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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

CHINA

[6 May 1986]

1. The People's Republic of China acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1983. It now submits its first report on the implementation of the Convention in accordance with the stipulations of article 7 of the Convention.

2. This report falls into three parts. Part one: General information; part two: Implementation of the Convention; part three: the Chinese Government's consistent opposition to South Africa's policy of apartheid.

Part one: General information

3. The People's Republic of China is a unitary multinational country with 56 nationalities. All the nationalities other than the populous Han nationality, are usually called "minority nationalities".

4. According to the 1982 population census of the People's Republic of China, the minority nationalities have over 67.23 million people, making up 6.7 per cent of the total population of the country. Among them, Zhuang nationality has the largest population of over 13 million and Hezhe nationality the smallest population of over 1,400 people. The distribution of the minority nationalities throughout the country is characterized by a number of ethnic groups living together or each ethnic group forming a compact community.

5. Except for the Hui, Man and She nationalities which use Chinese, as they have been living together with the Hans for a long time, the other minority nationalities of China have languages of their own. Twenty-one minority nationalities have their own written languages.

6. Most of the minority nationalities of China have their unique customs and habits which are manifested in various ways such as clothing, food, habitation, festivals and marriages.

7. The religious beliefs of the minority nationalities of China are: Islam, Buddhism, (including Lamaism, Mahayana, Hinayana), Taoism, Christianity, Orthodox Eastern Church and Primitive Religion.

8. Regional national autonomy is practised in areas where people of minority nationalities live in compact communities. In these areas organs of self-government are established for the exercise of autonomy. The organs of self-government of national autonomous areas are the local power organs under the unified leadership of the People's Central Government. The national autonomous areas are divided into autonomous regions, autonomous prefectures, and autonomous countries. Up till now, there are 130 autonomous areas among which 5 are autonomous regions, 31 autonomous prefectures and 94 autonomous counties. The equal rights of the minority nationalities living together or in separate communities are universally respected. In such areas across the country, 2,719 ethnic townships have been established.

9. Since the founding of New China, rapid progress has been made in the economic, cultural, educational, medical and health undertakings of the minority nationalities and their living standards have generally been rising. As compared with 1949, in 1984 the total value of industrial and agricultural output has increased 12 times; ethnic minority college and university students have increased 29 times, secondary school students (including secondary

technical school and normal school) 43 times, and primary school students 8 times; the variety and publication of newspapers, magazines and books in ethnic minority languages has increased scores of times; traditional medicines of ethnic minorities such as the national medicines of the Zang, Mongolian, Uygur, Yi and Dai nationalities have been inherited and developed and the health of the people greatly improved.

Part two: Implementation of the Convention

10. As regards the performance of the tasks set forth in articles II to VI of the Convention, information is given below.

11. China's laws and policies are firmly opposed to apartheid in all its manifestations. There has never been any problem of apartheid in our country and China's courts have never tried any case related to apartheid.

12. Article 4 of the Constitution of the People's Republic of China stipulates:

"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."

13. Section VI of chapter three of the Constitution of the People's Republic of China stipulates:

"The chairmanship and vice-chairmanship of the standing committee of the people's congress of an autonomous region, prefecture or county shall include a citizen or citizens of the nationality or nationalities exercising regional autonomy in the area concerned.

"The administrative head of an autonomous region, prefecture or county shall be a citizen of the nationality, or of one of the nationalities, exercising regional autonomy in the area concerned.

"The organs of self-government of autonomous regions, prefectures and counties exercise the functions and powers of local organs of State as specified in section V of chapter three of the Constitution. At the same time, they exercise the power of autonomy within the limits of their authority as prescribed by the Constitution, the law of regional national autonomy and other laws, and implement the laws and policies of the State in the light of the existing local situation."

14. The People's Republic of China has also enacted other laws and regulations such as the Law of the Regional National Autonomy of the People's Republic of China and the Decision on the Protection of Equal Rights and Interests of All the Scattered Minority Nationality Groups so as to uphold the equal rights and interests of the minority nationalities.

15. All citizens of the People's Republic of China are equal before law. Citizens of all nationalities equally share the rights and interests and undertake the obligations specified by law.

16. Article 34 of the Constitution of the People's Republic of China stipulates:

"All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of nationality, race, sex, occupation, family background, religious belief, education, property status, or length of residence, except persons deprived of political rights according to law."

17. Each nationality has an appropriate number of deputies in the National People's Congress and people's congresses at all levels. All the 55 minority nationalities were represented by their own deputies at the Sixth Session of the National People's Congress held in 1983. Deputies of minority nationalities account for 13.5 per cent of the total number of delegates, far exceeding the proportion of the population of minority nationalities in the total population of the whole nation which is 6.7 per cent.

18. People's congresses of national autonomous areas have the power to enact autonomy regulations and specific regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned. Autonomy regulations and specific regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they go into effect. Those of autonomous prefectures and counties shall be submitted to the standing committees of the people's congresses of provinces or autonomous regions for approval before they go into effect, and they shall be reported to the Standing Committee of the National People's Congress for the record.

19. Article 20 of chapter three of the Law of the Regional National Autonomy of the People's Republic of China stipulates:

"The organs of self-government can make appropriate adaptations to or cease enforcing those resolutions, decisions, orders and instructions of the higher State organs which are not suitable to the actual conditions of the national autonomous areas, subject to the approval of the higher State organs."

20. In China, the lives and safety of citizens of all nationalities are protected by law. Article 132 of the Criminal Law of the People's Republic of China stipulates that "whoever intentionally kills another will be sentenced to death, life imprisonment or not less than 10 years of fixed-term imprisonment".

21. The health, freedom and dignity of citizens of all nationalities in the People's Republic of China are protected by law. Article 134 of the Criminal Law of the People's Republic of China stipulates:

"Whoever intentionally injures another person is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention.

"Whoever causes a person serious injury is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; whoever causes a person's death is to be sentenced to not less than seven years of fixed-term imprisonment or life imprisonment."

Article 37 of the Constitution of the People's Republic of China stipulates that "the freedom of person of citizens of the People's Republic of China is inviolable". Article 38 stipulates that "the personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false charge or frame-up directed against citizens by any means is prohibited." The Criminal Law of the People's Republic of China correspondingly includes provisions with regard to the crimes of insult, libel, false charge or frame-up so that these criminal acts will be punished.

22. No citizen of any nationality in the People's Republic of China may be arrested arbitrarily or detained unlawfully. Article 37 of the Constitution of the People's Republic of China stipulates:

"No citizen may be arrested except with the approval or by decision of the people's procuratorship or by decision of a people's court, and arrests must be made by a public security organ. Unlawful deprivation or restriction of citizens' freedom of person by detention or other means is prohibited; and unlawful search of the person of citizens is prohibited."

Unlawful detention of another person is listed as a criminal act in the Criminal Law of the People's Republic of China.

23. With a view to guaranteeing the legitimate rights of citizens of minority nationalities in litigation, both the Criminal Procedure Law and the Civil Procedure Law (trial version) of the People's Republic of China stipulate that citizens of all nationalities are entitled to take legal proceedings in their native spoken and written languages. The people's courts, the people's procuratorships and the public security organs shall provide interpretation for participants in legal proceedings who are not proficient in the spoken and written language commonly used in the locality. In areas inhabited by a concentrated ethnic minority group or by several minority nationalities, hearings shall be conducted in the spoken language commonly used in the locality, and court verdicts, announcements and other documents shall be issued in the written language commonly used in the locality.

24. Article 4 of the Constitution of the People's Republic of China stipulates that "the State helps the areas inhabited by minority nationalities speed up their economic and cultural development in accordance with the peculiarities and needs of the different minority nationalities". The State has established subsidy funds for the development undertakings of border areas, for regions inhabited by minority nationalities, for specified development projects in the frontier region as well as development funds for the economically underdeveloped regions. The State also provides some other financial preferential treatment. For the Tibet Autonomous Region, for example, the Central Government provided 7.2 billion yuan in financial subsidies from 1952 to 1983.

25. Organs of self-government administer local financial affairs. The Chinese Government provides special financial treatment to the five autonomous regions and three multinational provinces, allowing them to keep all their

revenues for their own use. When their expenditure exceeds the revenue, the Central Government will help cover the deficit by providing subsidies which increase annually by 10 per cent. The preparatory funds for the financial budgets of these national autonomous areas are 2 per cent higher than other provinces, regions and counties respectively, namely, 5 per cent for autonomous regions, 4 per cent for autonomous prefectures and 3 per cent for autonomous counties. The State will offer 5 per cent extra funds in reserve based on the final accounts of expenditure of the previous year.

26. The State has taken effective measures to help those nationalities that are in difficult conditions and whose existence, due to natural and other causes, are partially or entirely threatened. For example, the State has helped the Erlunchun and other nomadic minorities to settle down, given them material assistance to improve their living conditions and enabled them to survive and develop. Another example is the Hezhe nationality which at the time when New China was founded, had about 400 people and was on the verge of extinction. The Chinese Government took a series of effective measures and improved their living conditions considerably. As a result, this nationality is progressing steadily like other minority nationalities and its population is 3.6 times larger than at the time of the founding of New China.

27. China has been pursuing family planning since it has such a large population. However, minority nationalities are given preferential treatment. Compared with 1952, the population of minority nationalities in 1982 registered an increase of over 90 per cent, surpassing the population growth of the Han nationality.

28. The Central Government gives preferential treatment to commercial enterprises in the remote areas inhabited by minority nationalities in terms of capital, profits and prices. The ratio of retained profits allowed for the areas inhabited by minority nationalities is double that for other regions. Minimum protective prices are demanded on major local special produce and livestock products while maximum price limits (protective prices) are set on major industrial products. In this regard the State provides subsidies to cover the difference in prices.

29. The organs of self-government of the national autonomous areas can determine, according to the stipulations of law, the right to own and use the local pastures and forests to develop and manage the economies in these areas. They can develop their national culture and education in accordance with the peculiarities and needs of the localities.

30. People of all nationalities are entitled to have jobs and engage in legitimate work. Article 42 of the Constitution of the People's Republic of China stipulates:

"Citizens of the People's Republic of China have the right as well as the duty to work. Using various channels, the State creates conditions for employment, improves labour protection and working conditions and, on the basis of expanded production, raises remuneration for work and social benefits."

In China, people of minority nationalities are accorded preferential treatment in getting employment. The State provides necessary vocational training to them before they are employed.

31. Article 46 of the Constitution of the People's Republic of China stipulates that "citizens of the People's Republic of China have the duty as well as the right to receive education". The Law of Regional National Autonomy of the People's Republic of China stipulates:

"State organs at higher levels should help national autonomous areas to accelerate the development of their educational undertakings and improve the scientific and cultural levels of the local people of all nationalities.

"In enrolling students, institutions of higher learning and secondary vocational schools should reasonably soften the criteria and terms for enrolment with regard to examinees of minority nationalities."

Since the founding of New China, tremendous progress has been made in the educational undertakings of minority nationalities. At present there are 11 institutes for the minority nationalities and 68 institutions of higher learning established by national autonomous areas. In China's key universities such as Beijing University and Qinghua University, special classes for minority nationalities have been set up.

32. Chinese citizens of all nationalities can get permission, through certain procedures, to go abroad to study, travel, visit relatives, and even settle. China also welcomes overseas Chinese minority compatriots to come back for sight-seeing, visiting relatives and settling. From January to May last year, over 300 compatriots of Zang nationality alone came back to visit relatives and more than 70 compatriots returned to settle in China.

33. Article 2 of the Nationality Law of the People's Republic of China stipulates that "the People's Republic of China is a unitary multinational country and people of all nationalities hold Chinese nationality".

34. The Chinese Government guarantees the right of residence for citizens of all nationalities in China. Article 39 of the Constitution of the People's Republic of China stipulates that "the home of citizens of the People's Republic of China is inviolable. Unlawful search of, or intrusion into, a citizen's home is prohibited".

35. Article 35 of the Constitution of the People's Republic of China stipulates that "citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration".

36. Within the borders of the People's Republic of China, there is no reservation or residential area established exclusively for one or more racial groups for the purpose of racial segregation. People of different nationalities are free to have extensive contacts and the Chinese Government works to promote such contacts.

37. In the field of economic construction, the State organizes developed provinces and cities to give aid to and have economic and technological co-operation with regions inhabited by the minority nationalities in specified fields according to the latter's needs. From 1980 to 1983, over 1,800 aid and co-operation projects in specified fields were agreed upon between provinces,

autonomous regions and cities. This kind of contact has promoted co-operation, understanding and unity among all nationalities.

38. In accordance with the stipulations of section VI of the Constitution of the People's Republic of China, the Chinese Government has adopted policies conducive to the economic growth of regions inhabited by minority nationalities. These policies are aimed at relieving peoples' burdens and relaxing restrictions on their economic activities so as to promote the recovery and development of the local economies. Guidelines have been set for expanding production in the light of actual conditions of different regions. In the case of Tibet for instance, the pastoral areas have adopted a guideline by which "animals are allocated to each household to be owned, bred and sold independently and this shall remain in force permanently". In the agricultural areas, the guideline has been one of "distributing lands to households, giving each household due decision-making power and this shall remain in force permanently". For the national handicraft industry and commerce, the guideline is to "lay emphasis on collective and private economies" whereas circulation of agricultural and animal produce will "mainly be subject to the regulation of market forces". As from 1981, the policy of lifting all agricultural and animal husbandry taxes has been enforced and will remain in force until 1990. All taxes on handicraft industry and commerce have also been lifted.

39. In the field of culture, there are translation and publication institutions for the ethnic minority languages at the central government, provincial and autonomous region levels which are responsible for interpreting or translating books, newspapers, films, television programmes, operas and news information from the Chinese language into the languages of Chinese minority nationalities or vice versa and thereby contributing to the cultural understanding and ties among all nationalities.

40. In the field of physical culture, athletes of minority nationalities can participate in nation-wide sports events and their national sports items are also included in the competitions. The renowned gymnast Li Ning belongs to a minority nationality (the Zhuang nationality).

41. For the purpose of promoting the development of minority nationality areas and facilitating exchanges among different nationalities, the Chinese Government has attached great importance to developing the communications and transportation sector in minority nationality areas. We can take as an example the Xinjiang Uygur Autonomous Region which has vast lands. Before the founding of New China, the Region did not have a single inch of railroad, but now there are over 1,400 km of railroad; in the pre-liberation days, there were only 3,300 km of road, not an inch of which was asphalt road, but now the length of roads have increased 5.6-fold to over 22,000 km. Basically all of the main routes are asphalt roads and the total length of asphalt roads is more than 8,000 km; 11 civil airports have been built; and many TV, video and radio transmission stations have been constructed.

42. Article 49 of the Constitution of the People's Republic of China stipulates that "marriage, the family and mother and child are protected by the State". Chinese law does not forbid citizens of different nationalities from entering into marriage. Legal marriages of citizens of either the same or different nationalities are protected by law.

43. Article 36 of the Marriage Law of the People's Republic of China stipulates that the people's congresses and their standing committees in national autonomous areas may "enact certain modification or supplementary articles in keeping with the principles of this Law and in conformity with the actual conditions prevailing among the minority nationalities of the locality in regard to marriage and family relations". For instance in the light of the actual conditions in the localities, Xinjiang, Inner Mongolia, Tibet, Ningxia and other autonomous regions have made certain modifications. The legal marriageable age for the Uygur nationality and other minority nationalities in the Xinjiang Uygur Autonomous Region is 20 for men and 18 for women.

44. Citizens of all nationalities may possess lawfully-earned properties. Article 13 of the Constitution of the People's Republic of China stipulates that "the State protects the right of citizens to own lawfully-earned income, savings, houses and other lawful property... The State protects by law the right of citizens to inherit private property."

45. The founding of the People's Republic of China has eradicated once and for all the system of having one nationality suppressing and exploiting another. People of all nationalities are masters of the country and enjoy equal rights. Therefore there is not a situation where one nationality exploits another or subjects another nationality to forced labour.

46. Due to a number of legislative and administrative measures adopted by the Government of the People's Republic of China, which have won the support of people of all nationalities in the country, the relationship between different nationalities within China is extremely amicable and therefore there is no apartheid or the persecution of anti-apartheid organizations or persons to speak of.

Part three: The Chinese Government's consistent opposition
to South Africa's policy of apartheid

47. The Chinese Government has all along been firmly opposed to the policies of Racial discrimination and apartheid in all their manifestations. China has neither diplomatic relations nor political, economic, cultural or any other links with the racist régime of South Africa.

48. On 30 September 1950, President Mao Zedong of the People's Republic of China, in a telegram of reply to the South African Indian Congress (SAIC), supported its struggle against the discrimination and persecution of non-white ethnic groups by the South African Federal Government.

49. In 1952 Premier Zhou Enlai of the People's Republic of China in a message of reply to the Joint Secretaries Cachalia and Mistry of the Conference of the South African Indian Congress voiced support for the just struggle of the non-white ethnic groups against racial discrimination.

50. In a telegram to the Second World Conference to Combat Racism and Racial Discrimination dated 1 August 1983, Premier Zhao Ziyang of the People's Republic of China reiterated:

"The Chinese Government and people together with the people of other countries in the world are resolutely opposed to theories, policies and acts of racism and racial discrimination of any form and strongly condemn the savage system of apartheid imposed by the South African authorities, their illegal occupation of Namibia and armed intrusions into neighbouring African countries. The Chinese Government and people firmly support the people of southern Africa and other peoples in their just struggle to combat racism and racial discrimination."

51. In 1985, spokesmen of relevant departments of the Chinese Government made a number of statements firmly opposing and sternly condemning the South African authorities for strengthening their racist rule at home and subjecting neighbouring States to their aggression and intimidation:

On 22 March 1985, a spokesman for the Information Department of the Chinese Foreign Ministry made a statement on the suppression by the South African authorities of the peace rally and demonstration of the black people in Port Elizabeth;

On 15 June 1985, a spokesman for the Chinese Foreign Ministry made a statement on South Africa's armed attack on the capital of Botswana;

On 19 June 1985, a spokesman for the Chinese Foreign Ministry made a statement on South Africa's establishment of an "interim government" in Namibia;

On 26 July 1985, a spokesman for the Chinese Foreign Ministry made a statement on the South African authorities' imposition of a "state of emergency" in South Africa;

On 9 October 1985, a spokesman for the Information Department of the Chinese Foreign Ministry made a statement on South Africa's repeated dispatch of troops to intrude into Angola;

On 9 October 1985, a spokesman for the Chinese Foreign Ministry made a statement on the execution of the black freedom fighter, Moloise, by the South African authorities;

On 23 December 1985, a spokesman for the Chinese Foreign Ministry made a statement on the invasion of Angola and Lesotho and the arrest of Mrs. Mandela by South Africa.

52. The Chinese Government has also launched anti-racial-discrimination and anti-apartheid publicity and education programmes among the peoples of different nationalities in China, including providing news coverage of the struggle against racial discrimination and apartheid by the black people and people of other Coloured races in South Africa and condemning the South African racist régime for its heinous crime of stubbornly pursuing the reactionary policy of racial discrimination and apartheid.

53. Over the years, China has always supported and actively joined in all international efforts aimed at eliminating all forms of racism, including apartheid. China strongly supports and implements resolutions on the imposition of sanctions against the South African régime adopted by the United Nations and its related agencies. In the United Nations General Assembly and Security Council, China has always voted in favour of resolutions which condemn and call for sanctions against the crime of apartheid in South Africa. China has actively and seriously participated in all anti-racist activities of the United Nations.

54. A number of laws and decrees enacted and a series of administrative measures adopted by the Chinese Government are in keeping with the relevant stipulations of the Convention and have yielded marked results. The Chinese Government will continue to fulfil the obligations it has undertaken, attach importance to the further formulation and implementation of relevant laws and decrees and adopt corresponding measures to consolidate and develop further the relationship among different nationalities in China on the basis of equality, unity and mutual assistance.
