

CHINA

BRIEFING FOR THE UN
COMMITTEE ON THE
ELIMINATION OF RACIAL
DISCRIMINATION

75TH SESSION, AUGUST
2009

AMNESTY
INTERNATIONAL



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BRIEFING FOR THE UN COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION IN ADVANCE OF ITS CONSIDERATION OF CHINA'S 10TH, 11TH, 12TH AND 13TH PERIODIC REPORTS DURING THE 75TH SESSION ON 3-28 AUGUST 2009

Amnesty International has prepared this briefing for the UN Committee on the Elimination of Racial Discrimination (CERD) to assist their consideration of China's 10th to 13th periodic reports and the addendum to its 13th periodic report under the International Convention on the Elimination of all Forms of Racial Discrimination (UN Convention against Racism)).¹

In line with Amnesty International's current priorities for research and action, the scope of this briefing is confined to mainland China (China) and excludes the special administrative regions of Hong Kong and Macao. Furthermore, this briefing is not intended to comprehensively review all forms of racial discrimination in China. Rather, it highlights some of the most egregious aspects of such discrimination, in law and practice, which Amnesty International has researched and campaigned on in recent years, including the on-going repression of Tibetans and Uighurs in China.

ARTICLE 1: THE LACK OF A DEFINITION OF RACIAL DISCRIMINATION

Despite recommendations made by the CERD in 2001,² at present, there is still no definition of racial discrimination in China's legislation that accords with the Convention's provisions, nor is racial discrimination as such specifically penalized.

Despite the adoption of laws that prohibit "discrimination against any ethnic group" (*minzuqishi*) as described in paragraph 7 of China's state report, the laws are silent on what type of actions or behaviour would constitute discrimination. For example:

Article 4 of China's Constitution sets out the fundamental principle of equality of all nationalities and non-discrimination. Its first paragraph provides:

“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...”³

Article 249 of the Criminal Law criminalizes incitement to discrimination on the basis of nationality.

“Whoever incites national enmity or discrimination, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.”⁴

However, both provisions fail to provide a definition of discrimination on the basis of nationality, ethnic origin, colour, descent or race as provided in article 1 of the UN Convention against Racism and hence hinders China's full compliance with the Convention. Ethnic minorities are less able to seek legal remedies. The reporting, monitoring and assessment of racial discrimination are all hindered and effective education and training are unlikely to be undertaken to combat racial discrimination without a clear definition of such discrimination in the law.

ARTICLES 2 AND 5: RACIAL DISCRIMINATION AGAINST TIBETANS

Since the unrest in the Tibet Autonomous Region (TAR) and Tibetan-populated areas in neighbouring provinces in March 2008, serious human rights violations have been reported during and following the police and military crackdown on Tibetan protests in these areas.

Initial protests by Tibetans in Lhasa, the capital of TAR, appear to have been peaceful and were suppressed in violation of protesters' rights to freedom of expression, association and assembly, including through the excessive use of force. Protests later turned violent when laypersons joined in and some Tibetan protesters singled out Han Chinese for attack, destroyed shops, government buildings and other property they believed to be Han Chinese-owned.

There are huge discrepancies between the official accounts on the unrest and external observers. For the number of deaths, the Chinese authorities reported that one Tibetan “insurgent” was killed and another 20 people were killed by violent protesters,⁵ the Tibetan Centre for Human Rights and Democracy documented more than 120 Tibetans dead from unnecessary or excessive use of force by the police and military,⁶ and the Tibetan Government in Exile put the estimate at 220.⁷

In their reply to questions raised by the UN Committee Against Torture (CAT) in September 2008, the Chinese authorities stated that, “as of July 2008, the justice departments detained 953 persons, among them, 362 persons surrendered themselves to the police; 42 have been convicted and sentenced, and another 116 criminal suspects are under trial

according to law.”⁸ While Chinese authorities announced in June 2008 that over 1,000 individuals detained in the protests had been released, overseas Tibetan organizations estimated that at least several hundred remained in detention at the end of 2008.

The Chinese authorities have kept access to Tibetan populated areas tightly restricted. Soon after the unrest in March 2008, the Chinese authorities expelled journalists and tourists from the areas. Except for three government-organized media visits on 27-28 March, 9 April and 6 June 2008, the TAR and surrounding Tibetan-populated areas remained sealed off to foreign journalists and tourists until August when Zhaibung Monastery, a major Buddhist monastery in Lhasa, reopened to tourists.⁹ But the authorities imposed the tourist ban again in February and March 2009 and only reopened the area in early April.¹⁰

Human rights organizations, including Amnesty International, continue to receive reports of human rights violations in the region. The volume and consistency of such reports makes them credible even though the lack of access makes them difficult to independently verify.

In November 2008, CAT expressed great concern about the authorities’ crackdowns in March 2008 and in particular regarding the failure to investigate the deaths resulting from indiscriminate firing by the police into crowds of reportedly largely peaceful demonstrators in some places; the failure to conduct independent and impartial investigations into allegations that some of the persons detained or arrested have been subjected to torture or cruel, inhuman or degrading treatment; and the consistent allegations of denial of access to the detainees’ family as well as the denial of prompt access to an independent doctor, nor to an independent lawyer.¹¹

CAT recommended that China, among other things, conduct a thorough and independent inquiry into the reported excessive use of force and the deaths of all persons killed in the March 2008 events in the TAR and neighbouring provinces.¹²

The Chinese authorities have also turned down as “inconvenient” requests for visits to the TAR by several UN human rights experts, including the High Commissioner for Human Rights.¹³ During China’s Universal Periodic Review by the UN Human Rights Council in February 2009, China “categorically rejected” expressions of concern over reports of harassment, arbitrary arrests, punishment and detention of religious and ethnic minorities, including Tibetans. China also “categorically rejected” recommendations that the authorities strengthen the protection of ethnic minorities’ religious, civil, socio-economic and political rights as ill-founded attempts to “politicise the issue”.¹⁴

ARTICLE 5(A): THE RIGHT TO EQUAL TREATMENT BEFORE TRIBUNALS

Amnesty International has documented a pattern of unfair trials of Tibetans who were prosecuted in connection to the unrest since March 2008. Over 100 people have been sentenced in connection with the unrest. Those convicted have received sentences ranging from three years fixed term imprisonment to life imprisonment or the death penalty.¹⁵

According to official Chinese media, at least the first 30 Tibetans who were sentenced in connection with the unrest were represented by government-appointed lawyers.¹⁶ Given the high level of political interference in the criminal justice system in China,¹⁷ Amnesty

International has serious doubts about whether the defendants received adequate legal assistance before and during their trial.

Apart from government-appointed lawyers, the Chinese authorities have barred these defendants from receiving legal assistance from some human rights lawyers. In April 2008, dozens of lawyers offered voluntary legal assistance to Tibetans detained in connection with the unrest. The authorities later warned these lawyers not to get involved in such cases and placed them under police surveillance. The authorities also threatened them with holding up the process of the renewal of their individual practicing licenses and the licenses of the law firms where they were employed.¹⁸ If they fail to pass the annual review, lawyers will not be able to practise as lawyers¹⁹ and law firms cannot continue their operation.²⁰

An independent Tibetan filmmaker Dhondup Wangchen, 34, is currently held in Xining City No. 1 Detention Centre on suspicion of “inciting subversion of state power”. He was first detained on 23 March 2008 in Silung (Chinese: Xining), capital of Qinghai province. Before his detention, he was involved in a documentary called *Leaving Fear Behind* which is about the Tibetans’ views of their daily struggle and the Dalai Lama.²¹ Sources in China told Amnesty International that the police failed to comply with China’s Criminal Procedure Law in giving written notice to his family stating the reason for his detention and where he was being held within 24 hours of his detention. On 13 July he managed to phone his cousin in Switzerland, giving details about the torture he said he was subjected to during interrogations. He now has legal representation of two family-appointed lawyers but the local police prohibited meetings between Dhondup Wangchen and his lawyers on state secret grounds in early March 2009.

Among other recommendations, CAT called on China to ensure that all persons who were detained or arrested in the aftermath of the March 2008 events in the TAR and neighbouring Tibetan prefectures and counties have prompt access to an independent lawyer and independent medical care and the right to lodge complaints in a confidential atmosphere, free from reprisal or harassment.²²

ARTICLE 5(B): THE RIGHT TO SECURITY OF PERSON

Tibetan detainees have been tortured and otherwise ill-treated in custody according to the testimonies of those released and collected by the International Campaign for Tibet and the Tibetan Centre for Human Rights and Democracy.²³

One of those who have spoken out is Jigme Guri (also known as Jigme Gyatso), a 42 year old monk from Labrang monastery in Sangchu county (Chinese: Xiahe), Kanlho Tibetan Autonomous Prefecture (Chinese: Gannan), Gansu province. On 22 March 2008, four men in plainclothes dragged him into a white van while he was having his shoe mended at a local market and took him to a guesthouse run by the People’s Armed Police. After a few days he was moved to another location where he was interrogated for approximately one month. He later recorded a video testimony of his ordeal.²⁴ On the video he revealed how the police and prison personnel had discriminated against Tibetans:

“After keeping us at the detention centre for a few days, they took us to the jail. At the prison, the soldiers commanded us in Chinese saying ‘one, two, three’. Some of us could not understand Chinese. They then scolded us as ‘animals’, ‘fools’, and beat us with

batons. When we asked why they beat us, they replied, 'you people cannot understand Chinese language' and laughed at us."²⁵

"We were taken to a prison in Kachu [Chinese: Linxia]. All other prisoners there were Han and Hui Chinese. We were the only Tibetan prisoners. Everyday, with bare feet, we had to clean the urine and excrement, and cleaned the floor. At the prison, we were forced to take off our monks' robe and put on a layperson's clothing. I am a Buddhist monk and it is humiliating to disrobe and put on a layman's clothes, and to be handcuffed and taken away, barefoot, in a vehicle. In the prison, the conditions were very poor - there was not enough to eat or drink and nothing to wear. There wasn't even a towel to clean the face."²⁶

"I was kept there for one month during which time I was handcuffed in one position for many days and nights. During interrogations, I was accused of having contacts outside: with the Dalai Lama, Samdhong Rinpoche, and Ajia Rinpoche, and that I have to acknowledge that I have these outside contacts... They would hang me up for several hours with my hands tied to a rope... hanging from the ceiling and my feet above the ground. Then they would beat me on my face, chest, and back, with the full force of their fists. Finally, on one occasion, I had lost consciousness and was taken to a hospital. After I regained consciousness at the hospital, I was once again taken back to prison where they continued the practice of hanging me from the ceiling and beating me. As a result, I again lost conscious and (was) then taken to the hospital a second time. Once I was beaten continuously for two days with nothing to eat nor a drop of water to drink. I suffered from pains on my abdomen and chest. The second time, I was unconscious for six days at the hospital, unable to open my eyes or speak a word."²⁷

The video testimony was broadcast by the Voice of America on 3 September 2008. More than 70 People's Armed Police officers reportedly took Jigme Guri away from the monastery on 4 November 2008.²⁸ After six months of detention without charge, he was released on 2 May 2009 and returned to the monastery on 3 May.²⁹ According to Amnesty International's sources, there was no legal documentation for Jigme Guri's detention. His lawyers believed that he had been released on bail pending investigation (*qubaohoushen*),³⁰ meaning he can be taken into detention again if he violates restrictions imposed under China's Criminal Procedure Law. Restrictions include those on movement, disturbing witnesses and evidence of the case, and the obligation to respond if summoned by police.

In addition to recommendations highlighted in previous paragraphs regarding the events in March 2008 in TAR and neighbouring provinces, CAT also urged China to conduct prompt, impartial and effective investigations into all allegations of torture and ill-treatment and to ensure that those responsible are prosecuted.³¹

ARTICLE 5(D) (VII) AND (VIII): FREEDOM OF RELIGION, OPINION AND EXPRESSION

Tibetans in China, among other ethnic groups, continue to be deprived of the right to freedom of religion and expression, which in return fuels tensions in TAR and neighbouring Tibetan-populated regions.

Peaceful expressions of support for the Dalai Lama have been punished. Amnesty International has documented numerous cases of violations of freedoms of religion, opinion

and expression and hereby provides a few recent examples below:

Runggye Adak, a Tibetan nomad who during a cultural festival publicly called for the Dalai Lama's return to Tibet, was sentenced to eight years in prison for "inciting to split the country" and "severely disrupting public order". Three others were jailed for 10, nine and three years respectively on charges of "colluding with foreign separatist forces to split the country and distributing political pamphlets" for their efforts to send information to overseas organizations about Runggye Adak's arrest.³²

According to International Campaign for Tibet, on 27 February 2009, the People's Armed Police shot a 24-year-old Tibetan monk who set himself on fire as a form of protest after prayer ceremonies at his monastery were cancelled. He was holding a homemade Tibetan flag with a picture of the Dalai Lama at the time. The incident took place in Ngaba county (Chinese: Aba), Ngaba Tibetan Autonomous Prefecture, Sichuan province. The authorities had earlier demanded the cancellation of the ceremony which is part of the celebrations for Losar, the Tibetan New Year.³³ The official Chinese news agency, Xinhua, confirmed that a protest took place and that a monk was taken to a hospital to be treated for burn injuries.³⁴ Xinhua reported that the Chinese authorities later denied the shooting, adding that the monk was in stable condition.³⁵

Overseas Tibetan organizations also reported that the police imposed a curfew in Lithang county, Sichuan province and detained between 21-24 people who took part in protests during 15-16 February 2009 where crowds gathered in the county's main vegetable market shouting "No Losar this year!" and "Long live the Dalai Lama!"³⁶ In 2009, Losar fell on 25 February. In response to the intensified crackdown, many Tibetans chose not to celebrate Losar in 2009 but instead dedicated the two-week long festival to commemorate those detained, disappeared or killed in the protests since March 2008.

In Mangra county (Chinese: Guinan), Tsholho TAP (Chinese: Hainan), Qinghai province, approximately 100 monks from Lutsang monastery organized a candlelight vigil on 25 February 2009 in memory of the people killed in the unrest in Spring 2008. According to the International Campaign for Tibet, the monks were demanding the Chinese central government "recognize the will of the Tibetan people" and called for the return of the Dalai Lama. The People's Armed Police quickly surrounded the monastery and gave the organizers of the vigil 48 hours to surrender. They also reportedly told the monks that anyone who was found to be in possession of a picture of the Dalai Lama would be expelled from the monastery.³⁷ On 9 March 2009, the police took away 109 monks from Lutsang monastery for "political re-education".³⁸ On 20 March, the Chinese authorities released 103 of the 109 monks taken away and released the last six in mid-April 2009.³⁹

ARTICLE 2 AND 5: RACIAL DISCRIMINATION AGAINST UIGHURS

The ethnic, language, religious and cultural identity of Uighurs in northwestern China is being systematically eroded through government policies. Policies that limit use of the Uighur language, severe restrictions on freedom of religion, and a sustained influx of Han Chinese migrants into the region, are destroying customs and, together with employment discrimination, fuelling discontent and ethnic tensions. In the mid-1990s, the authorities

launched an aggressive campaign against “terrorism, separatism and religious extremism” that led to the arrest and arbitrary detention of increased numbers of Uighurs, in many instances for nothing more than peacefully exercising their human rights. This crackdown worsened following the attacks in the U.S. on 11 September, 2001, when the Chinese government sought to cast Uighur discontent within the framework of international terrorism, and intensified further in the lead-up to and aftermath of the 2008 Beijing Olympics, when thousands of Uighurs were officially reported to have been arrested.

The Chinese government has actively promoted Han Chinese migration to the region through policies that discriminate against Uighurs and other ethnic minorities in the XUAR, including “Go West” schemes that offer employment, enhanced salaries, housing and benefits, and other incentives to Han Chinese but not to Uighurs and other ethnic minorities. Such policies have helped account for the steady increase in the Han Chinese population of the XUAR, in a trend that has fuelled resentment among Uighurs. According to the latest Chinese census in 2000, there are more than 18 million people living in the Xinjiang Uighur Autonomous Region (XUAR), of whom 40.57 per cent are of “Han nationality” and 59.43 per cent are “minority nationalities”.⁴⁰ This compares with an ethnic groups population of 68.07 per cent in the 1964 census.⁴¹

ARTICLE 5(A): THE RIGHT TO EQUAL TREATMENT BEFORE TRIBUNALS

As a result of the campaign against the “three evils”, increased numbers of Uighurs have been subjected to arbitrary arrests, unfair trials and torture. Before and during the Beijing Olympics in 2008, the authorities used a series of violent incidents, allegedly carried out by Uighur separatist groups, as a pretext for launching a sweeping crackdown on the Uighur population in the XUAR. According to official media, 1,295 people were arrested in the first 11 months of 2008 on state security charges that included separatism, and 1,154 were prosecuted.⁴² This is a drastic increase as compared with figures of arrest and prosecution for state security charges in 2007, when 742 individuals were arrested and 619 were prosecuted in the entire country.⁴³

Abdushukur Qurban, an ethnic Uighur and father of three, was detained on 21 November 2008 in Penjim township, XUAR, for suspicion of endangering state security. In violation of the 24-hour limit for family notification required by the Criminal Procedure Law, the police notified his family about the reason and venue of his detention only on the 26 November. He was first interrogated at a local police station in Penjim and then transferred to Gulja (Chinese: Yining) City No. 1 Detention Centre (also known as Yengi Hayat “New life” Prison) on 22 November. The authorities have turned down requests from his family to bring him winter clothing and blankets. Police have told his family that he was “not admitting his guilt”. It is not known if Abdushukur Qurban has requested a lawyer or if he has access to one.⁴⁴

Ablikim Abdiriyim, the son of exiled Uighur human rights activist Rebiya Kadeer, was denied access to his family for eighteen months after he was first detained in June 2006. Sources told Amnesty International that during their 15-minute visit to Baijiahu prison, just outside Urumqi, capital of XUAR, on 6 December 2007, his relatives found him to be extremely pale and weak and claimed that he had difficulty in recognizing some of them. He told them he had fainted frequently and fallen into a coma on two occasions while in prison. When his family questioned the prison authorities about his health, officials apparently attributed this

to a heart condition, suggesting that it could deteriorate further if he refused to “cooperate” or “admit his guilt”. Despite repeated requests from his family, the authorities have refused to grant him release on parole for hospital treatment. Ablikim Abdiriyim was sentenced to nine years in prison for “separatism” in April 2007. His family claimed that he was not given the right to legal representation of his choice; they were given no advance notice of the trial, in violation of the three-day advance notice as required under the Criminal Procedure Law and that any confession to the charges against him was likely to have been made under torture.

In November 2008, CAT expressed concerns regarding “acts of discrimination against and ill-treatment of persons of ethnic minority groups, in particular the Tibetans and the Uighurs, such as Ablikim Abdureyim (Ablikim Abdiriyim), and with the alleged reluctance on the part of the police and authorities to conduct prompt, impartial and effective investigations into such acts of discrimination or violence”.⁴⁵ In light of this, CAT reiterated its previous recommendation to China to “ensure the protection of members of groups especially at risk of ill-treatment, by ensuring prompt, impartial and effective investigations into all ethnically-motivated violence and discrimination”.⁴⁶ CAT also urged China to “prosecute and punish those responsible for such acts and ensure implementation of positive measures of prevention and protection”.⁴⁷

ARTICLE 5(E) (I): THE RIGHTS TO WORK AND FREE CHOICE OF EMPLOYMENT

China has failed to protect Uighurs from employment discrimination which has further fuelled discontent. Uighurs interviewed by Amnesty International reported seeing “Uighurs need not apply” signs posted by employers at job fairs.⁴⁸ Many students who graduated from a Chinese university outside of the XUAR have told Amnesty International of the extreme difficulty that even well-educated Uighurs have in finding jobs. They either can’t find employment at all or only poorly paid jobs that have nothing to do with their course of study. Many Uighur students tell of only 1 or 2 students in their classes of twenty to thirty students being able to find jobs they are satisfied with.⁴⁹ One young man who graduated from a Chinese university expressed his sentiments this way: “No matter how well I learn Chinese, I still won’t be able to find a job. I can learn Chinese absolutely perfectly -- but it won’t make a difference.”⁵⁰

The XUAR is the only area of China where the general population (non-prisoners) is systematically subject to a government policy of forced labour. Under a system referred to as “hashar”, farming families are fined if they fail to send a family member, sometimes several times each year, to labour in agricultural, infrastructural and other public works for up to two to three weeks at a time. The individuals are given no compensation for their labour, no room or board, and are expected to pay their own transportation costs. Many describe sleeping out in the open and eating nothing but instant noodles for days while doing hard labour.⁵¹ Individuals have reported to Amnesty International that families that do not have an able-bodied young man to send are not exempt, and have had to send men and women as old as 70, and children as young as 12 to participate.⁵²

In May 2005, the UN Committee on Economic, Social and Cultural Rights (CESCR) expressed concerns about the discrimination of ethnic minorities by China, in particular in the field of employment, adequate standard of living, health, education and culture. CESCR further expressed concerns about the right to the free exercise of religion and the use and

teaching of minority languages, history and culture in the XUAR and the TAR.⁵³

ARTICLE 5(E) (V): THE RIGHTS TO EDUCATION

The Chinese authorities continue to pursue a set of language policies that purport to make the school system in the XUAR “bilingual” but which is in fact moving towards Chinese as the sole language of instruction. In the late 1990s the Uighur language began to be phased out as the language of instruction at the university level, this process resulting in the total elimination of Uighur from all higher level education in the XUAR by 2002, including even classes in Uighur literature and poetry. According to Linguistic Anthropology professor Arienne M. Dwyer, the only exception is the teaching of Chagatay (Middle Turkic) poetry at Xinjiang University, which is still allowed to be done in Uighur.⁵⁴ In 2006, the authorities initiated policy measures that are making Chinese the primary medium of instruction at the pre-school level, and Amnesty International has received reports that some pre-school age children have been forced against the will of their parents to live on school premises 6 days a week in order to attend such programs.⁵⁵

In the XUAR, Uighur children as young as five years old are being forced to live away from home in Mandarin-only nursery schools. The number of Uighur students who received class instruction through Mandarin-focused “bilingual” education in 2008 increased by more than 125,000 students over the previous year, reflecting a continuing trend in XUAR schools to diminish the use of ethnic minority languages.⁵⁶

Contradicting the spirit of true “bilingualism”, Uighur children and teachers from a town in southern XUAR reported that they would be fined if they said one word in Uighur while on school premises.⁵⁷

The UN Committee on the Rights of the Child has called on China to “ensure that all teaching and learning materials for the primary and secondary level are also available in ethnic minority languages and with culturally sensitive content.”⁵⁸

ARTICLE 5(E) (VI): THE RIGHT TO CULTURE

The authorities maintain tight control over mosques and clergy, intervening in the appointment of local imams, stationing police within and outside mosques, and closely monitoring all religious activities.⁵⁹ Government employees in the XUAR, including teachers, police officers, state enterprise workers and civil servants risk losing their jobs if they engage in religious activity. The Chinese authorities have also put many obstacles in the way of Uighurs attempting to make the pilgrimage to Mecca, known as the Hajj, which is a requirement for all practising Muslims.

Children under the age of 18 are not allowed to enter mosques or to receive any sort of religious education. Young Uighurs are afraid that if they enter a mosque, or are found to be praying at home, they will be expelled from school, and many report cases of university and high school students who have been expelled for practicing their religion.⁶⁰ Many also report that only on Fridays, the most important prayer day of the week for Muslims, that schools force Uighur students to stay at school for lunch in order to prevent them from going home to pray.⁶¹

RECOMMENDATIONS

Amnesty International calls upon the Chinese government to:

- enact laws that prohibits discrimination on all grounds referred to in article 1 of the UN Convention against Racism;

- respect and protect the rights of Tibetans and Uighurs to freedom of expression, association and assembly and religion as well as respect for the distinct culture, language and traditions;

- immediately and unconditionally release all those detained solely for peacefully exercising their rights to freedom of expression and freedom of religion, or for peacefully exercising their human rights;

- ensure that all detainees have prompt access to lawyers, members of their family and any medical treatment they may require;

- allow access to UN human rights experts and other independent observers to investigate the human rights situation in the TAR and in Tibetan-populated areas in neighbouring provinces;

- conduct a prompt and impartial investigation into the allegations of torture and other ill-treatment of Tibetan, Uighur and other ethnic minority detainees, with a view to bringing those responsible to justice;

- immediately abolish the practice of “hashar”, a form of forced labour.

¹ See Thirteenth periodic report of China, UN Doc. CERD/C/CHN/10-13, 24 March 2009; Report of Hong Kong Special Administrative Region as part of the thirteenth periodic reports of China, UN Doc. CERD/C/HKG/13, 28 July 2008.

² Concluding observations of the Committee on the Elimination of Racial Discrimination: China, CERD/C/59/Misc.16/Rev.3., 9 August 2001, para. 11.

³ National People's Congress [全国人民代表大会], Constitution of the People's Republic of China (1982) (hereinafter Constitution) [中华人民共和国宪法(1982 修订)], promulgated and effective on 4 December 1982, as amended on 12 April 1988, 29 March 1993, 15 March 1999 and 14 March 2004, art. 4, available at: http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm (in English) and http://www.gov.cn/gongbao/content/2004/content_62714.htm (in Chinese), both accessed 18 May 2009.

⁴ National People's Congress [全国人民代表大会], Criminal Law of the People's Republic of China (1997) (hereinafter Criminal Law) [中华人民共和国刑法(1997 修订)], promulgated on 14 March 1997, effective

- on 1 October 1997, amended on 25 December 1999, 31 August 2001, 29 December 2001, 28 December 2002, 28 February 2005, 29 June 2006 and 28 February 2009, Art. 249, available at: <http://www.6law.idv.tw/6law/law-gb/%E4%B8%AD%E8%8F%AF%E4%BA%BA%E6%B0%91%E5%85%B1%E5%92%8C%E5%9C%8B%E5%88%91%E6%B3%95.htm#a151> (in Chinese) and <http://www.cecc.gov/pages/newLaws/criminalLawENG.php> (Congressional - Executive Commission on China's unofficial English translation), both accessed 18 May 2009.
- ⁵ "China says Tibetan shot dead by police", Agence France-Presse, 30 April 2008, http://afp.google.com/article/ALeqM5h8B03aTf5ZZ1vUBPAY02SNpiVa_g, accessed 26 May 2009.
- ⁶ Tibetan Centre for Human Rights and Democracy, *Human Rights Situation in Tibet: Annual Report 2008*, January 2009, p. 19, http://www.tchrd.org/publications/annual_reports/2008/ar_2008.pdf, accessed 29 May 2009. (Tibetan Centre for Human Rights and Democracy, *Human Rights Situation in Tibet: Annual Report 2008*)
- ⁷ Central Tibetan Administration, "China's Brutality in Tibet Exposed", 20 March 2009, <http://www.tibet.net/en/index.php?id=759&articletype=flash>, accessed 29 May 2009.
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- ⁹ "Tibet's major Buddhist monastery reopens after riot", China.org.cn, 29 August 2008, http://www.china.org.cn/travel/news/2008-08/29/content_16355270.htm, accessed 26 May 2009.
- ¹⁰ "Tibet reopens door to foreign tourists", Associated Press, 6 April 2009; "Tibet reopens to foreign tourists after month-long suspension", Xinhuanet, 5 April 2009, http://news.xinhuanet.com/english/2009-04/05/content_11131756.htm, accessed 26 May 2009.
- ¹¹ Concluding observations of the Committee Against Torture on China, UN. Doc. CAT/C/CHN/CO/4, 12 December 2008, para. 23, <http://daccessdds.un.org/doc/UNDOC/GEN/G08/457/10/PDF/G0845710.pdf?OpenElement>, accessed 25 May 2009. (CAT conclusions on China)
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- ¹³ "China rejects bid by UN rights boss for April visit", Reuters, 10 April 2008, <http://www.reuters.com/article/latestCrisis/idUSL10591021>, accessed 26 May 2009.
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²⁰ The requirement for annual review of law firms is stipulated under Ministry of Justice’s Methods for the Management of Law Firms and Methods for the Management of the Registration of Law Firms. Under these two regulations, the annual review of law firms takes place between March and May each year. Law firms need to submit to the local judicial department several documents. The judicial department in the locality will review the documents and send their opinion to the provincial justice bureau. Law firms that

fail to pass the annual review are not allowed to continue their business. See Ministry of Justice [司法部], Methods for the Management of Law Firms [律师事务所管理办法], Order No. 111 [司法部令第 112 号], promulgated and effective on 18 July 2008, art. 43, available at: http://www.legalinfo.gov.cn/moj/2008zcfg/2008-07/22/content_906515.htm, accessed 2 April 2009 and Ministry of Justice [司法部], Methods for the Management of the Registration of Law Firms [律师事务所登记管理办法], Order No. 41 [司法部令第 41 号], promulgated on 25 October 1996, effective on 1 January 1997, arts. 21, 22, 23 and 25, available at: http://www.legalinfo.gov.cn/big5/lsgzgs/2003-03/31/content_21532.htm, accessed 2 April 2009.

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