

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. ***Notice of the Central Party Committee and the State Council Transmitting the Report of the State Ethnic Affairs Commission on Doing a Good Job***

of the Work for Minorities Who Live Together (in Areas) or Live in Dispersed Areas
(October 12, 1979).

(a) The Report notes that of the country's minorities, other than those who live in concentrated populations in border areas or autonomous areas, throughout the country's townships and villages there are approximately 10,000,000 minority persons living together in other areas or in dispersed areas, such as the Hui, Man, Mongolian, Korean, Miao, Yao, She, Tujia and other minorities.

(b) The Report notes the problems of the feudalistic and fascist reactionary minority policies of the Gang of Four, that they completely negated the past correct and effective policies of the Party and the state, by discriminating against and insulting minorities, failing to guarantee the equal rights of minorities, manufacturing false or wrong cases to destroy minority cadres and the masses, forcing the reform of customs and traditions, destroying places of religious activity, abolishing minority work agencies and schools. The Report lays at Lin Biao's and the Gang of Four's door the destruction of the close unity between minorities and the Han Chinese.

(c) The Report is concerned with the failure to correct and change these policies in various areas. It requires state agencies to take measures such as guaranteeing the equality of minorities by ensuring that minorities are represented in government, and that there is an appropriate number of minority cadres in places where the minority population is relatively large. In particular, attention shall be paid to selecting minority cadres to participate in the leadership ranks.

(d) Attention should be paid to develop minority Party and organization members. The test as to whether someone does or does not eat pork or other backward standards or whether someone believes or does not believe in a religion may not be used to make a decision whether someone should be admitted to the Party or an organization or to select cadres.

(e) The Report encourages actively helping minorities develop their economy and culture. People shall be encouraged, under the condition of guaranteeing collective production, to engage in family ventures, to actively support and develop minority forestry, animal husbandry and fisheries ventures and engage in the production of traditional arts and crafts. Forcing the Hui minority and other minorities that are forbidden to eat pork to raise pigs shall be resolutely abolished. Great help and support shall be given to these ethnic groups to raise sheep and cows.

(f) On the education front, elementary and middle schools of ethnic groups and minority teachers shall be restored.

(g) The customs and traditions of minorities shall be respected. This is a major matter for the equality and unity of ethnic groups. The Constitution provides that each ethnic group has the freedom to maintain or reform its own customs and traditions. The reform of customs and traditions must respect the wishes of the majority of the relevant minority and support the principle of voluntarism. It is not

permitted to use any administrative decrees or other measures to force the reform of customs or traditions.

Festival days of minorities shall be respected. The grant of vacation days for festival days shall be implemented in accordance with the provisions of the State Council.

(h) The Report sets forth the obligation of agencies to set up non-pork dining facilities for the Hui minority. In addition, the burial customs of the Hui minority are to be respected. They cannot be forced to cremate the dead.

(i) The work of the production and supply of special products for minorities shall be done well. The Report specifically requires diligent arrangement of the production, distribution and supply of beef and lamb meat for the Hui minority, rice for the Korean minority, millet for the Mongolians, roasted gingke barley for the Tibetans and so forth.

(j) On religion, the Report notes that doing a good job of handling religious issues is a major aspect of doing a good job of ethnic work.

The Party's policies on the freedom of religion shall be diligently implemented. In accordance with the spirit of the Central Party policies, at the moment, there shall be serious research and based on necessity a very small number of temples shall be opened and places of religious activity released so that underground religious activities are brought out into the open. This method is relatively beneficial. Adherents shall not be discriminated against. The management of religious activities shall be strengthened, the reform of religious feudal and oppressive systems shall be consolidated and the destructive activities of anti-revolutionaries using religion shall be prevented.

(k) The Report calls for the restoration and establishment of agencies that do ethnic work.

3. ***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.

4. ***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, Minweifa [2002] No. 123).

(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; and amended on June 9, 2004 by the 12th Session of the Standing Committee of the Eighth 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. The Public Security Office of the TAR shall be the authority in charge of processions and demonstrations that cross over areas and municipalities. Applications to conduct an assembly, procession or demonstration are to be made five days (10 days if the procession or demonstration extends across two or more areas or municipalities) 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 on a timely basis, 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. Work personnel of state agencies may not organize or participate in assemblies, processions or demonstrations that violate their duties or obligations as prescribed by relevant laws and regulations. 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 places of religious activity, (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, 2008; adopted on April 15, 1995 by the 13th Session of the Standing Committee of the Sixth TAR People's Congress; amended on November 22,

2007 by the 34th Session of the Standing Committee of the Eighth TAR People's Congress and issued on December 3, 2007 by the Notice of the Standing Committee of the TAR People's Congress, [2007] No. 11).

(a) These Regulations have been formulated, in accordance with the Constitution of the People's Republic China and the Letters and Visits Regulations of the State Council, to guarantee the legitimate rights and interests of petitioners, regularize letters/visits activities and letters/visits work, safeguard the order of letters/visits and promote harmonious development in Tibet.

(b) The term "letters/visits" as used in the Regulations means the use of letters, telephone calls, facsimile, telegrams, physical visits and other means by citizens, legal persons or other entities to reflect their circumstances, give their opinions, make recommendations or make complaints to the state agencies at all levels and the activities of the relevant state agencies in handling such matters in accordance with the law.

The term "state agencies" means the authorities, administrative agencies, adjudication agencies, procuracies and police stations at all levels within the administrative area of the TAR.

(c) State agencies at all levels shall do a good job of letters/visits work, diligently handle letters, receive visitors, listen to the opinions, recommendations and needs of the masses, be subject to the supervision of the masses and work hard to serve the masses.

No entity or person may hinder, suppress or take revenge against petitioners who carry out letters/visits activities in accordance with the law.

(d) The state agencies at all levels shall in a scientific and democratic way make strategic decisions, perform their duties in accordance with law, promptly investigate and resolve conflicts and disputes, and prevent at the source conflicts and disputes that give rise to letters/visits.

(e) The Regulations set forth the specific responsibilities of agencies of the state that handle letters/visits work and how letters/visits are to be handled.

(f) Petitioners have the right to use their own language to carry out letters and visits activities. The agency that receives and handles letters/visits shall respond and handle the matter in a language that the petitioner understands.

(g) In general, petitioners shall write letters and use their real names.

Petitioners who use visits to raise matters shall go to the places established or designated by the relevant state agencies.

If more than one person chooses to visit to raise matters with the state agency, they must choose a representative to reflect their situation. The number of representatives may not exceed five.

(h) When carrying out letters/visits activities, petitioners shall factually reflect the situation and may not lie, twist the facts, or lodge a false accusation against or frame other people.

(i) When carrying out letters/visits activities, petitioners shall respect laws and regulations and may not harm the interests of the state, society or the collective or the legitimate rights and interests of other citizens. Specifically prohibited activities include illegally gathering, surrounding or loitering around the offices of state agencies or public places, blocking official vehicles or blocking traffic, mutilating or killing oneself, and in the name of letters/visits, spreading rumors or engaging in superstitious or evil religious activities.

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 on July 29, 2000 by the 26th Session of the Standing Committee of the First People's Congress of Chongqing Municipality; and amended effective June 1, 2005, by the Decision Concerning the Amendment of the Regulations of Chongqing Municipality on the Protection of the Rights and Interests of Minorities in Dispersed Places, adopted on May 27, 2005 by the 17th Session of the Standing Committee of the Second People's Congress of Chongqing Municipality).

(a) These Regulations have been formulated, in accordance with the Constitution, the Regulations on Urban Ethnic Group Work and other relevant laws and administrative regulations, taking into account the actual circumstances of the Municipality, to protect the legitimate rights and interests of minorities in dispersed places, strengthen and develop socialist ethnic group relations of equality, unity and mutual help and promote the common development and prosperity of all ethnic groups.

(b) The Regulations apply to minorities recognized by the state that live in dispersed areas within the administrative area of the municipality.

The term "minorities that live in dispersed places" means 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. Minorities shall enjoy the rights granted by the Constitution and laws, and shall carry out the obligations stipulated by the Constitution and laws. No entity or person may infringe the legitimate rights or interests of minority citizens, and may not discriminate against minorities. The destruction of the unity of ethnic groups and activities that harm the rights and interests of ethnic groups or ethnic relations are prohibited.

(c) The people's congresses of cities and counties (autonomous counties or cities), minority villages and villages (townships) that have a certain number of minorities shall have minority representatives.

The election of minority representatives shall be handled in accordance with the Law of the People's Republic of China on the Election of the National People's Congress and the People's Congress in the Localities At All Levels.

(d) State agencies at all levels shall guarantee the right of minorities to participate in and manage the affairs of the state and localities. When major policies or decisions involve minorities and when handling major issues that involve minorities, the opinions of the minority representatives and the departments-in-charge of ethnic affairs shall be solicited so as to bring into full play the active role of minorities and the departments-in-charge of ethnic affairs in the development of the economy, the safeguarding of social stability and the promotion of ethnic unity.

(e) The people's governments of the cities and counties (autonomous counties and cities) shall formulate plans for the selection, timing and use of minority cadres and all types of specialists and shall arrange for their implementation.

The people's governments of autonomous counties or cities or of villages (townships) where the population of dispersed minorities is rather high, as well as the units and departments of the state and Chongqing that are designated to directly provide services for minority production and livelihoods shall have minority persons amongst their leaders and work personnel.

(f) If 30% or more of the population of an area that is at the village level is comprised of minorities, a minority village may be established. The village head of the people's government of a minority village shall be a minority person.

(g) Minority persons have the right, in accordance with law, to have equal opportunity for employment and to select employment. The state agencies at all levels in Chongqing and all types of units, when recruiting, hiring or employing personnel, and where the conditions are the same, shall give priority to recruiting, hiring and employing minorities.

(h) The Regulations contain provisions for the protection of minority rights, the development of their economy and their right to education.

(i) Minorities shall have the freedom to maintain or change their own customs and traditions. No entity or person may interfere.

(j) All types of publications, network media, broadcasting, film, television, music, opera and other propaganda activities are strictly forbidden from using content that incites the split 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.

(k) 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.

The people's governments of Chongqing and autonomous counties and cities, as well as their relevant departments shall, in towns where there is a relatively large number of minorities with Muslim dietary habits, terminals, airports, ports, commercial centers and other areas where there are large numbers of pedestrians/people passing through, do overall planning and coordination, so that there are rational plans for supply points for Muslim food and drink, foodstuffs and meat.

The Regulations have provisions on the manufacture and processing of Muslim foods.

(l) When minority workers participate in major festival day activities of their minority, the units shall give them vacation days in accordance with relevant provisions of the state.

(m) Social service enterprises and other places of public activity may not use the excuse that customs and traditions are not the same to refuse to give service to minorities.

(n) The people's governments at all levels and the 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. When minorities with special burial or funeral customs voluntarily reform their customs, they shall be given support.

(o) The people's governments at all levels and the relevant departments shall guarantee the religious freedom of minorities and their legitimate religious activities.