

## PROTECTION OF RIGHTS

### A. National.

1. *Decision of the State Council Regarding the Guarantee of the Equality of Rights of Minorities Living in Dispersed Communities* (adopted on February 22, 1952 by the 125th Session of the State Council, and issued on August 13, 1952).

(a) The Decision notes that for many years due to various historical reasons, minorities have faced oppression and discrimination. As a result, to save their existence, they have hidden their ethnic origins and characteristics. The Decision has been issued to guarantee the equality of rights of minorities.

(b) The Decision provides that minorities are to enjoy the same freedoms of thought, expression, assembly, association and communication, personal rights, rights of residence and freedom of religion and movement as are enjoyed by the Han peoples in the locality.

(c) Minorities are to enjoy the right to vote and to be candidates for election. In areas where the minority population is relatively large, the local people's governments may adopt measures to cause their representatives to participate in government departments. The proposals and opinions of minorities are to be given the same consideration as proposals and opinions from others. Special issues relating to a particular minority must be discussed with the representatives of such minority.

(d) The right to their mode of living, religion and traditions and customs are to be maintained or reformed. No person may interfere with them. They must be respected and consideration given thereto.

(e) Minorities have the right to be admitted into people's groups and to participate in all types of professions. They may not be refused admission or participation or discriminated against because of their minority.

(f) Minorities with a minority language (and written language) may use such language when instituting or defending lawsuits.

(g) Complaints of discrimination, oppression or humiliation may be made to the people's governments for handling. If a minority experiences difficulties in enjoying its rights of equality, requests may be made to the local people's governments for help.

2. *Regulations on the Work on Urban Ethnic Groups* (effective September 15, 1993; approved on August 29, 1993 by the State Council).

(a) These Regulations have been formulated to strengthen the work on urban ethnic groups, protect the legal rights and interests of urban minorities and promote the development of their economic and cultural undertakings. The Regulations apply to municipalities directly under the central government and municipalities. The work on urban ethnic groups supports the equality, unity and mutual assistance of ethnic groups and promotes the principle of the joint prosperity of all ethnic groups.

(b) The municipal people's governments may grant appropriate consideration in accordance with their finances for the funds required to develop appropriate economic and cultural undertakings of local minorities.

(c) The people's governments of municipalities with a relatively large minority population, neighborhood offices where minorities are concentrated and departments or units that directly serve the production and lives of minorities shall have an appropriate number of minority cadres.

(d) The municipal people's governments shall pay attention to the training and selection of minority cadres, and the relevant departments of the people's governments shall pay attention to the training and use of minority specialist technical personnel. The people's government encourages enterprises to recruit minority workers.

(e) The municipal people's governments shall pay attention to the development of minority educational undertakings and take appropriate measures to improve the quality of minority teachers.

(f) Credit departments shall give preferential treatment to state enterprises and collective enterprises that engage in food production, processing, business and food and beverage services targeted principally at minorities in terms of the amount of loans, repayment periods and the ratio of self-owned funds. If such enterprises have difficulty paying taxes, the tax agencies shall grant exemptions from or reduction of taxes in accordance with law.

(g) Minorities from outside the municipality who come into the municipality to establish enterprises or engage in other legal business activities shall be granted favorable conditions and support.

(h) The municipal people's governments shall strengthen the education and control of the floating minority population and protect their legal rights and interests.

(i) The municipal people's governments shall educate cadres and the masses to mutually respect ethnic customs. Propaganda, media, cultural works, films and television series shall respect minority customs, religious beliefs and the feelings of ethnic groups. Municipalities which have a relatively large minority population shall, in accordance with needs and conditions, establish cultural palaces and libraries with special ethnic characteristics.

(j) The municipal people's governments shall safeguard the right of minorities to use their own language and in accordance with state laws and subject to need and conditions strengthen the translation, publishing and educational research of minority languages.

(k) Municipalities with relatively large minority populations shall, subject to actual needs and conditions, establish ethnic hospitals and medical research institutes and develop the traditional medical science of minorities.

(l) The municipal people's governments shall strengthen propaganda, education and guidance on family planning.

(m) In neighborhoods where minorities are concentrated, the municipal people's governments shall, in accordance with urban planning, protect and build buildings with ethnic features.

(n) The municipal people's governments shall guarantee the freedom of minorities to maintain or reform their customs.

(o) The municipal people's governments shall, in accordance with state provisions, arrange burial grounds for minorities that have special burial traditions and adopt measures to strengthen the burial services for minorities. If a minority person voluntarily wishes to reform burial customs, the people's government shall give its support.

3. ***Notice of the State Ethnic Affairs Commission, State Economic and Trade Commission, Ministry of Public Security, State Travel Bureau and State Administration of Industry and Commerce on Correcting the Behavior of A Few Hotels in Refusing to Accommodate Minority Persons*** (effective November 27, 2002).

(a) The Notice notes that with the gradual establishment of China's socialist economic system and the quickening pace of urbanization, large numbers of minorities have entered the cities to engage in business, labor, leisure travel and other activities and have promoted the urban economy and its development and increased unity and cooperation among ethnic groups. However, in recent years, several terrorist incidents in Xinjiang has had a bad effect on the whole country. A few hotels have refused to accommodate people from Xinjiang, particularly minorities from Xinjiang. The Notice notes that this violates the policy of the Party and the State on ethnic groups, damages the unity of ethnic groups, infringes the legitimate rights of minorities and causes discontent among certain minorities.

(b) The Notice reiterates that China is a unified country of many ethnic groups and that the support of the equality of ethnic groups is a major policy of the Party and the State. It mentions that the terrorist activities in Xinjiang are the work of a small group of "splittists," religious fanatics and terrorists, but that the majority of the ethnic masses love the Party, endorse socialism and safeguard the unity of the State and the unity of ethnic groups. The Notice exhorts its recipients, *i.e.*, the commercial departments, public security bureaus, travel bureaus and industrial and commercial

administrative bureaus to propagate and educate hotel managers and personnel on the Marxist view of ethnic groups, and Party and State policy and laws, and to correct the situation where minorities have been refused accommodation.

**B. Tibet Autonomous Region.**

1. ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on Assemblies, Processions and Demonstrations*** (adopted on May 15, 1990 by the 10th Session of the Standing Committee of the Fifth TAR People's Congress).

(a) The Implementing Measures were formulated in accordance with the Law of the People's Republic of China on Assemblies, Processions and Demonstrations (the "PRC Assembly Law"). The PRC Assembly Law regulates the conduct of assemblies, processions and demonstrations in China. The PRC Assembly Law requires permission from the competent authorities prior to holding an assembly procession or demonstration. No permission will be granted for an assembly, procession or demonstration that (i) opposes the cardinal principles of the Constitution, (ii) harms the unity, sovereignty or territorial integrity of the State, (iii) instigates division among ethnic groups or (iv) will directly endanger public security or seriously undermine public order. The PRC Assembly Law also prohibits assemblies, processions or demonstrations within the vicinity of certain places such as the seat of central agencies, places where state guests are staying, important military installations and airports, railway stations and ports. The Implementing Measures essentially follow the PRC Assembly Law.

(b) No person may use religious or other activities to initiate or organize any assemblies, processions or demonstrations that endanger the unity of the State, or destroy the unity of ethnic groups or social stability.

(c) The competent authorities for approving an assembly, procession or demonstration are the public security bureaus of the locality, municipality or county. Applications to conduct an assembly, procession or demonstration are to be made five days prior to the proposed date thereof, and a response is to be given on the second day prior to the proposed date of the assembly, procession or demonstration. If permission is refused, reasons are to be given. If no response is given, then permission is deemed to have been granted. The Implementing Measures also provide for an appeal procedure to the people's government if an applicant has been refused permission.

(d) Citizens may not initiate, organize or participate in any assembly, procession or demonstration that is being held in cities outside the place where they reside. Without the approval of the competent authorities, foreign nationals may not participate in any assemblies, processions or demonstrations held by citizens in the TAR.

(e) Assemblies, processions and demonstrations may not be held within 10 to 300 meters of (i) places where state guests are staying, (ii) major military installations, (iii) major religious places, (iv) major materials warehouses or storage places, or (v) airports or ports.

2. ***Implementing Measures of Lhasa Municipality for the Law of the People's Republic of China on Assemblies, Processions and Demonstrations*** (effective May 15, 1990; adopted on May 5, 1990 by the 17th Session of the Standing

Committee of the Fifth People's Congress of Lhasa Municipality, and approved on May 15, 1990 by the 10th Session of the Standing Committee of the Fifth TAR People's Congress).

(a) The Implementing Measures were formulated in accordance with the PRC Assembly Law and the implementing measures of the TAR described in item 1 above. The Implementing Measures are substantially similar to those of the TAR. This summary only notes certain variances.

(b) In order to protect normal religious activities and to safeguard public order, without the approval of the Municipal People's Government, assemblies, processions and demonstrations may not be conducted in the Dazhao Temple plaza and Bakuo Street, Yutuo Street and other streets near the temple.

(c) Citizens whose place of residence is not in the Municipality area and who initiate or organize assemblies, processions or demonstrations in the Municipality area may be detained or forcibly returned to their place of origin by the public security agencies.

3. ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of the Rights and Interests of Women*** (adopted on August 18, 1994 by the 10th Session of the Standing Committee of the Sixth TAR People's Congress, and amended on March 29, 1997 by the 23rd Session of the Standing Committee of the Sixth TAR People's Congress).

(a) The Implementing Measures have been formulated pursuant to the Law of the People's Republic of China on the Protection of the Rights and Interests of Women. The national law guarantees the equality of women in all respects, including political, economic, cultural, educational, marriage and family matters. The Implementing Measures provide that all women in the TAR, regardless of their ethnic group, occupation, family background, religious beliefs, level of education, financial circumstances or period of residence, have the right, in accordance with the national law and these Implementing Measures, to safeguard their own legal rights and interests.

(b) At least 20% of the representatives on the people's congresses at each level in the TAR are to be women. A certain proportion of leadership cadres in the standing committees and the people's governments at all levels are also to be women.

4. ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of Minors*** (adopted on November 23, 1994 by the 12th Session of the Standing Committee of the Sixth TAR People's Congress, amended on March 29, 1997 by the 23rd Session of the Standing Committee of the Sixth TAR People's Congress, and further amended on November 25, 1999 by the 10th Session of the Standing Committee of the Seventh TAR People's Congress).

The Implementing Measures were formulated to implement [the Law of the People's Republic of China on the Protection of Minors](#). Under the national law (and the Implementing Measures), a minor is any citizen under the age of 18. The national law sets forth the legal obligations of parents or guardians, schools, various social organizations and the judicial system.

5. ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of the Rights and Interests of Consumers*** (effective January 1, 2002; adopted on November 23, 2001 by the 23rd Session of the Standing Committee of the Seventh TAR People's Congress).

(a) The Implementing Measures [were formulated in accordance with the Law of the People's Republic of China on the Protection of the Rights and Interests of Consumers](#). The national laws creates the framework for consumer protection, setting forth the rights of consumers, the obligations of businesses, the role of the people's governments and government departments, the role of consumer organizations and dispute resolution procedures.

(b) Businesses that provide goods or services are to respect the customs and traditions of minorities and to pay attention to the special needs of minorities. With respect to products produced and sold within the TAR, their packaging and product information are to be in both Tibetan and Chinese languages.

6. ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of Disabled Persons*** (effective April 1, 1998; adopted on January 9, 1998 by the 28th Session of the Standing Committee of the Sixth TAR People's Congress, and amended on July 26, 2002 by the 27th Session of the Standing Committee of the Seventh TAR People's Congress).

The Implementing Measures [were formulated in accordance with the Law of the People's Republic of China on the Protection of Disabled Persons](#). The national law has been formulated to protect the legitimate rights and interests of the disabled and to ensure their equal and full participation in society and share of the material and cultural wealth of society. The disabled are to have equal rights with other citizens in political, economic, cultural and social fields, in family life and other aspects.

7. ***Regulations of the Tibet Autonomous Region on Letters and Visits*** (effective January 1, 1995; adopted on April 15, 1995 by the 13th Session of the Standing Committee of the Sixth TAR People's Congress).

The letters and visits system is a method for all governmental agencies to get information and opinions from the people, to receive supervision and to improve their work. It is an important task of all state agencies and their responsible persons, as well as an important means by which the masses participate in politics and exercise their democratic rights. Through letters, phone calls or visits, petitioners may reflect their circumstances, make proposals, criticize, and make complaints and requests of state agencies and their responsible persons, as well as make complaints against or

accuse state agency work personnel of violating laws, breaching their duties or malfeasance. Petitioners have the right to use their own language to carry out letters and visits activities. The Regulations set forth the framework for the responsibilities of the letters and visits agencies, which agencies are to handle matters and how complaints are to be handled.

8. ***Decision of the Standing Committee of the TAR People's Congress on Strongly Attacking the Illegal Activities of "Peimingjin"*** (adopted on July 26, 2002 by the 27th Session of the Seventh TAR People's Congress).

The Decision notes that "peimingjin" (money to compensate for one's life) is an old Tibetan political and religious, as well as feudal serf system, legal concept, which was eradicated after the democratic revolution in 1959 and the elimination of the feudal serf system. However, in recent years, in some remote areas, some feudal religious forces and a small number of monks and nuns have operated and participated in "peimingjin" illegal activities. The Decision firmly attacks the activities and identifies the provisions of the Criminal Law of the People's Republic of China that are to be applied to different types of activities.

**C. Sichuan Province.**

1. ***Regulations of Chongqing Municipality on the Protection of the Rights and Interests of Minorities in Dispersed Places*** (effective September 1, 2000; adopted by the 26th Session of the Standing Committee of the First People's Congress of Chongqing Municipality).

(a) These Regulations apply to minorities who live outside autonomous areas or who live in an autonomous area of an ethnic group but who do not exercise self-governance in those areas. No organization or individual may infringe the legitimate rights or interests of minority citizens, and may not discriminate against minorities. It is strictly prohibited to destroy the unity of ethnic groups or harm the rights and interests of ethnic groups or ethnic relations.

(b) The Regulations contain provisions for the protection of minority rights, the development of their economics, their right to education and respect of minority customs and traditions.

(c) All types of publications, network media, broadcasting, film, television, music, opera and other propaganda activities are strictly forbidden from using content that incites the division of ethnic groups, destroys the unity of ethnic groups, discriminates against or insults minorities, violates the customs or traditions of minorities or harms the feelings of ethnic groups.

(d) It is forbidden to use names, place names, labels, signs or shop names that discriminate against or insult minorities, harm the feelings of minorities or affect the unity of ethnic groups.

(e) The Regulations make special provisions for Muslims in terms of their dietary needs.

(f) People's governments and other relevant departments are to provide the required conditions for minorities who have special burial and funeral customs and are to protect their burial sites in accordance with the law. In addition, they are to protect the religious freedoms of minorities and legitimate religious activities.