ON THE PROTECTION OF THE RIGHTS AND INTERESTS OF CHINESE URBAN ETHNIC MINORITIES

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ABSTRACT

The rights and interests of urban ethnic minorities form the basis of their survival and development. The protection of the rights and interests of urban ethnic minorities is an important part of the legislation. It has great significance for the protection of human rights of ethnic minorities, the promotion of national prosperity and the building of a harmonious society. With the rapid pace of social and economic development and urbanization in China, protecting the rights and interests of urban ethnic minorities is becoming more and more important. This paper first discusses the basic situation of urban ethnic minorities, then analyzes the status quo vis-à-vis the protection of their rights and interests, and finally puts forward some proposals to perfect it.

提要

城市少数民族权益是城市少数民族生存和发展的基础。城市少数民族权益保障是中国民族法治建设的重要组成部分，其对于中国保障少数民族人权、构建社会主义和谐社会具有重要的意义。随着中国社会经济的发展和城市化进程的加快，城市少数民族权益的保障日趋重要。本文从论述中国城市少数民族的基本情况入手，分析了中国城市少数民族权益保障的现状，并对如何完善中国城市少数民族的权益保障提出了一些思考。

THE GENERAL SITUATION OF CHINESE URBAN ETHIC MINORITIES

Urban ethnic minorities generally include three categories:

1. The first category is residential ethnic minorities, so named because they have been living in the city for generations. Most of them have concentrated in communities due to historical reasons and work at stable jobs in the city. The residential ethnic minorities and the Han people have a relatively well-developed understanding of one another, so they live together harmoniously.
2. The second category is the migrant ethnic minority population. This category primarily consists of those who, following the founding of New China, began officially moving into the city with their offspring because of job allocations or transfers, educational opportunities, military enlistment, business dealings or marriage proposals. It is comprised of many single ethnic minority groups and this population is growing rapidly.

3. The third is the transient ethnic minority population. This category refers mainly to those who temporarily work or conduct business in the city but whose census registrations are elsewhere. Of the three categories, it is the transient ethnic minority population that is the fastest growing.

With the acceleration of industrialization and urbanization, large numbers of ethnic minorities have moved into the cities. By the end of 2006, China had a total of 656 cities, both big and small. According to the fifth population census conducted in 2000, the population of urban ethnic minorities was 12.4 million, accounting for 11.87 percent of China's total ethnic minorities' population. This growth rate was more than double what it was in 1990, and far greater than the cities' average population growth rate for the same period. In the meantime, ethnic constituents were becoming more and more diversified; most of the medium and big cities have more than 40, and in some cases 50, different ethnic groups.

PROTECTING CONTEMPORARY CHINESE URBAN ETHNIC MINORITIES' RIGHTS AND INTERESTS

Since the founding of New China, and especially after the reform and opening-up policies, the Chinese government has been paying close attention to the protection of urban ethnic minorities' rights and interests. The government mandated a series of laws and regulations and took many supporting political measures to guarantee the rights and interests of these minorities. The rights mainly include: political rights; education rights; religious rights; rights to maintain or change their habits and customs; the right to learn and use ethnic languages and official national languages and characters; the right to economic and cultural development and to receive government assistance.

In this context, we are able to analyze the framework put in place to protect urban minorities' rights both from a legal, as well as policy viewpoint:

1. It is clear that the legal construction of urban ethnic minorities' rights and interests protection continues to evolve. As for ethnic minorities' rights and interests protection, the Constitution issued in 1982, along with some other basic laws, stipulated some clear regulations. In 1993, the State Council issued the "Urban Ethnic Work Regulation," which made specific rules about political, economic and cultural rights, among others. This is the first specific administrative regulation for adjusting urban ethnic groups' relationships within New China. These moves signify that urban ethnic minorities' rights and interests protection has been mounted on a legal track.

Following this, the provinces, cities, and autonomous regions, which also have legislative powers, made a series of regional ethnic laws, one after another, thereby guaranteeing urban ethnic minorities' rights and interests in many regards. At the same time, several regions also drafted specific, single regulations, primarily about respecting the habits and customs of ethnic minorities. For example, in order to respect and ensure the rights of the ethnic groups with HALAL diets, 16 cities and provinces have made rules and regulations about HALAL foods management.

2. There are also particular policy measures on protecting urban ethnic minorities' rights and interests. For example:
   - Active support for the economic and social development of ethnic minority groups. The country offers plenty of policy and financial support for trade and special commodity production enterprises. It also increased investment on infrastructure construction, teachers' configuration and quality training, and school management costs, in order to meet ethnic minority groups' educational needs. For the purpose of accelerating the cultivation of ethnic minorities' talents', most institutions throughout the country give bonus points when admitting ethnic minority students to secondary school and in college entrance exams.
   - Effective help for ethnic minority groups facing financial difficulty. In response to the problem of ethnic minorities facing obstacles in finding jobs and reemployment, the country increased job training for hunters and laid-off workers. It also opened an "express path for ethnic minorities" by creating special opportunities and providing hotlines, acceptance priority, and job recommendation. As for those living close to the minimum guarantee, the government helps them through their difficulties. As to the members of extremely poor families unable to find jobs, the government provides them with special assistance.
   - Respect for urban ethnic minorities' habits, customs and religious beliefs. A number of cities consider the building of HALAL food and beverage shops an important aspect of protecting ethnic minorities' rights and interests. Currently, the number of such shops is increasing steadily. Moreover, the quality and class of such shops are also gradually improving and can satisfy the basic daily and travel dietary needs of 10 ethnic groups, such as the Hui, etc. Also, in order to respect the burial traditions of 10 ethnic minorities in cities with large ethnic minority populations (including the Hui), the city governments have built cemeteries specifically for the Hui. To date, Hui cemeteries amount to 683. Their traditional festivals are valued as well. For

example, for each fast-breaking festival, many city governments will announce a day off for workers so that they may take part in celebration activities.

COMPLETING URBAN ETHNIC MINORITY RIGHTS AND INTERESTS PROTECTION: A FEW THOUGHTS

Through practical work experience in recent years, we have observed that in order to complete the protection of Chinese urban ethnic minorities' rights and interests, attention should be paid to the following points:

1. IMPROVE AND PERFECT THE LEGAL SYSTEM PERTAINING TO URBAN ETHNIC MINORITIES' RIGHTS AND INTERESTS PROTECTION.

The relevant legislative department should make an "ethnic minorities' rights protection law" as soon as possible. The law should provide a system of overall norms and guarantees related to the special habits and customs, cultures, languages and religions of ethnic minorities who are at risk of being neglected and discriminated against. In the meantime, the legislative department needs to complete the related regulations to support the law. It should further regulate the most central issues and specific problems, such as education, health, and employment. In addition, in regards to specific problems, such as HALAL foods management, ethnic minorities' funeral and interment practices, and holidays for ethnic minority festivals, the State Council and the ministries and commissions ought to make generalized administrative rules and regulations.

Furthermore, the supervision mechanism for the enforcement of ethnic laws and regulations must be enhanced and completed. We suggest establishing a monitoring system of relationships between ethnic groups and perfecting it step by step. The monitoring system should draw on daily life indicators in the areas of employment, education, health, housing and so on, thereby enabling the relevant departments to take corresponding measures.

2. STRENGTHEN AND BUILD UP THE SERVICE AND MANAGEMENT SYSTEM OF URBAN ETHNIC MINORITIES' AFFAIRS.

In regards to setting up the service and management system of urban ethnic minorities' affairs, we suggest accelerating the development of ethnic affairs departments' information network systems in order to adapt to the government's requirement to disclose information. This will provide more information to the public so that they can learn about ethnic minorities and the protection of their rights and interests. An investigation and management system should be established to deal with ethnic minorities' complaints of unjust treatment.

In regards to the transient ethnic minority population management service, the government should incorporate this service into the public social management system and comprehensive city treatment and actively guide the transient population to perform legal business operations. In terms of service, traditional cultures, habits, customs, and religious beliefs must be respected. Varied measures must be taken to ensure that ethnic minority citizens adapt to city life. A completion of the service system will facilitate the positive integration of the transient ethnic minority population into the city, and thereby reinforce their sense of belonging.

The government should further mobilize and direct social philanthropic organizations, volunteer services and enterprises to cooperate with it in the undertaking of ethnic work with a view to forming an ethnic professional network. Through the cooperation of all social parties, unity and harmony between ethnic minorities and common development should also be promoted.

3. MAKE FURTHER EFFORTS TO PUBLICIZE CIVIC EDUCATION AND ETHNIC UNITY EDUCATION IN ORDER TO PROMOTE URBAN SPIRITUAL CIVILIZATION AND THE DEVELOPMENT OF ETHNIC HARMONY.

More efforts should be made to publicize ethnic knowledge and its related practices, laws and regulations. The content publicized and taught should vary since the targets are different. Municipal departments, especially police departments, city management departments, law enforcement and management departments should reinforce their education of ethnic knowledge, practices, laws and regulations. Here, the purpose is that they may better implement these practices and laws, taking into account the particularities of ethnic minorities in their daily work and therefore effectively respect and protect their legal rights and interests. As to the city residents, the government should publicize ethnic knowledge and practices among them with a view to eliminating psychological estrangement, thereby enabling them to understand, accept, condone and treat migrant ethnic minorities as members of the city. For migrant ethnic minorities, the government should provide them with civic education, legal knowledge and relay urban experience in order to foster their civic consciousness and understanding of legal rights according to law, thus facilitating their integration into city life.

In short, the protection of rights and interests of Chinese urban ethnic minorities work requires extensive work and a systematic project to address the issues it presents. Perfecting the legal protection is one important aspect, however, at the same time, other aspects must not be ignored. Through the joint efforts of all parties, we believe our protection work will reach a higher level of service delivery.

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