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HUMAN RIGHTS IN CHINA

China: Minority Exclusion, Marginalization and Rising Tensions

By HRIC. Commissioned by MRG.





Farmer from the ancient Uyghur settlement of Keplin, Xinjiang Uyghur Autonomous Region.
Rhodri Jones/Panos Pictures

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The primary researchers and drafters for this report were HRIC research and advocacy staff Wing Lam, Bonny Ling and Carol Wang, with review and oversight by Executive Director Sharon Hom.

Minority Rights Group International

Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples.

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Preface

When the Central Committee of the Communist Party of China announced its plans for building a harmonious socialist society in 2006, President Hu Jintao said it would be founded on ‘democracy, the rule of law, justice, sincerity, amity and vitality.’ But a close examination of the realities faced by three minority communities in China tells a different story. Behind the progress, there are brutal civil and political rights violations, with rising levels of exclusion, poverty and social unrest.

Instead of tackling these problems at root, any actions that challenge the regime’s legitimacy have been met with retribution. The government has promoted a system that allows generations of repressions to go unacknowledged and as such remain unaddressed. State sponsored violence has ensured no one dares to speak out. This report shows the extent to which Hu Jintao’s ‘harmonious society’ is in reality a thinly veiled campaign to crack down and exert more control over society.

This report demonstrates how this repression is having a particularly grave impact on Mongols in the Inner Mongolia Autonomous Region (IMAR), Tibetans in the Tibet Autonomous Region (TAR) and Uyghurs in the Xinjiang Uyghur Autonomous Region (XUAR). It examines how this repression is being exerted under the guise of ‘development’ and ‘security’. China continues to use both its status as a ‘developing’ country and the justification of the United States of America (USA)-led ‘war on terror’ to deter critics of its human rights policies. Both provide a smokescreen for:

- Ongoing exclusion from political participation: minorities are unable to exercise any significant legislative or administrative powers. There is a need for a genuinely inclusive process at the highest levels of decision making. Women from minority communities are even further excluded than men. Evidence in the report shows that the very autonomy system that should empower self-governance in autonomous regions works as a mechanism for minority exclusion and state control.
- Inequitable development strategies: in the IMAR, TAR and XUAR, oil and gas are piped away from autonomous regions to fuel Beijing, Shanghai and other coastal cities. Benefits are rarely reinvested in local health and education. Further, as the autonomous areas have been developed, they have been increasingly militarized. While this allows China to defend its international borders, it also acts

as internal intimidation against ‘insurgents’. Finally, as Han Chinese migrate to the urban centres of autonomous regions, they are favoured for jobs and bank loans.

- Lack of protection of minority cultural identity: such expressions, particularly of religious identity, are often taken as examples of political separatism which can incur violent punishment. The education system is implemented in a way that denies Mongolian, Tibetan and Uyghur children the opportunity and ability to learn their own histories and languages, and to practice their religions and cultures. Tibetan children who wear traditional clothes or sing traditional songs in class have experienced corporal punishment, ridicule and abuse.

The report shows how the PRC’s overarching agenda for ‘unity’ or ‘harmony’ undermines China’s stated commitments to international law, and to the many minority rights protections that exist in its domestic policy. The existence of such provisions in the Constitution provides further defence when criticisms of the state’s treatment of minorities are raised. But the depth of unaddressed discrimination minorities face provides a sharp contrast – even what constitutes ‘discrimination’ in the Constitution remains ambiguous. Signs at job fairs stating ‘Uyghurs need not apply’ are common.

This report is critical for those in international governments and business who are seeking to build trade links with China, for journalists and human rights activists. It exposes China’s development strategy and the exact price that ethnic minority communities continue to pay. It offers clear recommendations as to how this price can be redressed.

China should devolve more legislative authority to the autonomous regions so that there is genuine self-governance. Minority women and men should have more opportunities to serve at all levels of government. There should be transparency and inclusion, promoted by the central government, where issues concerning development of minority lands, employment, access to health and education arise. Laws that violate the right to freedom of cultural expression should be repealed. The PRC must ensure that children from minority areas are supported in learning their language and culture, and can practice their religion without fear. China should ratify the International Covenant on Civil and Political

Rights (ICCPR), and ensure its provisions and those in all other international treaties it has ratified are implemented and extended to minorities.

Until these issues are addressed, the vicious cycle of political, economic, social and cultural exclusion that results in human rights abuses will go on. If the PRC

continues to meet protests with denial or violence, grievances could accumulate and result in widespread discontent – an outcome that would undermine the PRC's stated aim of a peaceful, prosperous nation.

By Minority Rights Group International

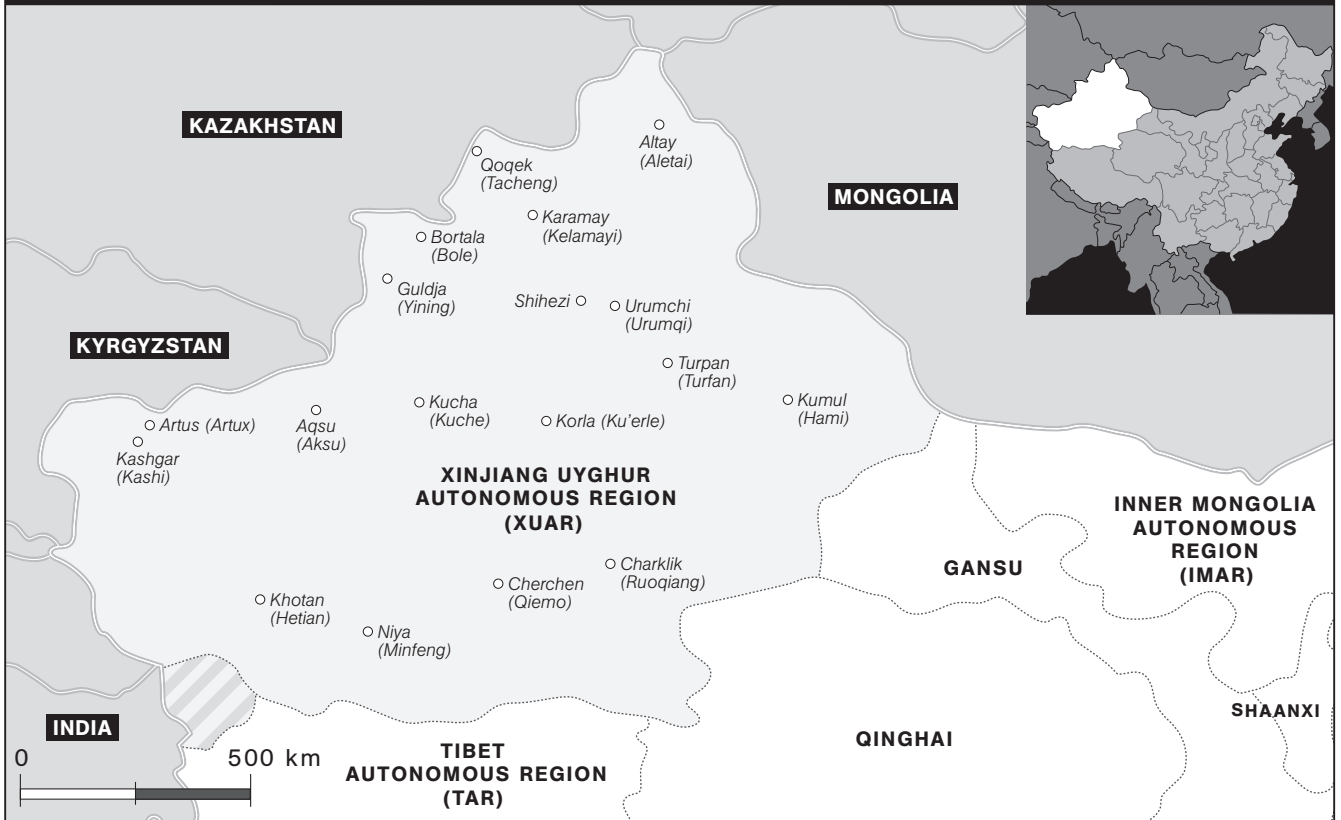
Inner Mongolia Autonomous Region (IMAR)



Tibet Autonomous Region (TAR)



Xinjiang Uyghur Autonomous Region (XUAR)



Introduction

Over the past 25 years, the People's Republic of China (PRC) has undergone rapid social and economic change. It has also become an increasingly active member of the international community, including in the United Nations (UN) and the World Trade Organization (WTO). Within a framework that maintains the supremacy of the Communist Party of China (CPC), the PRC has aimed to build its legal system and a rule of law that promotes its economic reform policies. However, this rule of law appears to use the law as a tool to maintain political control, and the government reform policies continue to have a serious impact on undermining human rights – with a particular impact on vulnerable groups, including over 700 million rural inhabitants, 140 million migrant workers and over 100 million ethnic minorities.

Despite unprecedented levels of macroeconomic growth, the PRC has rising and destabilizing levels of inequality, social unrest and protests, and critical pollution problems. The human rights situation overall remains serious. China's responses to these problems have been crackdowns and detentions, and censorship and control over information and the media. China has a demonstrated willingness to deploy the People's Armed Police (PAP) and other violent means to put down unrest, not only in the minority areas, but also against Han Chinese protesters.

Since 2001, the United States of America (USA)-led 'war on terror' has provided additional cover for repression and derogation from protections for those charged with national security crimes. Large-scale military exercises have also been held in the country's border regions, including the Inner Mongolia Autonomous Region (IMAR), Tibet Autonomous Region (TAR) and Xinjiang Uyghur Autonomous Region (XUAR), in the name of anti-terrorism.¹ On 30 September 2006, the PAP fired upon a group of Tibetans who were attempting to cross Tibet's Nangpa La Pass into Nepal, resulting in the death of at least one young nun.² This shooting, before international witnesses and captured on video, underscores the desperation of Tibetans who attempt to escape, to preserve their religious and cultural identity, or to avoid the harsh realities of their vulnerable economic and political positions.

Inequitable development policies

China's rapid transformation has exposed the intrinsic and historical problems of the PRC government's policies towards minorities. PRC officials are publicly acknowledged

ing³ the seriousness of the grossly disproportionate distribution of the economic benefits of reforms between rural and urban areas, and between different groups. Upon reflection on the broader problem of information control and censorship, even the impressive macroeconomic growth statistics now appear to be inaccurate and overstated when the human and environmental costs of such large-scale changes in a relatively short amount of time are considered.⁴

Ethnic minorities, who comprise the majority population in many rural areas, have had limited input into the state-driven development model imposed upon them. In the west, the IMAR, TAR and XUAR, along with nine other provinces, autonomous regions and one provincial-level municipality, have undergone major development campaigns, but minorities have experienced limited benefits and much disruption. Social and economic exclusion is manifested throughout daily life – in employment, schooling and access to government services. Further, the development in these regions involves resource extraction that benefits the political and geographic centre, and exploits minorities and their lands. These policies, and the failure of the government to address the resulting inequalities and discrimination, contribute to the violations of human rights for many minorities in China.

Ineffectual political participation

Despite the legal guarantee of autonomy under PRC laws, minorities are not able to affect legislation or exercise significant self-governance in their own communities. This is due to a lack of preconditions for public participation, such as physical security, adequate levels of education, and financial resources, all of which shows how the PRC government's state sponsored development schemes result in the marginalization of minorities. This raises not only the question of who the development benefits, but also the developmental goals and their relationship to political control. Further, the government's violations of cultural rights, including those related to language and religious practice, exacerbate the vulnerable situation of minorities in China. As the object of integrationist policies, which are comprised of political, economic and social elements, minorities are under continual threat, both officially-sanctioned and otherwise. While many protections exist in domestic PRC law, their implementation is a different matter.

The current situation facing ethnic minorities living under PRC rule must also be viewed in the historical con-

text of the, Han Chinese-dominated, empire. There were only two exceptions to Han rule during China's history: the Yuan and Qing dynasties, during which the Mongols and Manchus ruled respectively. These non-Han dynasties were seen to be the results of 'foreign' occupations. This indicates deeply-rooted notions of ethnic difference, in which the changing relationship between the Chinese tributary state and the peoples living along its borders fluctuated from conquest to annexation, colonization, suzerainty, segregation, assimilation, and integration.⁵ This historical distinction between Han and non-Han ethnic groups informs the current PRC state's perception and management of minorities, which is often critically characterized as internal colonization.⁶

Finally, the policy decision by the CPC to bifurcate political and economic reforms in the late 1980s poses another obstacle to meaningful political participation. Given the government's intolerance of critical views and rejection of political reforms, the prospects for meaningful political participation are limited – not only for ethnic minorities but for everyone living within China's borders.

Linking conflict to inequitable development and human rights

It is important to examine how inequitable development, human rights violations, and conflict are interrelated. The PRC uses state-sanctioned violence to address social unrest and protest. These protests are fuelled by growing inequalities and rights violations. While linking the exclusion of minorities to the growth of conflict and tensions presents complex issues, researchers have found emerging themes regarding the ways in which exclusion can lead to violence, and the conditions that are necessary for that to happen. First, violence is more likely when exclusion is based not only on cultural differences, but also on economic and political disparities.⁷ Second, the government response determines whether protests culminate in violent conflict. If the government reacts harshly, a group that had demonstrated peacefully may be pushed to violent opposition. If the government takes steps to address the exclusion in a positive way, tensions may be alleviated. This is an especially prominent concern in the context of China's demonstrated willingness to use violent means to address protests and problems.⁸

Discrimination and rights violations are closely linked to ethnic conflicts, which means that respect for minorities and protection of their rights is key in maintaining peace and bringing justice to these communities. Many groups fall under multiple categories that increase their vulnerability. For example, ethnic minority groups are also often religious minorities, and tend to be poorer than the majority, therefore at additional risk for persecution and

exploitation. Additionally, minority women face double or multiple forms of discrimination, being discriminated against first because they are women, and second because they belong to a minority group.⁹ Minorities' exclusion from political participation, socioeconomic development, and cultural expression are major sources of tension.

This report focuses on three ethnic groups: the Mongols, Tibetans, and Uyghurs. While tensions are more visible for these ethnic groups, the level of conflict is rising in general across China. Even official statistics reflect a rise in various incidents of conflict and violence.¹⁰ Minority rights protection in China, therefore, has implications for wider human rights issues across China. Control and suppression are not only used against minorities, but against any individual or group perceived to be a threat to the PRC. The ethnic minority status of the Mongols, Tibetans and Uyghurs makes them especially vulnerable to the mechanisms of repression.

Defining minorities for the China context

There are normative and generally acknowledged elements of what constitutes a minority group, which is a group of people sharing ethnic, religious, linguistic or cultural characteristics, who are also a numerical minority in the overall population of a certain state or territory.¹¹ Individuals must self-identify themselves as members of that particular group, and when such groups exist, are in a non-dominant position and lack the power to govern their own affairs. Additionally, it is acknowledged today that those denied citizenship can also be a minority, and should therefore be accorded internationally-protected minority rights.

In China, the official identification and recognition of minority groups is closely associated with a political agenda for maintaining control by the CPC. The identification process is mainly state-driven, with little, if any, input from minorities. China is today, and has been historically, an ethnically diverse country.¹² China's official representation of a 'minority', however, has always designated some measure of inferiority to these groups by portraying them as 'exotic' or 'backward', while the Han majority is depicted as 'united, monoethnic, and modern'.¹³ As a state construction, the concept of 'ethnic minorities'¹⁴ does not reflect the self-identification of ethnic minority groups or the ethnic diversity that exists within China.

As a result of the political implications of accepting the PRC's 'minority' designations for these groups, many individuals interviewed by HRIC for this report do not consider themselves to be minorities. For the purposes of this report, we are focusing on Mongols, Tibetans and

Uyghurs, who are identified as minorities by the PRC government, but who may not self-designate as such. We do this because the implementation of ethnic minority rights revolves around the relationship between these groups and the governments under which they live. Referencing such a designation (however contested) is useful for moving forward with practical and legal protections for these groups. Additionally, the inclusion of the IMAR, TAR, and XUAR in this report is not a commentary on the political status of these territories, but out of recognition that they are subject to PRC laws and policies on ethnic minorities and the autonomy governance system.

Note on terminology

Recognizing that terminology can also be a source of grievance among minorities and subject to intense debate over political labelling, the report follows the current designation by the government on the territories of the three autonomous regions of the IMAR, TAR and XUAR. These terms are used consistently throughout the report to facilitate a critical examination on the scope, content and implementation of PRC's Law on Regional Ethnic Autonomy and its effects on various aspects of minority participation within this legal framework and in terms of the state's obligations to protect, fulfill and promote its human rights commitments.

- The Inner Mongolia Autonomous Region is also referred to as IMAR. Similarly, the name 'Southern Mongolia' is used when interviewees have used the term or when it forms part of an organization's name.
- 'Tibet' in this report refers to the Tibet Autonomous Region (TAR) and the Tibetan areas of Gansu, Qinghai, Sichuan and Yunnan provinces (the traditional Tibetan areas of Amdo and Kham).

- The Xinjiang Uyghur Autonomous Region is referred to as XUAR. 'East Turkistan', which is also used to refer to parts of the region, appears in quotes where the interviewees have directly used it. Additionally, given that there is no standard form of romanization for the Uyghur language, we will use 'Uyghur' as it is the group's preferred usage.
- To avoid ambiguity, the term 'autonomous areas' is used to refer to all autonomous areas (including prefectures, counties, townships etc.) throughout China and the term 'autonomous regions' refers to the five autonomous regions at the provincial level.

Note on research

The combination of surveillance, control and censorship over information in China means that individuals, especially in minority areas, are closely monitored and do not have freedom to speak publicly about sensitive issues. It is extremely difficult for human rights researchers to conduct interviews in-country. The authors therefore conducted numerous interviews with recently-arrived Tibetan refugees in Dharamasla, India, and consulted many members of Mongolian, Tibetan and Uyghur communities in Dharamasala, Europe and the USA. This is in addition to consulting a range of primary and secondary source materials, field interviews and consultations, and a two-day workshop in July 2006 with members of the Mongolian, Tibetan and Uyghur communities.¹⁵

Legal framework: international obligations and PRC law

The legal framework for fulfilling the rights of ethnic minorities includes both international and domestic law. The decision by the PRC to officially recognize and treat Mongols, Tibetans and Uyghurs as ethnic minorities in domestic law may reflect an attempt to avoid additional obligations and rights under international law that arise if groups are considered ‘peoples’, including the principle of self-determination.¹⁶ This also raises questions related to the political structure in place in China as to IMAR, TAR and XUAR. Even without adopting this terminology, however, the PRC has specific obligations towards minorities in China. As a state party to numerous international treaties and conventions, and as a result of developing international legal norms, the PRC has obligations to respect, protect, promote and fulfill the human rights of all its citizens, and has additional obligations to protect the rights of ethnic minorities.

Obligations to implement international human rights law include the enactment of constitutional and legislative protections, however, the state must also undertake steps to ensure that rights are implemented.¹⁷ In the PRC, the issues related to implementation include those of legal structure and substance, and of monitoring and assessment. The implementation of these international human rights obligations must also address the broader challenges facing all law reform efforts in China: accountability and transparency, the lack of independent courts and widespread corruption in the legal system.

Obligations under international law

Non-discrimination and equality without distinctions are fundamental principles of international human rights law, and apply to ethnic minorities and others. They are protected in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Non-discrimination between ethnic minorities and others applies to both civil and political rights and economic, social and cultural rights, which are all indivisible, interdependent and interrelated.¹⁸

Other standards and declarations also include specific rights for ethnic minorities, for example, the right to their own culture, and specific protections within broader sets

of rights, such as the right to education in the language of their choice. Article 27 of ICCPR states:

‘[E]thnic, religious or linguistic minorities ... shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.’¹⁹

These rights are not privileges, but special measures or positive steps necessary to promoting equality.²⁰

These rights are conferred on all minorities; the rights held under Article 27 – to enjoyment of one’s culture, language and religion – are not contingent on the state’s recognition of groups as minorities.²¹ Therefore, the PRC is obligated to ensure that everyone can access rights regardless of their official status. The Committee on the Elimination of Racial Discrimination (CERD) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) has stated that membership of an ethnic minority group shall be the decision of the individual and that existence of a minority does not depend on the decision of the state.²² While these rights are conferred to individuals, they also ‘depend in turn on the ability of the minority group to maintain its culture, language or religion’,²³ and as such, states may be required to adopt positive measures to protect the identity and language of a minority group.

Other international treaties have built on these basic principles. ICERD includes prohibitions against all forms of racial discrimination, whether based on race, colour, descent, or national or ethnic origin, and calls for the pursuance of a policy eliminating racial discrimination.²⁴ Most recently, the 1992 UN Declaration on Minority Rights (UNDM) elaborated the full range of minority rights. An authoritative interpretation of the UNDM states that in the absence of a UN treaty directed entirely towards minority rights, the Declaration represents a universal baseline standard for minority rights under international law.²⁵

As a state party to the ICESCR;²⁶ ICERD;²⁷ the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);²⁸ Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment (CAT);²⁹ and the Convention on the Rights of the Child (CRC);³⁰ the PRC is bound to implement these rights – including non-discrimination and additional protections for minorities –

in domestic law and report on its compliance and implementation. Further, despite the fact that it has yet to ratify the ICCPR, the PRC, as a signatory, is obligated not to defeat the object and purpose of the treaty.³¹

In addition to ratification of these key human rights treaties, the PRC increasingly references international human rights law and language in its reports to UN treaty bodies, government-issued white papers, and press statements. All treaty body reviews have raised concerns over the PRC's treatment of minorities. In its review of the PRC in 2001, CERD pointed out that 'economic development in minority regions does not, *ipso facto*, entail the equal enjoyment of economic, social, and cultural rights'.³² The Committee further urged the PRC to take appropriate measures to ensure that the 'local and regional cultures and traditions are also promoted and the rights of the populations fully respected'.³³

Domestic legal framework

The protection of ethnic minority rights for officially recognized groups in the PRC is based on two concepts: that ethnic minorities are, in theory, guaranteed the same basic civil and political rights as all other groups, and that they are given additional protections due to their minority status through a range of policy instruments. These rights and protections include the development and use of their own language, freedom of religious belief, and protection and development of their own culture. Additionally, special policy measures range from family planning policies that allow ethnic minority individuals to have more than one child per couple, to affirmative action in selection and training of cadres, recruitment of personnel, and university admissions.³⁴

Article 4 of the PRC Constitution sets out the fundamental principle of equality of all nationalities and non-discrimination, while carrying a prohibition against secessionist instigation:

*All nationalities in the People's Republic of China are equal. The State protects the lawful rights and interests of the minority nationalities and upholds and develops the relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any acts that undermine the unity of the nationalities or instigate their secession are prohibited.*³⁵

Article 4 further prescribes state assistance in economic and cultural development in minority areas, defines regional autonomy, and affirms minorities' right to use their own language and preserve their 'ways and customs'.³⁶

The Constitution also lays out the basic structure of a regional autonomous regime for ethnic minorities including guarantees for minorities' political representation in the government and People's Congresses.³⁷ Articles 117–119 provide autonomous governments authority over a variety of areas including culture, economic development, education, finance, public health, and science.

Under this broad constitutional framework, shifting national policies and the unified leadership of the central government, the 1984 Law of the People's Republic of China on Regional National Autonomy (LREA),³⁸ amended in 2001, and further clarified by the 2005 Provisions of the State Council for implementing the LREA, sets forth the policies, and political structure and governance system of regional autonomy.

The Law on Regional Ethnic Autonomy

Echoing the PRC Constitution, the 1984 LREA prohibits discrimination against and oppression of any nationalities, but in the same Article also prohibits acts undermining the unity of the nationalities or instigating national division, which can be and is used against ethnic minority individuals. The organs of self-government of national autonomous areas are delegated local legislative powers, the authority to engage in foreign trade, and cover a range of other issues from the management and use of natural resources, to the provision of education, health care and the media, among others.

However, the 1984 LREA also contains limits on substantive power in terms of legislative authority. In practice, autonomous regions are monitored and controlled by the central government and CPC policy, and have less power than that of the provinces in some cases.³⁹ While a provincial people's congress can adopt local regulations and statutes and need only to report them to the NPC for the record, autonomous regions' regulations and statutes require NPC approval prior to going into effect.⁴⁰

The 2001 amendments to the LREA mark a shift from political autonomy to economic autonomy; with more emphasis on the market economy; and more investment, protection and responsibility from the central government. In 2001, the LREA was revised to reflect the growing emphasis placed by the government on economic development as a proposed solution to the growing inequality between the majority Han Chinese and ethnic minorities.⁴¹ Reflecting the CPC policy that economic development can be used to stabilize the PRC's borders,⁴² the only substantive amendments from the 2001 revisions deal with preferential economic treatment and development policies of autonomous areas.

In May 2005, the State Council issued provisions, specifying further plans to promote sustainable development and poverty relief in ethnic minority areas.⁴³ National unity

and safeguarding the unification of China are emphasized in the first four Articles. The 2005 provisions then set forth specific implementation of large-scale development projects, preferential taxation and financial policies to increase aid to national autonomous areas, including public funds for compulsory education, support for higher education, and addressing employment and social security, plus cultural, health, language and religious issues.⁴⁴

Challenges of implementation

While many laws, regulations, policies and statements address the importance of equality among Chinese ethnic groups, the PRC is not meeting its international obligations on minority rights for Mongols, Tibetans or Uyghurs. Implementation of the LREA and other state policies have failed to provide institutional protection or guarantee preservation of these minorities' unique cultures. Obstacles include: gaps between central policies and local implementation, the lack of a legal definition of discrimination, the lack of systematic and effective monitoring and assessment of implementation, and poor institutional capacity. Further, multiple treaty bodies have identified the need for disaggregated data for reporting purposes, so that problems for vulnerable groups can be more easily identified.⁴⁵ LREA implementation must also address the obstacles facing the development of a rule of law more generally in China; the lack of accountability and transparency, and independence from the Party.

The CEDAW and ICERD Committees have both expressed concern that the PRC's lack of a formal definition of 'discrimination' is a barrier to implementing protections against discriminatory practices.⁴⁶ The CRC has also expressed concern over discrimination against 'ethnic and religious minorities, such as Tibetan, U[y]ghur and Hui children'.⁴⁷ At the CEDAW Committee's review of the PRC report in September 2006, the experts questioned the efficacy of any implementation if the law did not include a definition of discrimination, and also expressed concern that the PRC delegation did not appear to grasp this point as the delegation insisted that a definition was not necessary.

While implementation of the LREA varies from region to region, the inconsistencies do not reflect differences in ethnic minority choices or preferences. The absence of an effective monitoring system to remedy non-compliance reinforces the failures of the system, and leaves room for arbitrary application of the law. It remains to be seen whether the annual supervision and inspection report on the implementation of the 2005 provisions will be a useful monitoring tool. However, in order to be effective, any reporting requirement needs to be transparent, and have access to accurate and complete information and gender- and ethnicity-disaggregated data.

One of the main purported goals of the LREA is to enhance minorities' participation in the policy-making process; however, participation remains low. Minority participation varies with the minority group, depending mostly on the trust it has earned from the central government in terms of their compliance with state policy. Even within a minority group, participation varies. For example, minority women have even fewer opportunities than their male counterparts in politics.⁴⁸ In the 10th NPC, there are only 124 ethnic minority women NPC members, which is less than half of the number of male minority representatives in the NPC.⁴⁹

Further, there are inherent structural problems for ensuring meaningful autonomy when it is subject to unity under a one-Party authoritarian system. Lobsang Sangay explains, '[W]hen a conflict manifests between the supremacy of either unity or autonomy, more often than not, unity trumps autonomy'.⁵⁰ For example, Article 5 of the LREA states that autonomous regional governments must uphold the 'unity of the country', which echoes Article 114 of the Constitution.⁵¹ Further, governments of ethnic autonomous areas are required to:

'[P]lace the interests of the state as a whole above anything else and make positive efforts to fulfill the tasks assigned by state organs at higher levels'.⁵²

This undermines the practice of genuine autonomy, which requires 'a separate administrative arrangement where people could be treated and governed as per their distinctiveness'.⁵³

Limited and ineffectual political participation

Although an autonomy system is guaranteed in the PRC Constitution, as previously discussed, the dominance of the CPC in the government obstructs the system's implementation. Currently, minorities are unable to make decisions or exercise any significant legislative or administrative powers. It must be recognized, however, that the centralization of power within the top CPC leadership ensures that only a relative few are able to influence policy, even among the ethnic majority. In this way, ethnic identity is an additional, but not the only, obstacle to participation in a non-democratic regime. We have identified here key ways in which exclusion occurs in connection with minority identity, and the ethnic autonomy system.

Gaps between law and practice

Genuine autonomy at the regional level is impeded due to other government goals, with economic development and state unity taking precedence. There is very little devolution of authority to the autonomous regional level, even legislation on autonomous regions' self-governance is subject to stringent review by the central government. The five autonomous regions have yet to pass any self-governing regulations, because draft regulations are still pending endorsement by the Standing Committee of the NPC.⁵⁴ For example, the Guangxi Zhuang Autonomous Region (GZAR) has already submitted 18 drafts to the NPC Standing Committee.⁵⁵ These drafts have been returned to the local people's congresses for revision, resulting in immediate postponement of the adoption process. This is in contrast to the process for ordinary provinces, which are only required to 'report' to the NPC, suggesting that provinces have more legislative autonomy than autonomous regions.⁵⁶

*'There are many details [in the autonomy law], including language and cultural rights, that we could use to protect the rights of minorities. But in real practice, this is not the case. There are many reasons for this, the main ones being that the government intervenes too much and has failed to honour its commitments. If the government were to grant real autonomy to minorities, it could weaken the centralization of power [in the government] ... [T]hey will never give any real autonomy anyway. [T]his is the biggest obstacle.'*⁵⁷

While it may seem that numerous regulations have been passed by autonomous areas, this does not accurately reflect the status of their self-governance. Ethnic autonomous areas have passed 679 self-governing regulations and separate regulations as of 2004 – 608 of which are still in effect – but most of these regulations were passed at the prefecture and county levels and not at the level of the autonomous regions.⁵⁸ Most laws passed at the level of autonomous regions simply reflect national legislation, with superficial alterations that tailor the law to a local administrative area. An example is TAR's Alternate Regulation of the Implementation of the PRC Marriage Law, which lowers the national official marrying age from 22 to 20 for men and 20 to 18 for women in the TAR.⁵⁹ Regulations passed at the autonomous region level are often limited to issues that are viewed as less politically controversial. Issues that deal with civil and political rights or protection of cultural identity have not been addressed genuinely in any autonomous region-level legislation to date. Additionally, several Articles in the Interim Measures on the Management of Religious Affairs for the TAR specifically demand a high level of state loyalty from monks, nuns and monasteries.⁶⁰

*'I have hope, but the future looks very uncertain. I think that gaining freedom is unlikely, since China is so strong... There is hope that we can have a high degree of autonomy, but it would still be within the one-China framework. We would still be subject to China's autonomy law and would have to continue to struggle for more freedom, so it would still be difficult. We've worked for so many years just to get a little bit of freedom, a few more rights.'*⁶¹

The effective implementation of the LREA and other regulations aimed at protecting and promoting minority rights is also inhibited by the lack of public ownership. These rights are not generally effectively publicized at the local level and many minorities do not know about them. Other minorities feel that the legal structures envisioned are ineffective for the full protection of their rights.⁶² This assertion is confirmed by many interviewed for this report, who believe that there is no genuine autonomy because minorities are not informed or involved in the policy-making process.⁶³ The lack of minority representation at the highest level of the policy-making process in the government is a case in point.⁶⁴

Lack of Mongol input in IMAR policy-making: the Ecological Migration Project

Ethnicity and the environment have been closely connected in the IMAR. In the 1990s, desertification emerged as a major concern as droughts and dust storms increased in frequency. While Mongols link the environmental degradation to Chinese land reclamation, the central government has identified overgrazing as the problem. To restore the grasslands, the PRC set up a policy of 'ecological migration'.⁶⁵ This called for moving nearly 650,000 herders off of their grazing lands and replacing the traditional herding with ranching-style intensive grasslands management.⁶⁶ The Ecological Migration Project (生态移民工程) aims to relocate the entire ethnic Mongolian herding population from their ancestral grazing lands to agricultural and urban areas under the expressed intent of 'recovering [the] grassland ecosystem'.

This policy contravenes minority rights regarding the preservation of traditional communal life. The resettlement policy was 'adopted without significant public input'.⁶⁷ Mongol activist Enghebatu Togocho reported that there is solid evidence of the involuntary nature of the Ecological Migration Project – that it is a highly coercive displacement process, evident in the human rights violations against the local Mongolian herders in Southern Mongolia.⁶⁸ During relocation, thousands of local herders lost their livestock, homes, and other property without adequate compensation. Further, the government has arrested, detained, and imprisoned those who resist.⁶⁹ At issue is not whether traditional pastoralism is detrimental to the environment; rather, to '[ensure] that the Mongols have meaningful voice in the nature of the modernization of their own communities'.⁷⁰

Article 27 of the LREA states 'the autonomous agencies in ethnic autonomous areas shall define the ownership of, and the right to use, the pastures and forests within these areas', while Article 28 prohibits 'destruction of grasslands and forests by any organization or individual', and calls on the autonomous authorities to give 'priority to the rational exploitation and utilization of the natural resources'. However, the Mongols' land rights are not being respected, especially since traditional Mongol pastoralism and nomadism has been labelled detrimental to the environment by the PRC government.

Lack of participation in real decision-making

While the law has ample provisions for enhancing minority participation, minority participation remains low. Minority cadres are often visible at the local level but their number is noticeably lower at the regional and prefecture levels. This is especially true for senior government positions, such as those at director or bureau chief level of important government organs.⁷¹ The chiefs of the IMAR, TAR and XUAR public security bureaux are all Han Chinese. Because minority political participation is often relegated to enforcing policy rather than formulating it, this undermines their impact on policy-making on substantive issues. The lack of minority participation in the projects and their inability to relay concerns has created significant discontent. In the TAR, locals often have little say in the major development initiatives such as the Golmud–Lhasa Railway, which drastically impacts on the demography and geography of their region.⁷² In the XUAR, Uyghurs have had little participation in the design, formulation and implementation of the state-driven East–West Gas Pipeline project. Similarly, Mongols have been left out of major initiatives such as the Ecological Migration Project, the Livestock Grazing Ban,⁷³ the East–West Gas Pipeline project,⁷⁴ and the Western Electricity to the East project.⁷⁵ These projects not only exclude minority inhabitants from key decisions affecting their lands and traditional livelihoods, but also reflect the wider trend that minority women and men rarely have the chance to take senior positions, which would give them significant influence over policy-making.

People's Congress representation does not guarantee decision-making power

Minority groups are given significant representation in the People's Congresses in their respective autonomous areas, with Tibetans holding over 80 per cent of representative seats at all levels of the People's Congress in the TAR.⁷⁶ At the national level, since the first National People's Congress (NPC) was established in 1954, the proportion of minority deputies in the NPC has hovered at around 14 per cent. This is a higher percentage in the NPC than the total minority population in the nation, which stands at an officially-reported 8 per cent.⁷⁷ In the NPC Standing Committee, three – one of whom is a minority woman – out of 15 vice chairs are ethnic minorities.⁷⁸

While these figures may appear to suggest that minorities have some influence in policy-making, in practice, their influence is negligible. While the NPC is the highest state legislative authority according to the PRC Constitution, its power and effectiveness is overshadowed by the CPC. It is,

therefore, far more important for minorities to be able to participate in the Party structure, rather than be in the NPC or the CPC's Central Committee, to affect decision-making.⁷⁹ No minority individual has ever been a member of the Standing Committee of the Political Bureau of the CPC's Central Committee, which is the highest level of authority in the CPC structure.⁸⁰ Only two male minority representatives, a Mongol named Ulanhu, who served between 1977 and 1987, and Hui Liangyu, a member of the Hui minority who has been serving since 2002, have ever been members of the Central Political Bureau, which is the second highest level of CPC leadership.⁸¹ The disproportionate minority representation between the lower and higher level of governance demonstrates that the central government wants to show that it is inclusive of minorities, while not allowing them any real power.⁸²

Effects of CPC dominance

The dominance of the Party in the autonomous regions further restricts genuine minority political representation. While the chief and deputy chief of the autonomous government and the People's Congress may be minorities, all five Party secretaries of the autonomous regions are Han Chinese men.⁸³ Minority leaders, therefore, are viewed as 'puppets' who, despite holding a fairly high position such as chief of a government department, are usually 'assisted' by a Han deputy. The Han deputy, along with the local Party leadership, influences policy formulation. While the central government encourages minority women and men to be trained and to actively participate in the running of autonomous governments, Han Chinese officials are often given high positions in the name of facilitation - they 'transfer, help, and lead (传,帮,带)' ethnic minorities.⁸⁴ Decades after this policy was put in place, the number of Han officials in ethnic minority areas, especially in the IMAR, TAR and XUAR, continues to rise.⁸⁵

Minority women's participation

Minority women's participation in politics is also limited, although autonomous governments are encouraged to train minority women for political participation. In its most recent report to CEDAW, the PRC government emphasized that one of its goals is the promotion of training for minority women cadres.⁸⁶ Similar to their male counterparts, minority women's participation in local People's Congresses has increased steadily. The gender disparity in political participation becomes more obvious, however, at the national level. While the number of seats for ethnic minority representatives increased from 402 to 415 from the 9th to the 10th session of the NPC, the number of seats for minority female members dropped from 137 to 124.⁸⁷ Similarly, while minority committee members of the NPC Standing Committee increased

from 18 to 24, the number of minority female committee members has remained at three.⁸⁸ At the level of the CPC, among the 198 members of the 16th CPC Central Committee, there is only one minority woman member.⁸⁹ The CEDAW Committee's concluding observations encouraged the PRC to take measures, including temporary special measures, such as establishing numerical targets and timetables, to expedite the full and equal representation of women elected and appointed government bodies from the local to national levels.⁹⁰

Restrictions on civil society organizations

Stringent registration process

The lack of real minority participation in government policy-making has combined with the inability of civil society organizations (CSOs) to effectively reflect and advocate minorities' concerns and priorities at the grassroots level. China has imposed tight controls over the development of all CSOs and not just those who advocate minority interests. CSOs, which are referred to officially as 'social organizations', are required to affiliate themselves with a government unit and register with the Ministry of Civil Affairs in order to operate.⁹¹ Therefore, the government can suppress organizations that venture into more sensitive political areas, thus hindering CSOs' essential contribution towards a participatory and inclusive political dialogue.

Lack of civil society organizations

While 300,000 CSOs are registered officially with the Chinese government, there is little information available on the number of social organizations dedicated to advocating ethnic minority interests.⁹² Most minority-related organizations are cultural entities that focus on, for example, folk dancing or language study. The Nationalities Unity and Progress Association of China (NUPAC) appears to be the only social organization that studies political issues relating to minorities but it is a government-organized entity.⁹³ Currently, most of the programmes focusing on minority rights are initiated by international non-governmental organizations (INGOs), and these tend to focus on CSOs advocating minority political rights work primarily outside of China, such as the International Campaign for Tibet (ICT), Southern Mongolian Human Rights Information Center (SMHRIC) and Uyghur Human Rights Project (UHRP). Their presence in China is not feasible under the current government. Although minorities enjoy the right to assembly stipulated in both the Constitution and the LREA, the realization of this right is virtually non-existent

due to the lack of respect for individuals' civil and political rights.

*'Tibetans [in China] can be satisfied with the [autonomy system], as long as they have freedom and can live without fear of abject poverty – but right now, they have no trust in government officials and no way to express their thoughts or appeal for help.'*⁹⁴

Violations of civil and political rights

Violations of civil and political rights form a larger pattern of human rights abuse by the Chinese government. Such violations are often more extreme in the minority context, given the increased level of sensitivity that the government ascribes to matters regarding nationalism, separatism, and state unity. This is exacerbated by the Party's tendency to label the expression of cultural or religious identity or concerns as political issues of 'separatism'. As a result, minorities, especially in the IMAR, TAR, and XUAR, live under conditions of heightened repression and sharp restrictions on their civil and political freedoms, which further undermine their ability to participate in the political arena.

Current instances of rights violations

Minority activists in China are closely monitored by the public security and the state security bureaux. Further, minorities comprise a significant portion of China's list of political prisoners. According to the Political Prisoners Database of the US Congressional-Executive Commissioner on China (CECC), there are 2,085 ethnic minority political prisoners out of a total of 2,279 cases in the database; 449 are ethnic women, mostly Tibetan nuns.⁹⁵ Many are sentenced to years in prison for defending their political and civil rights as guaranteed by law under the PRC Constitution. For example in 1996, Hada, a human rights activist in IMAR, was sentenced to 15 years of imprisonment due to his involvement in the Southern Mongolian Democratic Alliance (SMDA), an organization that aimed to promote human rights, Mongolian culture and greater autonomy for China's minority peoples. Hada was regularly subjected to ill-treatment in prison: officers threatened to kill him, while prison guards reportedly encouraged other inmates to beat him, supplying them with rubber clubs and electric prods.⁹⁶

There have been continual reports of violence against Tibetan political prisoners, ranging from beatings to gender-based violence. Two Tibetan nuns, who were formerly imprisoned for five years at the Gutsa Detention Centre⁹⁷ in Lhasa, told HRIC that they were arrested at the ages of 15 and 17 and tortured during interrogation

before being imprisoned on subversion charges for shouting at a protest, 'Tibetans need human rights! Human rights for Tibetans!'⁹⁸ Similarly, Uyghur activists in the XUAR have also experienced a crackdown. In March 2000, a prominent Uyghur businesswoman, Rebiya Kadeer, who was active in organizing grassroots campaigns to address Uyghurs' social concerns, was sentenced to eight years by the Urumchi Intermediate People's Court of the XUAR for 'divulging state secrets to foreigners'.⁹⁹ Although she now has asylum in the USA, her family in China is under constant harassment and in 2006, several of her children were tried on various charges.

Freedom of opinion and expression

A fundamental hindrance to minorities' genuine political participation is the absence of independent parties and true political pluralism. Any efforts to form an independent party are rapidly crushed, and the leaders imprisoned and detained. In addition, the PRC's tight regulation of dissemination of information and systemic ongoing violations of the fundamental freedom of opinion and expression, undercut the development of the robust debate and discussion necessary for more inclusive policy-making. Several former political prisoners interviewed by HRIC emphasized that their practice of freedom of opinion and expression had often been interpreted as dissent against the country. When asked if Tibetans can go to their village cadres to express their frustrations on issues relating to inequality between the Han Chinese and Tibetans, a Tibetan rural student replied, 'We don't dare. If we did that, they would say we're protesting against the government'.¹⁰⁰

Websites and online discussion forums serving minorities are closed down by the central government, often for allegedly hosting 'separatist' content or content that carries messages that harm ethnic relations. On 26 September 2005, two websites based in the IMAR, <http://www.ehoron.com> and <http://www.monhgal.com>, were reportedly closed down by the authorities after being accused of providing a platform for discussing political issues and positing 'separatist' materials.¹⁰¹ These closures are far from isolated incidents. There is widespread internet and information censorship in China, especially in ethnic autonomous regions. The suppression of freedom of opinion and expression has also transformed into a cultural threat to minorities' ethnic identity. For example, in 1992, a 74-year-old historian and former researcher at XUAR Academy of Social Sciences in Urumchi was placed under house arrest after publishing a history book on the XUAR.¹⁰²

Political exclusion and growing tensions

Not only do these actions discourage minorities' political participation and create an intimidating and repressive environment, but many minorities interviewed for this report believe that desperation caused by the lack of real political participation under the current system of governance will increase tensions and the level of violence.¹⁰³ If the situation continues to worsen, and the people become desperate, tensions will increase dramatically.

The current system of political exclusion has also fostered a sense of division between ethnic minorities and the Han Chinese. Current trends of political exclusion and gross civil and political rights violations shape perceptions and beliefs that cast suspicions on the 'other' – the Han Chinese. A recurring theme in interviews for this report was the issue of trust and, conversely, growing suspicion, often framed as 'us and them'.¹⁰⁴

One interviewee described the level of distrust and fear by the Han Chinese, as perceived by the Tibetans:

*'Very few Han Chinese understand [the Tibetan people]. Furthermore, many Han Chinese fear the Tibetans, [because] they have read in books on Tibet that when they come to our land, when Tibetans see Han people they might attack them. They have this idea in their minds. Many of my Chinese friends say that when they come here, they are afraid of Tibetans. They don't understand; it's only later [after some time] that they understand us.'*¹⁰⁵

This sense of mutual distrust is echoed in an interview with a Uyghur individual: 'The Han Chinese look upon us as though we [Uyghurs] are foreigners... We cannot become friends with them.'¹⁰⁶

Drawing from conflict prevention studies, this sense of suspicion about the 'other' reflects one of the key characteristics of an 'unstable peace', defined as 'a situation in which tension and suspicion among parties run high but violence is either absent or only sporadic', in which the 'government repression of groups [is] one domestic variety

of this level of conflict'.¹⁰⁷ It is important to note that suspicions about the 'other' and being excluded due to ethnic differences can take on a self-fulfilling dynamic and leads to less minority participation in the autonomous governance structure. One interviewee said that it is 'useless' to participate in the autonomy system. 'It's just the name, it's autonomous region, but no rights that are supposed [to go] with the name.'¹⁰⁸

While the current situation in the autonomous regions fits the characteristics of an 'unstable peace', it is important to note that conflict and peace are dynamic and connected processes that evolve over time. When minority groups become increasingly reluctant to participate in a governance structure where they have little influence, the possibilities for different groups to peacefully explore different methods of participation and power-sharing and other options that can mediate tension are seriously undermined. Where issues in dispute become more numerous and complicated over time, the chance of successful mediation lessens, especially when the situation is associated with lengthy, protracted conflicts that have a high number of fatalities.¹⁰⁹ It remains to be seen whether the current situation of an unstable peace, marked by government repression of minorities, tension and mutual suspicion, will intensify.

Linking political exclusion and inequitable development

Fair treatment of a country's minority groups is not only vital to social order and stability, but is often a strong indicator of how a government views and implements human rights for everyone under its jurisdiction. Alongside the civil and political rights discussed earlier, these human rights also include economic, social and cultural rights. The importance of positive protection for and the progressive fulfillment of economic, social and cultural rights is highlighted by the fact that minorities' political participation cannot be fully realized unless the minority group has sufficient ability and resources.¹¹⁰ In an authoritarian system in which the general population – whether they are members of majority or minority groups – has a severely limited impact on the decisions of its government, ensuring participation for minorities is only one of many steps that are needed if growing tensions are to be avoided.

Inequitable and discriminatory development

Political inequality is exacerbated by minorities' increasing marginalization from the benefits of China's rapid economic growth, which has highlighted the unevenness of development in China. The benefits of development have been unequally dispersed among different groups. Minorities, especially those who live in interior and rural areas, have been exploited and have little or no say in the state-driven development decision-making processes. As a result, minorities are adversely affected by most of the changes that have been benefiting many of China's urban and coastal residents.

Inequitable development's causes and effects

The causes of inequitable development must be considered within the PRC's institutional and policy framework, and the CPC's overarching and pervasive role in all decision-making. Among the CPC's various factions, the conservative view – that political control and social stability must be maintained at all costs – has won the day. Further, the Party's policy bias towards macroeconomic development has played down the role of social development in enhancing the sustainability of development as a whole. Further, the lack of a safety net to facilitate the redistribution of wealth – from those who benefit disproportionately to vulnerable groups – means that inequity is exacerbated as the economy grows. Therefore, the costs of inequitable development are high for the groups affected directly by China's disparate rural-urban divide. These inequalities also adversely affect the long-term development of the state and its ability to maintain social order.

Inequality in basic social services

Right to education

The right to education is present in domestic law, and most ethnic minority areas have adapted the national Education Law¹¹¹ to legislate their own local regulations. The laws remain the same in content, with changes focusing primarily on the role of the central and autonomous governments in channelling resources in education, and the promotion of bilingual education and minority languages in schools. There are significant gaps in domestic law when compared to China's international legal obliga-

Minorities and the rural-urban divide

- Despite the purported advances made by the development policy in the western regions, 258 out of 592 counties designated by the government as 'poverty-stricken' are ethnic autonomous counties.
- Ethnic poverty-stricken counties are concentrated in Yunnan (44), Guizhou (36), Inner Mongolia (31), Guangxi (28), Xinjiang (27), Sichuan (20), Gansu (14), Qinghai (12) and Ningxia (8). The State Council has also included all 73 counties in Tibet in the poverty group.¹¹²
- There are 19 ethnic counties in the three autonomous prefectures (Aba Tibetan and Qiang Autonomous Prefecture, Garze Tibetan Autonomous Prefecture, and Liangshan Yi Autonomous Prefecture), 95 per cent of which are designated as poverty-stricken counties, with a per capital annual income of less than 668 yuan.
- Many poverty-stricken ethnic autonomous counties lack basic infrastructure, such as roads and electricity. For instance, in ethnic areas of Sichuan, 38.8 per cent of all villages have no access to public roads, and 24.9 per cent have no electricity.¹¹³

tions. The most detailed guidelines on rights-based education can be found in the Convention on the Rights of the Child (CRC), which enumerates the key issues: (1) the government must respect and guarantee all rights of the child, including the right to education; (2) the state should make primary education compulsory and free to all children; and (3) governments are prohibited from interfering with the freedom of individuals and groups to establish educational institutions.¹¹⁴ Additionally, the International Covenant on Economic, Social and Cultural Rights (ICESCR), which the PRC has also ratified, indicates that primary education should be free and compulsory for all.¹¹⁵ While the 'right to education' is often used in China's Constitution and other laws, it is phrased as an individual duty, explicitly stated as a 'duty as well as the right to receive education'.¹¹⁶ This does not include the freedom to impart education, as the UN Special Rapporteur's report points out.¹¹⁷ This violates Article 29 of the CRC, which states that individuals and bodies have the liberty 'to establish and direct educational institutions'. Although private education is now available, this is not an option for poor rural or minority children.

Measuring progress

Recently, there has been some success in improving access to education. Official reports show that the number of ethnic and other schools established in ethnic autonomous areas has increased.¹¹⁸ In 2003, there were about 1 million minority teachers serving at all levels of school.¹¹⁹ School enrolment at primary and secondary level increased from 24.6 million in 1990 to 28.7 million in 2003.¹²⁰ Access to higher education for minorities was enhanced by lowering the qualification for university admission. Student enrolment in higher education increased from 136,000 in 1990 to 695,000 in 2003.¹²¹ Reductions in fees and scholarships are offered to minority students, and more resources have been channeled to ethnic areas since 2003. The campaign aims to achieve the ‘two basics’ (两基) – to ensure access to nine years of compulsory education, and to eradicate illiteracy by 2010 in all autonomous areas for minorities.¹²² However, these goals are undermined by slow implementation, and a lack of gender- and ethnicity-disaggregated statistics for minorities.

Educational attainment rates

Literacy is still a major issue in minority areas. According to the 2000 census, the illiteracy rate for minorities aged over 15 years is 14.6 per cent, as compared to 9.1 per cent and 8.6 per cent of the national average and of the Han Chinese respectively.¹²³ The rate is even more striking for minority women: 68.7 per cent of the illiterate minority population are women, and the illiteracy rate for women from some ethnic groups is as high as over 70 per cent.¹²⁴ The education attainment level of ethnic minorities remains low. For instance, in Tibet, only 13 per cent of people had attended at least junior high school, while less than 2 per cent had junior college education.¹²⁵ Minorities who have attained a college-level of education or above account for only 5.75 per cent of the total; their share drops to 4 per cent for education attainment at the post-graduate level.¹²⁶ Among minorities with college-level education or above, women account for only 38 per cent, lagging far behind their minority male counterparts.¹²⁷

While poor education is a nationwide problem, the situation is particularly alarming in minority areas. According to the 2005 *China Statistical Yearbook*, the TAR, Qinghai, and Gansu – which have large ethnic minority populations – have the highest overall illiteracy rates in the country, with rates of 44.03 per cent, 22.08 per cent, and 19.42 per cent respectively. The national average is 10.3 per cent.¹²⁸ Further, ‘literacy’ in China is defined differently: rural inhabitants are considered literate if they can recognize at least 1,500 characters, while the urban literacy rate is set at 2,000 characters.¹²⁹ This criterion is indicative of the discriminatory practices that

are in place for rural education. Only modest progress has been made in the implementation of compulsory education. As of 2003, only 57.9 per cent of county-level autonomous areas achieve compulsory education.¹³⁰

Unaffordable school fees

High school fees create another barrier to education, especially at the secondary level, when students are required to bear the full cost of education plus other fees. Parents often only ‘send children to school up to sixth grade’ because ‘[the school] requires a fee to go to school after sixth grade [but there] was no fee before’.¹³¹ The justification for such fees stems from Article 29 of the Education Law, which stipulates that ‘Schools and other educational institutions shall perform [the] following duties...[including] charging fees according to relevant state prescriptions and making public the charges’.¹³² The decentralization of the responsibility for providing basic education to local governments has not been matched with adequate funding, as pointed out by the World Bank; so the county and township levels have to shoulder 87 per cent of public expenditure for education.¹³³ Local governments often therefore attempt to pass the burden onto families in the form of miscellaneous school fees, which often exceed average incomes in poor regions.

In certain areas of the TAR, for example, fees range from 10 to 300 yuan per month for compulsory education, where the average monthly income is about 150 yuan per month.¹³⁴ Financial difficulty remains an obstacle to school attendance for many children, whose parents are subject to extraneous fees including the cost of textbooks, uniforms, and other costs. There are no statistics available on the variety of fees, which range from exam-paper fees, to desk fees, to reading room permit charges.¹³⁵ While some are supposed to be voluntary, parents have complained that all have to be paid, and the UN Special Rapporteur on Education expressed deep concern over the school fees.¹³⁶ The subject of these fees remained a serious issue when the PRC was reviewed during the 40th session of the Committee on the Rights of the Child in September 2005, with the Committee making a concluding recommendation to ‘eliminate all miscellaneous and other “hidden” fees for primary education to ensure that it is truly free’.¹³⁷ While there have been limited attempts to address this problem, there is evidence of a ten-fold increase in fees between 1991 and 1997 as a result of the lack of central government assistance.¹³⁸

Right to health

The right to health is protected by the ICESCR, which declares the right of all individuals to physical and mental health, and mandates that the state must take steps to achieve the full realization of this right.¹³⁹ While the PRC

government has made improvements in many areas, many issues remain, including the allocation of funding for adequate health care in rural, predominantly minority areas. At the 2005 review of China's initial report to the CESC, the Committee noted that funds allocated to public health have diminished, and that the health care system that was vital to the provision of health care for rural residents has been dismantled.¹⁴⁰ While expenditure on health as a percentage of the GDP has increased from 4.8 per cent in 1998 to 5.7 per cent in 2001,¹⁴¹ only two per cent of the GDP was allocated to health from public funds in 2001.¹⁴² This means that the health care system that had delivered basic health care to the majority of rural residents has been drastically reduced without the support of the central government. While 90 per cent of villages were covered in the 1970s, by 1989 only 4.8 per cent were covered.

In 2003, the central government appropriated special funds totaling 1.37 billion yuan (US\$ 165 million) for health services in the five autonomous regions, including IMAR, TAR and XUAR, which covered public health, basic rural health facilities, specialized hospitals, rural cooperative medical services and control of serious diseases.¹⁴³ However, the issue of poor access to health care facilities in minority areas continues due to their disadvantaged geographical location and poverty. For instance, the long distance between villages and the nearest hospital or health care facilities effectively prevents rural minorities from getting medical treatment.¹⁴⁴ In addition, nearly all public hospitals in China require an initial cash deposit when seeking medical treatment. It is widely reported that poor minorities fail to get medical treatment because they cannot afford the medical expenses.¹⁴⁵ Compounded by increased privatization and high fees, inadequate preventative care programmes and the resulting spread of infectious diseases including HIV/AIDS, there is now a growing health crisis in China's minority areas.¹⁴⁶

Infant and maternal mortality rates

Minorities' poor access to medical care is indicated by higher infant and maternal mortality rates in ethnic areas. Official statistics show that the national under-fives mortality rate is reported at 39.7 deaths per 1,000 births in 2000, compared to 57.2 per 1,000 in the TAR, 35.6 per 1,000 in the IMAR, and 65.4 per 1,000 in XUAR.¹⁴⁷ One interviewee described the prohibitive costs of medical treatment:

*It's a problem, and unless you are rich and can pay the amount up front, you have to take a loan [from a family member or acquaintance], sometimes you have to pay your whole life for the debt.'*¹⁴⁸

High medical fees contribute to the noticeably higher maternal mortality rates in minority areas. While the national maternal mortality rate dropped from 61.9 deaths per 100,000 live births in 1995 to 53 per 100,000 in 2000, the maternal mortality rate in the TAR, IMAR and XUAR stood at 466.3, 62.6 and 161.4 per 100,000 respectively.¹⁴⁹ The figures show that although the maternal mortality rate in Tibet dropped to 310.4 per 100,000 in 2004, it is still nearly six times the national average, which is reported at 48.3 per 100,000.¹⁵⁰ The geographical inaccessibility to health care services also complicates the flow of information about prevention and control of HIV/AIDS in minority areas, in addition to access to treatment. According to Professor Jing Jun, Director of the HIV/AIDS Policy Research Centre at Qinghua University, although the number of ethnic minorities barely accounts for 10 per cent of the nation's total population, ethnic minorities make up 36 per cent of all HIV-infected people in the PRC.¹⁵¹

Income and unemployment of ethnic minorities¹⁵²

Although overall economic indicators show an improved living standard in autonomous regions, the improvement has not kept pace with developments in the national economy. The average annual wages of staff and workers in ethnic autonomous regions rose during 1982 to 2000 from 845 yuan to 7,802 yuan in nominal terms, while in the same period the nationwide figure rose faster, from 792 yuan to 9,371 yuan.¹⁵³ Unemployment is also much higher among minorities because various barriers, such as the widespread Mandarin fluency requirement, hinder the employment of minorities in China. Employment discrimination against minorities is further compounded by their lack of access to basic or advanced education, as described earlier. Additionally, Tibetans do not usually have connections with larger regional networks in the service or commerce industry, a factor critical to obtaining employment in Tibet today. Gender bias further compounds problems minority women face in finding and retaining employment.

Job discrimination based on Mandarin fluency

Many minorities lack fluency in Mandarin, which prevents them from equal access to work.¹⁵⁴ Rayila, a 20-year-old university student in Urumchi complained to the *Washington Post*, 'If I'm looking for a job, the first thing they want to know is what's my Chinese level, and if it's not up to par, they say, "Go away"'.¹⁵⁵ Similar concerns have been raised by interviewees for this report, especially when trying to get work in Han-run firms in Tibet.

Education disadvantages and unemployment

Ethnic minorities' limited access to basic education results in low enrolment and high drop-out rates. These occur at every stage of the education system, culminating in low adult literacy rates and low educational attainment. In a 1998 study on occupational differences by ethnicity in the XUAR, the authors noted that 'the ethnic gap in occupational attainment widened between 1982 and 1990, largely because of an increased educational gap between ethnic Chinese and ethnic minorities'.¹⁵⁶ Since minorities' educational attainment is mirrored in occupational stratification observed in the XUAR, the report concluded by emphasizing that:

*'continued educational expansion among minorities combined with equal access to professional occupations contingent on education may facilitate an absolute increase in minority presence among these occupations.'*¹⁵⁷

Lower educational attainment by minorities as compared to the majority Han Chinese has meant that differences in educational access exacerbate existing social and economic divides, leading to what the World Bank's 2006 *World Development Report* calls 'inequality traps', where disadvantages in education can lead to less earning power over time and across generations, and prevent the creation of a level playing field to facilitate sustainable growth and development.¹⁵⁸

Recognizing that these disparities give rise to concerns of social and political stability, the PRC government launched the Western Development Strategy (WDS) ('西部大开发') in 2001.¹⁵⁹ Despite economic benefits stemming from this state-sponsored strategy, many of these benefits are accrued by the area's Han population and do not equally benefit minorities. The *Far Eastern Economic Review* reported that in the context of the increased economic and employment opportunities brought by the WDS, Han firms do not usually hire Uyghurs in the XUAR.¹⁶⁰ The Xinjiang Production and Construction Corps (XPCC), or the *bingtuan*, which was established in 1954 to consolidate control of the XUAR through economic development, was reported to have a 2.5 million, virtually an all-Han Chinese, workforce in 2001 – representing 13 per cent of the total population, but a third of the total Han population in the XUAR.¹⁶¹ Similarly, most of the large and medium-sized construction projects in Tibetan areas are contracted to Chinese companies that do not usually hire Tibetans.¹⁶² A Tibetan interviewee also reported a similar bias for small employment agencies to hire Han Chinese:

*'I'll tell you something. One time I was in Lhasa, it was around graduation, and I'd got my driving licence. It was 2001. I wanted to be a driver in Lhasa and I got to a temporary employment centre where there was a note that said "Preference Given to Han Chinese (Sichuanese)". I said, "I'm Tibetan," and they said "We don't want you." I said, "That's not nice, this is Lhasa, this is the land of the Tibetan people.'*¹⁶³

Tension caused by job discrimination

The development gap between China's coastal cities and its ethnic autonomous regions, and the differences in the economic opportunities available to individuals based on ethnicity have contributed to rising tensions. Job fairs posting signs that say, 'Uyghurs need not apply',¹⁶⁴ fuel the perceptions of an exclusive economic system. This belief is common among those interviewed for this report. Further, many minorities believe that they are at a disadvantage because they are excluded from the social networks and personal connections of the Han Chinese.¹⁶⁵

The sense of discrimination does not only exist among those with low education or skills, but extends to those who have progressed in the education system and are Mandarin-proficient. Uyghurs interviewed for this report indicate that many Uyghurs in the XUAR are unable to obtain jobs because of the bias of government- and privately-owned businesses, 'who basically say, "we don't want you, Uyghurs"...they just say, Chinese...so basically, even a Uyghur college graduate cannot find a job'.¹⁶⁶ In Inner Mongolia and Qinghai, the employment rate for new graduates was only between 30 and 50 per cent.¹⁶⁷ Hiring quotas for minorities no longer exist in practice, and ethnic discrimination in hiring by Han businesses is 'rampant' in minority areas.¹⁶⁸ Despite rising numbers of minority graduates, they are finding it more difficult to find jobs than in the past.¹⁶⁹ 'It's a big problem in Tibet. Even if you are a graduate from college, it's difficult to get a decent job.'¹⁷⁰

As a result, minorities see success in the economic sphere as extremely limited, and one in which one group may succeed at the expense of another. One interviewee spoke of Hui and Tibetans fighting over economic reasons because the Hui are seen to have come into primarily Tibetan areas and dominated the economic opportunities.¹⁷¹ Further, Hui compete in similar industries with Tibetans, primarily in small enterprises including restaurants and grocery stores. In Amdo, following the escalation of Tibetan–Hui violence in 2003, Tibetans instigated a regional boycott of Muslim businesses.¹⁷² Han, on the other hand, are perceived to be entering the economy at a different level, often as government officials, or in other industries in which Tibetans are not competitive. As

a result, the control of economic resources and opportunities has become a source of tension and reported cause of conflict between Hui and Tibetans, especially in Qinghai and Gansu provinces.

Western Development Strategy

State-driven macroeconomic development efforts have resulted in an increased rural–urban divide and the marginalization of ethnic minority groups in the development process. The Western Development Strategy (WDS) was a response to both international and domestic pressures, as well as of political concerns regarding the stability of the autonomous regions. Internationally, China had become more involved in the global trade arena, and its efforts towards poverty reduction and trade openness were welcomed by the global community, leading to a successful bid for WTO membership in 2001.

One of the challenges pointed out by the WTO, however, was the issue of regional disparity between Chinese provinces and autonomous regions.¹⁷³ Although the number of those living in poverty fell by 422 million between 1981 to 2001, China is still home to 18 per cent of the world's poor (150 million people).¹⁷⁴

Domestically, this disparity has serious political implications for social order in minority-dominant areas, where political discontent, fuelled by poor economic and social conditions, has the potential to erupt into sporadic and violent unrest.¹⁷⁵ In this context, WDS is a political tool, expressed through the desire for 'common prosperity' of all peoples, to strengthen national unity. Although the most commonly expressed aims of the WDS are economically-driven, to benefit China's underdeveloped central and western provinces classified nationally as poverty-stricken areas despite China's rapid growth in the 1990s, there are clear underlying political intentions for the



WDS. Chinese officials, such as former Politburo Standing Committee member Li Ruihuan, have publicly linked the issues of economic development and ‘stability’:

*‘Expanding Tibet’s economy is not a mere economic issue, but a major political issue that has a vital bearing on Tibet’s social stability and progress. This work not only helps Tibet, but is also related directly to the struggle against the Dalai Lama’s splittist attempts.’*¹⁷⁶

The CPC’s key role in development policy for minority areas is characterized by several general aims. First, they are concerned primarily with resource extraction from the periphery for use in China’s urban, coastal centres. This can be seen in the disproportionate benefit reaped by those outside the region of resource origin as compared to the minorities living in the areas. For example, lucrative oil and gas extraction from the IMAR, TAR and XUAR are fed in pipelines to the coast, rather than being used locally. Second, CPC leaders hope that economic integration, through an influx of Chinese settlers and state capital, will lead to assimilation in areas that are currently dominated by the presence of minorities – ultimately, a project of internal colonization. Third, many of the development projects are intended to facilitate the militarization of the autonomous regions. Fourth, much of the support for minority cultures only goes as far as creating an economic benefit from the ‘marketing’ of minorities for tourism purposes. This stems from recognition of the financial value of displays of ‘minority culture’ for China’s middle class.

Officially-stated WDS strategic objectives:¹⁷⁷

- Modernization
- Changing the ‘relative backwardness’ of the western region’s outlook
- Narrowing the development gap between regions
- Building a prosperous economy, social progress, a stable life, national unity, beautiful landscape
- Bringing prosperity to the people in the western regions

WDS progress and problems

While many projects have created new opportunities, including infrastructure such as roads and electricity, these reported benefits should be considered with the following caveats. First, while there have been reported improvements, reflected statistically in the regions targeted by the WDS, this data is skewed by the influx of Chinese migrants to these regions, whose incomes are aggregated into an autonomous region’s overall numbers.¹⁷⁸ It is then difficult to assess the extent of improvement in minorities’ economic assets.

Second, economic benefits from the WDS are mixed and depend not only on the geographical location of the ethnic areas, but also on an individual’s competence in education, skills and language. Poverty remains concentrated in the western region, and the regional gap in development is deepening. For instance, the income ratio between urban and rural residents was 5,397 yuan versus 1,622 yuan annually in 1999, respectively, with rural residents earning about a third of their urban residents counterparts. In 2004, this ratio rose to 7,962 yuan for urban residents versus 2,077 yuan for rural residents - now, rural residents earn just one-fourth of what urban residents make.¹⁷⁹

Additionally, open discrimination further limits minorities’ opportunities. In the autonomous regions, the gains do not trickle down because most development projects are capital- and skill-intensive. This means that many ethnic minorities are locked out of these opportunities. For example, in the XUAR, many local people complain that most jobs in oil and gas extraction go to Chinese settlers as soon as they arrive in the region. One Uyghur explained to HRIC, ‘The [Han] immigrants, they come, basically everything [employment] is prearranged, almost everything.’¹⁸⁰ Another interviewee explained that the projected knowledge- and skills-transfer to the local population, which government publicity anticipated, did not occur because:

*‘Chinese immigrants have favoured policies, the government bank, loans, everything, economically the government is supporting this immigration while the local people don’t have money...we’re not benefiting from this.’*¹⁸¹

Since Han Chinese migrants make up a significant share of the urban middle class in the autonomous regions, they have the capability and resources to cash in on these new opportunities.¹⁸² Additionally, many of the projects under the WDS are operated and managed by Chinese businesspeople from the coast, who preferentially give jobs to Han Chinese, and in fewer instances, to minorities who are fluent in Chinese.

*‘[Have the Uyghurs] benefited? Yes. To a certain, limited degree. But the entire economic development, the infrastructure, the building of roadways, it’s just to serve Chinese government’s political and economic interests...to benefit mainland China.’*¹⁸³

Development for resource extraction

Rather than genuine development, the WDS appears to focus on resource extraction from the periphery for use in China’s major economic urban powerhouses, such as Beijing, Shanghai and other coastal cities. The strategy

exploits minority groups and their lands. This can be seen in the disproportionate benefits reaped by those outside the region of resource extraction and not by the minorities who live there. For example, lucrative oil and gas extraction from the IMAR, TAR and XUAR are fed in pipelines to the coast, rather than being used primarily by local communities. Evidence for this natural resource extraction model of development can also be seen in the comparative lack of investment and funding for: (1) social sectors, such as health and education, that will bring immediate benefits for the general population and halt the cycle of 'inequality traps'; and (2) policies that stimulate a bottom-up growth in remote, predominantly minority, communities. A commonly expressed view is:

*'The Uyghurs have to pay a huge amount of money to get natural gas, but it is much cheaper in Shanghai than in Urumqi today. Why? Because the natural gas is coming from Urumchi today, from East Turkistan.'*¹⁸⁴

Even if the central government is operating on the assumption that 'a rising tide will lift all boats',¹⁸⁵ there are plenty of indications from the way in which macroeconomic growth has played out along the coastal regions that benefits from top-down development are highly inequitable. Although WDS' official goals reference major infrastructure projects and environmental protection, while providing for the basic needs of people living in the western regions, much of the underlying intent is focused on gaining greater control over the land and natural resources so that they can be utilized fully for the central government. Predictably, growth in the western autonomous regions has been concentrated mainly in urban areas, leaving rural residents with few visible improvements in their standard of living. In practice, the WDS represents an escalation of the PRC's long-standing policy of extracting natural resources in the IMAR, TAR and XUAR for export to the eastern part of the country.

Assimilation through population transfers

While the TAR and the XUAR maintain majority Tibetan and Uyghur populations respectively, there have recently been significant changes in the ratios. Population transfers have an adverse effect on minority groups' opportunities to benefit from economic development, and are a major source of cultural integration and assimilation in these regions.¹⁸⁶ According to the official figures, Tibetans make up 92.8 per cent of the TAR's population, while Han comprise 6.1 per cent.¹⁸⁷ In XUAR, Han and Uyghurs make up 41 per cent and 44 per cent of the provincial population respectively.¹⁸⁸ IMAR's official statistics indicate that the region is only 17 per cent Mongol, and is now predominantly Han Chinese.¹⁸⁹ These figures do not

take into account the non-registered floating population in Tibet, including the military, workers, and settlers.¹⁹⁰ Further, they do not indicate the much higher proportion of Han Chinese in the autonomous regions' major cities, including their capitals. Population transfers are a significant problem for the preservation of minority culture and identity.

Militarization as development

Cao Gangchuan, Minister of Defence, while on a study tour of the frontier guards in Inner Mongolian Military District and Heilongjiang Provincial Military District, 20 July 2006:

*'We should, in light of the new developments facing army building in the new situation, conscientiously tighten border control and put into effect army-police-civilian joint defence and control to ensure the security and stability of the border areas. We should seriously implement the spirit of the All-Army Military Training Conference and raise the training quality of military units and their level of fighting capacity.'*¹⁹¹

Where infrastructure and capital have been invested in the autonomous regions, they are channelled towards the development of the state's administrative and military apparatus, in large part so that it can maintain control in these areas. This development policy, therefore, aids the PRC's campaign to militarize the IMAR, TAR and XUAR, the three regions that together share international borders with Afghanistan, Bhutan, Burma, India, Kazakhstan, Kyrgyzstan, Mongolia, Nepal, Pakistan, Russia and Tajikistan. While the militarization is driven by regional, as well as internal threats, those living in the autonomous regions have no say in the exercises, installations, and other factors that affect their daily lives.

It has been reported that China spends 70 per cent more on its military than its official budget suggests.¹⁹² Even with the underestimated defence budget, the figure has grown by 10 per cent a year for the past 15 years, and by 300 per cent in real terms in the past decade.¹⁹³ In March 2005, the government proposed a 12.6 per cent increase in the defence budget for 2005, totalling 244.65 billion yuan (or US \$29.58 billion).¹⁹⁴ In August 2004, China held its first ever anti-terrorist exercise in Lhasa, to test the region's capacity to counter possible hijacking and even a chemical attack by separatist elements. Since 11 September 2001, the Chinese government has organized joint military exercises with member countries of the Shanghai Cooperation Organization (SCO) nearly every year. In September 2006, China organized a joint-military exercise with neighboring Tajikistan, aimed at strengthen-

ing military capacity to crackdown on ‘terrorism, separatism and extremism’.¹⁹⁵

On 19 October 2006, the state news agency, Xinhua, reported that the PRC had just concluded its largest-ever anti-terrorism exercises, with over 2,700 police and soldiers, in the IMAR. These forces, along with 20 departments and ministries, conducted simulated responses to terrorist attacks, using armed personnel carriers, tanks and other equipment.¹⁹⁶ Previous exercises in 2005 have been open to foreign observers.¹⁹⁷

In Tibet, China’s military arsenal includes at least 17 radar stations, eight missile bases with at least 81 inter-continental ballistic missiles, 70 medium-range and 20 intermediate-range missiles, and 14 airfields.¹⁹⁸ China’s regional security concerns no doubt played a role in the speed with which the Golmud–Lhasa Railway was completed. Although it will be of economic importance, the railway also has significant strategic military value, for the mobilization of personnel and troops, necessary for the new military installations and bases. As one expert states, ‘[M]ilitary concerns probably guide much of the developmental policies in the TAR, indirectly soaking up much of the subsidies as well’.¹⁹⁹

As in both the IMAR and Tibet, the People’s Liberation Army (PLA) has conducted large-scale war exercises in southern XUAR, mobilizing tens of thousands of PLA soldiers into the area. In addition, the XUAR has a unique military known as the *bingtuan*, stationed in the region for over 50 years. It has 2.54 million personnel, runs 1,500 companies, and is responsible for the border lands.²⁰⁰ Officials have declared that the *bingtuan*’s presence in the XUAR must be increased so that it can combat separatism and attempts at ‘sabotage and infiltration’.²⁰¹ The *bingtuan* has been highlighted as a major

source of tensions with the Uyghur population, because of its domination of resources and land. The military face of economic development in the XUAR, and the increasing signs of militarization in the TAR, must also be considered in the context of the recent announcements made about ‘boosting [the] combat efficiency’ of the People’s Armed Police (PAP), an elite force established in April 1983.²⁰² The PAP plays an integral role in maintaining China’s social stability and order, and its numbers and resources have been increased in response to the growing instances of demonstrations and uprisings.²⁰³

Linking inequitable development, violations of rights and conflict

Militarization exacerbates the violations of economic, social and cultural rights, caused by inequitable development. Mongols, Tibetans and Uyghurs perceive that they are being excluded while their land and resources are exploited to benefit those living in other, more prosperous areas. This ‘development’ is taking place without an inclusive process of consultation with minorities, due to their exclusion in the political realm. Therefore they have limited control or input into these development and economic policies. Consequently, there is unbalanced investment in sectors and areas that do not meet with local socio-economic conditions, and do not benefit or empower local communities. The ‘top-down’ nature of these policies means that officials at the local level are only allowed to carry out the agendas established by the central government. Further, political considerations such as maintaining ‘stability’ and ‘unity’ weigh heavily on the state’s development agenda, revealing that political control of the autonomous regions is a priority.

Inadequate protection of cultural identity

The massive influx of Han Chinese settlers and migrants into autonomous areas, and their dominance of the public sphere, has made it hard for minorities to preserve their distinct cultural identities. Through literature and practice, the PRC regularly exoticizes minorities, thereby portraying them as ‘backwards’²⁰⁴ and in need of ‘modernization’. This leads to integrationist policies, implemented alongside minorities’ political and economic exclusion, that have the practical effect, if not the primary aim, of assimilating minorities into the dominant culture, which has been imported to these areas with the influx of Han Chinese settlers.²⁰⁵ These policies are being implemented alongside systematic violations of minorities’ civil and political rights.

In this environment, the protection of a minority group’s cultural identity is increasingly difficult, especially considering that, under international law, the protection of their identity extends beyond the state merely abstaining from policies that have the purpose or effect of assimilation. Positive measures towards protection of the cultural identity of a minority group, including the rights of its members to enjoy and develop their culture and language and to practice their religion, are required not only in defence against the acts of the state but also against the acts of third parties within its jurisdiction.²⁰⁶ Within this context of positive obligations for the protection of minority cultural identity, the language and educational policies of the state concerned take on a crucial significance. As noted by the Commentary of the UN Working Group on Minorities:

‘Denying minorities the possibility of learning their own language and of receiving instruction in their own language, or excluding from their education the transmission of knowledge about their own culture, history, tradition and language, would be a violation of their obligation to protect their identity.’²⁰⁷

Article 29 of the CRC also stipulates that education of the child should be directed to ‘the development of respect for the child’s parents, his or her own cultural identity, language and values’.

Let us focus on the language and educational policies of the PRC for the protection of minority cultural identity, by examining three emerging trends: (1) decreasing use of local languages in the public sphere; (2) limiting access to ethnic education, particularly evident in the restrictions

placed on religious or cultural education in the autonomous areas; and (3) instituting patriotic and Chinese nationalist education campaigns in religious forums, and in primary and secondary schools, in an attempt by the state to strengthen minority individuals’ sense of loyalty to the Chinese state. Regarding religious rights, which are especially relevant in the Chinese context because many ethnic minorities are also religious minorities, we will focus on the specific components of religious education and interferences in the form of nationalist education in religious forums.²⁰⁸

Decreased use of local languages in the public sphere

Given the growth of Mandarin use in schools, businesses and public forums, minority children have limited opportunities to become fluent in their own language. Mongolian, Tibetan and Uyghur languages are increasingly restricted to home use, given their decreasing use in the public domain. Even in the autonomous areas, many children communicate primarily in Mandarin with their peers and are instructed in Mandarin in schools, and cannot read or write in their own language. This is a marked difference from past practices, as noted by one Uyghur activist, who said:

‘We have an autonomous region, and we have an official language, the Uyghur language. From 1950 until the Cultural Revolution, the Uyghur language was on the top [of public signs], and the Chinese language was at the bottom, and every official meeting had to be conducted in Uyghur and then translated into Chinese. Then it changed. Is Chinese translated into Uyghur? No, now it’s changed, no Uyghur. [This is a] direct change: everyone must learn Chinese.’²⁰⁹

A Mongol individual stressed that the real problem is the absence of an environment in which to use the ethnic language,²¹⁰ resulting in what another Tibetan researcher described this way:

‘Even Tibetan families are gradually adopting more Chinese ways. Tibetan kids, they are starting to speak Chinese. By speaking more Chinese, they are forgetting Tibetan. Language is one big thing. It’s become very obvious.’²¹¹

Further, in Mongolia, ‘despite the fact that Mongolian is the official language in Inner Mongolia, postal servers will refuse to deliver packages that use Mongolian’.²¹²

As Mongol anthropologist Uradyn Bulag points out, ‘because almost all jobs are controlled by Chinese, university-level knowledge of Mongolian is no different from illiteracy’.²¹³ He concludes, ‘under this tremendous Chinese economic and political pressure...Mongol-speaking Mongols are forced to “collaborate in the destruction of their instruments of expression”’.

Legal support for use of local languages

Many autonomous governments have issued local versions of the Regulation on Spoken and Written Language Work to promote the use of local languages in local administrative work. The regulation highlights a series of initiatives to promote the use of ethnic languages in different aspects of life. For instance, the IMAR government passed a regulation in November 2004, in order to ‘expand the use of the Mongol language’.²¹⁴ The regulation stipulates that there should be:

‘increased use of Mongolian in regional colleges, economic incentives for students in Mongolian language schools, merit increases for bilingual government workers, and increased Mongolian media broadcasts’.

It also promises ‘greater regional funding for minority language publications and broadcasts’. In June 2006, Zhang Meilan, a member of the Standing Committee of the NPC, suggested that bilingual education should be mandatory for minority children during the nine years of free education, to help save the country’s dwindling minority languages.²¹⁵ An official survey conducted in April 2005 found that nearly 40 minority languages in the PRC are on the verge of extinction.²¹⁶

The implementation of bilingual education

The implementation of the bilingual education policy, however, is very limited. Bilingual education is practiced only in primary school, where the minority language is used as the language of instruction in classrooms and in textbooks. At the secondary level, the medium of teaching changes to Mandarin. For example, in March 2004, *Xinjiang Daily* reported a new government policy to merge 50 minority schools, located in poor and rural towns where minorities are dominant, with ethnic Chinese schools by 2009.²¹⁷ Under this new policy, minority students would begin to learn Chinese in the first grade of primary school. This means that these students would not even have the chance to study and use their own

language throughout primary education, and that Mandarin Chinese would gradually become the major teaching medium in minority schools. A Uyghur interviewee observed, ‘It is from the kindergarten onwards now. It is all Chinese.’²¹⁸

As one expert reported, ‘Bilingual education is making inroads even at the preschool level in the XUAR.’²¹⁹ This trend is reinforced by official statements, such as that from Wang Lequan, the XUAR Party Secretary, who declared that:

*‘[T]he Uyghur language is not fit to the modern requirements of science and technology, teaching in Uyghur language results in inferiority of the education level of Uyghur schools.’*²²⁰

There is also significant regional discrepancy in the implementation of bilingual education. In the IMAR, local language courses are available only up to the second grade, while some village primary schools in Tibet start teaching Mandarin at the fourth grade. In its statement to the UNDP, the Southern Mongolian Human Rights Information Center (SMHRIC) reported that individuals from rural Mongolian communities describe how:

*‘almost all Mongolian elementary schools at the level of Gachaa [the second smallest administrative unit] are being eliminated, and most Mongolian middle schools at the Sum level [the third smallest administrative unit] are being merged into Chinese-teaching schools, this leaves Mongolian students with no choice but to learn Chinese.’*²²¹

In Inner Mongolia, local language-teaching occurs only up to the second grade, after which Mandarin becomes the primary mode of instruction.²²² In XUAR, a Uyghur activist reported that the Uyghur language had been banned in schools throughout the region.²²³ Thirty per cent of Uyghur schools teach all classes in Mandarin and begin English instruction in the third grade.²²⁴ Minority teachers are also under pressure to learn and teach in Chinese. A Uyghur teacher told Radio Free Asia:

*‘Personally, I think I will be forced to learn the Chinese language, as will other teachers. Because word is spreading that if you don’t learn Chinese, you can’t keep your job. We are feeling the heat.’*²²⁵

Implementation of the bilingual education policy is made more difficult with the increasing proportion of Han Chinese teachers in the minority regions who do not speak the minority language. An interviewee told HRIC that any parents raising any concerns about this, ‘would be in

trouble'.²²⁶ Quoted in an interview with *Radio Free Asia* on the prevalence of the Chinese language in Uyghur schools, a U.S.-based scholar said:

*'It is a well-planned and systematic direct attack on Uyghur culture...[to] eradicate Uyghur culture, and close the cultural differences between the Uyghur nation and the Chinese nation.'*²²⁷

The consequences of the piecemeal implementation of bilingual education in minority areas are two-fold. First, it contributes to high drop-out rates after primary school, especially for minority students who are not able to acquire sufficient Mandarin skills. Second, the long-term impact from the continued marginalization of minority languages contributes to a sense of social exclusion based on cultural identity, reinforced by unaddressed grievances in the political and economic realms.

Limited access to ethnic and religious education

*'It is the basic policy of the Chinese government to respect and protect religious freedom. The Chinese Law doesn't prohibit children under the age of 18 from believing in any religion ... It is a twist of the facts and the Chinese Law to state in the report that education in China "denies the religious or linguistic identity" of ethnic minorities.'*²²⁸

Legal regulations concerning minorities' cultural education

Access to education that aims 'to encourage knowledge of the history, traditions, language and culture of the minorities' is important for the enhancement and preservation of ethnic identity.²²⁹ Article 36 of the LREA stipulates that ethnic autonomous governments should decide on the development of education in their areas, such as the education system, curricula, instruction language and enrolment procedures; in practice, however, there are no specific regulations concerning the cultural education of minorities.

Existing regulations focus primarily on the importance of improving education for minorities with little, if any, mention of specific measures to address minorities' history, traditions, language, and culture in education. This is reflected in Article 37 of the LREA, which emphasizes the role of ethnic autonomous governments to develop education for minorities by 'eliminating illiteracy, setting up various kinds of schools, spreading compulsory primary education, developing secondary education and establishing specialized schools for the nationalities'. The CERD committee is also concerned and recommended that the PRC government:

*'[E]nsure that children in all minority areas have the right to develop knowledge about their own language and culture as well as the Chinese, and that they are guaranteed equal opportunities, particularly with regard to access to higher education.'*²³⁰

As a result, autonomous areas have adopted their own version of the Regulation on Education of Ethnic Minorities since 1992, which is the guideline for the education of minorities in autonomous areas. This regulation prioritizes the provision of adequate educational facilities, and adequate and effective promotion of the Chinese language and culture in all types of schools in the autonomous areas, while giving little, if any, clarity in the genuine promotion of ethnic education.²³¹ The Ministry of Education and the State Ethnic Affairs Commission has begun drafting national legislation on the Regulation of Ethnic Education, which is seen as a response to the central government's development plan in western China. Concerns remain as to whether this national regulation will merely mirror the regular education practices in the rest of China, rather than genuinely meet minorities' needs and interests.

Although the central government says that minority education is adequately provided in ethnic autonomous areas,²³² stringent measures are imposed that impede the provision and promotion of minority education. For example, Chen Kuiyuan, then Secretary of the CPC Tibet Autonomous Region Committee, declared at the Fifth Regional Meeting on Education in 1994 that the intended goal of China's education system in the TAR is to indoctrinate Tibetans:

*'The success of our education does not lie in the number of diplomas issued to graduates from universities, colleges ... and secondary schools. It lies, in the final analysis, in whether our graduating students are opposed to or turn their hearts to the Dalai Clique and in whether they are loyal to or do not care about our great motherland and the great socialist cause...'*²³³

Such a statement indicates the political objectives of government-sponsored education. Consequently, Tibetan, Mongolian, and Uyghur children are subject to an educational system systematically designed to deny them the opportunity and ability to learn their own histories and languages, and to practice their religions and cultures. Research conducted by the Tibet Justice Center indicates that most schools in Tibet ban the celebration of Tibetan holidays, and children who wear traditional Tibetan clothing in class, or sing Tibetan songs, are subject to 'ridicule, corporal punishment, or abuse'.²³⁴ Education in Tibet serves to indoctrinate children and instill a sense of

inferiority regarding Tibetan culture, religion and language relative to Chinese culture.²³⁵

Sending minority children to be educated in Chinese cities

Since the 1990s, minority students, especially Tibetans and Uyghurs, have been sent to Chinese cities such as Beijing for educational purposes.²³⁶ This educational policy removes children from their families and traditional surroundings at secondary school age, placing them in a completely Chinese and Mandarin-speaking environment. Originally, only children of Tibetan government officials were selected, but now other Tibetan children are sent to China to embark on a seven-year course, during which they only return home once. Many Tibetans believe that the programme undermines Tibetan identity and culture. Catriona Bass, a researcher specializing on minorities' education in China, cites a Tibetan official asserting that the aim of setting up 'Tibetan secondary schools in central China is to assimilate the next Tibetan generation'.²³⁷ One Uyghur individual told HRIC that the same policy was recently implemented for Uyghur children:

*'Starting in 2003, Uyghur and Chinese language schools were merged. [The Chinese government] started transferring Uyghurs to inner China. In 2005, they started transferring elementary school students. These exchange programmes were for 1,000 elementary students in 2003, and [had reached] 5,000 by 2005. Elementary students especially will forget their culture, their language.'*²³⁸

For most minorities, however, an education in a Chinese city is the only way to make sure that a child acquires skills that will be of professional use. As a result, many Tibetans compete for the limited number of scholarships to study in one of the Chinese provinces. Parents must make a decision to send their children away to receive a Chinese education and risk losing their cultural identity, or to keep them at home and severely limit their educational opportunities. Although the intended goal of these policies is assimilation, the effect is sometimes quite different. For example, one student HRIC interviewed expressed that, after having studied in inland China, he became more aware of his identity as a Tibetan.²³⁹

Restrictions on religious education

One of the primary violations of the right to education in China is the restrictions on religious education. The CRC stipulates in Article 30 that minority children have the right to freedom of religion, and should not be denied the

right to practice their religion in community with other members of the same group. ICESCR's Article 13, declares that state parties must:

'[U]ndertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.'

Various PRC regulations and local enforcement measures violate these international obligations, since minority children are currently subject to curricula that do not reflect their religious or cultural traditions. In the CRC Committee's 2005 concluding observations, it notes that while the 2001 LREA guarantees freedom of religion, many Tibetan Buddhist, Uyghur, and Hui children are restricted in their ability to study and practice their own religion.²⁴⁰

Extensive interference in religious education exists including, enforced quotas on the age and number of monks and nuns allowed to be in residence at monasteries and nunneries at any time. Where there were once thousands of monks in major monasteries, today there are several hundred.²⁴¹ Religious affairs officials say that there are no such quotas; however, they also say that each monastery's government-backed management committee, decides on how many monks a monastery can support,²⁴² often imposing limits on the numbers. These policies have sharply curtailed the role of monasteries and nunneries that previously have served as vibrant educational hubs:

*'[Previously in Tibet], over 6,000 monasteries and nunneries served as centres of education. In addition, Tibet had many lay schools run by the government as well as by individuals. The Chinese Communist Party labeled these traditional learning centers as hotbeds of "blind faith" and the nurturing ground for "feudal oppression". They were, therefore, targeted for attack and shut down soon after the "liberation" of Tibet.'*²⁴³

Therefore Tibetans have few choices but to receive a government-sanctioned education in state schools. Although many monasteries and nunneries were rebuilt after the Cultural Revolution, it is still virtually impossible in Tibet to obtain a full religious education.²⁴⁴ In the IMAR, Buddhist publications have limited distribution and are tightly controlled. Mongolian individuals have reported that Buddhist materials cannot be read outside the tem-

ple, and that Mongolian lamas must report their activities to authorities.²⁴⁵ Similarly, in the XUAR, mosques are under government control and surveillance. Students and civil servants are not allowed to publicly engage in any religious activity other than observing the Muslim ban on eating pork.²⁴⁶

Religious restrictions in the XUAR ²⁴⁷

- The 2001 Amendments to the 1994 Regulations emphasize that no one may teach scripture without prior approval.
- Traditionally, in the countryside, parents would arrange for their children to receive religious education. But now, authorities have prohibited these semi-public meetings from touching upon religious issues, because they constitute 'illegal religious activities'.
- Article 14 of the XUAR regulations, *Implementation Measures of the Law on the Protection of Minors*, prohibits parents from allowing minors to participate in religious activities.
- Uyghurs report that the ban is implemented on them more harshly than on any other group.
- This ban on religious activity among children is not known to exist elsewhere in China.
- Virtually all outward expression of religious belief is banned in schools.
- Beginning in 2001, many schools in Xinjiang underwent 'clean-ups'. Books with 'separatist content' were removed from libraries, teachers were investigated and reportedly fired, and students were warned that they were being monitored and would be expelled if they did not conform to the new ideological requirements.
- Even performing the most basic requirements of the Islamic faith (e.g. reading the *Qur'an* and engaging in daily prayer) have been prohibited. In November 2001, a female student was reportedly expelled for disobeying school orders to stop performing five daily prayers.

Patriotic and nationalistic education campaigns

Minority issues are rarely incorporated in the school curricula of either regular or minority schools in autonomous areas, although such provisions are enshrined in law. In their place, however, 'patriotic education classes' are inserted at all levels of school. This is promoted in ethnic autonomous areas by the central government with the aim of strengthening minorities' loyalty to the Party and cen-

tral government. These efforts have been significant in Tibetan and Uyghur areas, which the central government perceives to be major sources of ethnic discontent. Patriotic education has been launched several times in Tibet in the 1990s.²⁴⁸ Although these campaigns were directed at all age groups, young people were particularly targeted, leading to the politicization of their education when schools became the major forum for patriotic education.²⁴⁹ In 2002, a fresh round of patriotic education was initiated to target monks and nuns with the aim of limiting dissent among religious minority leaders.

The central government's control over school curricula has become more apparent in recent years. There are strict controls over teaching materials to ensure 'the proper understanding of nationality relations and advanced socialist thinking'.²⁵⁰ The Chinese authorities have published new political manuals for the patriotic education campaign, which were distributed to monasteries in the TAR.²⁵¹ In July 2002, the State Council issued the State Council's Decision Concerning Deepening the Reform and Expediting the Development of Education for Ethnic Minorities, emphasizing educational reform in minority areas.²⁵² Specifically, it emphasized the need to separate religion and education, especially education that focuses on strengthening national unity.

Patriotic education and tensions

Patriotic education has led to much local anger against the government; there are regular reports of the detention of monks and nuns who refuse to participate in patriotic education campaigns. In the summer of 1997, in one ethnically Tibetan area of Sichuan Province, five monks from the Magon Tashi Yangkyil Monastery, Chamdo Prefecture, TAR, were arrested for their opposition. During regular 'patriotic reeducation' sessions in the monastery, they were found to be in possession of the Dalai Lama's picture.²⁵³ Similarly, from 15 March to 23 December 2001, a patriotic reeducation campaign was launched under the auspice of Beijing's United Front Work Department and XUAR State Bureau of Religious Affairs. The campaign that targeted imams, it sought to increase control of religious activities and cut ties between mosques and groups allegedly involved in separatist activities.²⁵⁴ Some 8,000 imams were summoned to undergo 'political reeducation'.²⁵⁵ In March 2002, the authorities announced that the Islamic scripture schools would train 8,000 'patriotic religious personalities', with 2,000 being trained by the region and the rest in their localities.²⁵⁶

In October 2006, the Communist Party Secretary Wang Lequan of XUAR defended the government's crack-down on Uyghur activists by stating that Uyghurs were using religion to foment separatist sentiments and that 'separatists always use religion as an excuse to pursue

damaging activities'.²⁵⁷ In Tibet, a recent report surfaced that local authorities in Sichuan's Kandze Tibetan Autonomous Prefecture have restricted nuns at Sinapu Nunnery from seeking alms, in accordance with their religious tradition.²⁵⁸ It was reported that a regulation was implemented in August 2005 that required nuns 'to take an application of the nunnery chief, get signature of the township leader, then signature of the Bureau Chief and stamp from the Country Religion Bureau' before they are allowed to seek the traditional alms. Despite its long history, the Sinapu Nunnery reportedly has very few educated nuns left and no longer offers a proper environment for studying and practicing religion.²⁵⁹

Linking inadequate cultural protections to rising tensions

In China, religious establishments are under state supervision and control, and non-state-sanctioned religious expression is equated with separatism, which is used as a pretext to crack down on such expressions, most recently in the XUAR. This is happening within a broader trend of crackdowns on civil society and on any religious expression not approved or controlled by the state. Historically, religion had been an integral part of the political and governing structure for many minority groups. For example, religion and politics are inseparable in the Tibetan context: historically, religious leaders had also been political heads of state, while today, expression of political rights is synonymous with religious freedom for many Tibetans. Like language, religion is a vital element of cultural life. 'For the Tibetans, the first freedom is religious freedom...these are lacking there'.²⁶⁰

There are insufficient measures in language and educational policies to protect and promote the ethnic, cultural, religious and linguistic identity of minorities, except in

specific cases where minority groups serve alternative purposes, such as the legitimization of the PRC in the international sphere, or when some form of their expressions of cultural identity can be marketed to serve tourism, thus contributing to development projects in these areas.²⁶¹ This underscores the perception that the PRC government is concerned foremost with national unity and economic development, and is only interested in protecting minority culture insofar as it can bring benefit to these two overarching goals. This has been explicitly stated by government officials who view the protection of minority culture as secondary to China's rapid development. In the same October 2006 interview, Party Secretary Wang Lequan stated that the government's main concern was not protecting the Uyghurs' culture but raising their living standards: 'The bottom line is that cultural life is based on people having enough to eat. If people cannot eat enough, nobody can sing or dance.'²⁶² The quote also reflected the government's view of minorities' expressions of cultural identity as songs and dances, but not language, education and religion.

The government's approach is contrary to international legal standards and the PRC's international and domestic obligations. The issue is fundamentally more complicated than one of 'having enough to eat'. The marginalization of minorities in development is tied to civil and political rights violations, hindering their genuine political participation. This, in turn, negatively affects the cultural protection of minorities, who have few avenues to negotiate policies such as minority language, cultural and religious education to protect their unique identities. Each prong of this vicious cycle of political, social, economic and cultural exclusion contributes to the continuation of these abuses, and they will remain potential sources of conflict between minority groups and the government.

Conclusions: remaining challenges

In recent years, China has acknowledged some of its problems, particularly in the realm of the growing economic gap between the coastal provinces and the western regions. Despite this acknowledgement and some progress on these problems, China continues to use its 'developing' country status to deter critics of its human rights policies. As this report documents, there are serious obstacles to the full protection of human and minority rights for those living under Chinese rule. In political participation, the autonomy system that should empower self-governance is a mechanism for exclusion and control. Highly inequitable development policies, consistently guided by political aims and economic benefit to the centre, have neglected minorities' basic needs and used their land and resources without consultation. Within this context of political exclusion and economic exploitation, integrationist strategies threaten to erase ethnic identity by attacking cultural practices, religious preference and minority languages.

As a result, there has been growing unrest, not only among minorities living in the autonomous regions, but also among the Han majority throughout China. The growth of social unrest first became apparent publicly in July 2005, when the Ministry of Public Security revealed that the number of 'mass incidents' had risen by 30 per cent in 2004 to 74,000, and that a total of 3.8 million people had participated in these demonstrations.²⁶³ On 19 January 2006, the Ministry announced that there were 87,000 cases of disturbances of public order recorded in 2005.²⁶⁴

In response to these challenges to the regime's legitimacy, Hu Jintao's 'harmonious society' is a thinly-veiled campaign to crack down and exert more power over society. Social problems such as inequitable development and other injustices threaten the much sought-after stability. Rather than addressing the root problems of these protests, such as structural changes and ensuring more human and minority rights protection, the government is focusing on crackdowns and repression, using scare tactics to ensure that no one dares to act or speak out. This is evident from its trend of PLA militarization, the rise in violence in its responses to protest, including the use of thug violence, and riot-suppression tactics used by the PAP.

These concerns must be seen in the current global security context, in which China has used the USA-led 'war on terror' to justify its harsh treatment of minorities

who advocate greater rights, protection, and genuine autonomy. For example, whereas the central government, prior to 2001, had underscored the XUAR as 'stable and prosperous', the language has now shifted, and especially the Muslim Uyghurs in XUAR, are increasingly seen as 'terrorists' and 'separatists'.²⁶⁵ These politically-charged labels can adversely affect the general environment in which mutually acceptable solutions are sought by moderate leaders, especially if these labels intensify and there is a continues demonizing and stereotyping of the 'other'.²⁶⁶

Further, the current wave of control and repression against minorities has wider implications on the human rights situation for all, extending far beyond the groups focused on in this report, and include other religious minorities, human rights defenders, activists and ordinary petitioners. While it is the case that minorities are targeted because of their ethnic identity, they are not the sole victims of the injustices of the PRC state. Therefore, the protection, promotion and fulfilment of minority rights must be placed within the larger framework of institutional protection of human rights in building a peaceful, genuinely harmonious society.

The three major problems addressed in this report are the potential roots of conflict that must be addressed for a stable, peaceful society to exist. Such a society can only be achieved in China if minorities and other individuals and groups are empowered to voice their opinions. Regarding political participation, individuals must be given opportunities to participate, not only in government but also in the creation of an open civil society. Harmony in society cannot exist without freedom of speech, open debate and the right to challenge government authority. Second, for development to promote a peaceful agenda, it must take into account the opinions of those affected by policy, and must focus on bottom-up benefits that will improve the lives of the many, rather than widening the wealth gap between the haves and the have-nots. Lastly, as these economic and political changes take place, there must be an assurance of an environment, with adequate human and minority rights protections, which encourages expressions of cultural identity, where people can engage in the religious and cultural activities of their choosing. The PRC government's current method of addressing the symptoms, rather than the problems themselves, will only heighten tensions and accumulate grievances, resulting in the use of increasingly extreme methods by all parties.

Recommendations

Delivering on promises to the international community

1. The PRC should ratify the ICCPR immediately, and ensure that its protections are extended to all, including the minority populations in the autonomous areas.

Ensuring effective protection against discrimination

2. A clear legal definition of discrimination in PRC law is necessary to monitor, assess and advance non-discrimination in Chinese law, and to specifically implement the PRC's obligations under the ICERD and other international treaties.
3. The PRC should give full effect in its domestic law to ICERD's provisions and all other international human rights treaties ratified by the PRC, and ensure that individuals are afforded access to effective protection and legal and administrative remedies through competent and independent institutions and processes.

Promoting greater transparency and access to information

4. The state secrets legal and regulatory framework must be reviewed to ensure that policy-makers and civil society have adequate and reliable information on minorities and their rights. The lack of this information hinders understanding and analysis of the problems, and the development of effective and appropriate solutions.

Advancing genuine and inclusive political participation

5. The legislative authority of the autonomous region governments should be increased, and the central government should refrain from interference.
6. To ensure meaningful input, minority women and men should be given more opportunities in serving at the top levels of the government and party structure in autonomous areas.
7. To ensure government accountability, there should be effective and accessible consultative and complaints mechanisms for all minority groups, allowing them to

voice concerns, such as ombudspersons, consultative bodies and inspection panels on development projects.

8. The role of independent civil society organizations must be strengthened by encouraging their contributions, assessing national policies, and lessening restrictions on CSOs formation and operation, especially organizations that work on minority rights.
9. The PRC government should proactively commit to a wider programme of political reform to enhance an inclusive and fair environment for political plurality that allows the voice of all minorities – women and men – to be heard at each level of the policy-making process.

Promoting equitable and non-discriminatory development

10. The PRC should make socio-economic data available disaggregated by ethnic group and sex. The lack of disaggregated data impedes a full investigation into the discriminatory impact of current policies, and undermines attempts to develop solutions.
11. The Law on Regional Ethnic Autonomy should be amended to ensure that local peoples control natural resources and economic development strategies. Additionally, the 2001 amendment should be carefully reviewed for its impact on undermining local autonomy.
12. Minority women and men should have genuine input into inclusive, multi-stakeholder dialogues in policy-making and administrative processes regarding development in the autonomous regions. The government should take a lead in encouraging an institutionalized transparent, open and continuous interaction between all parties affected by the development project.
13. The central government should ensure revenue benefits for minorities who are affected by natural resource extraction in their regions. The government should promote the establishment of mechanisms to ensure greater transparency and accountability with respect to the flow of revenues from natural resources.
14. To ensure fair relocation and compensation. If, through an inclusive process, it is determined that relocation is necessary, the process should be transparent and documented. The government should set up institutions for dealing with disputes in a way that

protects the rights of displaced minorities. Adequate compensation should be provided to individuals affected by development projects on the lands on which they reside.

15. Statistics and data on education should reflect the actual situation, disaggregated by ethnicity and sex. Also, rates for completion should be reported rather than just enrolment data.
16. Measures must be taken to address the lack of funding at the local level that impacts the ability of rural minority children to access basic education, adversely affecting their future employment opportunities. Measures should include:
 - a. National increase in investment in education as a percentage of the GDP, which should aim to meet the minimum of 6 per cent suggested by UNESCO and the Special Rapporteur on Education;
 - b. Allocation of a greater proportion of the education budget by the national government to ensure that localities do not bear a disproportionate burden that is passed on to poor families;
 - c. Fiscal plans must be reviewed and examined for a human rights impact to ensure that national and provincial policies are adequate to respect, protect, promote and fulfill the rights protected under international human rights law.
17. Measures must be taken to address the lack of funding at the local government level that directly impacts on minorities' ability to access health care, including traditional medicine. These measures should include:
 - a. Increasing investment in health care as a percentage of the GDP, which should aim to meet the 5 per cent recommended by the World Health Organization;
 - b. Establishment of a specific budget and plan aimed at addressing the specific needs of minority women and men, especially those living in remote areas;
 - c. Fiscal plans must be reviewed and examined for a human rights impact to ensure that national and provincial policies are adequate to respect, protect, promote and fulfill the rights protected under international human rights law.

18. Non-discrimination provisions in the Constitution and other laws should be implemented with regard to employment.

Facilitating the preservation of cultural identity

19. In accordance with international standards and PRC law that protects the right to freedom of religion, local laws, regulations, and other provisions that violate the right to freedom of religion should be repealed.
20. Implementation of laws governing religious affairs at the local level should not violate human rights. The PRC government should ensure the genuine enjoyment of the right to freedom of religion by all, including minorities in the IMAR, TAR and XUAR.
21. Increase minority women and men's political participation through the consistent use of minority languages in autonomous regional governments and at the local level, so as to increase local ownership of the autonomy law and governance structures.
22. The use of Mandarin Chinese within the framework of bilingual education should not undermine use of minority languages in autonomous areas. Mandarin should not hinder or replace local languages as the primary language in schools, workplace and public life.
23. The PRC should ensure that children in all minority areas have the right and access to adequately develop knowledge about the language and culture of their minority group, and that minority children are guaranteed equal opportunities at all levels of education.
24. The right of all children to express their religious beliefs, worship and obtain religious education with the consent of their parents and legal guardians, and practice their religion should be respected.

Notes

- 1 '中国军队近年来涉外演习盘点 (PLA Military Exercises in Recent Years)', China.com, 27 September 2005, <http://www.china.org.cn/chinese/junshi/982008.htm>.
- 2 'China tries to gag climbers who saw Tibet killings', *The Independent*, 11 October 2006, <http://news.independent.co.uk/world/asia/article1834347.ece>.
- 3 H.E. Mme Huang Qingyi, head of the Chinese delegation at the 5th and 6th periodic reports to CEDAW in 2006: http://www.un.org/womenwatch/daw/cedaw/cedaw36/intro_statement_china.pdf.
- 4 A recent government report shows that the economic loss caused by pollution reaches 511.8 billion yuan, accounting for 3.05 per cent of national GDP in 2004. See, 'Green GDP Accounting Study Report 2004 issued', China Government Official Web Portal, 11 September 2006, http://english.gov.cn/2006-09/11/content_384596.htm.
- 5 Zhu, Y., and Blachford, D., 'Ethnic minority issues in China's foreign policy: perspectives and implications', *The Pacific Review*, vol. 18, no. 2, June 2005, p. 245.
- 6 See Gladney, D., 'China's indigenous peoples and the politics of internal colonialism: the case of the Uyghur Muslim minority', *Harvard Asia Pacific Review*, vol. 3, no. 1, pp. 11–16; and Bovingdon, G., *Autonomy in Xinjiang: Han Nationalist Imperatives and Uyghur Discontent*, Policy Studies 11, East West Center Washington, 2004.
- 7 Stewart, F., et al., *Social Exclusion and Conflict: Analysis and Policy Implications*, Centre for Research on Inequality, Human Security and Ethnicity (CRISE), January 2005 (updated April 2006).
- 8 Two senior officials of the People's Armed Police (PAP) recently reiterated that it is a legitimate use of force to use the army in quelling peaceful demonstrations if they perceived "stability" to be at risk. Wu, Shuangzhan, and Sui, Mingtai, '努力建设政治可靠的威武之师文明之师 (Establishing a Politically Reliable, Authoritative and Civilized Army)', *Qiushi Magazine*, 1 January 2006, <http://www.qsjournal.com.cn/qs/20060101/GB/qs%5E422%5E0%5E5.htm>
- 9 See Banda, F., and Chinkin, C., *Gender, Minorities and Indigenous Peoples*, London, MRG, 2004.
- 10 The Ministry of Public Security announced that there were 74,000 'mass incidents' in 2004, and the number of 'public order disturbances' in 2005 was 87,000. See also Human Rights in China (HRIC), 'Trends bulletin: China responds to increasing social unrest with greater repression', January 2006. 'Mass incidence' is a euphemism used by officials for protests, riots and petitions that result in 'serious consequences'.
- 11 In 1977, the UN Special Rapporteur Capotorti defined a minority as the following: 'A group, numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.' UN Special Rapporteur Francesco Capotorti, Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities, UN Doc.E/CN.4/Sub.2/384/ Add.1–7 (1977). There are also examples in other states of culturally specific majority populations being non-dominant and persecuted, and these can also qualify as a minority due to their non-dominant and persecuted position, for example, the black population of South Africa under apartheid.
- 12 However, Han Chinese, the largest ethnic group, comprise over 90 per cent of the population. State Ethnic Affairs Commission (SEAC), 2000年人口普查 - 中国民族人口资料 (*Tabulation on Nationalities of 2000 Population Census of China*), The Ethnic Publishing House, Beijing, 2003.
- 13 Gladney, D., 'Representing nationality in China: refiguring majority/minority identities', *The Journal of Asian Studies*, vol. 53, no. 1, 1994, p. 93.
- 14 In the 1950s, the CPC classified groups living in the PRC, by sending research teams to the border regions. In the 1953 census, only 41 out of 400 groups that applied were recognized officially as ethnic minorities. Consequently, there are significant distinctions within groups that were classified together despite having distinct cultural identities. In the 2000 PRC census, there were 56 groups, including the Han, who were classified as ethnic groups.
- 15 This report also benefited from HRIC's ongoing collaboration with: International Campaign for Tibet, International Uyghur Human Rights and Democracy Foundation, Students for a Free Tibet, Southern Mongolian Human Rights Information Center, Tibetan Centre for Human Rights and Democracy, Tibetan Women's Association, Uyghur American Association, and the Uyghur Human Rights Project.
- 16 UNESCO, *International Meeting of Experts on Further Study of the Concept of the Rights of Peoples: Final Report and Recommendations*, UNESCO doc. SHS-89/CONF.602/7, pp. 7–8, described 'people' as 'a group of individual human beings who enjoy some or all of the following common features: (a) a common historical tradition; (b) racial or ethnic identity; (c) cultural homogeneity (d) linguistic unity; (e) religious or ideological affinity; (f) territorial connection; (g) common economic life,' at <http://unesdoc.unesco.org/images/0008/000851/085152eo.pdf>. The UN General Assembly (G.A.) has recognized Tibetans as a 'people' in G.A. Resolution 1353 (XIV) of 1959, 1723 (XVI) of 1961, and 2079 (XX) of 1965, and 'renew[ed] its call for the cessation of practices which deprive the Tibetan people of their fundamental human rights and freedoms, including their right to self-determination' in Res. 1723. Available via search function at <http://www.un.org/documents/resga.htm>.
- 17 See UN Human Rights Committee (HRC), *General Comment No. 3: Implementation at the National Level (Art. 2)*, 27 July 1981, para. 1; Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 3: The nature of States parties obligations (Art. 2, par. 1)*, 14 December 1990, para. 4.
- 18 Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, A/CONF.157/23, 25 June 1993.
- 19 International Covenant on Civil and Political Rights (ICCPR), Art. 27, GA res. 2200A (XXI), New York, 1966, UN Doc. A/6316. In April 1994, the HRC further elaborated the understanding of Art. 27 on the rights of minorities, see Human Rights Committee, General Comment No. 23 (15th session, 1994), (CPR/C/21/Rev.1/Add.5).
- 20 HRC clearly differentiates the rights of minorities specifically under Art. 27 of ICCPR from the right to self-determination under Art. 1 or general non-discrimination provisions, clarifying that the rights under Art. 27 are rights conferred to and capable of being invoked by individuals.
- 21 HRC, General Comment No. 23, op. cit., para. 5.2.

- 22 Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No. 8 (38th session, 1990), (A/45/18); and HRC, General Comment No. 23, op. cit.
- 23 HRC, General Comment No. 23, op. cit., para. 6.2.
- 24 International Convention on the Elimination of All forms of Racial Discrimination (ICERD), 1965, New York, UN doc. A/51/18.
- 25 Eide, A., 2001, *Commentary to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, E/CN.4/Sub.2/AC.5/2001/2.
- 26 International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, New York, UN Doc. A/6316.
- 27 ICERD, op. cit.
- 28 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, New York, U.N. Doc. A/34/46.
- 29 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984, New York, A/Res/39/46. The PRC signed CAT on December 12, 1986 and ratified it on 4 October 1988.
- 30 Convention on the Rights of the Child (CRC), 1989, New York, A/RES/44/25.
- 31 Vienna Convention on the Law of Treaties, 1969, Vienna, UN Doc. A/Conf.39/27, Art. 18.
- 32 CERD, *Concluding observations: China* (CERD/A/56/18) 9 August 2001, para. 4.
- 33 *Ibid.*
- 34 For example, in 1993, the State Ethnic Affairs Commission (SEAC) issued two regulations, Regulations on Administration Work for Ethnic Townships, and Regulations on Urban Nationalities Work, to protect the rights and the interest of ethnic minorities scattered in urban areas and small township level communities. SEAC, Regulations on Urban Nationalities Work (城市民族工作条例), promulgated on 29 August 1993, http://www.nh.gov.cn/public/info/node_news/node@nhgov5674.html; SEAC, Regulations on Administration Work for Ethnic Townships (民族乡行政工作条例), promulgated on 15 September 1993, <http://politics.people.com.cn/GB/8198/58705/59794/4187131.html>.
- 35 Constitution of the People's Republic of China, adopted 4 December 1982, amended in 1988, 1993, 1999, and 2004, Art. 4. Available: <http://english.people.com.cn/constitution/constitution.html>.
- 36 The importance of national unity is further emphasized in Art. 59, reaffirming PRC citizens' duty 'to safeguard the unity of the country and the unity of all its nationalities'. PRC Constitution, op. cit.
- 37 See also Arts 65 and 70 of the Constitution.
- 38 In the 1990s, China changed the terminology governing its minority polices, moving to 'ethnic' rather than the previous use of 'national'. The Law on National Regional Autonomy thus became the Law on Regional Ethnic Autonomy. This shows that China wanted to frame this issue as that of ethnic minorities' relationship to the state, rather than as one of the relationship between nationalities, arguably implying a people's right to self-determination as prescribed in the Leninist model of nationalities which inspired PRC's policy towards minorities at its founding. Law of the People's Republic of China on Regional Ethnic Autonomy (LREA, 中华人民共和国民族区域自治法), 1984, amended 2001, Beijing.
- 39 'Ethnic Groups: Self-Government', China Internet Information Center Web, no date, <http://www.china.org.cn/e-groups/shaoshu/self.htm>.
- 40 Art. 100 of the Constitution and Art. 19 of LREA.
- 41 The revised LREA comprises of seven chapters with 74 Articles and a preamble. Available: <http://fxylib.znufe.edu.cn/new/ShowArticle.asp?ArticleID=1248>.
- 42 Liu, X.Y., *Frontier Passages: Ethnopolitics and the Rise of Chinese Communism, 1921-1945*, Washington, D.C., Woodrow Wilson Center Press, 2004, p. 167.
- 43 2005 Provisions of the State Council for implementing the Law on Regional National Autonomy of the PRC, effective 31 May 2005; Xinhua official translation.
- 44 Article 30 requires the nationality work departments of governments at all levels to exercise supervision and inspection of the implementation of these provisions and submit an annual report to governments on this.
- 45 See CRC, *Concluding comments of the Committee on the Rights of the Child: China*, Fortieth session, 30 September 2005, CRC/C/15/Add.271.
- 46 See CEDAW, *Concluding comments of the Committee on the Elimination of Discrimination against Women: China*, Thirty-sixth session, 7-25 August 2006, CEDAW/C/CHN/CO/6; CERD, op. cit., paras. 231-55.
- 47 CRC, *Concluding observations: China*, 24 November 2005, CRC/C/CHN/CO/2, para. 30.
- 48 Zhou, P., *中国少数民族政治分析 (Political Analysis of China's Ethnic Minorities)*, Kunming: Yunnan University Press, 2000, p. 95.
- 49 Ethnic minority NPC representatives account for 14 per cent of NPC representatives for the 10th NPC. Data taken as of August 27, 2006. '中华人民共和国第十届全国人民代表大会代表名单(List of Representatives of the 10th NPC)', *People's Daily*, no date, <http://www.people.com.cn/GB/shizheng/252/9667/9685/20030315/944408.html>.
- 50 Sangay, L., 'China's national autonomy law and Tibet: a paradox between autonomy and unity', *Harvard South Asia Journal*, vol. 4, issue 1, 2006, <http://www.tibet.net/en/tibbul/2006/0506/focus.html>.
- 51 Art. 5, LREA.
- 52 Art. 7, LREA.
- 53 Sangay, op. cit.
- 54 Including the five autonomous regions, there are 21 autonomous areas that do not have self-governing regulations.
- 55 Dai, X.M., and Wang, M., '论民族自治地方立法 (A Discussion on Local Legislation of Ethnic Autonomous Areas)', in G.N. Mao (ed), *Min Zu Zheng Ce Yan Jiu Wen Cong (Part III)*, pp. 321-51.
- 56 Sangay, op. cit.
- 57 Interview with T06M, Dharamsala, India, 23 April 2006.
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working to secure the rights of minorities and indigenous peoples

minority
rights
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China: Minority Exclusion, Marginalization and Rising Tensions

China's rapid economic transformation has exposed the intrinsic and historical problems of the government's policies towards ethnic minorities. The report focuses on three groups – the Mongols of the Inner Mongolia Autonomous Region (IMAR), the Tibetans of the Tibet Autonomous Region (TAR) and the Uyghurs of the Xinjiang Uyghur Autonomous Region (XUAR). With areas minority groups inhabit under 'autonomous' control, within the People's Republic of China (PRC), outsiders might expect that such a governance system would allow these groups to be able to shape their own lives. However, ethnic minority individuals continue to be excluded from real political participation, they have little say in the governance of their communities, and minority women fare even worse than minority men.

The human rights situation remains serious for all those living within China's borders, but ethnic minorities such as the Mongols, Tibetans and Uyghurs face challenges on multiple

fronts. Despite the autonomy system, minorities are bearing the disproportionate costs of development and are facing attacks on their cultural identities. Their lands are being exploited for gas and oil, and under the guise of the USA-led 'war on terror', increasingly militarized by the PRC government, as part of its response against perceived insurgency threats. Minority languages are largely being phased out of education in these autonomous regions, and minority individuals are often blatantly discriminated against in the job market.

This report is part of MRG's conflict prevention campaign. The PRC government is not fulfilling its obligations under international law and domestic law. Its current methods of addressing the issues raised in this report will only heighten tensions and accumulate grievances, rather than building a peaceful society.