

640th meeting

Wednesday, 20 July 1983,
at 3.15 p.m.

Chairman: Mr. INGLES

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 2) (continued)

Initial report of China (CERD/C/101/Add.2) (concluded)

At the invitation of the Chairman, Mr. Song Shuhua (China) took a place at the
Committee table.

1. Mr. DEVETAK, observed that with the accession of China to the International Convention on the Elimination of All Forms of Racial Discrimination, that Convention was close to being universal and would help to strengthen international peace and security.
2. After quoting various articles of the Constitution of China, he said that the most exciting information in the report by China was the revelation that 56 nationalities had joined in the efforts to build a society based on social justice and respect for all human beings. The adoption by China in 1982 of principles regarding the rights of nationalities was the result of a country-wide manifestation of political will which should encourage and inspire the developing countries. China's Constitution proclaimed the full equality of individuals and its policy of special protection for the minority groups had led to self-government and territorial autonomy in the various regions. Under article 4 of the Constitution, various nationalities had the right to pursue their own linguistic and cultural development.
3. Because China's experience would be useful for other countries, it would be worth while if the Committee could obtain more information in subsequent reports on the question of minority nationalities. For example, what were the criteria for minority representation in the National People's Congress? What was the relationship between the State Council and the executive organs of the autonomous areas? How was the economic development of the areas occupied by minorities carried out under the Constitution? To what extent was education given in the national languages of the minorities? Finally, under what provisions of the penal legislation was racial discrimination prosecuted?

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4. Mrs. SADIO ALI suggested that the important statement made by the representative of China should be issued as an addendum to the report under consideration because of its instructive high-level analysis of the reasons that had impelled China to study fully the question of minority nationalities. China's experience had been a source of inspiration in various parts of the world and could be a model for other countries in solving similar problems.
5. A handbook on China stated that relations between the majority Han group and the minorities were not always harmonious, and she would like more information in that regard. In addition, the extracts from the Constitution quoted by Mr. Devetak might be reproduced and submitted to the Committee when the second report of China was taken up. She would also like to know the views of China with respect to the term "nationality". For example, was a distinction made between the terms "nation" and "nationality"? She would also like to know what measures had been taken by China in pursuance of article 2, paragraph 1 (c), of the Convention. The historical disparities between the Han and the minority nationalities still caused members of the Han group to indulge in chauvinism, which China was attempting to eliminate and she believed that the Committee could benefit from more information in that regard. For example, what affirmative action was being taken to safeguard the rights of minority nationalities?
6. With respect to pages 3 and 4 of the report, it would have been better to provide texts of the regulations rather than paraphrases of them. In addition, more information could have been given on the dominant role of the Han majority, together with a detailed explanation of the organs of self-government of the national autonomous areas. For example, in the backward regions, did the State play a central role and, if so, how? Furthermore, what percentage of the budget was allocated to development in the backward regions, especially those with mineral resources? In that connection, she wondered whether modernization efforts, including voluntary assimilation, had led to a decrease in the size of any of the ethnic groups.
7. She wondered, whether, as a result of policies to accelerate development in Tibet, the number of Han inhabitants of Tibet had increased. She asked whether any account had been taken of Tibet's special geographical situation in the laws recently promulgated with respect to that region. Following visits of Chinese

(Mrs. Sadiq Ali)

officials to Tibet in 1980, it had been stated that there had been a shift in policy. She wished to know what changes had been effected and how they benefited the Tibetan farmers. In addition, she would like to know how many Tibetans now occupied administrative jobs. With respect to Tibetan cultural heritage, she wondered what was being done to repair monasteries and whether the public was permitted to visit them. In 1982, the Chinese authorities had stated that it was important to induce Tibetans abroad to return home, and she would appreciate more information on the results achieved in that connection.

8. She would also like more information on the status of Chinese citizens or migrant workers in neighbouring socialist countries. For example, had they been informed of their status in their home country and had China entered into any agreement with the host countries regarding those people?

9. Finally, she said that the next report should include more information on China's role in the fight against racial discrimination, especially with respect to southern Africa.

10. Mr. ARAMBURU said that all knew of China's efforts in condemning racial discrimination and apartheid, including the racist policies of South Africa; he would therefore like to see subsequent reports indicate what was being done in that area. He would also like more information on the implementation of articles 4, 5 and 7 of the Convention, and he hoped that China's next report would abide by the general guidelines adopted by the Committee.

11. Mr. APIOU said that the initial report of China contained much information that would have been more useful if it had been more fully documented. He supported those members of the Committee who had expressed the wish that, in the next report, information should be presented in a more amplified manner.

12. With regard to the constitutional provisions relating to the various articles of the Convention, the problem of the minority nationalities was of great relevance. It would be of interest to know what legal sanctions were applied to those who contravened the legislation on State protection to minorities, as described in the report under the heading of "Principles regarding the nationality question", and what legislative provisions had been adopted under article 4 of the Convention.

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(Mr. Apiou)

13. He would like to know what was the policy of the Government on the acquisition of Chinese citizenship by foreigners, since in paragraph 6.4 (b) of the report length of residence was mentioned as a factor to be disregarded in the exercise of a citizen's right to vote and stand for election. With regard to the legislative, executive and financial aspects of regional autonomy, what kind of supervision was exercised by the central authorities? Finally, information on diplomatic, economic and any other ties China might have with the racist régime in South Africa would be welcome.

14. Mr. DECHEZELLES said that China's accession to the Convention constituted an enormous step towards universality. Members of the Committee would have to set aside all received ideas and customary approaches if they were to understand what was being done in China. A striking feature of China's initial report was the importance attached to the question of minority nationalities. It was logical that States which had had to rid themselves of foreign domination should place a great emphasis on the rights of peoples while others, such as his own, emphasized human rights and the rights of the individual. Both groups of States were right, and each had to understand the approach of the other.

15. Since China was such a vast country with so many nationalities which enjoyed regional autonomy, it was essential for the Committee to be informed about the interplay of the administrative and judicial powers of the regional assemblies and those of the State. The Committee would also like to be told how conflicts over jurisdiction and competence were resolved. He would suggest that the Government should examine the Convention carefully and inform the Committee of the extent to which it was in a position to implement its various articles. In order fully to appreciate such information, the Committee would need to be informed about regional and central administrative organization and about the judicial system and the means of recourse available.

16. Mr. KARASIMEONOV said that the initial report of China and the statement introducing the report had prompted many questions concerning the Constitution, the minority nationalities and the implementation of the Convention. The report had, quite appropriately, chosen to acquaint the Committee with the provisions of the Constitution. As pointed out in the introductory statement, the nationality question had found a solution in the Constitution and that question had a direct

(Mr. Karasimeonov)

bearing on the activities of the Committee. He would be eager for more information on the different nationalities since their social, political, legislative, judicial and administrative importance in China seemed to stem from the fact that, while accounting for only 6.7 per cent of the total population, they occupied more than 50 per cent of the land area.

17. He would like to ask the representative of China how the provisions of the Constitution concerning racial discrimination found expression in the Penal Code and how article 4 (a) and (b) of the Convention were implemented under the domestic law of China. In order to judge the extent to which the provisions of the Constitution concerning the equality of all citizens were applied, it would be necessary to receive information on economic and cultural differences among the provinces and the autonomous regions.

18. On the eve of the Second World Conference to Combat Racism and Racial Discrimination, it would be of great interest to the Committee to be informed of the role of China in the struggle at the international level against racism, racial discrimination and apartheid.

19. Mr. PARTSCH, associating himself with the members of the Committee who had welcomed the accession of China to the Convention, reminded the Committee that it was also the first international instrument in the field of human rights to which China had acceded. An enumeration of the matters contained in the various articles of the Convention on which the Committee would like information should not be taken as expressing doubts as to whether solutions had been found to such matters in China. It was done simply to indicate those matters which would be of interest to the Committee in the second report, which should be drafted in accordance with the revised guidelines.

20. The initial report contained some information on paragraphs 1 (a) and (b) of article 2 but none on paragraph 1 (c). Paragraph 1 (c) had been drafted with States with a long-established body of legislation in mind, while China had begun to rewrite its legislation in many fields. The Penal Code was of recent origin and there were some fields in which laws were still in preparation. The process of reviewing legislation would therefore differ from that in other countries. With regard to article 2, paragraph 1 (e), it would be of interest to hear whether integrationist multi-racial organizations existed in China and received official

(Mr. Partsch)

encouragement. Article 3 of the Convention seemed to be adequately covered in paragraph 6 of the report.

21. Regarding article 4 of the Convention, the situation was more complicated. Information was provided in paragraph 6.1 (b) of the report that discrimination against and oppression of any nationality was prohibited and that any acts that undermined the unity of the nationalities or instigated their secession was prohibited. It would be interesting to know what penalties were provided for in the Penal Code. An example of one such penalty, that for discriminatory acts committed by officials, had been given in the introductory statement.

22. The report, together with the text of the Constitution of China, covered most of the matters mentioned in article 5 of the Convention. However, three rights did not appear to be covered there, those mentioned in article 5 (d) (i) and (ii) and (e) (ii). The Constitution of China followed an interesting system regarding the limitations placed on rights. For some rights, such as those to religious belief or privacy, limitations were indicated in the respective articles of the Constitution, but for those cases where no specific limitations were indicated, a general article, article 51, stipulated that the exercise of freedoms and rights might not infringe upon the interests of the State, society or the collective or upon the lawful freedoms and rights of other citizens. That stipulation had to be taken into account in the evaluation of specific guarantees.

23. Article 41 of the Constitution contained an interesting provision of relevance to article 6 of the Convention; the right to criticize, the right to present complaints against any violation of the law and the obligation of State organs to handle such complaints and not to suppress them. Article 6 of the Convention referred to tribunals and other State institutions providing for remedies against acts of racial discrimination, and the Committee would be most interested to hear whether the Constitution allowed a complaint to be submitted to an institution other than that involved in the matter concerning which the complaint was made.

24. Mr. LAMPTEY joined previous speakers in welcoming the representative of China and expressed satisfaction that China had decided to begin a dialogue with the Committee. The format of the initial report of China differed substantially from that of most initial reports: while the information which the report contained about ethnic nationalities in China was adequate, it left little room for comments

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(Mr. Lamptey)

by members of the Committee. It was particularly important for a State party to follow the Committee's guidelines in an initial report, and he proposed that subsequent reports should include excerpts from the Chinese Constitution and other legislation designed to combat racial discrimination.

25. Mr. SHAHI congratulated China for having acceded to the Convention, an action which could conceivably lead to the eradication of racial discrimination among a significant portion of the world's population. The introduction to the report by the representative of China had largely supplemented the information contained in that document, while the information contained in the report concerning the 1982 Constitution demonstrated the gains made by the Chinese people since 1949.

26. From the report it appeared that efforts to prevent discrimination against the minority nationalities in China seemed to amount in some cases to special treatment of those groups, particularly at the local and provincial levels. The claim that the Constitution substantially implemented article 4 of the Convention appeared justified, although more thorough compliance with the obligations under that article was possible. He realized that the social system obtaining in China provided no opportunity for the establishment of organizations having racial discrimination as their intent. Nevertheless, all States parties were required to provide information regarding the full technical implementation of all articles of the Convention. He agreed with the remarks made by Mr. Partsch regarding individual articles of the Chinese Constitution, and noted that the Constitution provided for a large degree of decentralization of administrative and judicial powers, an inevitable measure in a country as vast as China.

27. In connection with article 6 of the Convention, he had noted with interest the caution against chauvinism contained in the preamble to the Chinese Constitution. The fact that such a large nation was aware of the dangers of chauvinism was commendable and was obviously the result of China's policies of criticism and self-criticism. He concluded by requesting more information on the implementation of articles 3 to 7 of the Convention in the country's next report.

28. Mr. STARUSHENKO said that China's accession to the Convention was an important event because it increased the number of people protected under that instrument by one fourth and enhanced the Chinese people's contribution to the struggle against racial discrimination both within and outside the country. The accession of China,

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(Mr. Starushenko)

a major Power, also raised the issue of why other States, notably the United States of America, continued to refuse to become a party to the Convention and other international human rights instruments.

29. Although the report was not lengthy, it contained sufficient information to establish a dialogue between China and the Committee. If subsequent reports contained the answers to the questions asked by Committee members during the present session, that dialogue could only become more interesting. He endorsed the requests by other Committee members that subsequent reports should follow the guidelines laid down by the Committee to facilitate its work.

30. Mr. SONG Shuhua (China) said that he had not had time to prepare answers to all questions asked by members of the Committee; however, he would attempt to reply to many of them in a general way. First of all, he wished to clarify the issue of territory occupied by ethnic nationalities in China. In stating that the nationalities occupied 50 to 60 per cent of China's total area, he had meant that ethnic minorities could be found throughout 50 to 60 per cent of China; he had not meant to imply that they constituted the sole population of that area, which they in fact shared with members of the Han nationality. China's policy of establishing Autonomous Regions governed by members of the minority nationalities living there was a response to that particular demographic feature.

31. China's nationalities policy was marked by a spirit of equality, unity, mutual assistance and common prosperity, with genuine equality as the basis of the other three. The Chinese Government and Communist Party attached great importance to the question of national chauvinism and had thus given emphasis to combating chauvinism in the 1982 Constitution. Furthermore, while chauvinism among the minority nationalities was to be discouraged, efforts were concentrated first and foremost on eliminating chauvinism among the majority Han group.

32. Many members of the Committee had expressed concern regarding China's implementation of article 4 of the Convention. Since 1951, the Government had issued directives aimed at eliminating all forms of discrimination which had persisted from pre-revolutionary society. The central Government had also played a major role in supervising and monitoring the implementation of those directives. Such action was imperative in view of the large number of minorities living in China. With regard to article 5 of the Convention, he referred Committee members

(Mr. Song Shuhua, China)

to article 2 of China's Nationality Law, which ensured that persons belonging to all nationalities enjoyed Chinese citizenship. However, although all nationalities were equal under Chinese law, some groups had historically been given only limited opportunities for education. Therefore, following the establishment of New China, 10 Nationalities Institutes had been established to promote the educational advancement of those groups. Students from ethnic minorities were entitled to attend regular Chinese universities if they were qualified; however, the special minority institutions were aimed at helping members of those groups catch up and provided professional training for members of minority groups so that they could participate in the development of their own regions.

33. Legislation within the Autonomous Regions was allowed to respond to local customs. Article 36 of the Chinese Marriage Law and article 80 of the Penal Code both required that specific local social situations must be taken into consideration in those areas. The new Constitution also contained special provisions to protect the autonomy of the national minorities in the context of the development process.

34. China was currently making efforts to assess mistakes made during the period from 1966 to 1976. Correct policies which had been effective in the past were now embodied in the Constitution. For example, representation of even the smallest minority group, which had slightly more than 1,000 members, was required by the Constitution.

35. Turning to the questions raised by Mrs. Sadiq Ali concerning Tibet, he said that the Zang population had increased from 2.5 million in 1964 to 3.8 million in 1982. That represented an increase of 54.7 per cent, a rate that was higher than the Han nationality's increase in Tibet. The head of Tibet, an Autonomous Region, was a Tibetan of Zang nationality. Above the county level, in the Standing Committee of the Tibetan People's Congress, the main officials were Tibetans, and there were also officials from the other nationalities represented in Tibet. Below the county level, the cadres were Tibetans or members of other minorities. Moreover, the State stipulated that Tibet could draw up local regulations regarding the exercise of autonomy.

36. With respect to economic development, food production in Tibet had trebled and the number of livestock had doubled between 1952 and 1981. There were now

(Mr. Song Shuhua, China)

15,800 kilometres of highways in Tibet, all constructed since the establishment of the People's Republic of China. Tibet now had 6,586 primary schools, 58 secondary or vocational schools and 4 universities, and school enrollment numbered 260,000. Those figures represented substantial progress. Minorities in other regions had experienced similar advances.

37. China recognized that much work remained to be done. The Convention and the fundamental social system of China pursued the same goal, namely, national equality, unity and mutual assistance. His Government would provide more comprehensive information in its next report.

38. The CHAIRMAN said that it was to hoped that in its next report the Government of China would follow the guidelines established by the Committee and indicate what legislative, administrative and judicial measures had been adopted to implement the provisions of the Convention.

Mr. Song Shuhua (China) withdrew.

Initial and second, third, fourth and fifth periodic reports of Togo

(CERD/C/75/Add.12)

At the invitation of the Chairman, Mr. Amega (Togo) took a place at the Committee table.

39. Mr. AMEGA (Togo) said that the Togo Constitution of 1979 formally declared that Togo subscribed to the principles contained in the Universal Declaration of Human Rights, the Charter of the United Nations and the charter of the Organization of African Unity. Thus, it embraced the basic principles which constituted the foundation of modern civilization, namely, respect for human rights and the establishment of a society in which justice, equality and freedom for all peoples prevailed. Togo, whose geographical boundaries were the product of the interests of colonial Powers, had a population composed of some 40 ethnic groups. While many dialects were spoken, two had been recognized as national languages and French was the official language.

40. With regard to religion, most of the population practised the traditional animist religions. Twenty-one per cent of the population were Catholics, Protestants accounted for about 6 per cent and Moslems accounted for 11.6 per cent. The affirmation of support for human rights in Togo's various constitutions, particularly the one adopted in 1979, represented its desire to

(Mr. Amega, Togo)

consolidate national unity and thereby to establish a just balance amongst all elements of its population. To pursue that objective, Togo had established a single political party, which governed the country and prevailed over all the institutions of the State.

41. Racial discrimination as defined in article 1 of the Convention was unknown in Togo. Rather, cultural diversity prevailed, and lack of understanding amongst the different segments of the population occurred occasionally. Togo's accession to the Convention stemmed more from its concern to take part in the efforts by the international community to eliminate the evil of racial discrimination, in particular, apartheid. His country had established a juridical framework which had helped it to become a strong opponent of apartheid. Its Constitution assured all citizens the enjoyment of human rights and fundamental freedoms. Moreover, Togo had recently ratified the African Charter on Human and Peoples' Rights and planned to accede shortly to other human rights Covenants.

42. With respect to the articles of the Convention, he noted that no special measures had been taken in Togo to give effect to article 2, since the various races and ethnic groups co-existed peacefully. The Constitution of 1979, in particular articles 1 to 6, called for the elimination of all forms of discrimination. The Party strove to achieve that goal by, inter alia, watch-words, slogans and songs designed to provide the population with a broad education in the moral, civic and other aspects of life. Under the 1980 Penal Code, insults directed at the race, religion or nationality of a person were punishable by a fine double that levied in cases of ordinary insults, and the accused could be imprisoned. There was no policy or organization in Togo that supported racial discrimination. The Party assisted organizations in their efforts to put an end to misunderstandings amongst different ethnic groups and to eliminate inequalities. In that connection, he noted that some differences were actually enriching, a fact which the colonial Powers had failed to appreciate.

43. Measures had been undertaken to eliminate inequalities in the fields of education and health, and profound agricultural and land reform measures had been taken to resolve long-standing conflicts. Togo recognized that all levels of society, in particular the most disadvantaged, must participate in the development

(Mr. Amega, Togo)

process, especially in rural areas; accordingly, new roads had been built to link the rural populations with the towns, and measures were being taken to encourage rural inhabitants not to leave their lands in search of adventure. Moreover, an agricultural school had been established in each administrative sub-division.

The meeting rose at 6.15 p.m.