

# **Chinese State Council White Paper on Human Rights (excerpt) (1991)**

## STATE COUNCIL WHITE PAPER ON HUMAN RIGHTS

Xinhua News Agency, Peking, in English 0010 gmt 2 Nov 91 "Full Text" of white paper on human rights in China (FE / 1220 i[p.1])

Human Rights in China

Information Office of the State Council

November 1991, Beijing [p.Peking], China

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PREFACE

It has been a long-cherished ideal of mankind to enjoy human rights in the full sense of the term. Since this great term- human rights- was coined centuries ago, people of all nations have achieved great results in their unremitting struggle for human rights for people with lofty ideals are still working determinedly for this cause.

Under long years of oppression by the "three big mountains"- imperialism, feudalism and bureaucrat- capitalism- people in old China did not have any human rights to speak of. Suffering bitterly from this, the Chinese people fought for more than a century, defying death and personal sacrifices and advancing wave, in an arduous struggle to overthrow the "three big mountains" and gain their human rights. The situation in respect to human rights in China took a basic turn for the better after the founding of the People's Republic of China. Greatly treasuring this hard won achievement, the Chinese government and people have spared no effort to safeguard human rights and steadily improve their human rights situation, and have achieved remarkable results. This has won full confirmation and fair appraisal from all people who have a real understanding of Chinese conditions and who are not prejudiced.

The issue of human rights had become one of great significance and common concern in the world community. The series of declarations and conventions adopted by the UN have won the support and respect of many countries. The Chinese government has also highly appraised the Universal Declaration of Human Rights, considering it the first international human rights in the world arena.

However, the evolution of the situation in regard to human rights is circumscribed by the historical, social, economic and cultural conditions of various nations, and involves a process of historical development. Owing to tremendous differences in historical background, social system, cultural tradition and economic development, countries differ in their understanding and practice of human rights. From their different situations, they have taken different attitudes towards the relevant UN conventions. Despite its international aspect, the issue of human rights falls by and large within the sovereignty of each country. Therefore, a country's human rights situation should not be judged in total disregard of its history and national conditions, nor can it be evaluated according to a preconceived model or the conditions of another country or region. Such is the practical attitude, the attitude of seeking truth from facts.

From their own historical conditions, the realities of their own country and their long practical experience, the Chinese people have derived their own viewpoints on the human rights issue and formulated relevant laws and policies. It is stipulated in the Constitution of the People's Republic of China that all power in the People's Republic of China belongs to the people. Chinese human rights have three salient characteristics.

First, extensiveness. It is not a minority of the people or part of a class or social stratum but the entire Chinese citizenry who constitutes the subject enjoying human rights. The human rights enjoyed by the Chinese citizenry encompass an extensive scope, including not only survival, personal and political rights, but also economical, cultural and social rights. The state pays full attention to safeguarding both individual and collective rights.

Second, equality. China has adopted the socialist system after abolishing the system of exploitation and eliminating the exploiting classes. The Chinese citizenry enjoys all civic rights equally irrespective of the money and property status as well as of nationality, race, sex, occupation, family background, religion, level of education and duration of residence.

Third, authenticity. The state provides guarantees in terms of system, laws and materials means for the realization of human rights. The various civic rights prescribed in the Constitution and other state laws are in accord with what people enjoy in real life. China's human rights legislation and policies are endorsed and supported by the people of all nationalities and social strata and by all the political parties, social organizations and all walks of life.

As a developing country, China has suffered from setbacks while safeguarding and developing human rights. Although much has been achieved in this regard, there is still much room for improvement. It remains a long-term historical task for the Chinese people and government to continue to promote human rights and strive for the noble goal of full implementation of human rights as required by China's socialism.

In order to help the international community to understand the human rights situation as it is in China, we present the following brief account of China's basic position on and practice of human rights.

#### IV. GUARANTEE OF HUMAN RIGHTS IN CHINA'S JUDICIAL WORK

##### 4. No "Political Prisoners" in China

In China, ideas alone, in the absence of action which violates the criminal law, do not constitute a crime; nobody will be sentenced to punishment merely because he holds dissenting political views. So-called political prisoners do not exist in China. In Chinese criminal law "counter-revolutionary crime" refers to crime which endangers state security, i.e., criminal acts which are not only committed with the purpose of overthrowing state power and the socialist system, but which are also listed in Articles 91-102 of the Criminal Law as criminal acts, such as those carried out in conspiring to overthrow the government or splitting the country, those carried out in gathering a crowd in armed rebellion, and espionage activities. These kinds of criminal acts that endanger state security are punishable in any country. In 1980, in handling the case of the Lin Biao and Jiang Qing counterrevolutionary cliques, the special court of the Supreme People's Court strictly implemented this principle by prosecuting members of the cliques according to law for their criminal acts while leaving alone matters concerning the political line.

##### 5. Prison Work and Criminals' Rights

At present there are, in all, 680 prisons and reform-through-labour institutions in China, holding 1.1m criminals in detention. The rate of imprisonment is 0.99 per thousand of the total population. Compared with the rate of imprisonment of 4.13 per thousand in one of the Western developed countries according to 1990 statistics of its ministry of justice, China's rate is quite low.

China's prisons and reform-through-labour institutions receive, strictly according to law, criminals sent to them to enforce sentences passed by the courts. If they find the relevant legal documents not complete or the judgement not yet in effect legally, they have the

legal right to refuse to take the persons in custody. Prisons and reform-through labour institutions should notify a criminal's family members of his whereabouts within three days after taking him into custody. According to China's law, most prisoners are allowed to serve their sentences in the area where they reside to make it convenient for their family members to visit them and for the units where they used to work to help educate them. The allegation that in China some citizens are sent to labour camps without trial or sent away in some form of exile within the country is a distortion of the system whereby prisons and reform-through-labour institutions in China take criminals into custody; it is a groundless fabrication.

In China, the rights of prisoners while serving their sentences are protected by law.

According to China's law, all criminals, with exception of those who have been legally deprived of their political rights, have the right to vote. Criminals also have the right to appeal, the right of defence, the right of immunity from insult to their dignity and from infringement of personal security and of legal property, the right of complaint, the right of accusation and other civic rights which have not been curtailed by the law.

Convicted criminals, while serving their sentences, have the right to contact family members and other relatives regularly by correspondence or visits. If an important event happens in a criminal's family such as critical illness or the death of a directly-related family member, and if it is really necessary for the criminal himself to go back home to handle matters, he can be permitted to go home for a short period of time.

While serving their sentences, prisoners can read newspapers, magazines and books, watch television, listen to the radio, and take part in recreational and sports activities that are beneficial to the body and mind. In prisons and reform-through-labour institutions there are Libraries where criminals can go to read. Like ordinary citizens, criminals who are serving their sentences have the freedom of religious belief. Prisoners with religious beliefs can maintain their beliefs, and allowances are made for the customs and habits of prisoners of minority nationalities.

Prisoners are accorded the material treatment necessary in their daily lives. The state covers their living and medical expenses, and their grain, edible oil and non-staple food rations are set according to the same standards for local residents. All prisons and reform-through-labour institutions are staffed with an appropriate number of doctors; in professional medical institutions, medical facilities and hospital beds are set aside in prisoners' exclusive service; on an average, there are 14.8 hospital beds for every thousand prisoners, and those critically ill are sent to hospitals outside the prison for treatment or, on approval, may seek medical treatment on bail according to law. Prisoners' needs for medical care are guaranteed.

The people's procuratorates provide legal supervision of the protection of criminals' legitimate rights and interests. They send full-time prosecuting attorneys to jails and other places of surveillance to check whether the working and living facilities and conditions and the surveillance work are legitimate, to hear the opinions of those under surveillance,

accept and look into their complaints and appeals, and deal with violations of law promptly when discovered.

The prisons and reform-through-labour institutions in China are not designed merely to punish the criminals but to educate them and turn them into law-abiding citizens by organizing them to take part in physical labour, learn legal and ordinary knowledge and master productive skills. Prisoners who have taken educational or technical training courses and passed examinations given by local education or labour departments are given certificates corresponding to their levels of education or technical grades. The validity of such certificates is recognized in society. By the end of 1990, about 730,000 certificates for literacy or diplomas for completing courses up to the college level had been issued to those serving terms in prisons and reform-through-labour institutions; over 510,000 had attended various technical training courses, and 398,000 received certificates of technical qualification. Prisoners thus find it easier to find jobs on release after serving their sentence.

China's law stipulates that prisoners who really show repentance and have rendered meritorious service can, upon rulings of the people's courts, have their sentences commuted or be put on parole. In 1990, 18% of the criminals in custody were accorded such treatments.

Thanks to the humanitarian, scientific and civilized management of the prisons and reform-through-labour institutions, the recidivism rate has for many years stood at 8%. Many prisoners have returned to society and become key members or engineers in their enterprises, and some of them have become model workers or labour heroes. Compared with the situation in one developed country in the West, where, according to 1989 judicial statistics, 41.4% of ex-prisoners returned to jail, China has come a long way in reforming and educating criminals. China's prisons and reform-through labour institutions have won global acclaim for their achievements in turning the overwhelming majority of criminals, including the last emperor of the feudal Ming dynasty and war criminals, into law-abiding citizens and qualified personnel helpful to the country's development.

## 6. Prison Labour

China's law stipulates that all prisoners able to work should take part in physical labour. This is also the practice adopted in many countries worldwide. China's policy of reforming criminals through labour is designed to help those serving prison terms mend their old ways by acquiring the labour habit and fostering a sense of social responsibility, discipline and obedience to the law. This policy enables criminals in custody to stay healthy through a regular working

life and avoid feelings of depression and apathy resulting from a prolonged monotonous and idle prison life. It also helps them learn productive skills and knowledge of one kind or another so that they can find a job after being released from prison and avoid committing new crimes because of difficulties in making a living. China's policy of

reforming criminals through labour is not simply for the purpose of punishment; it is a humanitarian policy conducive to the reform, and the physical and mental health, of the criminals.

By the Chinese law, criminals work for no more than eight hours a day and take time off during holidays and festivals; they are entitled to the same grain, edible oil and non-staple food rations and the same labour and health protection as accorded to workers of state-run enterprises engaged in the same type of work; those who overfulfil their production quotas are given bonuses and those holding technical titles at and above the middle grade are entitled to monthly technical allowances and opportunities of on-the-job vocational and technical training.

Prison labour products are mostly used to meet the needs within the prison system, and only a small quantity enters the domestic market through normal channels. The export of prison products is prohibited. China's foreign trade departments, which handle the export of Chinese commodities in a unified way, have never granted foreign trade rights to reform-through-labour institutions.

## 7. Education through Labour and the Rights of Those Being Educated Through Labour

The work of education through labour in China is based on the 1957 Decision on Education through Labour and other regulations adopted by the Standing Committee of the National People's Congress. Education through labour is not a criminal but an administrative punishment. Education through-labour administrative committees have been set up by the people's governments of various provinces, autonomous regions, municipalities as well as large and medium-sized cities, and the work is under the supervision of the people's procuratorates. It is stipulated that those eligible for education through labour should meet the requirements of relevant laws and regulations. For example, they should be at or above the age of 16 and have upset the public order in a large or medium-sized city but refused to mend their ways despite repeated admonition, or they have committed an offence not serious enough for criminal punishment. The decision to put a person under education-through-labour is made through a strict legal procedure and under a system of legal supervision in order to avoid subjecting the wrong person to the programme.

After the education-through-labour administrative committee has according to related regulations made the decision to put a person on an education-through-labour programme ranging from one to three years, the person and his family members are entitled to be informed about the reasons for the decision and the duration of the programme. If the person takes exception to the decision, he may appeal to the administrative committee or lodge a complaint with the people's court according to the Law of Administrative Procedure. If the education-through-labour institution finds that the person does not conform to the qualifications for the

education-through-labour programme or that he should have been sentenced to criminal punishment, it may report the case to the reeducation-through-labour administrative committee for review.

Those undergoing education through labour are entitled to civic rights prescribed by the Constitution and the law, except that they must comply with the measures taken according to the regulations on education through labour to restrict some of their rights. For instance, they are not deprived of their political rights and have the right to vote according to law, they have the freedom of correspondence and the right to take time off during festivals and holidays; during the period of education through labour they are allowed to meet with their family members, those who are married can live together with their spouses during visits, and they can be granted leave of absence or go home to visit family members during holidays. Those who have acquitted themselves well while being educated may have their term reduced or be released ahead of time. Every year about 50% of the people undergoing the education-through-labour programme have their term reduced or are released ahead of time.

The education-through-labour institutions follow the policy of educating, persuading and redeeming the offenders, with the emphasis on redeeming. Classes are opened, and instructors assigned, in these institutions to conduct systematic ideological, cultural and technical education. Offenders under the education-through-labour programme work no more than six hours every day.

An average of 50,000 people have been brought under the education-through-labour programme annually since it was instituted. The overwhelming majority of those who have been re-educated have turned over a new leaf, and many have become valuable participants in building the country.

According to surveys conducted over the last few years, only 7% of those released from the education-through-labour programme have lapsed into offence or crime. The programme has done what families, workplaces and schools cannot do: To prevent those who have dabbled in crime from committing further anti-social actions and breaking the law and to turn them into constructive members of society. Both the public and family members of the offenders speak highly of the programme for its role in forestalling and reducing crime and maintaining public order.

China's public security and judicial organs have carried out their responsibilities strictly according to law and played an important role in protecting and guaranteeing the citizens' rights and freedoms. That explains why China has long been one of the countries with the lowest incidence of criminal cases and crime rate in the world. In 1990, the incidence of criminal cases and crime rate in China were 2 per thousand and 0.6 per thousand respectively, considerably lower than the figures in some developed Western countries, which ran as high as 60 per thousand and 20 per thousand respectively.

## VI: CITIZENS ENJOY FREEDOM OF RELIGIOUS BELIEF

There are many religions in China, such as Buddhism, Daoism, Islam, Catholicism and Protestantism. Among them Buddhism, Daoism and Islam are more widely accepted. It is difficult to count the number of Buddhist and Daoist believers, since there are no strict admittance rites. Minority nationalities such as the Hui, Uygur, Kazak, Tatar, Tajik, Uzbek, Kirgiz, Dongxiang, Salar and Bonan believe in Islam, a total of 17m people. There are 3,5m and 4,5m people in China following Catholicism and Protestantism respectively.

China's Constitution stipulates that citizens enjoy freedom of religious belief. The state protects normal religious activities and the lawful rights and interests of the religious circles. The Criminal Law, Civil Law, Electoral Law, Military Service Law and Compulsory Education Law and some other laws make clear and specific provisions protecting religious freedom and equal rights of religious citizens. No state organ, social organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. State functionaries who illegally deprive a citizen of the freedom of religious belief shall be investigated, and legal responsibility affixed where due according to Article 147 of the Criminal Law.

The government has established departments of religious affairs responsible for the implementation of the policy of religious freedom. During the "cultural revolution", the government's religious policy was violated. After the "cultural revolution", especially since China initiated the reform and opening to the outside world, the Chinese government has done a great deal of work and made notable achievements in restoring, amplifying and implementing the policy of religious freedom and guaranteeing citizens rights in this regard.

With the support and help of the Chinese government, religious facilities destroyed during the "cultural revolution" have gradually been restored and repaired. By the end of 1989, more than 40,000 monasteries, temples and churches had been restored and opened to the public upon approval of the governments at various levels. Houses and land used for religious purposes are exempted from taxes. Temples, monasteries and churches which need repair but lack money get assistance from the government. Since 1980, financial allocations from the central government for the maintenance of temples, monasteries and churches have reached over 140m yuan. The maintenance of the Potala Palace in Tibet received 35m yuan from the government. Local governments also allocated funds for the maintenance of temples, monasteries and churches.

There are now eight national religious organizations in China. They are: the China Buddhist Association, the China Daoist Association, the China Islamic Association, the Chinese Patriotic Catholic Association, the National Administration Commission of the Chinese Catholic Church, the Chinese Catholic Bishops College, the Three-Self Patriotic Movement Committee of the Protestant Churches of China and the China Christian Council. There are also 164 provincial-level and more than 2,000 county-level religious organizations.

All religious organizations and all religious citizens can independently organize religious activities and perform their religious duties under the protection of the Constitution and the law. There are 47 religious colleges in China, such as the Chinese Institute of Buddhist Studies, the Institute of Islamic Theology, the Jinling Union Theological Seminary of the Chinese Protestant Churches in Nanjing, the Chinese Catholic Seminary and the Chinese Institute of Daoist Studies.

Since 1980, more than 2,000 young professional religious personnel have been graduated from religious colleges and more than 100 religious students have been sent to 12 countries and regions of the world for further studies. China has more than ten religious publications and about 200,000 professional religious personnel - nearly 9,000 of them are deputies to the people's congresses and members of the Chinese People's Political Consultative Conference at various levels. Along with deputies and members from other circles, they participate in discussions of state affairs and enjoy equal democratic rights politically.

In China, because of these policies, different religions and religious organizations as well as religious people and nonreligious people respect each other and live in harmony.

The religious freedom that Chinese citizens enjoy under the Constitution and the law entails certain obligations stipulated by the same. The Constitution makes it clear that no one may make use of religion to engage in activities that disrupt public order, impair the health of other citizens or interfere with the state's educational system. Those who engage in criminal activities under the subterfuge of religion shall be dealt with according to law, whether they are religious people or not. Law-breaking believers, like other law-breaking citizens, are dealt with according to law.

Among the religious people who were dealt with according to law, some were engaged in subversion against the state regime or activities endangering national security, some instigated the masses to defy state laws and regulations, others incited the masses to infighting that seriously disturbed public order, and still others swindled money, molested other people physically and mentally, and seduced women in the name of religion. In short, none of them were arrested only because of their religious beliefs.

Guided by the principles of independence, self-rule and self-management, Chinese religions oppose any outside control or interference in their internal affairs so as to safeguard Chinese citizens' real enjoyment of freedom and right to religious belief. Before the founding of the People's Republic of China, China's Catholic and Protestant churches were all under the control of foreign religious forces. Dozens of "foreign missions" and "religious orders and congregations" carved out spheres of influence on the Chinese land, forming many "states within a state".

At that time there were 143 Catholic dioceses in China, but only about 20 bishops were Chinese nationals - and they were powerless - a good indication of the semi-feudal and semicolonial nature of the old Chinese society. Chinese Catholic and Protestant circles resented this state of affairs and, as early as in the 1920s, some insightful people

proposed that the Chinese church do its own missionary work, support itself and manage its own affairs. But these proposals were not realized in old China. After the founding of new China, Chinese religious circles rid themselves of foreign control and realized self-management, self-support and self-propagation. The Chinese people finally control their own religious organizations.

The Chinese government actively supports Chinese religious organizations and religious personnel in their friendly exchanges with foreign religious organizations and personnel on the basis of independence, equality and mutual respect. International relationships between religious circles are regarded as part of the non-governmental exchange of the Chinese people with other peoples of the world. In recent years, Chinese religious organizations have established and developed friendly relations with more than 70 countries and regions and sent delegations to many international religious conferences and symposiums. Chinese religious groups have joined world religious groups such as the World Fellowship of Buddhists, the Supreme Council for Islamic Affairs, the World Conference on Religion and Peace, the Asian Conference on Religion and Peace and the World Council of Churches.

Since 1955, excluding the "cultural revolution" period, the Chinese Muslims have never stopped their pilgrimages to Mecca. The Chinese government has offered all kinds of facilities and assistance for these trips. Between 1955 and 1990 more than 11,000 Chinese Muslims participated in the Mecca pilgrimages, several dozen times the total before the founding of new China. In recent years the annual number of pilgrims has surpassed 1,000 - 1,500 in 1987, 1,100 in 1988, 2,400 in 1989, 1,480 in 1990, and 1,517 in 1991.

## VII. GUARANTEE OF THE RIGHTS OF THE MINORITY NATIONALITY

China is a unified, multi-national country, with 56 nationalities in all. The Han people take up 92% of the total population of the country, leaving 8% for the other 55 nationalities. To realize equality, unity and common prosperity among the nationalities is China's basic principle guiding relationships between nationalities. The Constitution provides that 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, and any acts that undermine the unity and create splits among the nationalities are also prohibited. The Constitution clearly stipulates that in striving for unity among all its nationalities, China opposes great-nation chauvinism, especially great-Han chauvinism, as well as local nationalism.

In old China, severe national discrimination and oppression existed over a long period of time. Many of the minority nationalities, who were in straitened circumstances and not countenanced, had to hide in the mountains and live a life of seclusion from the outside world.

After the People's Republic of China was founded in 1949, discrimination against and oppression of minority nationalities were abolished and their condition underwent a thorough change. In the 1950s, the Chinese government organized a large-scale investigation for identification of the nationalities. After scientific differentiation, 55 minority nationalities were acknowledged and this fact was announced publicly. Most of the minority nationalities, for the first time in China's history, became equal members of the great family of Chinese nationalities.

New China brought about the system of regional autonomy for minority nationalities. Organs of self-government were set up in regions where people of minority nationalities live in compact communities, and the internal affairs of the minority nationalities were handled by themselves.

At present, there are throughout the country 159 national autonomous areas, including five autonomous regions, 30 autonomous prefectures and 124 autonomous counties (or banners). National autonomous areas exercise all rights of selfgovernment in accordance with the Law of the People's Republic of China on Regional National Autonomy and may work out autonomous rules and specific regulations according to local political, economic and cultural characteristics. Without violating the Constitution and the law, autonomous regions have the right to adopt special policies and flexible measures; autonomous organs can apply for permission to make alterations or desist from implementing resolutions, decisions, orders and instructions made by higher-level state organs if they are not in accordance with the situation in autonomous regions. Organs of self-government have the right to handle local financial, economic, cultural and educational affairs. In regions where people of a number of nationalities live together or in scattered communities, more than 1,500 national townships were established so as to enable minority nationalities to enjoy equal rights to the fullest.

In new China the political rights of minority nationalities are ensured.

Before liberation, the minority nationalities, like the majority of the Han people, suffered under severe oppression by the reactionary ruling class. The oppression in some areas took more savage and cruel forms than in others. For instance in old Tibet, over 95% of Tibetans, from generation to generation, were serfs attached to officials, nobles and lamaseries. According to the 13-Article Code and 16-Article Code which had been enforced for several hundred years in old Tibet, Tibetans were divided into three classes and nine grades. The lives of ironsmiths, butchers and women, who were declared an inferior grade of inferior class in explicit terms, were as cheap and worthless as a straw rope. This feudal serf system with its hierarchy of three classes and nine grades was bolstered by cruel punishments such as gouging out eyes, cutting off feet, removing the tongue, chopping off hands and arms, pushing an offender off a cliff or drowning. Under such circumstances, the human rights of the majority of labouring people were out of the question.

After new China was founded, the old system was abolished and democratic reforms were carried out in one minority area after another. In Tibet, the serfs shook off their

chains, and are no longer serf-owners' private property that can be bought, sold, transferred, bartered or used to clear a debt, no longer to suffer the above-mentioned savage punishments, and no longer divided into the three classes and nine grades. Thanks to the democratic reform, the minority nationalities, oppressed for generations, obtained the freedom of person and human dignity, won basic human rights and for the first time became masters of their own destiny.

Today, the minority nationalities, as equals of the Han nationality, enjoy all the civil rights which are set down in the Constitution and the law. In addition, the minority nationalities enjoy some special rights accorded to them by law.

The right of the minority nationalities to participate in the exercise of the supreme power of the State is specially protected. The Constitution stipulates that "all the minority nationalities are entitled to appropriate representation" in the National People's Congress (NPC), the highest organ of state power. The proportion of deputies elected by the minority nationalities to the NPC in the total number of NPC deputies is always about twice as large as the proportion of members of the minority nationalities in the country's total population. Of the deputies to the seventh national people's congress, 455 or 15% come from minority nationalities. And even the Loba, Hezhe and Monba nationalities, with only several thousand people, are represented in the NPC.

The local people's congress is the local organ of state power. As prescribed in China's Electoral Law, in areas where the people of minority nationalities live in compact communities, each minority nationality of a compact community should have its own deputies to the local people's congress. The law also has stipulations for special consideration to be given to the deputies from each minority nationality in the election. According to these stipulations, if the total population of a minority nationality in a region where people of minority nationalities live in compact communities is less than 15% of the total population of the region, the population that each deputy of the minority nationality represents can be less than the population that each deputy to the local people's congress represents.

The Chinese people of all nationalities are eligible to hold any posts in the state organ and government departments. In this respect, there is also no discrimination against the minority nationalities. For instance, not a few members of minority nationalities are holding or once held such highranking state posts as vice-president of the state, vice-chairman of the Standing Committee of the NPC, vice-premier of the State Council, president of the Supreme People's Court, and vice-chairman of the National Committee of the Chinese People's Political Consultative Conference (CPPCC).

The Law on Regional National Autonomy prescribes that citizens of the minority nationality that exercises regional national autonomy should serve as director or deputy-director of the standing committee of the people's congress of the autonomous region; and the chairman of the regional autonomous government and head of the administration of the autonomous prefecture and the autonomous county should be citizens of the nationality that exercises selfgovernment. The staff and officials of the people's

governments of the autonomous regions, and of the departments affiliated to them, should include members of the nationality that exercises regional national autonomy and members of other minority nationalities.

Statistics show that in 1989 the number of minority officials made up 17.27% of the total number of directors and deputy-directors of the standing committees of the people's congresses of various provinces, autonomous regions and municipalities directly under the central government. The number of minority officials made up 12.66% of the governors or vice-governors of provinces, mayors or deputy-mayors of municipalities, and chairmen or vice-chairmen of autonomous regions. Of the directors or deputy-directors of the standing committees of the people's congresses at levels of city, prefecture and autonomous prefecture minority officials reached 14.20%. The number of minority officials among mayors or deputy-mayors, commissioners and directors of prefectures took up 11.9%. Of the directors or deputy-directors of the standing committees of the people's congresses at the county level, minority officials totalled 17.3%. Minority officials made up 15.16% of county magistrates. All these proportions surpass 8% which is the proportion covered by the population of the minority nationalities in the total population of the country.

The state always pays close attention to training cadres from among people of minority nationalities. In recent years, the number of minority nationality cadres has gone up at a rate of more than 10,000 people annually. Now there are 37,000 Tibetan cadres throughout Tibet, making up 66.6% of the total number of cadres; this breaks down to about 72 % at autonomous-region level and 61.2% at county level. The number of Mongolian cadres accounted for 50% of the total number of cadres in Inner Mongolia Autonomous Region.

Rights of the national autonomous regions to economic, cultural and social development are given special consideration. Before the founding of the People's Republic of China, the economic, cultural and social development in minority areas was extremely backward. At that time, some areas were still at the stage of primitive clan communes, with people practising slash-and-burn cultivation. The minority nationalities lived in dire poverty. The average life-expectancy was only 30 years, and epidemic diseases were rampant, with the result that the population decreased year after year.

After the founding of new China, the people's government actively helped the minority nationalities develop their economy and culture in an effort to change their outdated mode of production. This enabled them to leap over several historical stages of social development. Now most of the minority nationalities have solved the problem of food and clothing, and the total population of the minority nationalities increased from 35m in 1953 to 91.20m in 1990. The growth rate of the population of minority nationalities is faster than that of the Hans. The average life-expectancy of the minority nationalities is over 60, an increase of more than 30 years over the past.

In order to help minority nationalities develop their economies, the state has carried out economic construction on a large scale in minority areas. In some of these areas where

there was no industry at all in the past, many large modern industrial enterprises have been set up. These include the Karamay Oilfield in Xinjiang Uygur Autonomous Region, the Baotou Iron and Steel Co in the Inner Mongolia autonomous region, the Longyang Xia Hydroelectric Power Station in Qinghai, the Daba Power Plant in Guizhou, the Yangbajin Thermal and Power Station in Tibet, the Guizhou Aluminium Works in Guizhou, the Hologol River Coalfield in Inner Mongolia, the North Xinjiang Railway in Xinjiang, the Sichuan-Tibet Highway and the Qinghai-Tibet Highway.

Before liberation, there were no highways worthy of the name in Tibet. When the British wanted to send a car to the Dalai Lama as a gift, it had to be dismantled and carried to Lhasa by yak-back. At present, a highway network centred on Lhasa has been built, its mileage reaching 21,800 km, and many domestic and international airlines have already opened.

The state always gives aid in the form of labour, material and financial resources to national autonomous regions. Today the central government provides subsidies totalling nearly 8bn yuan a year to minority areas in eight provinces and autonomous regions. Of them, Tibet receives more than 1.2 bn yuan. Besides, the state also allocates special funds totalling 600m yuan a year to aid minority areas, such as development funds to support underdeveloped areas, subsidies for areas inhabited by minority nationalities, special investments in capital construction in frontier areas, as well as operating expenses to subsidize border construction.

-The government pursues a tax-reduction and taxexemption policy towards poverty-stricken minority areas in addition to many special measures adopted to lighten their financial burdens, preferential investment for them and send them help in the form of brain power and wholesale contract to enable them to get rid of poverty. Special funds have been set up to supply food and clothing to minority areas. The government has also arranged for the economically developed areas to provide assistance to the economic construction in minority areas. The economic construction in minority areas has made great progress thanks to help from the state and efforts by the local people.

The total output value of industry and agriculture of minority regions in 1949 was 3.66bn yuan; of this, 3.12bn yuan came from agricultural production and 540m yuan from industrial production. In the same areas the total industrial and agricultural output value in 1990 came to 227.28bn yuan, an increase of 23.6 times by calculating at 1980 constant price. Of this, the value of agricultural output was 97.776 billion yuan, up 8.1 times; and 129.506bn yuan for industry, a hike of 135.5 times.

As for employment policy, the Chinese government has formulated a special policy for the minority nationalities. The government requires that state-owned enterprises in minority areas give precedence to local citizens of the minority nationalities over all others when recruiting workers, and that various local governments, when recruiting workers for state-owned enterprises, should employ minority farmers and herders from rural and pastoral areas in a planned way.

The Chinese government has greatly developed medical and health undertakings in the minority regions, tackling the problem of shortage of doctors and medicine that has existed for a long time there. In 1990, health organizations in those regions increased to 31,973, providing 359,830 hospital beds, and the ranks of doctors and nurses have grown to 488,600. While furthering the practice of modern medicine, the government encourages the development of traditional minority medical practice including the Tibetan, Uygur, Mongolian and Dai medicines. The central government has sent a large number of medical teams to minority regions. During the period from 1973 to mid-1987, the state organized medical teams totalling 2,600 persons from some dozen provinces and cities and sent them into Tibet.

The Chinese government has paid a great deal of attention to maintaining and developing the excellent traditional cultures of various nationalities, and made tremendous efforts to promote the culture and education of the minority nationalities. By 1990, there had been 75 institutions of higher learning established in minority areas where in previous years there were none. A total of 12 nationality colleges run specially for minority nationality students have been set up in different parts of the country. In addition, some well-known universities including Beijing University and Qinghua University run classes specially for minority nationality students. When enrolling new students, colleges and vocational secondary schools appropriately relax admission standards for minority examinees.

The government has actively created conditions for teenagers living in pastoral and remote areas to receive education by establishing boarding schools in minority areas, where students coming from pastoral, mountainous and poverty-stricken areas usually enjoy grants-in-aid. The state has transferred many teachers from inland and coastal areas to remote minority regions to help expand the educational undertakings there. Between 1974 and 1988, the number of teachers helping in Tibet alone numbered 2,969. The enrollment of minority students in colleges and universities throughout the country in 1989 was 102.4 times that of 1950; in ordinary middle schools, they totalled 70.3 times that of 1951; and in primary schools, 11.2 times that of 1951.

China's law stipulates that all minority peoples have the freedom to use and develop their own spoken and written languages. In the performance of their functions, the selfgovernment organs in autonomous regions should use one or several locally used languages according to the regulations of autonomy set by the autonomous regions. Those organs which simultaneously use several commonly used languages in their work can give priority to the language of the nationality which exercises regional autonomy. The spoken and written languages of minority nationalities are equal to the Han language (Chinese) in judicial activities. Citizens of all nationalities have the right to use the language of their own nationality in legal proceedings. Trials in regions where minority nationalities live in compact communities or which are inhabited by many nationalities should be conducted in the commonly used language of the locality. Indictments, court verdicts, notices and other documents, if necessary, should be written in one or several local languages.

The central government supports minority nationalities in the development of culture and education through the use of their own languages and has helped ten minority nationalities create their own script. Both central and regional specialised publishing houses and news agencies were established to public minority-language newspapers, magazines and books, which in 1989, according to statistic were respectively 3.1, 7.6 and 5.8 times the number published throughout the country in 1952. People in minority regions can tune in to the Central People's Broadcasting Station every day to listen to programme in Mongolian, Tibetan, Uygur, Kazak and Korean languages. Each minority region runs radio and TV programmes in one or several minority languages appropriate to the nationality population living there.

The Chinese government fully respects the traditional culture and customs of minority nationalities, supports various minority arts, and encourages minority people to go in for all forms of artistic and sports activities. People from minority areas can take holidays on their own traditional festivals. Gold, silver and other raw materials are allotted in certain amounts by the government to the minority peoples for the production of the daily necessities or luxury articles including silks, satins, shoes, hats, jewellery, jade artifacts and gold or silver ornaments.

The disparity between the minority regions and the inland and coastal areas arose and developed over a long historical period. For more than 40 years since the People's Republic was founded, the Chinese government has made positive achievements in its efforts to narrow the gap, promote social development and bring about a change for the better in the backward minority areas.

## VIII. FAMILY PLANNING AND PROTECTION OF HUMAN RIGHTS

The Chinese government implements a family planning policy in the light of the Constitution with the aim of promoting economic and social development, raising people's living standards, enhancing the quality of its population and safeguarding the people's rights to enjoy a better life.

China is a developing country with the the biggest population in the world. Many people, little arable land, cooperatively inadequate per-capita share of natural resources plus a relatively backward economy and culture-these features spell out China's basic national conditions.

It is universally knowledged that China has achieved tremendous successes in familiy planning. The birth rate dropped by a margin from 33.43 per thousand in 1970 to 21.06 per thousand in 1990, and the natural population growth dropped from 25.83 per thousand to 14.39 per thousand. In 1970, the child-bearing rate of Chinese women was 5.81, and the figure decreased to 2.31 in 1990. At present, the above three indicators are lower than the average level of other developing countries. To a certain extent, this success has mitigated the contradiction between China's ballooning population and its economic and social development. It has played an important role in advancing socialist

modernization and raising the living standard and the quality of the population. Also it has been an important contribution to the stability of the world's population.

Family planning is also being encouraged among minority nationalities to further their well-being and prosperity, and is based on the minority people's own free will. The specific requirements for minorities are different from those for Han families and are determined by the governments of autonomous regions and provinces according to the population, economy, resources, culture and customs of each nationality. Such a population policy, taking into account both the state's necessity to control population growth and the masses' real problems and degree of acceptance, tallies with China's actual economic and social situation and conforms to the people's fundamental interests. As experience proves, the policy has been understood and supported by the masses after thoroughgoing publicity and education. The fourth census showed that among the children born in 1989 throughout the country, the more-than-three children birthrate dropped to 19.32% from 62.21% in 1970.

China adheres to the principle of combining government guidance with the wishes of the masses when carrying out its family planning policy. Since it involves all families, it would be impossible to put the policy into effect in a country with a population of more than 1.1 bn without the masses' understanding, support and conscientious participation. Family planning is also a reform of social custom and cannot possibly be carried out just by administrative orders. In the countryside, which is inhabited by 80% of the population, millennia-old traditional ideas remain influential, the economy is backward in some areas, and the social welfare and guarantee systems are still inadequate. People have real difficulties in their production and livelihood. Given these factors, the government has always given priority to tireless publicity and educational work among the masses to enhance public awareness that birth control, as a fundamental policy, has a direct bearing on the nation's prosperity and people's happy family life.

Government officials are required to take the lead in carrying out the policy and set a good example. In recent years, the Chinese Family Planning Association has set up more than 600,000 grassroots branches with 32m members to aid the masses in self-education, self-management and self-service, combining ideological education with helping the masses solve practical problems. At the same time, the government has adopted some necessary economic and administrative measures as supplementary means. These measures are all adopted in keeping with the law, and with the ultimate aim of persuasion.

The family planning programme puts contraception first, to protect the health of women and children. The government has made great efforts to spread scientific knowledge of contraceptive practices, and to provide couples of childbearing age who do not want children with safe, efficacious simple and inexpensive contraceptives and the choice of a birth-control operation. At present, about 75% of the couples of child-bearing age throughout the country are resorting to various kinds of contraceptive practices. All forms of forced abortion are resolutely opposed. Artificial abortion, only as a remedy for contraception failure, is performed on a voluntary basis and with guarantee of safety. In a situation of a

notably lower birthrate, the ratio of annual births to artificial abortions is about the medium level in the current world. This has resulted from effective practices of contraception. Now China is adopting practical and effective measures to further lower the ratio.

China's population policy has two objectives: control of population growth and improvement in quality of the population. Work in this field not only encourages couples of child-bearing age to have fewer children but also provides them with mother care, baby care and advice on optimum methods of child-bearing and child-rearing. These services include pre-marriage check-ups, heredity consultation, prenatal diagnosis and care during pregnancy to help couples have sound, healthy babies.

Drowning or abandoning female infants, a pernicious practice left over from feudal society, occurs much less often now, but has not been stamped out entirely in some remote areas. China's law clearly forbids the drowning of infants and other acts of killing them. The government has adopted practical measures for handling these kinds of criminal offences according to law.

China's family planning policy fully conforms to Item 9 of the United Nations' Declaration of Mexico City on Population and Growth in 1984, which demands that "countries which consider that their population growth rate hinders their national development plans should adopt appropriate population plans and programmes". It also accords with the UN World Population Plan of Action which stresses that every country has the sovereign right to formulate and implement its own population policy.

Some people who censure China's family planning policy as "violating human rights" and being "inhuman" do not understand or consider China's real situation. But some others have deliberately distorted the facts in an attempt to put pressure on China and interfere in China's internal affairs. China has only two alternatives in handling its population problem: to implement the family planning policy or to allow blind growth in births. The former choice enables children to be born and grow up healthily and live a better life, while the latter one leads to unrestrained expansion of population so that the majority of the people will be short of food and clothing, while some will even tend to die young. Which of the two pays more attention to human rights and is more humane? The answer is obvious.

## X. ACTIVE PARTICIPATION IN INTERNATIONAL HUMAN RIGHTS ACTIVITIES

China recognizes and respects the purposes and principles of the Charter of the United Nations related to the protection and promotion of human rights. It appreciates and supports the efforts of the UN in promoting universal respect for human rights and fundamental freedoms, and takes an active part in UN activities in the human rights field. China advocates mutual respect for state sovereignty and maintains that priority should be given to safeguarding of the right of the people of the developing countries to subsistence and development, thus creating the necessary conditions for people opposed to interfering in other countries' internal affairs on the pretext of human rights and has

made unremitting efforts to eliminate various abnormal phenomena and strengthen international cooperation in the field of human rights.

In April 1955, Chinese Premier Zhou Enlai signed the "Draft Final Communiqué of the Asian-African Conference" (also known as the "Bandung Declaration") at the Asian and African Conference held in Bandung, Indonesia. The communiqué declared that the conference fully supports the fundamental principles concerning human rights laid down in the UN Charter, and made the "respect for fundamental human rights and for the purposes and principles of the Charter of the United Nations" the first of the ten principles of peaceful co-existence.

In May of the same year, Zhou Enlai, speaking at an enlarged session of the Standing Committee of the National People's Congress, said that "the ten principles contained in the Bandung Declaration also include respect for fundamental human rights and for the purposes and principles of the Charter of the United Nations.... All these are the principles that have been consistently advocated by the Chinese people and adhered to by China."

In his speech during the general debate at the 41st session of the United Nations General Assembly held in 1986, the Chinese foreign minister, when mentioning the 20th anniversary of the International Covenant of Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, pointed out that "the two covenants have played a positive role in realizing the purposes and principles of the UN Charter concerning respect for human rights. The Chinese government has consistently supported these purposes and principles."