

China's Regional Ethnic Autonomy Law: Does it Protect Minority Rights?

Monday, April 11, from 2:00 – 3:30 PM

Rayburn House Office Building, Room 2255

Statement of

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Thank you for the opportunity to address the Congressional Executive Committee on China's roundtable on "China's Regional Autonomy Law: Does it protect Minority Rights."

I am submitting for the record a copy of *Legal Standards and Autonomy Options for Minority Rights in China: the Tibetan Case*.¹ Also submitted for the record is a [compilation/analysis of 161 laws and regulations](#) establishing autonomy in the ethnic Tibetan areas of Western China including the provinces of Sichuan, Yunnan, Gansu, Qinghai and the Tibet Autonomous Region (TAR).

The report offers a directory of Chinese laws and regulations on minority rights and autonomy. It:

- Provides an assessment of existing national, provincial and prefectural level Chinese laws and regulations.
- Analyzes and outlines the existing international standards for treatment of minorities and autonomy arrangements.
- Offers a menu of autonomy options, based on examples of existing autonomy models from around the world.
- Itemizes the full list of Chinese laws and regulations reviewed for the report.
- Describes 22 other illustrative autonomy arrangements.

Scholarship should not exist in a vacuum. To have practical application, it must take into account the political context. To this end, Mr. Theodore C. Sorensen and I visited Beijing in June 2004. The purpose of our trip was to assess the views of Chinese counterparts on Tibetan issues. *Legal Standards and Autonomy Options for Minorities in China: The Tibetan Case* is designed as a technical resource for strengthening ethnic minority rights in China, with specific focus on Tibetans in China, within the context of Chinese law. It is published in English and Chinese. Research included contact with Chinese officials, scholars and think-tank representatives. Ongoing cooperation with Chinese counterparts and dissemination strategies are being explored.

Based on our discussions, we determined that Chinese officials increasingly appreciate that effective autonomy would enhance, not impair, China's sovereignty and territorial integrity while reinforcing its stated commitment to the rule of law. They welcomed our view that a uniform approach to autonomy in the ethnic Tibetan areas of the TAR, Sichuan, Yunnan, Gansu and Qinghai provinces would enhance stability and prospects for development. Chinese officials, think-tank representatives and scholars all affirmed the need to:

- "Improve" the country's legal system.

- “Perfect” arrangements for ethnic autonomy.
- “Adapt” measures to local conditions.
- “Conform” laws and regulations on minority rights to international standards.

Today’s context provides an opportunity for progress on the Tibetan issue. We are encouraged by the direct contact between Chinese officials and Tibetan representatives from Dharamsala who have visited China three times between 2002 and 2004. A spokesman for the Chinese Ministry of Foreign Affairs affirmed, “This method proves there is contact between the central government and the Dalai Lama. The lines of communication are open.”²

Tibetans also recognize that autonomy is also the best and most realistic way to preserve Tibetan culture. The Dalai Lama has reiterated his clear and unambiguous support for the “one-China line.” He recently went one step further by giving up demands for Tibetan self-government so long as Tibet’s culture, spirituality, and environment are preserved. He stated, “I am not in favor of separation. Tibet is a part of the People’s Republic of China. Tibetan culture and Buddhism are part of Chinese culture.”³ He also recognized the “broader interest” of Tibetans suggesting that Tibetans would benefit from China sharing the benefits from its rapid economic growth while Tibetan Buddhism could enhance “internal values” by contributing to China’s spiritual identity. The Dalai Lama’s statements create a unique opportunity to deepen discussions about autonomy for ethnic Tibetan areas in China paving the way for his return to Lhasa in the capacity as a spiritual leader.

Objective analysis of the existing body of China’s laws on ethnic minority rights and autonomy is the essential starting point for evaluating enhanced autonomy options. Following is an analysis of Chinese national, provincial, prefectural, and county laws and regulations in areas of governance, economy, and culture. The analysis encompasses ethnic Tibetan areas including the TAR, six autonomous prefectures in Qinghai, one autonomous prefecture in Yunnan, one autonomous prefecture and one autonomous county in Gansu, and two autonomous prefectures and one autonomous county in Sichuan.

CHINA’S LAWS ON AUTONOMY AND ETHNIC MINORITY RIGHTS

After the revolution of 1949, the Chinese Communist Party developed legal provisions for autonomy, recognizing the advantages of providing minority groups with self-government. China has since added to this body of laws. China’s official stance has always been that minorities share equal legal status with the majority Han, and that minorities should exercise autonomous self-government to protect their unique culture.

Governance

National laws and regulations on self-governance of minorities

Article 4 of the Constitution of the People’s Republic of China (PRC) sets forth the fundamental policy of the State with respect to ethnic groups. It indicates that all ethnic groups are equal. The State guarantees the legal rights and interests of all minorities and safeguards and protects the equality, unity, and relationships of all ethnic groups. Article 4 also prohibits discrimination against and oppression of ethnic groups and prohibits activities that destroy the unity of ethnic groups or create ethnic separatism. In accordance with the “special characteristics and needs” of all minorities, the State shall assist minority areas to accelerate the development of their economy and culture. Autonomy is to be implemented in areas where minorities are concentrated. All autonomous areas are an integral part of the People’s Republic of China. Each ethnic group has the freedom to use and develop its own oral and written language and to maintain or “reform” its own customs and traditions.

The people's congresses of ethnic autonomous areas have the power to formulate regulations in accordance with the political, economic, and cultural characteristics of the local minorities. Such regulations are to be submitted to the Standing Committee of the National People's Congress for approval before they become effective. Regulations of autonomous prefectures and autonomous counties are to be submitted to the standing committee of the people's congress of the province or autonomous region for approval before becoming effective and are to be submitted to the Standing Committee of the National People's Congress for the record.⁴ The Standing Committee of the National People's Congress has the authority to abolish any local laws or regulations formulated by state-level agencies in the provinces, autonomous regions, or municipalities directly under the central government that conflict with the Constitution or other laws or administrative regulations.⁵

Several other national instruments provide for the equal rights of minorities to self-governance while protecting the unity of the State.⁶ All minorities are to enjoy the same freedoms of thought, expression, assembly, religion, movement, association, communication, and residence as are enjoyed by the Han people in the same locality.⁷ Like the Han majority, minorities are entitled to vote, join groups, pursue any profession, and use their own languages when instituting or defending lawsuits or in any investigation conducted by a procuracy.⁸ The development of a minority's culture and economy are to gradually eradicate inequality,⁹ but "reforms" of a minority's customs and traditions cannot be imposed if a majority of the group wishes otherwise.¹⁰ Observance of minority holidays, dietary restrictions, and religious practices must be allowed,¹¹ and complaints of discrimination are to be handled by the people's governments.

The Law of the People's Republic of China on the Autonomy of Ethnic Areas (the PRC Autonomy Law) requires that areas where minorities are concentrated are to implement regional autonomy through autonomy agencies at the regional, prefecture, and county levels.¹² Autonomy agencies must place a priority on the interests of the State as a whole, especially the unity of the State, while safeguarding and developing the equality and unity of minorities and the socialist minority relations of mutual assistance.¹³ Discrimination against any minority is forbidden.¹⁴

The *PRC Autonomy Law* contains provisions relating to the right of autonomy agencies to establish schools; reduce or waive taxes; establish local commercial banks and credit cooperatives; strengthen culture by developing minority literature, art, news, publishing, films, and television; protect historically significant minority sites and relics; keep and develop "excellent" aspects of minority culture; and establish border trade. Decisions or orders relating to an autonomous area must be "suitable" to circumstances in the area.¹⁵ If any "higher level state agency" decision is not appropriate for the actual circumstances of a locality, an autonomy agency may request that such state agency change the decision or request a cessation of its implementation. The state agency is required to respond within 60 days after receipt of the request.¹⁶ Popular consultations are neither forbidden nor required.

Regional and local laws and regulations on self-governance of minorities

TAR regulations¹⁷ have been formulated to "standardize" legislation-making activities and improve the procedures for lawmaking. Regulations define the authority of the people's congress and its standing committee, prescribing proposal-making procedures for local regulations in Lhasa, and identifying which authorities have the power to interpret legislation. Lhasa regulations provide that draft legislation be submitted to the TAR People's Congress or the Lhasa People's Congress in both Tibetan and Chinese languages.¹⁸

The autonomy regulations of Tibetan autonomous prefectures in Gansu, Qinghai, and Sichuan Provinces provide for local implementation by the people's congresses and people's governments of the *PRC Autonomy Law*. In addition, the prefectural regulations provide for translation agencies to support the use

and development of the Tibetan language¹⁹ and require Chinese cadres²⁰ to learn Tibetan²¹. When studying and using their own language, minority cadres “should” also study Putonghua and the Chinese written language.²²

The regulations for the Sichuan prefectures in most cases contain a provision that religion may not be used to “interfere” with marriage.²³ Investigators and judicial staff may not concurrently hold the position of interpreter.²⁴ Regulations call for population planning to promote good health and the improvement of the population.²⁵ The development of minority medicine should be pursued by autonomy agencies or by research agencies established by autonomy agencies.²⁶ Generally, the regulations specify that the head of the prefecture government and the chairman or vice chairman of the standing committee of the people’s congresses are to be Tibetan, and that leadership positions in the people’s courts and people’s procuracies are also to include minorities.²⁷ Several regulations also require the suppression of “majority racism,” particularly “Han racism” and “regional racism.”²⁸

The Guoluo Autonomy Regulations require that at least one half of the members of the standing committee of its people’s congress be Tibetan.²⁹ The Huangnan Autonomy Regulations require the autonomy agencies to adopt measures to gradually change, as determined by the masses, “old concepts and customs” that obstruct progress toward a socialist life. They prohibit anyone from, among other things, using religion to “interfere with” the promotion of technology or to coerce individuals into making contributions to religious institutions.³⁰

National laws and regulations on executive governance

National laws set quotas for minority representation in the National People’s Congress.³¹ Article 65 of the Constitution also provides that the Standing Committee of the National People’s Congress is to have an “appropriate” number of minority representatives. To this end, provisions exist (i) clarifying the guidelines and main tasks for selecting minority cadres; (ii) strengthening the training and education of minority cadres and further improving their political and professional quality; (iii) strengthening the team of minority cadres at the basic levels; (iv) strengthening the team of minority specialists and technical cadres; (v) carefully selecting the minority cadres who are to be leaders; and (vi) including the training and selection of minority cadres in the agendas of departments in each area.³²

Regional and local laws and regulations on local executive governance

Implementing measures³³ provide for the composition of residents’ committees, which are the most basic autonomy organization of the people. Measures also relate to the election of representatives of the TAR to the National People’s Congress and people’s congresses at all levels. Representatives of the TAR on the National People’s Congress and the representatives on the people’s congresses of the autonomous regions or cities are to be elected by the lower-level people’s congresses.³⁴ Voters shall directly elect the representatives on the people’s congresses of cities, areas directly under the control of the municipalities, counties, autonomous counties, villages, ethnic villages, and townships.³⁵ The standing committees of the people’s congresses of autonomous areas or cities are to manage the election of representatives to the people’s congresses at their level, and the lower level administrative subdivisions are to establish election committees to manage the election of representatives to the people’s congresses at their levels.³⁶ The Election Measures set forth the number of representatives serving in the various levels of people’s congresses in the TAR.³⁷ If other minorities live in concentrated areas in the TAR, then they also are to have representatives sitting on the people’s congresses in accordance with the national election law.³⁸ The *Election Measures* provide for the creation of electoral districts, voter registration, nomination of candidates, and election procedures. If a person has the right to directly elect a representative, he or she shall exercise his or her vote by presenting either an identification or voting card. If more than half of the electorate vote, then the vote is valid, and a candidate will be considered to be elected if he or she receives

a majority of votes.³⁹ Where the people's congress at the county level and above elect the representatives to the next level people's congress, the former shall convene a meeting, and a candidate will be considered to be elected if he or she receives a majority of the votes of all of the representatives.⁴⁰ Elections are to be conducted by secret ballot.⁴¹ The Election Measures also provide that all Chinese citizens 18 or older have the right to vote and to be elected to the people's congresses.⁴² All documents used in elections shall be in both Chinese and Tibetan.⁴³ It is an offense, among other things, to incite ethnic relations, destroy the unity of the peoples, or instigate the separation of peoples.⁴⁴ Meetings of the people's congress of the TAR must be conducted in both Chinese and Tibetan.⁴⁵

National laws and regulations on police and security

Section 120 of the Constitution provides that the autonomy agencies of ethnic autonomous areas may, upon the approval of the State Council and in accordance with the military system of the State and the needs of the locality, organize public security forces for the local area to safeguard social and public order.

Regional and local laws and regulations on police and security

The TAR and various prefectures in Qinghai Province have adopted regulations to implement the *Decision of the Standing Committee of the National People's Congress on Strengthening the Comprehensive Administration of Social and Public Order*. The regulations set forth a framework to combat crime, specifying the roles of various agencies such as the courts, people's procuracies, public security bureaus, state security agencies, judicial agencies, and the people's armed police, as well as agencies, social groups, and enterprises. The goal is to combat crime by organizing social forces to use political, economic, legal, administrative, cultural, educational, and other measures to attack, prevent, and reduce crime and safeguard social order and stability. The local regulations for the TAR and the Haixi prefecture require the "relevant departments" to "strengthen the management" of religious affairs.⁴⁶

Regional and local laws and regulations on minorities' rights

The *Law of the People's Republic of China on Assemblies, Processions and Demonstrations* and the implementing measures of the TAR⁴⁷ and Lhasa Municipality⁴⁸ require permits to be issued by the competent authorities before assemblies, processions, and demonstrations may be held. Competent authorities include public security bureaus of the locality, municipality, or county.⁴⁹ No person may use religious or other activities to initiate or organize any assemblies, processions, or demonstrations that endanger the unity of the State or destroy the unity of ethnic groups or social stability.⁵⁰ Activities that oppose the Constitution, harm the State, instigate division among ethnic groups, or endanger public security and order are prohibited.⁵¹ Citizens may not initiate, organize, or participate in any assembly, procession, or demonstration held in cities outside the place where they reside. Without the approval of the competent authorities, foreign nationals may not participate in any assemblies, processions, or demonstrations organized by citizens in the TAR.⁵² Measures adopted in the TAR are also intended to implement the national legislation for the protection of women, minors, and disabled persons. Guarantees are established to promote the equality and rights of women and the disabled and set forth the legal obligations of parents to minors and the obligation of guardians, schools, social organizations, and the judicial system.⁵³

Economy

National laws and regulations on economic rights

The PRC Autonomy Law grants autonomy agencies the authority to govern matters that affect the economic conditions of minority areas under their administration. Under the PRC Autonomy Law,

autonomy agencies have the authority to determine the use, ownership, and protection of grasslands and forests; manage and protect natural resources; and undertake local infrastructure projects. Autonomy agencies also have the authority to develop foreign economic and trade activities and manage local finances, including contingency funds, taxation, banks, and credit cooperatives.

The PRC Autonomy Law stipulates that:

(a) The State shall formulate preferential policies to support the development of foreign economic and trade activities of autonomous areas, expand the foreign trade powers of production enterprises in the autonomous areas, and encourage the export of locally produced products. Autonomous areas may open foreign trade ports with the approval of the State Council. Areas that share a border with foreign countries may, upon the approval of the State Council, develop border trade. Such areas shall enjoy preferential policies of the State with respect to their foreign economic and trade activities.⁵⁴

(b) The State is to formulate preferential policies to attract and encourage the investment of domestic and foreign capital in ethnic autonomous areas. In determining national social and economic development plans, the “higher level state agencies” shall give attention to the special characteristics and needs of ethnic autonomous areas.⁵⁵ In accordance with uniform plans and market demand, the State shall give priority to natural resource development projects and infrastructure projects in ethnic autonomous areas. In major infrastructure projects, the State will “appropriately” increase the proportion of its investment and the ratio of “policy-nature” bank loans. When arranging infrastructure projects in ethnic areas, the State may reduce the amount of matching funds that an ethnic area must provide or exempt them entirely.⁵⁶

(c) “Higher level state agencies” shall support the improvement of conditions for the production for agriculture, animal husbandry, and forestry industries, as well as water, transportation, energy, communications, and other infrastructure.⁵⁷

(d) When the State develops natural resources or carries out construction in autonomous regions, the State shall consider the interests of the autonomous area and make arrangements that benefit the economy of the autonomous area, with consideration to the production and lives of local minorities. The State shall take measures to give compensation for natural resources that are transported out of autonomous areas.⁵⁸

(e) Autonomy agencies have the authority to manage and protect natural resources in autonomous areas.⁵⁹

The Ministry of Labor has implemented preferential labor policies for minority autonomous areas such as lowering minimum standards for recruitment, giving minorities priority in employment if all conditions are equal, and giving priority to hiring minorities to fill jobs created by natural attrition. In addition, the Ministry has sought to encourage minority students to take entrance exams for vocational training schools and to require vocational schools in minority areas to enroll a “certain percentage” of minority students and “appropriately” modify the admissions score standards.⁶⁰

The *Provisions on the Management of Subsidies for Minority Areas*⁶¹ authorize subsidies for minorities in the national budget to meet special expenses of minorities for promoting production, culture, education, medical care, and health.

Regional and local laws and regulations on economic rights

The regional and local autonomy regulations that implement the *PRC Autonomy Law* in the autonomy areas in Qinghai, Sichuan, and Yunnan Provinces (specifically the prefectures of Yushu, Guoluo, Haixi, Ganzi, A Ba, and Qiang, Diqing and Muli County) contain provisions on economic rights that essentially

mirror the corresponding provisions in the national *PRC Autonomy Law*. Autonomy agencies have autonomy in arranging and managing the economic development and the finances of the autonomous area. The autonomy agencies are mandated to actively organize the procurement and supply of goods that are specially required by minorities and to give support and consideration in the form of “capital, technology, and the supply of raw materials.”⁶²

Regional and local laws and regulations on natural resources

Regulations of the TAR provide for the “rational development” and use of mineral resources.⁶³ Entities that develop mineral resources in the TAR are to take into account the interests of the people in the mining area and promote economic development and social progress in the area.⁶⁴ All levels of people’s governments are to actively encourage and attract mining activities in remote and impoverished areas.⁶⁵ Other regulations protect scenic areas, lakes, rivers, and drinking water sources; control air and noise pollution; and provide other environmental protections.⁶⁶

The regulations of Tianzhu County in Gansu Province require that mining programs must implement policies relating to ethnic groups as well as laws relating to workers of an ethnic group and are to respect the minorities’ traditions and religion and safeguard and develop the unity of ethnic groups.⁶⁷ Prefecture regulations give priority to the prefecture regarding the rational development and use of natural resources.⁶⁸ In Gannan prefecture of Gansu Province, a portion of the gold or silver produced may be used by ethnic minorities in the area to make decorative products.⁶⁹

Culture

National laws and regulations on education

Official opinions and notices⁷⁰ direct public institutions to take measures aimed at ensuring an adequate education for minorities. To this end, schools may waive or lower tuition and other fees for minority students who have special hardships; minority young people with work experience or who have excelled should have priority in admission into colleges and universities; preparatory classes at colleges and universities should be available to minorities; students who successfully complete the one year preparatory program and who have “a good political outlook” should be admitted to colleges or universities; threshold admission scores may be lowered for minority students; central government subsidies should be provided for the development of vocational education for minorities; schools for teachers are permitted to have quotas for the admission of minority students from ethnically commingled areas and minority graduates of such schools are to be given priority in assignments to schools for minorities or schools that have a large minority student population; medical schools in minority areas must guarantee that an “appropriate” number of minority students are accepted each year such that the ratio of minority students to non-minority students will “eventually” reflect the population ratio in the minority area; and medical schools in economically developed provinces should be paired up with those in minority areas — encouraging visiting teachers from minority areas to conduct advanced study and research and sending specialists to minority areas to teach, hold seminars, and train local professionals. For example, Beijing should support Inner Mongolia, Shandong should support Qinghai, Tianjin should support Gansu, Shanghai should support Yunnan and Ningxia, and the entire country should support Tibet.

With respect to medical education, special attention is to be given to the development of minority medical studies, Mongolian, Tibetan, and Uighur medical studies shall be performed in Inner Mongolia, Qinghai, and Xinjiang, respectively.⁷¹

Regional and local laws and regulations on education

The *PRC Autonomy Law* provides that the autonomy agencies have the authority, in accordance with the education policies, laws, and regulations of the State, to determine the education plans of the locality, establishing all types of schools, the school system, the form of classes, the curriculum, the language of instruction, and the method of recruiting students.⁷² Public schools for ethnic minorities shall primarily be boarding schools with special financial assistance targeting schools in minority pastoral areas and mountainous regions where minorities are dispersed and there are economic difficulties. The local financial departments are to “resolve” the funding for establishing schools and for providing financial aid. If they have difficulties, then the higher level financial departments are to grant subsidies.⁷³ Schools and other educational institutes that focus on minority students and have the resources shall use textbooks in minority languages. In addition, the minority language shall be the language of instruction. Chinese classes will be offered, depending on the circumstances in the lower grades of elementary schools or middle schools. Putonghua and standardized Chinese characters will be promoted.⁷⁴ Regional and local laws and regulations that govern education have been formulated to implement the *Law of the People’s Republic of China on Compulsory Education*, which requires nine years of compulsory education. Religion may not be advocated in schools, and superstitious thinking may not be propagated.⁷⁵ In the TAR and Gansu, Qinghai, and Sichuan Provinces, all children, including minority children, who have reached the age of six or seven are required to enroll in school and receive their compulsory education for a prescribed number of years, which may be less than the nine year goal depending on circumstances in the locality.⁷⁶ In the TAR and Gansu, Qinghai, and Sichuan Provinces, laws and regulations ensure that minority students receive instruction in both their minority language and Chinese.⁷⁷ In some of these provinces, regulations ensure that students use textbooks in minority languages.⁷⁸ In the Hainan prefecture of Qinghai, teacher training schools for minorities are to be established for training elementary school teachers. The teaching schools are to strengthen the teaching of the Chinese and Tibetan languages and other subjects so that student elementary teachers can master both Chinese and Tibetan and other required subjects.⁷⁹

No person may carry out religious activities or “advocate” religion to students in elementary or high schools.⁸⁰ Other regulations prohibit school age children from entering temples and ban religious organizations from recruiting them for religious study.⁸¹

National laws and regulations on language

Official notices and national laws provide for the development of minority languages⁸² and indicate that all ethnic groups have the freedom to use and develop their own oral and written language.⁸³ Autonomy agencies of ethnic autonomous areas are to use the local commonly used language or languages in performing their duties in accordance with the stipulations of the autonomy regulations of the ethnic autonomous areas.⁸⁴ Han cadres working in minority areas are required to learn the local minority language, and minority cadres must learn Chinese.⁸⁵ All ethnic groups are encouraged to learn each other’s languages.⁸⁶ Ethnic groups that do not have their own written language or standard written language are encouraged to choose an existing written language.⁸⁷ Schools with mostly minority students are required to use textbooks in the minority language of the students. While the language of instruction will be the minority language, Chinese language classes are to be offered at the appropriate grade and the use of Putonghua is to be promoted.⁸⁸ For the medical education of minorities under the *Opinion on Strengthening Medical Education in Minority Areas*,⁸⁹ minority languages may be used provided that the schools have adequate resources. Departments involved in publishing have been instructed to actively support the requests of ethnic groups with a standardized written language to publish books in ethnic languages, regardless of the size of the ethnic group. The budget for minority publishing is to be increased on an annual basis, and efforts should be made to increase printing and expand the distribution of minority publications.⁹⁰

Article 134 of the *Constitution* provides that citizens of all ethnic groups have the right to use their own minority language in conducting litigation. In addition, the people's courts and the people's procuracies are to provide translators for litigants who are not familiar with the locally used language. In hearing cases in areas where minorities are concentrated or where several minorities reside, the locally used language is to be used. Complaints, judgments, notices, and other written documents shall be in the locally used language or languages in accordance with actual needs.

Regional and local laws and regulations on language

Regional and local laws and regulations guarantee the freedom of Tibetan minorities to use and develop their own language.⁹¹ They also stipulate that the languages of all ethnic groups are equal.⁹² All official seals, forms of identification, and signs of regional and local government agencies, as well as signage for public facilities, advertisements, place names, street signs, and so forth are required to be in the local minority language.⁹³ Judicial agencies and courts at all levels are required to use minority languages in hearing or investigating cases and to provide litigants with interpreters.⁹⁴ Minorities also have the right to use their minority language when undertaking "letters to and visits with officials."⁹⁵ Other minority language protections include laws and regulations providing that individuals who speak both Tibetan and Chinese enjoy preferential treatment with respect to hiring for government positions and⁹⁶ that Tibetan language broadcasting, television programs, and other media be developed.⁹⁷ Election materials may be in minority languages⁹⁸, and product packaging and product information for goods that are manufactured in the TAR or autonomous prefectures for sale in those areas are to be written in Chinese and Tibetan.⁹⁹

National laws and regulations on cultural traditions

Official notices and explanations¹⁰⁰ that govern cultural traditions protect certain traditions, particularly ancient texts as well as the oral and funeral traditions of minority groups. The preservation, collection, and organization of ancient texts of ethnic groups have been deemed a priority by the State Ethnic Affairs Commission, which identifies such texts as part of China's cultural heritage.¹⁰¹ Relevant departments have been instructed to create the necessary working and living conditions for specialists to organize ancient texts.¹⁰² The provinces, autonomous regions, and municipalities directly under the central authorities are to organize people to collect and save oral traditions.¹⁰³ The right of certain minority groups to retain or "reform" their own funeral traditions is also respected. Although subject to certain restrictions for the protection of public health such as the prohibition on moving and the requirement for immediate sterilization and cremation of bodies of persons who have died of the bubonic plague, cholera, or anthrax, no group may be forced to carry out cremations.¹⁰⁴

Regional and local laws and regulations on cultural traditions

Regional and local laws and regulations that govern cultural traditions vary. The development of Tibetan medical undertakings is to be included in the national economic and social development plans, as well as regional public health plans.¹⁰⁵ Public health institutions are required to have Tibetan medical personnel, instruments and equipment, and a Tibetan medical pharmacy.¹⁰⁶ Some regulations also encourage the development of traditional Tibetan medicine, as well as the protection and management of herb, plant, animal, and mineral resources used in the production of Tibetan medicines.¹⁰⁷ The people's governments at all levels in the Gannan prefecture of Gansu Province are required to protect and promote Tibetan and traditional Chinese medicine.¹⁰⁸ Other regulations call for the promotion of Tibetan medical studies, the development of Tibetan medical theory and practice, and the gradual regularization, scientificization, and modernization of Tibetan medical work.¹⁰⁹

Regional and local laws and regulations on the family

Regional and local laws and regulations that govern reproduction allow for variations from the national “one couple, one child” policy, which is not strictly enforced in minority regions. Although the “one couple, one child” policy¹¹⁰ is advocated for Tibetans, a second child is permitted, and a third child is controlled.¹¹¹ If both the husband and wife are state cadres, workers, or other non-rural residents, then permission for a second child may be granted if either the husband or wife is Tibetan or the first child has been evaluated as a child with a nonhereditary illness and is unable to participate in the normal labor force.¹¹² With respect to Tibetan people who live in pastoral villages or forested areas, the one child policy shall be advocated, but second and third children are permitted.¹¹³ For the third child, spacing between births is advocated. In the case of state cadres, workers and other non-rural persons, and rural and pastoral residents who wish to have a second child, the period shall be at least three years.¹¹⁴ “Remedial measures” may deal with unplanned pregnancies for couples who already have two children. In areas that permit three children, when a couple already has three children, either the husband or wife must undergo sterilization.¹¹⁵

In the TAR, Qinghai, and Sichuan, traditional minority marriage ceremonies are permitted, though polygamy and polyandry have been abolished, and religion may not be used to “interfere” with marriage.¹¹⁶ Laws and regulations in certain Tibetan prefectures in Qinghai and Sichuan expressly protect the right of persons of different ethnic groups to marry one another.¹¹⁷ Prohibitions exist for arranged marriages and the sale of a person into marriage.¹¹⁸

National laws and regulations on religion

Under a 1952 State Council decision, all minorities are to enjoy, among other things, the same freedom of religion as is enjoyed by Han people in the same locality.¹¹⁹ The State Ethnic Affairs Commission requires that the observance of minority holidays, dietary restrictions, and religious practices be allowed.¹²⁰

The *PRC Autonomy Law* requires the autonomy agencies of ethnic autonomy areas to guarantee the freedom of religion of citizens of all ethnic groups. No state agency, social group, or individual may force any citizen to adopt any beliefs or disavow any religious beliefs and may not discriminate against citizens who have religious beliefs and those who do not. The State protects “normal” religious activities. However, no person may use religion to destroy social order, damage the health or well-being of citizens, or interfere with the state education system. In addition, religious groups and institutions may not accept support from “foreign forces.”¹²¹

Regional and local laws and regulations on religion

While the government respects and protects the religious freedom of citizens,¹²² all religious activities must be carried out within the scope of the Constitution and in compliance of all laws, regulations, and policies.¹²³ All religious groups and places of religious activity and individuals must accept the leadership of the Communist Party of China and the government and support the socialist system.¹²⁴ Religion or places of religious activity may not be used to incite trouble, create havoc, or carry out criminal activities such as separatism, destroy the unity of ethnic groups, or disturb social and public order.¹²⁵

The approval of the people’s government is required for the rebuilding or opening of all places of religious activity.¹²⁶ Registered places will receive legal protection.¹²⁷ Places of religious activity are to be managed by “patriotic religious groups whose members must support the Party and socialism, be patriotic and law abiding, and who safeguard the unity of the State and ethnic groups.”¹²⁸

The *Interim Measures of the TAR on the Administration of Religious Affairs* set a quota and application system for monks and nuns.¹²⁹ Applicants who wish to become a monk or nun must, among other things,

be patriotic and law abiding.¹³⁰

Propaganda and publishing departments are to control the publication of documents that contain religious content so that they conform with the religious policies of the Party or the State.¹³¹ Approval from “relevant departments” is required to edit, publish, or distribute religious materials, including video and audio recordings.¹³²

In Gansu Province, religious teachers may not proselytize outside places of religious activity.¹³³ Moreover, the activities of self-proclaimed preachers are prohibited.¹³⁴

With respect to foreign contacts, places of religious activity are to abide by the principles of independence and autonomy.¹³⁵ No foreign donations for proselytizing activities that have “conditions” attached to them may be accepted.¹³⁶ Major donations from foreign organizations or followers require the approval of the people’s government or the religious affairs bureau of the State Council.¹³⁷ Foreign personnel who go to Qinghai may not, “without approval,” broadcast audio or video tapes of sermons by foreign religious persons or distribute religious tracts.¹³⁸

Notes:

1. Harvard University, Belfer Center for Science and International Affairs at the John F. Kennedy School of Government, September 2005.
2. *The Washington Post*, June 14, 2004, “World in Brief,” p. A20.
3. *South China Morning Post*, March 14, 2005, “Dalai lama yields ground on Tibet self-rule,” p. 1.
4. *Constitution*, § 116. In contrast, the people’s congresses and their standing committees of provinces and municipalities directly under the central government need only submit their local legislation to the Standing Committee of the National People’s Congress for the record — *Constitution*, § 100.
5. *Constitution*, § 67(8).
6. *Decision of the State Council Regarding the Guarantee of the Equality of Rights of Minorities Living in Dispersed Communities* (adopted on February 22, 1952, by the 125th Session of the State Council, and issued on August 13, 1952), *the Report of the State Ethnic Affairs Commission* (transmitted on October 12, 1979, by the Central Committee of the Chinese Communist Party and the State Council), and the *Law of the People’s Republic of China on the Autonomy of Ethnic Areas* (effective October 1, 1984, adopted at the Second Session of the Sixth National People’s Congress and amended on February 28, 2001, by the 20th Session of the Standing Committee of the Ninth National People’s Congress).
7. *Decision of the State Council Regarding the Guarantee of the Equality of Rights of Minorities Living in Dispersed Communities* (adopted on February 22, 1952, by the 125th Session of the State Council and issued on August 13, 1952), § 1.
8. Supra note 13, § 4; PRC Autonomy Law, § 47.
9. *Report of the State Ethnic Affairs Commission* (transmitted on October 12, 1979, by the Central Committee of the Chinese Communist Party and the State Council), Part 2.
10. Supra note 15, Part 3.
11. Supra note 15, Parts 3 and 4.
12. The autonomy agencies are the people’s congresses and the people’s governments.
13. Supra note 13, Part 2 and Part 3; PRC Autonomy Law, §§ 5, 7, 9.
14. PRC Autonomy Law, § 9.
15. PRC Autonomy Law, § 54.
16. PRC Autonomy Law, § 20.
17. *Regulations of the Tibet Autonomous Region on Legislation* (effective July 1, 2001; adopted by the Fourth Session of the Seventh People’s Congress of the TAR on May 21, 2001).

18. ***Regulations on the Formulation of Local Laws by Lhasa Municipality (effective June 1, 2001; adopted on March 25, 2001***, by the Fifth Session of the Seventh People's Congress of Lhasa Municipality and approved on May 8, 2001, by the 19th Session of the Standing Committee of the Seventh People's Congress of the TAR), § 47.
19. E.g., ***Certain Provisions of Gansu Province on the Implementation of the Law on the Autonomy of Ethnic Areas*** (adopted on September 20, 1988, by the Fourth Session of the Standing Committee of the Seventh People's Congress of Gansu Province) (the "Gansu Autonomy Regulations"), § 24; ***Autonomy Regulations of Hainan Tibetan Autonomous Prefecture*** (effective October 1, 1987; adopted on April 25, 1987, by the Second Session of the Eighth People's Congress of the Hainan Tibetan Autonomous Prefecture and approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province) (the "Hainan Autonomy Regulations"), § 15.
20. A "cadre" is a Party or government official.
21. E.g., Hainan Autonomy Regulations, § 56.
22. E.g., Hainan Autonomy Regulations, § 56.
23. ***Autonomy Regulations of Haibei Tibetan Autonomous Prefecture*** (effective October 1, 1987; adopted on April 25, 1987, by the Second Session of the Eighth People's Congress of the Haibei Tibetan Autonomous Prefecture and approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province) (the "Haibei Autonomy Regulations"), § 9; ***Autonomy Regulations of Huangnan Tibetan Autonomous Prefecture*** (effective March 1, 1988; adopted on October 12, 1987, by the Second Session of the Ninth People's Congress of the Huangnan Tibetan Autonomous Prefecture and approved on December 26, 1987, by the 30th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province) (the "Huangnan Autonomy Regulations"), § 11; ***Autonomy Regulations of Yushu Tibetan Autonomous Prefecture*** (effective July 25, 1988; adopted on November 19, 1987, by the Third Session of the Seventh People's Congress of the Yushu Tibetan Autonomous Prefecture and approved on April 20, 1988, by the Second Session of the Standing Committee of the Seventh People's Congress of Qinghai Province) (the "Yushu Autonomy Regulations"), § 10; ***Autonomy Regulations of Guoluo Tibetan Autonomous Prefecture*** (effective January 1, 1991; adopted on April 16, 1990, by the Sixth Session of the Eighth People's Congress of Guoluo Tibetan Autonomous Prefecture and approved on November 3, 1990, by the 17th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province) (the "Guoluo Autonomy Regulations"), § 9; ***Autonomy Regulations of the Haixi Mongolian and Tibetan Autonomous Prefecture*** (effective October 1, 1987; approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province and amended on August 28, 1992, by the 28th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province) (the "Haixi Autonomy Regulations"), § 5.
24. *Haibei Autonomy Regulations*, § 21; *Huangnan Autonomy Regulations*, § 21.
25. *Haibei Autonomy Regulations*, § 52; *Huangnan Autonomy Regulations*, § 59; *Yushu Autonomy Regulations*, § 54; *Guoluo Autonomy Regulations*, § 54; *Haixi Autonomy Regulations*, § 50.
26. *Haibei Autonomy Regulations*, § 51; *Huangnan Autonomy Regulations*, § 58; *Yushu Autonomy Regulations*, § 53; *Guoluo Autonomy Regulations*, § 53; *Haixi Autonomy Regulations*, § 49.
27. *Haibei Autonomy Regulations*, §§ 11, 13, 20; *Huangnan Autonomy Regulations*, §§ 13, 14, 20; *Yushu Autonomy Regulations*, §§ 11, 12, 19; *Guoluo Autonomy Regulations*, §§ 11, 12, 14; *Haixi Autonomy Regulations*, §§ 12, 14.
28. *Hainan Autonomy Regulations*, § 54; *Haixi Autonomy Regulations*, § 53.
29. § 11.
30. §§ 8, 11.
31. A National People's Congress has a term of five years. See *Constitution* § 59; ***Proposal Regarding the Allocation of Quotas for the Minority Representatives of the Tenth National People's Congress*** (adopted on April 28, 2002, by the 27th Session of the Standing Committee of the Ninth National People's Congress), which is a reiteration of proposals for prior National People's Congress (6th through 9th) for minority representation on the National People's Congress.
32. ***Opinion of the State Ethnic Affairs Commission on the Work of Further Training and Selecting Minority Cadres***, effective December 30, 1993, Zhongzufa [1993] No. 9.
33. ***Implementing Measures of the TAR for the Law of the People's Republic of China on the Organization of Urban Residents Committees*** (adopted on December 26, 1993, by the Seventh Session of the Standing Committee of the Sixth TAR People's Congress), and ***Detailed Rules for the Implementation of Elections of Representatives of People's Congresses at All Levels Within the Tibet Autonomous Region*** (adopted

on April 18, 1981, by the 5th Session of the Standing Committee of the Third TAR People's Congress; as amended through the September 28, 1995, by the 16th Session of the Standing Committee of the Sixth TAR People's Congress in accordance with the Decision of the 12th Session of the Standing Committee of the Eighth National People's Congress on February 28, 1995, on the Amendment to the Law of the People's Republic of China on the Election of the National People's Congress and the People's Congresses at All Levels in the Localities) (the "Election Measures").

34. *Election Measures*, § 2.
35. *Election Measures*, § 2.
36. *Election Measures*, § 8.
37. *Election Measures*, § 13.
38. *Election Measures*, § 18.
39. *Election Measures*, §§ 44, 52.
40. *Election Measures*, §§ 45, 52.
41. *Election Measures*, § 46.
42. *Election Measures*, § 3.
43. *Election Measures*, § 20.
44. *Election Measures*, § 59(2).
45. ***Procedural Rules for the People's Congress of the Tibet Autonomous Region*** (adopted on August 7, 1989, by the Second Session of the Fifth TAR People's Congress and amended on January 20, 2002, by the 24th Session of the Standing Committee of the Seventh TAR People's Congress), § 4.
46. ***Regulations of the Tibet Autonomous Region on the Comprehensive Administration of Public Security*** (effective August, 18, 1994; adopted on August 18, 1994, by the 10th Session of the Standing Committee of the Sixth TAR People's Congress and amended on May 9, 2002, by the 26th Session of the Standing Committee of the Seventh TAR People's Congress), § 14; ***Regulations of Haixi Mongolian and Tibetan Autonomous Prefecture on the Comprehensive Administration of Public Security*** (effective October 1, 1995; adopted on April 25, 1995, by the Sixth Session of the Standing Committee of the Ninth People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture of Qinghai Province and approved on July 29, 1995, by the 19th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province), § 26.
47. ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on Assemblies, Processions and Demonstrations*** (adopted on May 15, 1990, by the 10th Session of the Standing Committee of the Fifth TAR People's Congress).
48. ***Implementing Measures of Lhasa Municipality for the Law of the People's Republic of China on Assemblies, Processions and Demonstrations***(effective May 15, 1990; adopted on May 5, 1990, by the 17th Session of the Standing Committee of the Fifth People's Congress of Lhasa Municipality and approved on May 15, 1990, by the 10th Session of the Standing Committee of the Fifth TAR People's Congress).
49. Supra note 53, § 5; supra note 54, § 4.
50. Supra note 53, § 4; supra note 54, § 5.
51. Law of the People's Republic of China on Assemblies, Processions and Demonstrations, Article 12; supra note 54, § 12.
52. Supra note 53, §§ 13, 23; supra note 54, § 25.
53. See ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of the Rights and Interests of Women*** (adopted on August 18, 1994, by the 10th Session of the Standing Committee of the Sixth TAR People's Congress and amended on March 29, 1997, by the 23rd Session of the Standing Committee of the Sixth TAR People's Congress), ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of Minors*** (adopted on November 23, 1994, by the 12th Session of the Standing Committee of the Sixth TAR People's Congress, amended on March 29, 1997, by the 23rd Session of the Standing Committee of the Sixth TAR People's Congress, and further amended on November 25, 1999, by the 10th Session of the Standing Committee of the Seventh TAR People's Congress), and ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of Disabled Persons*** (effective April 1, 1998; adopted on January 9, 1998, by the 28th Session of the Standing Committee of the Sixth TAR People's Congress and amended on July 26, 2002, by the 27th Session of the Standing Committee of the Seventh TAR People's Congress).
54. §31.

55. §55.
56. §56 .
57. §63 .
58. §65 .
59. §28 .
60. ***Letter of the General Office of the Ministry of Labor on Giving Special Consideration to Minority Areas in respect of Labor Matters*** (Laobantinghanzi (1991) No. 11, April 8, 1991).
61. Issued on July 7, 1979, by the State Ethnic Affairs Commission and the Ministry of Finance.
62. E.g., ***Autonomy Regulations of Hainan Tibetan Autonomous Prefecture*** (effective October 1, 1987; adopted on April 25, 1987, by the Second Session of the Eighth People’s Congress of the Hainan Tibetan Autonomous Prefecture and approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People’s Congress of Qinghai Province) (the “*Hainan Autonomy Regulations*”), §§ 30 and 35; ***Autonomy Regulations of A Ba Tibetan and Qiang Autonomous Prefecture*** (effective July 12, 1986; adopted on May 21, 1986, by the Fourth Session of the Fifth People’s Congress of the A Ba Tibetan Autonomous Prefecture and approved on July 12, 1986, by the 20th Session of the Standing Committee of the Sixth People’s Congress of Sichuan Province; adopted on January 5, 1988, by the First Session of the Sixth People’s Congress of the A Ba Tibetan and Qiang Autonomous Prefecture and approved on March 16, 1988, by the 2nd Session of the Standing Committee of the Seventh People’s Congress of Sichuan Province) (the “*A Ba Autonomy Regulations* ”), § 37.
63. ***Regulations of the Tibet Autonomous Region on the Management of Mineral Resources*** (effective July 1, 1999; adopted on April 1, 1999, by the 6th Session of the Standing Committee of the Seventh TAR People’s Congress and amended on January 20, 2002, by the 24th Session of the Standing Committee of the Seventh TAR People’s Congress), § 3.
64. Supra note 69, § 4.
65. Supra note 69, § 5.
66. ***Regulations of the Tibet Autonomous Region on the Protection of the Environment*** (effective September 1, 2003; adopted on July 24, 2003, by the Fifth Session of the Standing Committee of the Eighth TAR People’s Congress).
67. ***Regulations of Tianzhu Tibetan Autonomous County of Gansu Province on the Management of Mineral Resources*** (effective March 1, 1995; adopted on March 20, 1994, by the Second Session of the Thirteenth People’s Congress of Tianzhu Tibetan Autonomous County, approved on January 21, 1995, by the 13th Session of the Standing Committee of the Eighth People’s Congress of Gansu Province, and amended on March 26, 1999, by the 9th Session of the Standing Committee of the Ninth People’s Congress of Gansu Province), § 4.
68. E.g., A Ba Autonomy Regulations, § 25; ***Autonomy Regulations of Ganzi Tibetan Autonomous Prefecture*** (effective July 12, 1986; adopted on June 4, 1986, by the Third Session of the Fifth People’s Congress of the Ganzi Tibetan Autonomous Prefecture and approved on July 12, 1986, by the 20th Session of the Standing Committee of the Sixth People’s Congress of Sichuan Province), § 29; ***Autonomy Regulations of Muli Tibetan Autonomous County*** (effective March 13, 1992; adopted on March 18, 1990, by the First Session of the Seventh People’s Congress of the Muli Tibetan Autonomous County and approved on March 13, 1992, by the 28th Session of the Standing Committee of the Seventh People’s Congress of Sichuan Province), § 24.
69. ***Regulations of Gannan Tibetan Autonomous Prefecture of Gansu Province on the Management of Mineral Resources*** (adopted on March 30, 1999, by the Second Session of the Twelfth People’s Congress of Gannan Tibetan Autonomous Prefecture and approved on May 26, 2000, by the 16th Session of the Standing Committee of the Ninth People’s Congress of Gansu Province), § 24.
70. E.g., ***Opinion on Strengthening Medical Education in Minority Areas*** (effective May 26, 1980, issued by the Ministry of Health, the State Ethnic Affairs Commission and the Ministry of Education), ***Opinion on Strengthening the Vocational Skills Education of Minorities and Minority Areas*** (effective April 8, 1992, Jiaozhi [1992] No. 8, issued by the State Education Commission), ***Opinion on the Recruitment of Excellent Minority Youth into Colleges and Universities*** (effective October 16, 1992, Jiaominting [1992] No. 13, issued by the Office of the State Education Commission), ***Opinion on Supporting the Poor through Education in the 143 Impoverished Minority Counties Throughout the Country*** (effective October 19, 1992, Jiaominting [1992] No. 12, issued by the Office of the State Education Commission), ***Opinion on Strengthening Minority Education in Areas Where Minorities are Commingled*** (effective November 2, 1992, Jiaominting [1992] No. 15, issued by the Office of the State Education Commission),

Opinion on Strengthening Minority Preparatory Classes in Ordinary Colleges and Universities (effective November 17, 1992, Jiaominting [1992] No. 17, issued by the Office of the State Education Commission), *Notice on Circulating the Guide on the Development of Electronic Education Systems for Minorities and in Minority Areas* (effective March 9, 1993, Jiaodian [1993] No. 2, issued by the State Education Commission and the State Ethnic Affairs Commission), *Notice on Use of Uniform Textbooks for Students in Minority Preparatory Classes* (effective May 12, 1993, Jiaominting [1993] No. 10, issued by the Office of the State Education Commission), *Notice on Fulfilling Recruitment Plans for Minority Classes in Universities Directly Administered by the Ministry of Education* (dated May 19, 1999, issued by the Ministry of Education), *Opinion on Accelerating Vocational Education Reform and Development for Minorities and Minority Areas* (effective July 28, 2000, Minweifa [2000] No. 199, issued by the State Ethnic Affairs Commission and the Ministry of Education).

71. *Opinion on Strengthening Medical Education in Minority Areas* (effective May 26, 1980, issued by the Ministry of Health, the State Ethnic Affairs Commission and the Ministry of Education), § 4.
72. § 36 .
73. §37 .
74. Ibid.
75. E.g., *Measures for the Implementation of the Law of the People’s Republic of China on Compulsory Education* (adopted on February 25, 1994, by the 8th Session of the Standing Committee of the Sixth People’s Congress of the TAR, and amended on November 23, 2001, by the 23rd Meeting of the Standing Committee of the Seventh People’s Congress of the TAR) (the “TAR Education Regulations”), § 6; *Measures of Qinghai Province for the Implementation of the PRC Compulsory Education Law* (effective October 1, 1988; adopted on September 2, 1988, by the 4th Session of the Standing Committee of the Seventh People’s Congress of Qinghai Province and amended on August 28, 1992, by the 28th Session of the Standing Committee of the Seventh People’s Congress of Qinghai Province) (the “Qinghai Education Regulations”), § 11.
76. E.g., TAR Education Regulations, § 7; *Measures of Gansu Province for the Implementation of the PRC Compulsory Education Law* (adopted on September 3, 1990, by the 16th Session of the Standing Committee of the Seventh People’s Congress of Gansu Province; amended on May 28, 1997, by the 27th Session of the Standing Committee of the Eighth People’s Congress of Gansu Province; and further amended on March 30, 2002, by the 27th Session of the Standing Committee of the Ninth People’s Congress of Gansu Province), § 8; Qinghai Education Regulations, § 5; *Supplementary Provisions of A Ba Tibetan and Qiang Autonomous Prefecture to Implement the Compulsory Education Regulations of Sichuan Province* (effective April 6, 1998; adopted on December 13, 1997, by the First Session of the Eighth People’s Congress of the A Ba Tibetan and Qiang Autonomous Prefecture and approved on April 6, 1998, by the 2nd Session of the Standing Committee of the Ninth People’s Congress of Sichuan Province) (the “A Ba Education Regulations”), § 3; *Provisions of Ganzi Tibetan Autonomous Prefecture for the Implementing Regulations of Sichuan Province on Compulsory Education* (effective May 28, 1991; adopted on December 21, 1990, by the 11th Session of the Standing Committee of the Sixth People’s Congress of Ganzi Tibetan Autonomous Region and approved by the 23rd Session of the Standing Committee of the Seventh People’s Congress on May 28, 1991) (the “Ganzi Education Regulations”), § 3.
77. E.g., Tibet Education Regulations, § 20; Gansu Education Regulations, § 5; Qinghai Education Regulations, § 10; A Ba Qiang Education Regulations, § 5; Ganzi Education Regulations, § 8.
78. E.g., *Minority Education Regulations of the Hainan Tibetan Autonomous Prefecture* (effective October 1, 1994; adopted on March 30, 1994, by the 6th Session of the Standing Committee of the Ninth People’s Congress of the Hainan Tibetan Autonomous Prefecture of Qinghai Province, approved on July 30, 1994, by the 11th Session of the Standing Committee of the Eighth People’s Congress of Qinghai Province; adopted on November 30, 1997, by the Third Session of the Tenth People’s Congress of Hainan Tibetan Autonomous Prefecture and amended and approved on April 3, 1998, by the 1st Session of the Standing Committee of the Ninth People’s Congress of Qinghai Province), § 11.
79. *Minority Education Regulations of the Hainan Tibetan Autonomous Prefecture* (effective October 1, 1994; adopted on March 30, 1994, by the 6th Session of the Standing Committee of the Ninth People’s Congress of the Hainan Tibetan Autonomous Prefecture of Qinghai Province, approved on July 30, 1994, by the 11th Session of the Standing Committee of the Eighth People’s Congress of Qinghai Province; adopted on November 30, 1997, by the Third Session of the Tenth People’s Congress of Hainan Tibetan Autonomous Prefecture and amended and approved on April 3, 1998, by the 1st Session of the Standing Committee of the Ninth People’s Congress of Qinghai Province), § 26.

80. E.g., TAR Education Regulations, § 6; Qinghai Education Regulations, § 11; A Ba Education Regulations, § 6.
81. E.g., Ganzi Education Regulations, § 6; ***Compulsory Education Regulations of Yushu Tibetan Autonomous Prefecture*** (effective November 23, 1994; adopted on May 13, 1994, by the Fifth Session of the Eighth People's Congress of the Yushu Tibetan Autonomous Prefecture of Qinghai Province and approved on November 23, 1994, by the 13th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province), § 13; ***Compulsory Education Regulations of the Guoluo Tibetan Autonomous Prefecture*** (effective October 1, 1995; adopted by the Sixth Session of the Ninth People's Congress of the Guoluo Tibetan Autonomous Prefecture of Qinghai Province and approved by the 19th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province on July 29, 1995), § 12.
82. E.g., ***Report of the State Ethnic Affairs Commission on Further Doing a Good Job in Respect of Minority Languages*** (issued on April 30, 1991, by the State Ethnic Affairs Commission and transmitted on June 19, 1991, by the State Council) ("*SEAC Report*"), *PRC Autonomy Law*, § 10; ***Regulations on the Work on Urban Ethnic Groups*** (effective September 15, 1993; approved on August 29, 1993, by the State Council), § 20.
83. Constitution, Article 4 ; ***Law of the People's Republic of China on the Commonly Used Oral and Written Language of the State*** (effective January 1, 2001; adopted on October 31, 2000, by the 18th Session of the Standing Committee of the Ninth National People's Congress and published on October 31, 2000, by Decree No. 37 of the People's Republic of China), § 8; *PRC Autonomy Law*, § 10.
84. ***Constitution***, § 121 .
85. E.g., *Hainan Autonomy Regulations* , § 56.
86. *SEAC Report*.
87. *Ibid*.
88. *PRC Autonomy Law* , § 37.
89. Effective May 26, 1980 , issued by the Ministry of Health, the State Ethnic Affairs Commission, and the Ministry of Education, § 1.
90. ***Report of the State Ethnic Affairs Commission and the State Publishing Bureau on Strengthening the Publication of Books in Minority Languages*** (transmitted on March 14, 1981, by the State Council).
91. E.g., *Hainan Autonomy Regulations*, § 7; *Haibei Autonomy Regulations*, § 8; *A Ba Autonomy Regulations* , § 6.
92. E.g., ***Provisions of the TAR on the Study, Use and Development of the Tibetan Language*** (adopted on July 9, 1987, by the Fifth Session of the Fourth TAR People's Congress and amended on May 22, 2002, by the Fifth Session of the Seventh TAR People's Congress) (the "*TAR Language Regulations*"), § 2; ***Working Regulations of the Gannan Tibetan Autonomous Prefecture of Gansu Province on the Tibetan Language*** (approved on June 1, 1996, by the 21st Session of the Standing Committee of the Eighth People's Congress of Gansu Province). (the "*Gannan Language Regulations*"), § 2; ***Working Regulations of the Hainan Tibetan Autonomous Prefecture on the Tibetan Language*** (effective on June 28, 1990, adopted on May 20, 1989, by the Fifth Session of the Eighth People's Congress of the Hainan Tibetan Autonomous Prefecture and approved on June 28, 1990, by the 15th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province), (the "*Hainan Language Regulations*"), § 2.
93. E.g., *TAR Language Regulations*, § 11; *Gannan Language Regulations*, § 14; *Hainan Language Regulations*, § 10; ***Working Regulations of the Ganzi Tibetan Autonomous Prefecture on the Use of the Tibetan Language*** (adopted on November 21, 1997, by the Fifth Session of the Seventh People's Congress of the Ganzi Tibetan Autonomous Prefecture and approved on April 6, 1998, by the 2nd Session of the Standing Committee of the Ninth People's Congress of Sichuan Province) (the "*Ganzi Language Regulations*"), § 18.
94. E.g., *TAR Language Regulations*, § 5; *Gannan Language Regulations*, § 12; *Hainan Language Regulations* , § 16; *Ganzi Language Regulations*, § 10.
95. The "letters and visits" system is a petition system that allows individuals to make complaints or present grievances to state agencies and officials by writing letters, making phone calls, or visiting such agencies. E.g., *Hainan Language Regulations*, § 17, *Ganzi Language Regulations* , § 11.
96. *TAR Language Regulations*, § 10; ***Working Regulations of the Tianzhu Tibetan Autonomous County of Gansu Province on the Tibetan Language*** (adopted on January 18, 1999, by the Second Session of the Fourteenth People's Congress of the Tianzhu Tibetan Autonomous County and approved on March 26,

- 1999, by the 9th Session of the Standing Committee of the Ninth People's Congress of Gansu province), § 8.
97. *TAR Language Regulations*, § 9; *Hainan Language Regulations*, § 20; *Ganzi Language Regulations*, § 15.
98. *Ganzi Language Regulations*, § 9; ***Working Regulations of the Guoluo Tibetan Autonomous Prefecture on the Tibetan Language*** (effective July 17, 1993, adopted on April 24, 1993, by the Fourth Session of the Ninth People's Congress of Guoluo Tibetan Autonomous Prefecture and approved on July 17, 1993, by the 4th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province) (the "*Guoluo Language Regulations*"), § 13.
99. *TAR Language Regulations*, § 12; *Gannan Language Regulations*, § 15; *Hainan Language Regulations*, § 11; *Ganzi Language Regulations*, § 18.
100. ***Notice of the Office of the State Council Transmitting the Request of the State Ethnic Affairs Commission on Saving and Organizing Ancient Minority Books*** (April 19, 1984) (the "*Ancient Text Notice*"); ***Explanation Regarding the Provisions of the Funeral Management Regulations of the State Council Relating to Respect of Minority Funeral Traditions*** (effective June 10, 1999, issued by the Ministry of Civil Affairs, the State Ethnic Affairs Commission, and the Ministry of Health; *Minshifa* [1999] No. 17) (the "*Burial Provisions*").
101. *Ancient Text Notice*, Preamble.
102. *Ancient Text Notice*, Preamble.
103. *Ancient Text Notice*, Section 2(5).
104. *Burial Provisions*, §§ 1, 2 and 3.
105. ***Regulations of Qinghai Province on the Development of Chinese, Tibetan and Mongolian Medicine*** (effective June 1, 2002; adopted on March 29, 2002, by the 29th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province) (the "*Qinghai CTM Medicine Regulations*"), § 7; ***Regulations of Qinghai Province on the Development of Chinese, Tibetan and Mongolian Drugs*** (effective October 1, 2002; adopted on July 29, 2002, by the 31st Session of the Standing Committee of the Ninth People's Congress of Qinghai Province) (the "*Qinghai CTM Drug Regulations*"), § 4; ***Regulations of the Gannan Tibetan Autonomous Prefecture of Gansu Province Regarding the Development of Tibetan Medicine*** (approved on September 28, 2001, by the 24th Session of the Standing Committee of the Ninth People's Congress of Gansu Province) (the "*Gannan Tibetan Medicine Regulations*"), § 5.
106. *Gannan Tibetan Medicine Regulations*, § 11.
107. *Qinghai CTM Drug Regulations*, § 11; *Gannan Tibetan Medicine Regulations*, § 10; ***Regulations of the Yushu Tibetan Autonomous Prefecture on the Management of Tibetan Medicine*** (effective November 1, 1995, approved on May 14, 1995, by the Sixth Session of the Eighth People's Congress of the Yushu Tibetan Autonomous Prefecture of Qinghai Province and adopted on September 22, 1995, by the 20th Session of the Standing Committee of Eighth People's Congress of Qinghai Province), §§ 8, 9.
108. ***Regulations of the Gannan Tibetan Autonomous Prefecture of Gansu Province Regarding the Development of Tibetan Medicine*** (approved on September 28, 2001, by the 24th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).
109. *Qinghai CTM Regulations*, §§ 18, 22, 23; *Gannan Tibetan Medicine Regulations*, § 4.
110. ***Regulations of Gansu Province on Population and Family Planning*** (adopted on November 28, 1989, by the 11th Session of the Standing Committee of the Seventh People's Congress of Gansu Province, amended on September 29, 1997, and further amended on September 27, 2002), § 21; ***Regulations of Qinghai Province on Population and Family Planning*** (effective January 1, 2003; adopted on September 20, 2002, by the 32nd Session of the Standing Committee of the Ninth People's Congress of Qinghai Province), § 13; ***Adapting Provisions of the Gannan Tibetan Autonomous Prefecture of Gansu Province on the Implementation of the Regulations of Gansu Province on Family Planning*** (adopted on September 2, 1999, by the 11th Session of the Standing Committee of the Ninth People's Congress of Gansu Province) (the "*Gannan Family Planning Regulations*"); ***Measures of Ganzi Tibetan Autonomous Prefecture on Family Planning*** (adopted on June 24, 1988, by the 27th Session of the Standing Committee of the Fifth People's Congress of Ganzi Tibetan Autonomous Prefecture and approved on May 8, 1989, by the 9th Session of the Standing Committee of the Seventh People's Congress of Sichuan Province; amendment adopted on December 18, 1998, by the 35th Session of the Standing Committee of the Seventh People's Congress of Ganzi Tibetan Autonomous Prefecture and approved on June 1, 1999, by the 9th Session of the Standing Committee of the Ninth People's Congress of Sichuan Province) ("*Ganzi Family Planning Regulations*").
111. *Gannan Family Planning Regulations*, § 3.

112. *Gannan Family Planning Regulations*, § 4; *Ganzi Family Planning Regulations*, § 4.
113. *Gannan Family Planning Regulations*, § 5; *Ganzi Family Planning Regulations*, §§ 14, 15.
114. *Gannan Family Planning Regulations*, § 6; *Ganzi Family Planning Regulations*, § 16.
115. *Gannan Family Planning Regulations*, § 9.
116. ***Adapting Regulations of the TAR on the Implementation of the Marriage Law of the People's Republic of China*** (effective January 1, 1982; adopted on April 18, 1981, by the 5th Session of the Standing Committee of the Third TAR People's Congress), §§ 2, 3, 4; ***Supplemental Provisions of the Huangnan Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective August 7, 1982; approved on August 7, 1982, by the 19th Session of the Standing Committee of the Fifth People's Congress of Qinghai Province) (the "Huangnan Marriage Provisions"), § 4; ***Supplemental Provisions of the Haibei Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective July 16, 1983; approved on July 16, 1983, by the 2nd Session of the Standing Committee of the Sixth People's Congress of Qinghai Province) (the "Haibei Marriage Provisions"), § 3; ***Supplemental Provisions of the Ganzi Tibetan Autonomous Prefecture of Sichuan Province on the Implementation of the PRC Marriage Law*** (effective July 1, 1982; adopted on November 19, 1981, by the Sixth Session of the Fourth People's Congress of Ganzi Tibetan Autonomous Prefecture and approved on December 26, 1981, by the 13th Session of the Standing Committee of the Fifth People's Congress of Sichuan Province) (the "Ganzi Marriage Provisions"), §§ 3, 7.
117. *Huangnan Marriage Provisions*, § 5; *Haibei Marriage Provisions*, § 4.
118. *Ganzi Marriage Provisions*, § 4, ***Supplemental Provisions of A Ba Tibetan and Qiang Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective January 1, 1984; adopted on March 17, 1983, by the 12th Session of the Standing Committee of the Fourth People's Congress of the A Ba Tibetan Autonomous Prefecture and approved on July 12, 1983, by the 2nd Session of the Standing Committee of the Sixth People's Congress of Sichuan Province; amended on July 8, 1988, by the 4th Session of the Standing Committee of the Sixth People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture and approved on September 26, 1988, by the 5th Session of the Standing Committee of the Seventh People's Congress of Sichuan Province), § 2; *Hainan Marriage Provisions*, § 3.
119. *Supra* note 13, § 1.
120. *Supra* note 15, Parts 3 and 4.
121. PRC Autonomy Law, § 11.
122. ***Interim Measures of the TAR on the Administration of Religious Affairs*** (effective December 20, 1991; adopted on December 9, 1991, by the Standing Committee of the TAR People's Government) (the "TAR Religion Measures"), § 1; ***Interim Provisions of Gansu Province on the Administration of Religious Affairs*** (effective November 16, 1991, adopted by the 21st Session of the Standing Committee of the People's Government of Gansu Province) (the "Gansu Religion Provisions"), § 29; ***Provisions of Yunnan Province on the Administration of Religious Affairs*** (effective January 1, 1998; adopted on December 2, 1997, and issued on December 25, 1997, by the 39th Session of the Standing Committee of the People's Government of Yunnan Province) (the "Yunnan Religion Provisions"), § 3.
123. TAR Religion Measures, § 2; ***Provisions of Qinghai Province for the Administration of Places of Religious Activity*** (effective October 1, 1992; adopted by the 28th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province) (the "Qinghai Religious Places Provisions"), § 10; *Gansu Religion Provisions*, § 21; *Yunnan Religion Provisions*, § 5.
124. *TAR Religion Measures*, § 3; *Qinghai Religious Places Provisions*, § 12; *Gansu Religion Provisions*, § 29.
125. *TAR Religion Measures*, § 25; *Gansu Religion Provisions*, § 8; *Yunnan Religion Provisions*, § 6.
126. *TAR Religion Measures*, § 4; *Qinghai Religious Places Provisions*, § 3; *Gansu Religion Provisions*, §§ 5, 7; *Yunnan Religion Provisions*, § 15.
127. *TAR Religion Measures*, § 4; *Gansu Religion Provisions*, § 5.
128. *TAR Religion Measures*, §§ 16, 18; *Qinghai Religious Places Provisions*, § 6; *Gansu Religion Provisions*, §§ 6, 33; *Yunnan Religion Provisions*, § 9.
129. § 7.
130. § 8.
131. *TAR Religion Measures*, § 27.
132. *Yunnan Religion Provisions*, § 26; *Gansu Religion Provisions*, § 9.
133. *Gansu Religion Provisions*, § 11.
134. *Gansu Religion Provisions*, § 24.

135. *TAR Religion Measures*, § 19; *Qinghai Religious Places Provisions*, § 19; *Gansu Religion Provisions*, § 38;
Yunnan Religion Provisions, § 7.
136. *TAR Religion Measures*, § 24; *Yunnan Religion Provisions*, § 29.
137. *TAR Religion Measures*, § 24; *Gansu Religion Provisions*, § 41.
138. *Qinghai Religious Places Provisions*, § 20.

The implementation of the Regional Ethnic Autonomy Law has varied greatly across China. The Chinese Government systematically denies some minorities their legal rights and arbitrarily arrests their members for exercising legally protected freedoms. The government has particularly failed to uphold the legal rights of minorities living in the Tibetan Autonomous Region, the Xinjiang Uighur Autonomous Region, and the Inner Mongolian Autonomous Region. So this afternoon we want to look in depth at how the Regional Ethnic Autonomy Law and its implementation affects people in Tibet, Xinjiang, and Inn Ethnic minorities in China are the non-Han Chinese population. China officially recognized 55 ethnic minorities in addition to the Han majority. According to the authoritative statistics, in the year of 2010, the whole population of minority groups accounted for 8.4% of the population of mainland China. In 1949, the People's Republic of China was born. In 1952, regional national autonomy was implemented. By 2003, 155 ethnic autonomous areas: 5 autonomous regions. The definition of Regional National Autonomy in China is, under the control of Central Government, regional autonomy is practised in compact ethnic minority areas. In these areas, organs of self-government are set up for the practice of autonomy. Generally speaking, China's ethnic minority policy could be described as the hybrid product of Confucian paternalism and Marxist economic determinism. In order to implement the Ronghe policy, the Central Government initiates various political, economic and social measures to protect the rights of ethnic minority groups and to preserve and develop the culture of ethnic minorities. These policies are proclaimed to be respecting the ethnic minority and "keeping with China's actual condition and the common interests of all ethnic groups." Under the system of regional autonomy of the ethnic minorities, ethnic autonomous areas are granted the right to develop ethnic education of their own. This includes the right of teaching minority languages and to carry out bilingual teaching in the. Currently, China has 155 ethnic autonomous areas, including five minority autonomous regions, thirty autonomous prefectures and 120 autonomous counties (banners). According to the fifth national census, of the fifty-five ethnic minorities, forty-four had their own ethnic autonomous areas. Ethnic minorities practicing regional autonomy constitute seventy-one percent of the total ethnic minority population, and ethnic minority autonomous areas cover sixty-four percent of Chinese territory. The REAL implements the system of regional autonomy for ethnic minorities as provided in the current Chinese Constitution.