was well above the national average. According to the 2000 national census, the education level of Koreans and Mongols was markedly higher than that of the Han. That being the case, the western part of China where many ethnic minorities lived was certainly less developed than other regions. The first reason was historical: when the People's Republic of China had been founded in 1949, a feudal serfdom system had existed in the Tibetan, Dai and Hani communities. In the western province of Yunnan, some 700,000 persons had been living in a primitive fashion. The second reason was geographical because many ethnic minorities lived on the plateaus and in the mountainous regions of western China where geographic and climatic conditions were difficult. The third reason had to do with the distances between regions. After China had launched its vast programme of reform and openness, the eastern coastal region had made full use of its ports to create commercial links abroad. Western China, far from the economic centre, fell behind because it had only mediocre infrastructure and transport systems. The central Government of China was endeavouring to promote balanced development among the eastern, central and western regions. For example, it was giving priority to education in order to lay the foundations of sustainable development for all ethnic minorities. It was fostering the regional autonomy of ethnic minorities to enable them to manage their own affairs and develop more rapidly, including by taking preferential measures in their favour. Lastly, it was encouraging the eastern coastal region to help western China by means of many specific measures. While it would take more than a few years for the Chinese Government to redress those imbalances, it was committed to promoting the economic prosperity of all ethnic groups, as provided for under the Constitution.

12. The national human rights action plan for 2009–2010 had been drawn up with the participation of all the competent government bodies and civil society. For that purpose, the Chinese Government had created a joint mechanism bringing together 53 bodies, which had not only taken part in drafting the plan but had also taken steps to implement it. The action plan provided for the adoption of a law relating to ethnic minorities and guidelines for implementation of the Regional Ethnic Autonomy Law. It also sought to promote the development of minority cultures by mobilizing to that end the Ministry of Culture, the State Administration for Radio, Film and Television, and the State Ethnic Affairs Commission. When the plan ended in 2010, the Chinese Government would conduct a detailed evaluation of its results.

13. In reply to Mr. Sicilianos and Mr. Avtonomov, who wished to know what measures had been taken to protect the rights of ethnic minorities living in isolated areas and in regions where they cohabited with other minorities, he explained that scattered ethnic minorities in China represented approximately 30 million people, or one third of the total population of those minorities. They were scattered throughout more than 98 per cent of the districts and towns located in the country's 31 provinces, autonomous regions and municipalities that were under the direct authority of the State Council. In a market economy, individuals tended to travel more often and more widely, which explained why an increasing number of ethnic minorities were moving to cities.

14. The Chinese Government placed great emphasis on the protection of the rights and interests of those minorities. Ten provinces and municipalities under the direct authority of the State Council and which had ethnic minorities that were scattered or mixed with other ethnic groups had adopted regulations to protect their rights and interests in order to ensure that they enjoyed the same rights as the rest of the population in the political, economic and cultural fields and to guarantee respect for their customs and traditions.

15. With regard to the participation of ethnic community members in Chinese political life and their access to senior posts, he said that since the examination of China's previous periodic report in 2001, the number of officials from ethnic communities had grown constantly, reaching 2.9 million in 2008, or 7.6 per cent of the total number of State officials.

16. The eleventh five-year plan for ethnic minorities (2006–2010) (CERD/C/CHN/10-13, para. 37) called for specific measures to be taken to enhance the skills of ethnic minorities by designing and implementing training programmes and projects for public officials belonging to ethnic minorities. The people's governments of autonomous regions (*ibid.*, para. 87), at all levels, would continue working towards that goal to ensure that representatives of ethnic minorities were able to exercise their right to manage State and ethnic affairs and to participate in them.

17. In reply to Mr. Kemal's question about how ethnic minority cultures were protected, he explained that the Chinese Government, which had always promoted the continuation and development of ethnic group cultures, had resolutely pledged to respect the principle of coordinated economic and cultural development. The Government continued to accelerate the cultural development of ethnic minorities and to improve the living standards of minority communities in order to create conditions conducive to their development. With a view to protecting the cultural heritage of minorities, the State Council (*ibid.*, para. 147) had issued a recommendation on 23 July 2009 concerning effective measures to be taken to that end, and had defined policy guidelines for ethnic minority cultural development and goals that had to be reached to protect and develop ethnic minority traditional cultures.

18. Since December 2005, pursuant to the recommendations of the State Council, many local laws and regulations had been adopted to protect the cultural heritage of ethnic minorities in the autonomous provinces and regions where so many of them lived. Legislation relating to the intangible cultural heritage (para. 61) was being drafted. The Government had also increased its subsidies for the protection of ethnic minority culture, and the State had invested 386 million *yuan* in that area since 2002. Despite a tight budget, the Xinjiang Autonomous Region had earmarked 11 million *yuan* for the protection of Uyghur *Mukamu* Art (*ibid.*, para. 61). The Government had also supported a series of economic and cultural programmes to foster economic development and cultural protection. For example, it had supported a series of programmes presenting ethnic minority dances and songs. In March 2008, eight international agencies in China, including the United Nations Development Fund (UNDP) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), had concluded a partnership agreement with the Chinese Government in an effort to ensure greater focus on the cultural heritage of ethnic minorities and promote the cultural economy. The project, which would be carried out over three years, had a \$7 million budget.

19. In reply to the question raised by Mr. Sicilianos and Mr. Kemal about measures taken by China to protect ethnic minorities against labour discrimination, he said that the Chinese Government attached great importance to that issue. Even though discrimination against ethnic minorities was already prohibited by law, the State also granted minorities special privileges to help them find employment. Members of ethnic minorities benefited, for example, from particularly flexible civil service recruitment conditions. Targeted recruitment, separate employment programmes and bonus points had also been instituted to

ensure that a certain number of ethnic minority candidates were recruited into public service. A regulation had also been adopted by the Tibet Autonomous Region (*ibid.*, para. 93) under which one third of workers recruited for State-financed construction projects had to be local peasants. In the Inner Mongolian Autonomous Region, 10 fellowships had been granted and 8,000 unemployed university graduates had been recruited on the basis of geographical location rather than ethnicity.

20. Recruitment was difficult in the western regions of the country where the major ethnic groups were less well-established. He acknowledged that some linguistic minorities had problems finding work owing to language difficulties that limited their opportunities for employment outside of their region of origin. For that reason, the Chinese authorities had also adopted measures to ensure bilingual education in some regions and provide free vocational training to members of ethnic minorities in order to improve their skills and make them more competitive on the job market. Ethnic minorities also benefited from social security and unemployed persons received assistance that guaranteed them a minimum subsistence level.

21. In reply to Mr. Sicilianos' question regarding public health services and medical care available in ethnic minority zones and regions, he explained that the Chinese Government attached great importance to the development of those services and had made substantial progress in that regard. Health centres in rural zones had been upgraded and new rural medical cooperatives provided complete medical coverage; moreover, substantial efforts had been made to curb endemic and contagious illnesses. The number of clinics and dispensaries had also risen. Nevertheless, differences remained in that area between developed coastal areas and ethnic minority regions, and the Chinese Government would continue working to resolve the problem.

22. In reply to Mr. de Gouttes' question on the role of the State Ethnic Affairs Commission (*ibid.*, para. 96), he said that the Commission was responsible for promoting legislation relating to ethnic minorities, drawing up measures to promote development in the country's various regions, monitoring the application of laws and regulations pertaining to ethnic minorities, and drawing up and ensuring the implementation of programmes concerning the use of ethnic minority languages and protection of minority cultures.

23. With regard to the issue of self-definition of ethnic minorities, he explained that China used both objective and subjective criteria to identify and recognize ethnic identities. Following the founding of the People's Republic of China, more than 1,000 anthropologists and ethnologists had conducted a joint survey of the geographic distribution of ethnic communities and their name, origin, language and psychology. That data, together with the wishes and self-definition of the groups themselves, had served as the basis for the recognition of different ethnic groups. Between 1950 and 1954, 38 ethnic minorities had been identified; 16 others had been added to the list between 1954 and 1979. While identification of Chinese ethnic groups had been completed in late 1979, that did not mean that new minorities might not be identified in the future.

24. **Mr. Yao Zhenhuai** (China), responding to Mr. Lahri's question on whether economic development had benefited local ethnic minorities, said that owing to assistance from other Chinese provinces, Tibet's economy had made spectacular progress. Its gross domestic product (GDP) had risen from 174 million *yuan* in 1959 to 39.5 billion and had, since 1994, grown at an annual rate of 12.8 per cent, higher than the national average. In 30 years, from 1978 to 2008, the per capita GDP in Tibet had grown 10 per cent annually. Tibet had a social security and social assistance system and was the only region in the country to provide full medical coverage to urban populations. Each Tibetan farmer received on average 140 *yuan* in government subsidies. With regard to population movements in Tibet, he confirmed that development projects would not bring about significant migratory influxes since they would be using local manpower. Outside experts

would probably be called in for projects where special expertise was needed, owing to the lack of such expertise in Tibet, but those specialists would only stay in Tibet temporarily. That kind of recruitment was frequent and did not in any way represent a massive influx of immigrants. At the end of 2008, the Tibetan region had 2.8 million permanent residents, over 95 per cent of whom were Tibetans or persons belonging to other ethnic minorities.

25. In response to Mr. de Gouttes' question on the number and percentage of Tibetan students enrolled at the University of Tibet, he said that the university enrolment rate in Tibet was 19.7 per cent. Twenty-three thousand students were Tibetan or members of other ethnic minorities, representing 79.25 per cent of the total student body. Tibet had six universities, three colleges and three vocational colleges.

26. **Mr. Weili Balati** (China), responding to Mr. Lahiri's question on whether economic development had benefited local ethnic minorities, said that in the Xinjiang region (*ibid.* para. 98), the economy had grown at an annual rate of 10.2 per cent, higher than the national average. Per capita GDP had risen from 313 *yuan* in 1978 to over 19,890 *yuan* in 2008. Between 2001 and 2007, the Government had met the basic needs of 2 million poor people, addressed the problem of drinking water in 2,264 poor villages and brought electricity to 886 villages. The regional Government had allocated 40 per cent additional resources for funding medical and public health programmes and a social assistance system for poor people in rural and urban zones had been set up. Most of the people benefiting from those measures belonged to local ethnic minorities.

27. With reference to the demographic situation of the Uyghurs, he said that at the end of the nineteenth century, 13 ethnic groups, including the Uyghurs, had lived in Xinjiang; today they represented more than 99 per cent of the province's 21 million inhabitants. The Uyghurs, accounting for 46 per cent of the population, and the Han, accounting for 40 per cent, were the two largest groups. From 1949 to 2007, the Uyghur population had grown 193 per cent, which was well above the national average (129 per cent). Uyghurs had represented 0.61 per cent of the Chinese population in 1949 and 0.73 per cent in 2007.

28. With regard to whether bilingual education could weaken the language and culture of minorities, he explained that the aim of bilingual education was to encourage the use of ethnic minority languages in parallel to Mandarin, and certainly not to eliminate minority languages in the long-term. The Uyghur language, in both its written and oral forms, was used at the administrative and judicial levels, in newspapers and on radio and television throughout Xinjiang and was also one of the Government's working languages. Ethnic minorities were encouraged to speak Mandarin in order to strengthen unity and exchanges among different ethnic groups, bolster the qualifications of ethnic minorities and accelerate progress and development in ethnic minority regions.

29. **Mr. Ho Kin-Wah** (China, Hong Kong Special Administrative Region), said that the Race Discrimination Ordinance (HRI/CORE/1/Add.21/Rev.2, para. 110) defined indirect discrimination in the same manner as the three other ordinances concerning discrimination, with due regard for the principle of proportionality. The regional courts had considered the concept of indirect discrimination on several occasions and had accumulated a certain amount of experience and expertise in that domain. It was important that the definition of indirect discrimination set out in that ordinance corresponded to that contained in the three other anti-discrimination ordinances so that the legislation was consistent. The Race Discrimination Ordinance was binding on all branches of Government.

30. Other constitutional and statutory provisions also prohibited discrimination. The Basic Law (*ibid.*, para. 101) and the Hong Kong Bill of Rights Ordinance (*ibid.*, para. 100) provided a general guarantee of fundamental rights and individual freedoms in Hong Kong, including the right not to be subjected to discrimination. Under the Hong Kong Bill of Rights Ordinance, any act of discrimination based on race committed by public authorities

was subject to review by the courts under common law. In parallel, several institutional bodies, such as the Legislative Council (*ibid.*, para. 78), the Equal Opportunities Commission (*ibid.*, para. 110) and the Office of the Ombudsman (*ibid.*, para. 106), were authorized to take action and conduct investigations in respect of complaints alleging discrimination committed by a Government department.

31. In response to Mr. Diaconu who had asked whether there were any exceptions under the Race Discrimination Ordinance, he said that all the exceptions allowed were based on real needs and served a legitimate purpose. Hong Kong had in that regard taken into account the practice and experience in that field of other common law judiciary systems. Some exceptions were designed to ensure that special measures in favour of ethnic minorities could not be considered as discriminatory.

32. He explained, moreover, to Mr. Sicilianos, that the purpose of section 8 (3) of that ordinance — under which acts based on nationality, citizenship and residency status did not constitute acts of racial discrimination — was to make it clear that matters such as permanent residency, length of stay, citizenship or nationality were not considered to be linked to race. Article 8 (3) did not therefore narrow the definition of race.

33. In terms of the question of new arrivals, raised by Mr. de Gouttes, he said that such persons were not excluded from the scope of the Race Discrimination Ordinance, which applied to all persons residing in Hong Kong.

34. Responding to a question raised by Mr. Sicilianos, he explained that enforcement of the ordinance had been entrusted to the Equal Opportunities Commission, which had been given extra resources to conduct awareness-raising and information campaigns, recruit additional staff and work with communities to promote the ordinance and its implementation.

35. In response to Mr. Thornberry, who had asked whether the Government intended to adopt a racial equality plan, he said that the Government had begun to draw up administrative guidelines on the promotion of racial equality in consultation with legislators, ethnic minorities and other interested parties. The aim of those directives was to encourage State officials to promote racial equality and to guarantee ethnic minorities equal access to public services.

36. Replying to a question from Mr. Sicilianos and Mr. Peter, he explained that Hong Kong had not adhered to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol because of its special demographic and economic situation. The territory of Hong Kong was very small and densely populated. In addition, the region's relative prosperity and its liberal visa regime would make it vulnerable to abuse if those two instruments were applicable there. The Hong Kong Administration therefore maintained a policy of not granting asylum and considered the determinations regarding refugee status fell outside its purview. Requests submitted to Hong Kong were handled by the Office of the United Nations High Commissioner for Refugees, with which the Government cooperated closely. In that connection, he specified that asylum-seekers were covered by the ordinance if they were victims of discrimination based on race.

37. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been applicable in Hong Kong since 1992. In accordance with the Convention, the Hong Kong authorities applied the prohibition against the expulsion, return or extradition of a person to another State where there were substantial grounds for believing that he or she would be in danger of being tortured. The authorities had established a mechanism to examine allegations of torture.

38. With regard to the "two-weeks rule" about which Mr. Sicilianos had been concerned, he wished to stress that the rule applied only to foreign domestic helpers whose

contracts had been prematurely terminated. The rule was, moreover, sufficiently flexible to take account of special circumstances. Where an employer was obliged to terminate a contract for financial reasons or owing to foreign travel or death, or where the domestic helper had been the victim of violence or exploitation, the immigration services could authorize the person concerned to change employment without having to return to their place of domicile. Domestic helpers who had brought a claim or legal action connected with employment could also be authorized to remain in Hong Kong as visitors for more than two weeks.

39. Explaining why live-in domestic workers would be exempt from the draft minimum wage bill, he emphasized the special conditions under which such employees worked. He pointed out that it was practically impossible to calculate the exact number of hours worked by live-in domestic workers and that the minimum wage would be calculated on an hourly basis. That being the case, the exemption affected all domestic workers, whether they were from Hong Kong or abroad, and did not, therefore, constitute racial discrimination. Account must also be taken of the advantages in kind that such workers enjoyed by virtue of living in their employer's home. While understanding Mr. Siciliano's concerns with regard to the number of hours of work and its effect on health and social life, he pointed out that labour law contained provisions relating to annual leave and rest days which applied equally to foreign domestic helpers and local workers. In addition, the Government had carried out awareness-raising campaigns on the importance of rest periods for all workers and a guide had been published to encourage employers and employees to arrive at a reasonable compromise in that area.

40. Returning to the question raised by Mr. de Gouttes with regard to migrant workers' economic and social rights and working conditions, he said that the Government attached great importance to protecting the rights of workers, whether local or migrant. All workers were entitled to equal protection under the law, without discrimination. Like local workers, migrant workers were entitled to rest days and holidays. They were free to participate in cultural and other social activities. Furthermore, in the event that their rights were violated, they had access to the same recourse mechanisms as local workers, and could benefit from legal aid.

41. Responding to Mr. Diaconu, who had been concerned by the way the Hong Kong police had behaved towards ethnic minorities, he said that all police officers had special training and were required to be fair and impartial in dealing with members of the various communities, regardless of their ethnic origin. The police provided interpretation services, as necessary, during investigation and detention. In addition, the main forms and documents used by the police had been translated into 15 different languages so that they could be used by the largest possible number. Lastly, community relations officers had been appointed by the police in each district to facilitate and strengthen ties with ethnic minorities. Police officers who worked in districts with a large number of ethnic minorities could take special language courses. There was also a programme to introduce ethnic minority youth to the work of the police.

42. **Mr. Faria Da Costa Oliveira** (Macao Special Administrative Region, China), noting that Mr. Siciliano and Mr. Diaconu had referred to the concerns and recommendations of the Committee against Torture, said that the Committee had noted with appreciation the new law No. 6/2800 on the combat against human trafficking, which complied with international standards. A special commission to monitor the implementation of measures to prevent and combat trafficking had been set up with a view to facilitating and improving the work of the various competent governmental bodies. The commission worked closely with local NGOs. In addition, awareness-raising campaigns had been carried out with a view to disseminating the law and assisting victims. Telephone hotlines

and shelters had been created for trafficking victims, who also were entitled to financial support and medical and psychological services.

43. With regard to social welfare protection for migrant workers, he explained that only some categories of residents, such as civil servants, the elderly and pregnant women, were entitled to a wide range of welfare benefits in Macao. Protection of persons working in the private sector was very limited, both for local residents and migrant workers. It was mandatory for employers of non-resident workers to provide illness and occupational injury insurance in all cases.

44. The Macao Special Administrative Region used a mixed approach in respect of regional human rights institutions, combining the work of an Ombudsman (within the Commission against Corruption) and of several specialized commissions comprising representatives of Government and NGOs.

45. The 1951 Convention relating to the Status of Refugees and its Protocol were both applicable in Macao. Moreover, specific implementing legislation had been enacted in 2004. Under that legislation, the Office of the United Nations High Commissioner for Refugees could intervene at any stage in the refugee status determination process.

46. Elections for the third Chief Executive of the Macao Special Administrative Region had been held on 26 July 2009. The Election Committee, composed of 300 members, had nominated Mr. Fernando Chui Sai On. Pursuant to Annex I of the Macao Basic Law, that nomination had just been officially endorsed by the Government of the People's Republic of China. The next elections would be legislative elections, to be held on 20 September 2009. All permanent residents of Macao had the right to vote in or stand for those elections, regardless of their nationality, race, sex, language or religion. Some high-ranking positions, such as Chief Executive, member of the Executive Council, members of Government, President of the Legislative Assembly, President of the Court of Final Appeal and Procurator General, were open only to Chinese nationals who were permanent residents of the Macao Special Autonomous Region. The Chief Executive had to be at least 40 years old and have resided in Macao for at least 20 years.

47. **Mr. Duan Jielong** (People's Republic of China) said that owing to lack of time, the delegation had replied orally to only some of the questions raised by the Committee members. Complete written replies in English had, however, been prepared and distributed to the participants.

48. **The Chairperson** praised the efficiency and cooperation of the Chinese delegation, which she thanked for its comprehensive replies and the translation provided. She invited the members of the Committee to ask the delegation additional questions.

49. **Mr. Sicilianos** mentioned an article that had been published on 8 August in the daily newspaper *Le Monde* describing a medical expense reimbursement regime set up in Shenmu. The innovative feature of the regime was that it covered all persons holding a residency card (*hukou*), whether city-dwellers or peasants. While highly positive, that measure also revealed gaps in the social welfare system currently in operation in most regions. The fact that some categories of people — in particular rural workers — had poor coverage demonstrated clearly that economic development, even if it was an essential factor, did not necessarily go hand in hand with respect for economic, social and cultural rights.

50. The results of the national human rights action plan were to be assessed at the end of the period concerned (2009–2010). Since that was an ambitious plan, the length of which might not be sufficient to attain the many objectives that had been set, he wished to know whether the Government would be implementing a new version of the plan in the future.

51. **Mr. Murillo Martínez** said that the statistics provided in the report revealed gaps in many areas between the various ethnic groups and the population as a whole. In the light of China's spectacular growth rate, it would be interesting to know how minority groups fared in relation to the national average and to what extent socio-economic gaps were associated with racism and its different manifestations. In paragraph 8 of the report, the Chinese Government had pledged to adopt special measures to help ethnic minorities. He wished to know whether those measures were in line with the Convention, in particular articles 1 (4) and 2 (2), and would like specific examples. He also wondered whether there were specific programmes to promote unity and solidarity between minority communities and the Han community, in particular in the Xinjiang region. He took note of the information in paragraph 15 of the report indicating that the Chinese Government was considering the possibility of making the declaration provided for under article 14 of the Convention. He invited it to address that issue in its next periodic report.

52. **Mr. Amir** welcomed with great interest the many figures provided by the delegation, which gave the Committee specific benchmarks for evaluating China's progress. Praising the greatness of Chinese civilization, which had demonstrated its capacity to forge ahead, he was confident in the future of that country, justly known as the "Giant", whose legislation and judicial practice were constantly evolving and which now played a major role in the area of international cooperation and co-development.

53. **Mr. Thornberry** requested details on the reform of the *hukou* system, in particular its timetable and its specific objectives. He would also appreciate further information on the concept of discrimination as defined in the State party's legislation, in order to determine if it covered all forms of discrimination of interest to the Committee (direct or indirect, intentional or de facto, structural, institutional).

54. With regard to bilingual education, he recalled that the Forum on Minority Issues had made a series of useful recommendations. Among the various models used worldwide, one seemed to be demonstrably effective in helping minorities preserve or even strengthen their mother tongue while acquiring the language skills they needed to become part of and succeed in society in the broadest sense: that approach consisted in teaching young children first in their mother tongue before switching to a bilingual curriculum or one taught in the official national language, which was commonly used for secondary and higher education.

55. **Mr. de Gouttes** said that he was very happy to learn from the Chinese delegation that China was willing to consider the possibility of adopting a separate law on racial discrimination. Concerning the figures on the number of complaints, legal actions and convictions relating to racial discrimination, he recalled that, in accordance with general recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the absence or rare occurrence of complaints pertaining to racial discrimination could not be regarded as necessarily positive as it could reveal that victims had inadequate information concerning their rights, or that there was a lack of trust in police and judicial authorities or that the authorities were insufficiently alert to or aware of offences involving racism (HRI/GEN/1/Rev.8, para. 1 (b)). Lastly, he wished to know what were the *Measures for the Administration of the Reincarnation of Living Buddhas in Traditional Tibetan Buddhism*, promulgated on 18 July 2007 by the State Administration for Religious Affairs (CERD/C/CHN/10-13, para. 113).

56. **Mr. Avtonomov**, pointing out that Roma were relatively numerous in several of China's neighbouring countries, including the Russian Federation, Kazakhstan, Tajikistan and Kyrgyzstan, said he was surprised that that minority had not been listed among the ethnic groups referred to in the report. He therefore wished to know whether there were, in fact, any Roma in China.

57. **Mr. Lahiri** did not really understand how application of the “one country, two systems” principle in the autonomous regions of Tibet and Xinjiang could, as the Chinese delegation had asserted, threaten national unity since that principle had been applied in the Macao and the Hong Kong Special Administrative Regions without causing any rift there. While acknowledging the argument that the situation in Tibet and Xinjiang was not comparable because the population in those regions belonged to a different ethnic group than the Han, he considered the manner in which the two regions were treated to be discriminatory and that, consequently, the matter fell within the Committee’s competence. He would therefore appreciate more information on that subject.

58. *Mr. Aytonomov took the Chair.*

59. **Mr. Kemal** said that, with respect to the unrest in the Xinjiang region and in Tibet, the Chinese Government might wish to set up truth and reconciliation commissions comprising representatives of the communities concerned to heal the wounds of the past and prevent any reoccurrence of such incidents.

60. *Ms. Dah resumed the Chair.*

61. **Mr. Lindgren Alves** said that according to a recent article in the *International Herald Tribune*, under Mao Zedong, hundreds of thousands of Han had been encouraged to settle in the west of the country, including in Xinjiang, which was at that time a poorly developed desert region and which had been transformed by the new settlers into a prosperous and fertile region, at the price of considerable effort and suffering. He wondered what would have happened to those thousands of Han if they had not been encouraged to settle in those regions.

62. **Mr. Duan Jielong** (China) acknowledged that gaps existed in terms of access to social welfare benefits and to the public health system between rural and urban zones and between the eastern and western parts of the country. Public policy to be implemented in the near future would, however, be placing special emphasis on the creation of social welfare and health systems in areas lacking them. He recalled that the Government had a difficult challenge to meet — ensure the access of 1.3 billion people to food, education, health and social welfare — and he was well aware that much remained to be done in that area.

63. The delegation took note of Mr. Thornberry’s sound suggestion concerning the *hukou* system. The Chinese Government itself considered that the system should be adapted to the needs of modern society and, to that end, had launched experimental reform projects in several towns in China, the results of which would be communicated to the Committee at a later time.

64. He explained to Mr. Lahiri that the “one country, two systems” principle was a solution which made it possible to settle peacefully problems inherited from the past while reinforcing national unity and preserving territorial integrity. The application that had been made of the principle had been endorsed by 1.3 billion Chinese and could not be modified by an individual proposal. History had shown that the strategy had helped all the minorities living in China to flourish and that it was not at all a source of discrimination.

65. Responding to Mr. Lindgren Alves, he said that, since the founding of the People’s Republic of China, the country’s leaders had managed to unite the Chinese people into one large family, all the members of which were interdependent. Today, the Han were indivisible from other ethnic groups and vice versa. The Chinese Government saw no need to modify the situation given that it fostered the prosperity of all ethnic groups. Lastly, the delegation would provide written replies to the questions to which it had not been able to respond because of the limited time available to it.

66. **Mr. Sicilianos** (Rapporteur for China) praised the quality and comprehensiveness of the Chinese delegation's oral and written replies, in particular the information on the place of the Convention in the Chinese legal system, the notion of autonomy, the measures to preserve the languages and cultures of the different ethnic groups, the methods of identification of ethnic groups and the information on the incidents in Xinjiang and in Tibet, the status of Tibet and the situation in the Hong Kong Special Administrative Region and Macao. Lastly, he expressed all his sympathy to the Chinese delegation for the human loss caused by the typhoon that was raging in China.

67. **The Chairperson** welcomed the frank and constructive dialogue that had arisen from the consideration of the tenth to thirteenth periodic reports of China.

68. *The Chinese delegation withdrew.*

The meeting rose at 1.10 p.m.