

RECOMMENDATIONS

Human Rights in China congratulates the experts on their thorough and open review of China's 9th periodic report and respectfully submits the following recommendations and suggestions for the Committee's consideration. Our recommendations and suggestions are informed by the areas of concerns addressed in the HRIC report to the Committee:

HRIC urges the Committee to direct the PRC Government to promptly take the following actions in order to fully comply with its ICERD reporting obligations and to ensure *de jure* and *de facto* equality in social and economic development for all of the PRC's residents.

In its next periodic report to CERD, the PRC Government should be directed to provide the following additional information:

1. Implementation of ICERD and other international human rights treaties

- Identification and discussion of main obstacles hampering the implementation of ICERD
- Identification of all civic or NGO organizations consulted, report on the process of consultation, and consultation obstacles encountered in preparing the government's CERD report
- Clarification of the languages in which ICERD has been translated, identification of the specific texts in which these translations appear, and of the targeted audiences
- Given the present state of technology and lack of computer access for the vast majority of the PRC population, clarification of plans for distributing translation beyond the internet referred to in the PRC government's responses at the CERD review
- Specific information on training of judges, lawyers, and procurators on the ICERD, and other international human rights treaties, mechanisms and procedures
- Specific statistics on domestic cases that have applied ICERD or other international human rights treaties or obligations in the resolution of the cases

2. Status and treatment of minority nationalities

- Detailed information, including statistics on average per capita income per nationality, and on members of nationalities with rural *hukou* status
- Detailed information, including statistics, on the use of death penalty, long prison sentences, torture, and ill-treatment, against members of nationalities who advocate their national, cultural or religious identity
- Measures taken to promote members of minority nationalities in top decision-making positions in central and regional governments
- Clarification of PRC government statistics regarding the shifting demographics in ethnic minority areas. Specifically, clarification of whether the Han population statistics cited by the PRC government's report for Xinjiang and Tibet include Han military personnel posted in these regions, and of how such personnel are counted in terms of their *hukou* status

3. Review of the *hukou* system

- Specific information on the reported review of the *hukou* system underway, specifically what alternatives or reforms, including abolition of the system, are

- being considered
- Assessment of the potential impact of proposed *hukou* reforms on discrimination and restriction of people's fundamental rights, including the rights to freedom of movement, to health and education, and to labor rights
- Pending review of the *hukou* system, information on immediate measures taken to ensure a more equal access to resources and the gains of development, including preferential measures to ensure a more equal distribution of wealth and resources between Han migrants and members of minorities within minority areas; information on immediate measures taken to ensure that restrictions on categories of jobs reserved for non-migrants, at the expense of the rural-to-urban migrant population, are lifted

HRIC respectfully calls on CERD to ensure that the next review of the PRC government's report will be more adequately focused on the PRC as such, which represents one fifth of the world population. The CERD should also urge the PRC government to take the following actions promptly:

1. Legislation

- The PRC government should revise its legislation to include an explicit definition of discrimination that accords with both the letter and the spirit of ICERD
- The PRC should pay specific attention in developing its legislation to include protections from discrimination on the grounds of descent and ethnic identification

2. Education

- The government should ensure that children belonging to the migrant population have access to all levels of education
- The government should ensure that education funding is allocated evenly to all regions of the country, in order to eliminate the discrepancies in the quality of education. Children in all minority areas should be guaranteed full opportunities to develop knowledge about their own language and culture as well as to learn the Chinese language. Steps should be taken to protect these children from discrimination and to ensure their access to higher education on an equal footing
- The government should be encouraged to eliminate the teaching of discriminatory and derogatory descriptions of minority nationalities from school curriculum. It should also undertake public awareness campaigns to improve the image of migrants in the urban population, so that they are no longer made the scapegoats for the PRC's problems. For example, migrants are often blamed for the rising urban crime rates

3. Health

- The government should design health insurance schemes that target all citizens of the PRC, instead of focusing almost exclusively on urban dwellers.
- With regards to the population control policy, more effective measures should be adopted including national legislation to eliminate the use of physical force and coercion in the implementation of the policy. This policy's limitations on the number of children permitted should remain flexible in under-populated minority areas.

4. Religious freedom

- The government should put an end to both campaigns against the Dalai Lama and for promotion of atheism in Tibet; The government should effectively guarantee the right to freedom of religion and practice for both national minorities and members of the Communist Party
- The central government should also allocate adequate resources to allow for the reconstruction of Buddhist temples, churches, and other places of worship that have been destroyed

5. Civil and political rights

- The government should take concrete and immediate measures to ensure that the independence of the judiciary, particularly in sensitive, political cases, is fully guaranteed
- The government should release immediately and unconditionally all members of minority nationalities who have been imprisoned or detained as a result of peacefully exercising their cultural and religious rights, as well as their rights to freedom of expression
- In view of the increasing use of Custody and Repatriation against rural-to-urban migrants, take prompt steps to eliminate this form of administrative detention; all national and local regulation and administrative orders permitting Custody and Repatriation (*shourong qiansong*) should be repealed. All those detained under Custody and Repatriation should be released. More generally, in view also of the
- recommendations to this effect by CAT (2000) by the UN High Commissioner for Human Rights at the first workshop on technical cooperation between the OHRC and the PRC government (February 2001), the government should eliminate all forms of administrative detention
- The PRC government should repeal the regulations governing the associations mentioned in paragraph 15 of the government report, in order to allow victims of racial discrimination to exercise their freedom of association in order to organize to combat the discrimination they face. The PRC government should also and most urgently allow peasants the right to organize their own distinct and representative organizations, in order to effectively protect their own interests
- The PRC government should lift controls on reporting of news and information critical of official actions and policies in order to allow exposure of problems of racial discrimination and experience of victims of such discrimination

And finally, HRIC respectfully calls on the CERD experts to take measure so that the next review of the PRC Government's report will be more adequately focused on the PRC as such, which represents one fifth of the world population.