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REPORT SUBMITTED TO THE

UNITED NATIONS COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION

BY

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Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in China

A Report Submitted by the China Society for Human Rights Studies (CSHRS)

1. Pursuant to Article 9 (1) of the *International Convention on the Elimination of All Forms of Racial Discrimination* (hereinafter referred to as the Convention), the People's Republic of China submitted to the Secretary General an integrated report (containing the tenth, eleventh, twelfth and thirteenth periodic reports) on its implementation of the Convention. In the report, China elaborated all relevant laws, policies and measures that China has taken from 1999 to 2007 to implement the Convention, and introduced the progress made and difficulties encountered during the period. While fully acknowledge the fairly comprehensive contents of the report and appreciate the progress made, the China Society for Human Rights Studies, an NGO with consultative status at the United Nations Economic and Social Council, would like to make following comments on the report of China.

2. China has established an extensive legal system relating to the protection of ethnic minorities in China (CERD/C/CHN/10-13, paras. 9-12; CERD/C/357/Add.4 (Part I), paras. 9-11). However, except the relevant provisions in the Constitution and other laws, the *Law of the People's Republic of China on the Autonomy of Minority Nationality Regions* (hereinafter referred to as the *REAL*) remains the only statute enacted by the National People's Congress that specifically addresses the issue of ethnic minorities. Besides, the *REAL* mainly concerns the autonomous governance of the minority regions, it is not a law that protects and promotes the rights and interests of ethnic minorities in a comprehensive way. Despite the fact that there are numerous other laws and regulations on both national and local levels which are also playing important roles in protecting and promoting the rights and interests of ethnic minorities, it would nevertheless be desirable that the National People's Congress or its Standing Committee adopts a basic law to address the ethnic minority issues in China in a comprehensive way. That law should systematically regulate all issues in relation to ethnic minorities, serve as a basis for all other laws and regulations pertinent to the protection and promotion of the rights and interests of ethnic minorities, and aim at being fully consistent with the provisions of the Convention.

3. In its previous concluding observations, the Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) recommended that China review its legislation to ensure the adoption of a definition of discrimination in accordance with the Convention (A/56/18, para. 241). China replied that the "discrimination against any ethnic group" as prohibited by Chinese laws covers discrimination based on race, color and ethnicity, and that it is in line with the definition of racial discrimination in Article 1 of the Convention