January 31, 2011

Integrating Minorities through Legislation: A Perspective on China

gulazat tursun
Integrating Minorities through Legislation:
A Perspective on China

Gulazat Tursun*

Abstract: Minorities are easily isolated and discriminated against because of their ethnic, linguistic, religious, and/or cultural differences from the majority group. Integrating minorities into the larger society by prohibiting discrimination and by adopting promotional measures through law, not only advance the goal of integration, but also improve the relationship between groups and increase political, economic, and social benefit to society as a whole. This paper explores and analyzes China’s law and practice of integration under the framework of international and national legal instruments. Through conducting empirical research on the practice of integration and analysing on the main obstacles to it, the paper provides some suggestions for improving integration policies in China.

Introduction

A “minority” is defined as a group of people who have a different language, culture, and/or religion and whose population is smaller than that of the majority group. Minority groups, because of their physical, cultural, and linguistic differences from the majority, cannot integrate into the larger society easily. States, because of the sensitivity surrounding minority issues, are very careful in making minority-related policies. As pointed out by Asbjorn Eide, “When one looks around at contemporary practices, one can observe that policies of government towards minorities fall into three categories: assimilation, integration, or separation and exclusion.”1 As the state imposition of assimilation, separatism, or exclusion is prohibited under international law, integration and pluralism are the main policies and trends in international and even in domestic legal regimes. Most international instruments implicitly or explicitly state that, “positive measures of integration (but not assimilation) can best serve the protection of minorities.”2 These instruments have explained integration as policies that respect the language, religion, and cultural rights of minorities, and give them equal access to public and private services without discrimination, while offer them with promotional measures such as capacity building training, encouragement of political participation by minorities,

* Associate Professor at the Xinjiang University School of Law in China. This project is supported by the Chinese Ministry of Education’s Social Science Foundation (Grant 09XJC820018) and Xinjiang University Doctoral Fund. (E-mail: Gulazat@yahoo.com)


and preferential treatment in education for expelling discrimination and strengthening integration of them into main society. In this respect, anti-discrimination is integral to integration.

With the development of China’s economy, China has actively integrated into the international community economically, politically, and even legally. China has achieved this not only by actively participating in many international treaties, but also by signing and ratifying them. Through 2010, China signed and ratified more than twenty international human rights treaties. Many of these treaties are anti-discrimination treaties, which China has signed and incorporated into national law through legislation. China has followed international regimes in integrating its ethnic minorities by observing the principles of equality and non-discrimination. China has not only outlawed discrimination against minorities through general national level laws, but has also done so through promulgating special laws and regulations which aim at the protection of minority populations in autonomous regions.\(^3\) China’s constitution, criminal law, civil law and administrative law underscore the equality of all nationalities before the law without ethnicity-based distinctions. Three procedural laws give language protections to ethnic minorities in judicial proceedings in addition to the legal rights enjoyed by the majority group. The Law on Regional Autonomy further elaborates on the rights enjoyed by minority peoples in autonomous regions and the central government’s responsibility to them.\(^4\) Many of the promotional measures outlined in this law aim at integrating ethnic minorities through positive support in development, political participation, education, and employment. The promotional measures stipulated are almost all consistent with international treaties.

The promotion of integration through legal measures is necessary for handling ethnic relations in a multi-ethnic country. China’s laws have worked well to advance the integration of minorities into the larger society. However, some social phenomena that have appeared with the emergence of the market economy have challenged the progress of integration and threaten to offset it. Discrimination in particular has become the key issue challenging integration policy. Discrimination cannot be eliminated without appropriate legislation that protects those discriminated against and punishes those who discriminate. China’s legal system has managed to prevent the prevalence of discrimination until nearly the end of last century, when the government organized most economic, social, and political activities and when there was less movement of labour among different regions. But with the increased movement of labour and the changing ethnic composition of regions, legislative guarantees on anti-discrimination have faced challenges. Problems such as inter-ethnic rivalry and competition for limited resources have given discrimination a foothold. Stereotyping and prejudice against other ethnic groups have intensified discrimination further. The law has not provided

---

3 By the end of 2008, China had in total 155 ethnic autonomous areas. Of these, there were five autonomous regions, 30 autonomous prefectures, and 120 autonomous counties. *China’s Ethnic Policy and Common Prosperity and Development of All Ethnic Groups*, published by the Central People’s Government of the People’s Republic of China, 2009.

appropriate solutions to victims of discrimination and it has proved to be particularly powerless in addressing discrimination in employment and in the provision of social services. Discerning an effective legislative strategy by which to root out discrimination is urgently needed.

Based on empirical research, this paper will explore China’s law and practice of integration specifically in the context of anti-discrimination legislation. To accomplish this, the paper first looks at the international instruments, and compares the structures of the international anti-discrimination instruments to that of domestic legislation. Then, it scrutinizes China’s minority-specific anti-discrimination laws and practice and evaluates them. Discrimination in civil servant examinations is singled out and analyzed through empirical screening. The reasons for discrimination are explored so that possible solutions may be better understood. Finally, the author recommends detailed integration legislation that covers different types of discrimination and provides concrete remedies and appropriate promotional measures as the best options for integrating all minorities into the larger society of contemporary China.

Integration Provisions in International Treaties

Integration of minorities into mainstream society has been one of the primary concerns of international treaties. International instruments approached the issues from different perspectives, which we may categorize as being of three types: 1) prohibition of discrimination, 2) protection of rights, and 3) promotion of opportunities. Prohibition provisions outlaw differentiation on the basis of ethnic origin and underscore that everyone, without distinction, are entitled to enjoy all human rights. It lay the basis for integration of minorities by banning discrimination, and it speeds up integration by giving them confidence that they are members of their society and their rights are protected on equal footing. Protection provisions seek to prevent discrimination on the basis of language, religion, and culture by giving full legal protection to these rights. Promotion provisions call for the state to take necessary steps to create favorable conditions that enable minority persons to develop their capacity and to accommodate their needs. Prohibition of discrimination has been the foundation of UN Charter and the 1948 Universal Declaration of Human Rights (UDHR). Although no explicit references to the integration of minority groups were incorporated in the founding instruments of modern human rights law—that is, the 1945 UN Charter and the 1948 Universal Declaration of Human Rights (UDHR), however, international norms relevant to anti-discrimination implicitly refer to the integration of minority groups by stating that ethnic discrimination contravenes fundamental human rights. In 1966, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which are based on provisions of the two founding documents referred to above, call for member states to respect the rights of all individuals without regard to national or racial background. The ICCPR expressly uses the term “discrimination,” and enumerates several prohibited bases of
discrimination in Article 26. It reaffirms, strengthens, and adds to the equal enjoyment of rights enumerated in other articles of the two Covenants, and creates the legal basis for the integration of minorities by mandating member states to restrict discrimination on the grounds of ethnicity and national origin. Article 27 of the ICCPR is a minority-specific article in the Convention. It stresses the necessity of protecting the rights of ethnic, religious, and linguistic minorities to enjoy their own culture, to profess and practice their own religion, and to use their own language for positive integration. Article 27 not only calls for the recognition of the existence of minorities, but also the acknowledgement of the differences in language, religion, and culture minorities have from the majority in that society. Article 27 has opened ways by which member states can acknowledge their minority groups and take appropriate legal measures to protect them from discrimination. But, neither the ICCPR nor the ICESCR has stipulated concrete measures to protect minorities from discrimination, and they also have not put forward any legislative measures that aim at integrating minorities through legal guarantees regarding linguistic, religious, and cultural development. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities (UNDM), announced in 1992, elaborated on such measures. Inspired by Article 27, the UNDM lays out concrete measures aimed at the integration of minorities and further elaborates on the rights of minorities in political, economic, and social life and on the state’s responsibility in protecting and promoting minority rights. It asks states to protect minority groups from discrimination by prohibiting differential treatment on the grounds of ethnic, religious, and linguistic background. While the rights enumerated are consistently set out as the rights of individuals, the duties of the State are in part formulated as duties towards minorities as groups.

The endeavor of international society to integrate minorities into mainstream society go beyond the treaty level. With the continuing diversity of the world, international society has taken positive integration measures and has attacked discrimination against minorities harshly by announcing a comprehensive system of standards, which form an integral part of global human rights protection under international law. Among them, the most important instruments and policy recommendations include the International Convention on the Elimination of All forms of Racial Discrimination (ICERD), the Programme of Action of the World Conference against Racism, Xenophobia, and Related Intolerance held in Durban, South Africa;
and the reports by the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance. These documents, together with other instruments and provisions, not only mandate that states create positive integration policies by protecting minority groups from illegal discrimination, but also demand states to advance integration by providing minority groups with opportunities in social, political, and economic life. Minority groups cannot easily integrate into mainstream society because of their linguistic, cultural, and religious differences with the majority group. The main goal of these international instruments and standards is to establish a way to guarantee that minorities enjoy rights while also streamlining integration policy.

As international instruments provide guidance to good integration policies, the implementation of them must be secured through each country’s own legal system. There are two ways by which states can put international instruments into effect. One is by ratifying the treaties for those countries whose legal systems render such treaties directly applicable, and the other is the incorporation of treaties into domestic law through legislation. China follows the second method of implementation and has incorporated main provisions of international instruments into its domestic laws. China has endeavored to integrate its minorities through adopting the measures of prohibition, protection, and promotion in several regulations and provisions of China’s major laws. These laws, while embodying the spirit of international treaties, elaborate and expand the rights that minorities enjoy at different levels further. In the following chart, we can see the conformity of China’s laws with international standards in advancing integration:

The categorizations in the chart are not perfectly accurate since protection measures often contain promotion measures and promotion measures often contain protection measures. But, from the above chart we at least can see some similarities in the approach of international treaties and that of Chinese law as both of them emphasize the prohibition of ethnic discrimination and give protection to cultural, religious, and linguistic rights of minorities. International treaties and China’s laws lay down measures of promotion in minority-specific regulations. The promotional measures in The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities and International Convention on the Elimination of All forms of Racial Discrimination are embodied in the Law on Regional Autonomy of China, while some are also covered by the Constitution. There are also differences between them. The main differences between them are expressed in their structures and their effects. Some international instruments underscore the need for the establishment of a monitoring organization on the international and national level to serve as an effective mechanism to restrict discrimination and promote integration. Guarantees of rights and their corresponding monitoring mechanisms generally come together in these instruments. Chinese legislations have not created such provisions. The reason may be due to the fact

---

10 As pointed out in the chart, International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities set out concrete measures to promote integration of minority through broad legal guarantees.

11 For example, ICCPR part IV, the International Convention on the Elimination of All forms of Racial Discrimination part 2 regulated to establish a committee on the elimination of racial discrimination. Article 8.
that some government organs play an active role in monitoring these issues, although the law has not entitled them to play such a role. Another main difference is that minority-specific international norms have been laid down particularly in declarations, which are less binding on UN member states. The provisions on substantive norms contain lots of formulations that lessen the committal nature of the obligations. Conversely, the minority-specific laws and regulations in China have relatively broad provisions and these provisions are concrete and binding in effect, as they impose responsibility on the government and related entities.

The integration of minorities is a two-way process of accommodation. Minorities should accommodate the larger society in which they are living by positive involvement, and the state should provide necessary conditions for their involvement through legal guarantees.

12 For example, The Ethnic Affairs Commission and Religious Affairs Commission of China have taken the responsibility to monitor the implementation of minority specific regulations.
International instruments draw the blueprint of accommodation by underscoring the importance of protecting the language, religion, and cultural rights of minorities and the importance of facilitating their equal participation in labor markets, education, as well as political life. The state’s persistent legislative efforts to encourage and support the integration of minorities are the key to successful integration. China has observed the principles of international treaties in its integration policies. Although China has not ratified the ICCPR, it has recognized the existence of ethnic, religious, and linguistic minorities in its territories and has designed its own integration blueprint by guaranteeing the rights of minorities to enjoy political, economic, and social life equally with Han-Chinese. China has also promulgated promotional measures in order to speed up the integration of minorities into mainstream society.

Language: Differences in language, culture, and religion have been regarded as the main factors that should be considered for a good integration policy. China’s laws address this problem by giving proper protection to linguistic, religious, and cultural development rights of minorities. Specific provisions in China’s laws provide for the use of minority languages in public sectors. The Constitution, main laws, and local laws also provide for the use of minority languages in public management and judicial proceedings. Article 4 of the Constitution declares that all the nationalities of China have the right to use and develop their own spoken and written languages. People in minority regions employ the written and spoken language in common use in the locality. The Law on Regional National Autonomy also authorizes autonomous areas to use the local language as the official language in public affairs. Autonomous organs in these autonomous regions may use one or more commonly used local languages when they are performing official duties. If they use more than one language in official work, the language of the ethnic group exercising regional autonomy should be used primarily. These provisions mandate that government officials in autonomous regions use local languages in government work and respect the linguistic rights of minorities in autonomous areas.

The public use of minority languages is also manifested in judicial proceedings. Article 77 of the 1954 Constitution stated that, “citizens of all nationalities have the right to use the spoken and written languages of their own nationalities in court proceedings. The people’s courts should provide translation for any party if he is not familiar with the spoken or written languages in common use in the locality.” According to this provision, linguistic minorities are not only entitled to use their own language in court proceedings, they also have the right to use interpreters in any region of China if they do not understand the court language, and the court must provide an interpreter for them if they need one in the court proceedings. The 1982 Constitution enshrined this principle again.

---

14 Ibid, Article 121.
15 Law on Regional Autonomy, 2001 Amendment, Article 10.
16 Ibid, Article 21.
with more detailed terms requiring procuratorates\textsuperscript{18} to use the common language in the region or provide an interpreter to initiate suits, issue decisions, and make announcements.\textsuperscript{19} The terms used in Article 134 Section 2 are more protective and unequivocal as they underscore the applicability of the provision to national minorities who live in compact communities or to nationalities that live together.\textsuperscript{20} Article 47 of the Law on Regional Autonomy elaborates on Article 134 of the Constitution by demanding that judicial systems in autonomous areas use the local language in prosecution and trial, and provide translation for a party who does not understand the court proceedings. It underscores the role of the people’s court and people’s procuratorate in autonomous areas in protecting the rights of all nationalities to use their own spoken and written languages in court proceedings.\textsuperscript{21}

China’s three procedural Laws—the Criminal Procedure Law, the Civil Procedure Law, and the Administrative Procedure Law—regulate the use of minority languages in court proceedings in regions with high concentrations of ethnic minorities. Article 6 of the 1979 Criminal Procedure Law\textsuperscript{22} stipulates that “citizens of any nationality shall have the right to use their respective native spoken and written language in proceedings. The people’s court, the people’s procuratorate, or the public security organs\textsuperscript{23} shall provide translation for any party in the proceedings who is not familiar with the local spoken or written language commonly used.” The 1996 amendment to the Criminal Procedure Law kept the provision, but renumbered it as Article 9.\textsuperscript{24} According to Article 9, minorities who live in a concentrated community or those living in minority areas may conduct their judicial activities in the local language and must provide interpretation for persons who do not understand the court’s language. Article 9 of the Criminal Procedure Law is an elaboration on Article 134 of the Constitution and Article 47 of the Law on Regional Autonomy. The Administrative Procedure Law and the Civil Procedure Law also contain the same provisions which enable ethnic minority groups to access civil and administrative justice without language discrimination.\textsuperscript{25} It can be seen that linguistic rights of minorities are fully reflected and detailed in the Chinese legal system, especially in regulations related to judicial proceedings.

**Language Education:** Respecting the use of minority languages does not preclude

\textsuperscript{18} The procuratorate is the term for the prosecutor’s office in China.
\textsuperscript{19} Constitution of the People’s Republic of China (1982 Amendment), art. 134.
\textsuperscript{20} Ibid. “In an area where people of a minority nationality live in a compact community or where a number of nationalities live together, the hearing should be conducted in the language or languages in common use in the locality; indictments, judgments, notices, and other documents should be written according to actual needs, in the language or languages in common use in the locality.”
\textsuperscript{21} The Law of the People’s Republic of China on Regional National Autonomy, art. 47.
\textsuperscript{22} Criminal Procedure Law of the People’s Republic of China (1979).
\textsuperscript{23} Security organs (gōng'ānjìguān) are the primary institutions responsible for investigating criminal cases in China. Other laws providing for the protection of minority rights do not deal with these entities. The Criminal Procedure Law requires security organs to provide interpreters in cases involving minorities.
\textsuperscript{24} The 1996 amendment to the Criminal Procedure Law renumbered Article 6 as Article 9. It states that “in a place where people of a minority nationality live in a concentrated community or where a number of nationalities co-inhabit, hearings shall be conducted in the spoken language commonly used in that place, and judgments, notices, and other documents shall be issued in the written language commonly used in those places”.
\textsuperscript{25} Administrative Procedure Law of the People’s Republic of China, art. 8 and Civil Procedure Law of People’s Republic of China, art.11.
the learning of the official language by minority groups. Minorities should learn the official language. Adequate command of the official language helps minorities integrate into mainstream society. The state should provide language-learning opportunities for minorities and encourage them to learn the official language. The Law on Autonomous Regions not only lays down the state’s positive responsibility to provide financial and material help for minorities to maintain and develop their language and culture, but also mandates that the state provide Chinese language courses at different times during the primary school period, and to propagate the use of Putonghua. Autonomous organs should also encourage Han-Chinese to study the local language in minority regions as minorities should learn Putonghua. According to the law, a person who masters Putonghua and a minority language should be rewarded. Schools are the main forum in which to learn a language. The Mandatory Education Law underscores the importance of equal access to education without ethnicity-based distinctions. According to this law, minorities can access Putonghua and minority language education as they choose, and the government should provide support to deliver different types of bilingual training for minority peoples.

Political participation: As noted by Asbjorn Eide, “the search for stability requires respect for the equal dignity of everyone; effective participation by all in the economic, social, and political life of the society as a whole and in particular in decisions affecting the minority itself.” Participation of minorities in the decision-making process speeds up integration as they can voice their interests in political decisions related to them. The Constitution and the Law on Regional Autonomy give minorities the right to political participation at the national and regional level. China’s Constitution stipulates that all the minority nationalities are not only entitled to have appropriate representation in the National People’s Congress, but they are also entitled to have appropriate representation in the National People’s Congress’s Standing Committee. The Law on Regional Autonomy creates a political system in China that aims to solve the issue of national minorities, and establishes the framework of governing the minority regions by local minorities under the united leadership of central government. The law lays down the forms of political participation by minorities in detail and elaborates on the state’s responsibility to help minority regions by providing financial and technological assistance and to create opportunities for ethnic minorities equal those enjoyed by the majority.

Religion: In China, most ethnic minority groups believe in religion. For example, most Tibetans believe in Tibetan Buddhism, while the Hui and Uyghur peoples are followers of Islam. Religion has a relatively big influence on the life of these ethnic minority groups. China’s laws set out several provisions on religious freedom and religious tolerance. Article 36 of the Chinese Constitution establishes the freedom of

---

26 Law on Regional Autonomy, Article 37 (3).
27 Ibid, Article 49
28 Law on Mandatory Education, 2006 Amendment, Article 4
30 Constitution article 59 and 65
31 Law On Regional Autonomy, Preamble.
religious belief. It declares that no public organ or individual may discriminate against citizens who believe in, or do not believe in, any religion. This provision is reiterated in Article 11 of the Law on Regional Autonomy. Chinese criminal law further protects this right by criminalizing official discrimination against the religions of minority groups and prescribing punishments for violations. In actuality, the Criminal Law is the only substantive law in China that has special provisions on minority protections. The first criminal law promulgated in 1979 has only one provision, under Chapter 4, that read “crimes of infringing upon the rights of the persons and the Democratic rights of Citizens.” Article 147 of the law stipulated that “workers of state organs who illegally deprive citizens’ rights to religious beliefs or who encroach on minority nationalities’ customs or habits, if the case is serious, are to be sentenced to two years of imprisonment or put under criminal detention.” The 1997 amendment added a new Article that criminalized publishing materials that discriminate or insult minority nationalities and prescribed three levels of sentences according to the seriousness of the crime. China has also issued a series of administrative regulations regarding religion. All of these administrative regulations have promised to guarantee the lawful religious activities of minority groups.

**Employment:** Equal access to opportunities and services without discrimination is the premise of good integration. Equal employment of minorities paves the way for integration. Through work, people socialize and understand each other and develop an attitude of tolerance toward different cultures. The state’s endeavor to give equal opportunity to minorities in the job market deepens the understanding among different ethnic groups and reinforces their identity as citizens. China’s laws pay special attention to the problem of equal employment and they have transposed the principle of equality in employment from the Constitution to other branch laws. Article 43 of the Constitution provides that citizens “have the right as well as the duty to work. Using various channels, the state creates conditions for employment, strengthens labour protections, improves working conditions…” The Labour Law highlights equal employment opportunity by stating that “labourers enjoy the right to equal opportunities of employment and choice of job, the right to labour remuneration, the right to rest and vacation, the right to labour safety and health protection, the right to vocational training, the right to social insurance and welfare, the right to settlement of labour disputes and other rights as provided by law.” Labourers shall not be discriminated against in employment on the grounds of their ethnic origin, race, gender, and religious beliefs. The Employment Promotion Law stresses the equal employment rights of every

---

32 Constitution, Article 36 stated that "no state organ, public organization or individual may compel citizens to believe in, or not to believe in, religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The State protects normal religious activities…"

33 Criminal Law of People’s Republic of China 1997. Article 250 states that “persons directly responsible for publishing materials that discriminate or insult minority nationalities, if the case is serious and result in grave consequences, are to be sentenced to three years or less in prison, or put under criminal detention or surveillance.”


35 Labour Law of People’s Republic of China (1994), art. 3

36 Ibid, art.12
nationality by calling for the employer to give proper consideration to ethnic minorities.\footnote{Law on Promotion of Employment (2008), art.28.} We can see that China’s laws not only include the main principles of international instruments regarding minority protection and integration, but also have enriched them with concrete legislative guarantees. They have provided more rights than the rights enumerated in international treaties with respect to language use, political participation and religious tolerance. China’s endeavor to promote integration deserves compliment as it plays an important role in creating a stable society.

Assessment of China’s Practice of Integration

The principle of non-discrimination embodied in the law means that no direct or indirect discrimination based on racial or ethnic origin will be allowed, since the result of such unfair treatment is not only an individual injustice, but also a threat to political stability and a hindrance to economic competitiveness. China’s laws have played a positive role in preventing discrimination against minorities and have promoted the integration of minorities by implementing positive promotional measures. Several years ago, ethnic minorities from Tibet and Xinjiang had trouble finding a hotel when they came to Beijing, as some hotels in Beijing refused to provide accommodation for them because of their ethnic origin. Later this problem was resolved successfully with the intervention of the Beijing municipal government. The government has even made some amendments to existing laws when new cases appeared. In 1989, a book entitled “Sex Customs” (Xing Fengsu), published by Shanghai Culture Press caused massive demonstrations in Xinjiang and Gansu because some of its content was disparaging towards the religious practices of Muslim minorities. The author and publisher were subsequently sentenced to 1.5 years of imprisonment and administrative punishment separately.\footnote{http://www.shtong.gov.cn/node2/node2245/node75195/node75202/node75271/node75277/userobject1ai91696.html, last visited on the first of August 2, 2010.} In 1995, a book named “Strange Marriage Sex Customs” (Qiyi de Xing Hunsu) caused ethnic tensions. The book contained disparaging remarks about the religions and customs of Muslim ethnic minorities.\footnote{http://zh.wikipedia.org/zh/%E5%A5%87%E5%BC%82%E7%9A%84%E6%80%A7%E5%A9%9A%E4%BF%97%E4%BA%8B%E4%BB%B6, last visited on 21 June 2010.} In 1996, the Intermediary Court of Hubei Province sentenced one of the defendants to life imprisonment while the other five defendants were given sentences from two to fifteen years.\footnote{http://www.148com.com/html/589/105139.html, The case of Chen Jianguo and others to produce and sale of the book “Strange Sex Marriage Habit”.} China has also enacted many promotional measures through legislation. In order to promote the capacity of minorities in employment, the Chinese Education Ministry in 2006 started operating a minority education plan for postgraduate students (Masters and Ph.D) and targeted people from minority regions to be brought to famous universities for study. Chinese language education is another way to promote the ability of minorities where the Chinese language is dominant. In addition to promoting bilingual education at universities in minority regions, the Education Ministry opened a number of minority classes in major
cities for minority children in 1984\(^{41}\) and 2000\(^{42}\) respectively. All of these promotional measures have provided good capacity building opportunities for minority groups and have equipped minorities with the knowledge necessary to succeed in the job market.

It should be confirmed that China’s legal system has exceeded the standards set forth in international instruments by protecting its minority population from discrimination and by giving equal access to public services. The Chinese legal system has largely succeeded in advancing integration policy. But it should also not be neglected that some local practices evade the law by over-emphasizing ethnic origin in certain opportunities such as employment. The ethnicity requirement in the civil servant examination in particular deserves notice, as it has evoked criticisms by certain ethnic groups and has hindered their integration into the society. We may see the issue better by looking at the 2010 annual civil servant examination notices that are announced on the Commission on Personnel of the Several Autonomous Regions’ website.

In 2010, the Commission on Personnel of the Tibet Autonomous Region declared that it would hire 1986 persons for regional and local government offices through the civil servant examinations. Among those positions, 1905 of them imposed no restrictions on ethnicity except certain gender and special skill requirements for some jobs. But, the basic level tax offices announced twenty-three positions for Han-Chinese and fifty-two for minorities.\(^{43}\) The Commission on Personnel of the Xinjiang Uyghur Autonomous Region also imposed ethnicity requirements on job seekers. In 2010, the Xinjiang Autonomous Region announced that it would hire 9514 people through the civil servant examination. In the hiring notice, some positions expressly included ethnicity requirements. The Discipline Inspection Office of Qapqal county in Xinjiang, for example, required that job applicants should be Uyghur, male, under the age of twenty-eight, have a bachelor’s degree or higher in law, and should have taken the civil servant examination in Han-Chinese.\(^{44}\) Compared to Tibet and Xinjiang, Inner Mongolia imposes fewer restrictions on ethnicity. Except for some special positions that require specific ethnic groups because of the nature of the job, Inner Mongolia does not impose ethnic requirements on any job applicants. It only required bilingual knowledge—Putonghua and Mongolian—for some jobs.\(^{45}\) We may look at the ethnicity requirements of these three autonomous regions in order to understand that the regional differences in civil servants examinations further.

### The rate of ethnic and language requirement in Civil Servant Examination in Tibet, Xinjiang and Inner Mongolia in 2010\(^{46}\)

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of Persons</th>
<th>Language Requirement</th>
<th>Ethnicity Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>School for Tibet in Inner Land (Neidi Xizang Ban) began in 1984.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School for Xinjiang (Xinjiang Neigao Ban) began in 2000.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45 The statistics is done according to the information of the Commission of Personnel of these three provinces.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^{41}\) School for Tibet in Inner Land (Neidi Xizang Ban) began in 1984.

\(^{42}\) High School for Xinjiang (Xinjiang Neigao Ban) began in 2000.


\(^{46}\) The statistics is done according to the information of the Commission of Personnel of these three provinces.
It is clear that the civil servant examination adopted a quota system in these regions. Although the purpose of the employment quota system is to give consideration to every minority group equally, it may also bar people from jobs because of their association with a certain ethnic group. For example, in the Tibet, only hiring twenty-three Han-Chinese in the tax offices may discourage many qualified and talented Han-Chinese to work in Tibet. At the same time, the quota system in Xinjiang also stirs complaints from both Han-Chinese and minorities, as the preference of Xinjiang to bring persons from outside

<table>
<thead>
<tr>
<th>Region</th>
<th>Total</th>
<th>Wanted Persons’ Number</th>
<th>Wanted Persons’ number</th>
<th>Minority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inner Mongolia</td>
<td>3408</td>
<td>173 (5.07%)</td>
<td>3397 (99.68%)</td>
<td>11 (0.32%)</td>
</tr>
<tr>
<td>Bilingual in Putonghua and Mongols</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tibet Autonomous Region</td>
<td>1986</td>
<td>23 (1.16%)</td>
<td>58 (2.92%)</td>
<td>1905 (95.9%)</td>
</tr>
<tr>
<td>Chinese/Tibet/Other minorities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Xinjiang Uyghur Autonomous Region</td>
<td>1973</td>
<td>1385 (70.2%)</td>
<td>209 (10.6%)</td>
<td>379 (19.2%)</td>
</tr>
</tbody>
</table>
| Chinese Proficiency Test, Uyghur, Kazak, Mongols | | 1196 (60.6%) | 541 (27% | 43 (2.18%) | 193 (9.78%)

47 http://www.xjrs.gov.cn/show_files.asp?articleid=3365, The 2010 Recruitment Index of Civil Servants and Official Staff to Government Offices, Party Agencies, and Similar Organs through Open Examination (2010 nian zizhiu dangqun jiguan, canzhao guanli danwei mianxiang shehui gongkai kaoshi huyong gongwuyuan, gongzuoren yu zhiwubiao), last visited on the third of August 3, 2010. 1973 persons are summed by author calculating the declared wanted persons’ number on Autonomous Regional party organs, people’s courts, procuratorates, organs of party in Oblasts, regions of South Xinjiang and applicant who registered in registering places directly. It does not include the hiring persons’ number wanted by police Organs and public institutions (shiye danwei 事业单位) whose staff are treated as civil servants.

48 Some positions asked for 2 designed ethnic groupssuch as either Han or Hui, Uyghur or Han for some positions. Any one from the designated group can be qualified to take part in civil servant examination.

49 Hanyu Shuiping Kaoshi known as HSK or the Chinese Proficiency Test is standardized test at the state level designed and developed by the HSK Center of Beijing Language and Cultural University to assess the Chinese proficiency of non-native speakers (foreigners, overseas Chinese and students of Chinese national minorities.) http://www.hsk.org.cn/intro/summary_E.html, last visited on 14 of June 2010.
of Xinjiang may exclude the local Han-Chinese and ethnic minorities from certain jobs. In this case, job seekers suffer discrimination not because of his or her individual capacities, but because of his or her association with a certain ethnic group, and it influences integration of individuals from both groups into that society.

As Milton M. Gordon said: “The fulfillment of occupational roles, the assignment of living spaces, the selection of political leaders, and the effective functioning of the educational process, among others, demand that universalistic criteria of competence and training, rather than considerations based on racial, religious, or nationality background, be utilized. The subversion of this principle by ethnic considerations would appear to produce, in the long run, confusion, conflict, and mediocrity.”

Ethnicity is an immutable characteristic; it is not the choice of the subject. Ethnic origin bears no relationship to the capacity to perform a job or contribute to society. When the legal system tolerates the use of ethnic distinctions in the provision of employment opportunities and does not monitor the violation of equality and non-discrimination principles, animosity will increase among different ethnic groups, the integration of ethnic groups will diminish, and the risk of ethnic tension will rise. Civil servant examinations are designed to employ the most qualified people for certain jobs by assessing the applicant’s ability through a standardized test. Competency-based job requirements can be reached through personal endeavor and hard working, while physical or biological requirements cannot be overcome through diligence. Instead of having ethnic requirements in a job announcement, it is more neutral and fair to describe the nature of the job and the skills and knowledge required to perform that job in the announcement. Government intervention should not pre-define identities or pre-determine the range of accommodation that is provided, as it should be up to the people concerned to determine the kind of accommodation they need.

After the job applicant sees the job description, he knows his own merits and demerits, and makes his decision. He may adjust to the changed conditions in a way that would promote his own advancement or the advancement of his children in the future.

**Main Hindrances to China’s Integration Policies**

Effective “domestication” of international norms regarding integration policies demands a system of law that includes appropriate promotional measures and detailed provisions on anti-discrimination, judicial remedies, and monitoring mechanisms. China’s legislation of integration surpasses international instruments in many aspects, especially in its promotional measures, which are far more detailed than the requirements laid out in international instruments. However, its anti-discrimination provisions lag behind the times. China has not been quick enough to respond to different types of discrimination. Moreover, stereotypes and less communication among different ethnic groups stifled the

---


application of the existing law to discrimination cases. The lack of a monitoring mechanism for employment and other types of discrimination left the victim with little faith in resorting to the law.

First, from the point of view of law, discrimination laws are only effective if they are designed to deal with the different types of discrimination that have developed in the society in which they exist. Chinese anti-discrimination laws have not developed to tackle the kinds of discriminatory behaviour that have appeared with the establishment of the market economy. Both the absence of specific anti-discrimination legislation and the limited value of the existing provisions in discrimination cases, allow people to sidestep the related regulations. The Chinese Constitution, substantive and procedural laws, and other branch laws contain general principles of ethnic non-discrimination. But, most of them are only a broad open-textured equality guarantee, stating simply that all persons are equal before the law, without specifying any particular measures against violations. These general principles are mostly declaratory and lack any operating mechanism to deal with discrimination on the ground of ethnicity. The right to equality of all citizens and the right not to be discriminated against, as declared in the Constitution cannot be directly claimed by a citizen in bringing a case to court, as the Constitution in China is not justiciable. Although the Criminal Law provides protection against cultural and religious discrimination, and three procedural laws guarantee the right of ethnic minorities to use their language in court proceedings, these provisions only cover the rights of national ethnic minorities, and exclude Han-Chinese who can be a minority in ethnic minority regions. The list of discriminatory grounds is also too narrow to cover various major grounds of discrimination in practice. Discrimination in employment, service, and other social economic activities is not covered by the Criminal Law, or by other laws. We should not neglect the fact that Criminal Law represents the power of state and it is only used when the act in question causes serious harm to society or to an individual. Because of its harshness and political nature, a victim is reluctant to resort to criminal law for discrimination cases, especially when the case involves two different ethnic groups. At the same time, some people think that it is not appropriate to apply criminal law in employment discrimination. In the civil law, there are no detailed anti-discrimination provisions, let alone laws on integration. The Labor Law and the Employment Promotion Law prohibit ethnic discrimination and even ask employers to give proper consideration to minority applicants. But they do not elaborate on these provisions nor do they specify its adoption in practice. They do not provide any concrete remedies for a victim of discrimination, nor do they provide any punishment for the committer. As Yuwen Li points out, “The legal provisions in these two laws remain too general and limited, lack mechanisms to operate in practice, and lag behind the necessity to tackle employment discrimination effectively.”

The complaint-based approach in discrimination cases puts an excessive burden on the victim. The victim has to prove the existence of discrimination as soon as she lodges

---

her case with the court. As discrimination often takes official form, such as with the civil servant examinations, the complainant cannot even take the case to court for fear of retaliation, and is powerless to prove the existence of discrimination despite the fact that it may be very clear. Furthermore, due to the fact that the quota system in minority regions is justified by the needs of the region, discussing the ethnicity requirement in employment is often regarded as very sensitive. Victims of ethnicity discrimination often do not like to go to court for discrimination cases, and courts are also very careful towards these kinds of inter-ethnic cases. Moreover, much of the recognized discrimination is institutional and not the fault of any one person. The current law is totally powerless to address discrimination that comes from the local government when they stipulate ethnicity requirements for job positions. This is why there are no cases in minority regions about employment discrimination despite the fact that the ethnicity requirement in civil servant examinations and other discriminatory behavior are main topics of private conversation among people in these regions.

Secondly, ethnic stereotyping has slowed the response of law to different types of inter-ethnic discrimination cases. Stereotypes are defined as being “standardized mental pictures that are often held in common by members of group and that typically represent an oversimplified opinion, prejudiced attitude or uncritical judgment.” Discrimination is often expressed in the form of negative attitudes or stereotypes against members of affected groups. Ethnic minority regions, compared to other parts of China, are less developed, and peoples there are also not as used to competition as Han-Chinese are. As Xiaowei Zang notes, “minority-group workers in China are viewed as less capable and industrious than majority-group workers, even if they are in fact equally productive.” For example, in eastern China, most Han-Chinese regard ethnic minorities as being only good at dancing or pick-pocketing. The Han-Chinese in minority regions regard minorities as lazy and aggressive. Rupert Brown finds that “stereotypes can originate from the cultural and socio-economic differences between groups, and also from a cognitive bias resulting from the very process of categorical differentiation between groups of people.” The cognitive categorizing of individuals into groups activates certain basic motivational processes. These motivational processes appear to involve universal human tendencies to evaluate in-groups positively, and the need for self-esteem, resulting in ethno-centric tendencies for bias and discrimination over out-groups. Some scholars suggest de-politicizing ethnicity in order to remove stereotyping and advance the integration of minorities in to China’s society. As there are no empirical studies about the relation between the categorization of nationalities and stereotyping, and people from
both groups worry about the consequences of de-marking the nationalities without legal guarantees, people are reluctant to accept this proposal.

Thirdly, the lack of legal mechanisms to promote inter-group contacts has obstructed the implementation of integration policies. Ethnic minorities, particularly Tibetans and Uyghurs, are concentrated in their respective autonomous regions and keep socially distant from other nationalities. Social distance means that the perpetrator is not familiar with the members of the group(s) he or she is biased against, and/or that there is not much social interaction (e.g. mixed marriages) between the members of different groups.\textsuperscript{60} Although, in most parts of China, ethnic minorities and Han-Chinese are living and working together, their communication is relatively superficial. They are not interested so much in understanding each other's culture and life customs. They communicate with each other mostly for work or for some kind of business. They do not socialize much with each other either. One of the ultimately decisive criteria of communality is the intermarriage rate.\textsuperscript{61} The rate of intermarriage between Han-Chinese and some ethnic minority groups is very low. According to statistics by some scholars, there were 16 million more intermarried persons in China’s 2000 census, only comprising 3.23 percent of married couples. The Gaoshan minority ranks number one in terms of intermarrying, with a 86.96 percent inter-marriage rate, while Uyghurs only account for 1.05 percent and Tibetans account for 7.71 percent.\textsuperscript{62} In the 1950s, the Supreme People’s Court released a “Reply on the Question of Intermarriage between Han-Chinese and Ethnic Minorities” underscoring the importance of obeying the principle of the unity of all nationalities in issuing marriage certificates for inter-ethnic couples.\textsuperscript{63} Although it did not restrict inter-ethnic marriages, it asked that consideration be given to social consequences when issuing marriage certificates to inter-ethnic couples. The development of inter-marriage depends on the tolerance of linguistic, religious, and cultural differences among different ethnic groups. As some members of minorities still cannot accept any inter-marriage, and their children still should belong to either one ethnic group according to law, it is hard to judge the role of inter-marriage in shortening social distances.

Fourthly, the lack of administrative organs devoted to prohibiting discrimination and promoting integration create openings for discriminatory activity. In China, the State Ethnic Affairs Commission is responsible for drafting the regulations and policies related to minorities, monitoring their implementation, and protecting the lawful rights of ethnic minorities.\textsuperscript{64} Regrettably, no law gives the Commission the power to solve discrimination cases among different ethnic groups. Even if someone brings a case to the Commission, it is powerless to address the problem. It does not have strong power to criticize and


\textsuperscript{64} The Duty of the State Ethnic Affairs Commission section(2) http://www.seac.gov.cn/gjmx/mwjs/M08index_1.htm, last visited on 30 of June 2010.
punish the discriminator. The State Administration for Religious Affairs is responsible
for drafting religion-related regulations and monitoring their implementation. The
Ministry of Human Resources and Social Security also does not take responsibility for
lodging employment discrimination suits although it is dedicated to the promotion of
employment in China. There are also no special tribunals in courts specializing in
discrimination and no courts are interested in trying these kinds of cases. In short, there
is no special organ to monitor discrimination and to work for integration in an effort to
create a harmonious society. Ambiguity in the functions of some government organs
only aggravates this issue.

The Future Development of Integration Laws of China

Despite the fact that different types of discrimination have become very flagrant in
recent years in China, people are still not concerned much about it (let alone are they
concerned about its impact on integration). Integration, as a subjective and individual
process, involves attitudinal changes and the removal of fears, hatreds, suspicious,
stereotypes, and superstitions. It also, as an objective process, involves government
action of enacting law and regulations that cover contents of respecting differences
among different nationalities and guarantee their rights equally. The formulation of
government actions into law with respect to prohibiting ethnicity-based distinctions and
promoting equal opportunity for everyone are very important to combat discrimination
and advance integration.

First, integration needs comprehensive anti-discrimination legislation prohibiting
different types of discrimination in both the public and private sectors. The goal of
criminal law is not only punishing the violator of the law, but also warning the potential
violator by declaring what kinds of behaviours are crimes and what types of punishments
are prescribed for them. The Criminal Codes of Nordic countries such as Finland and
Sweden criminalize discrimination in business, public services, and define the scope of
these crimes. According to these codes, if a person in the course of his professions or
trades, service of the general public, exercise of official authority or other public function
or in the arrangement of a public amusement or meeting, refuses a person on the ground
of his ethnicity, shall be sentenced to fine or imprisonment. Chinese criminal law is
characterized as “light is very light, and heavy is very heavy,” meaning that criminal
punishment is polarized between extremes. As many Chinese people still do not accept
discrimination as a serious legal problem, and inter-ethnic discrimination is regarded as
very sensitive in particular, incorporating different types of discrimination into the
Chinese criminal code is not a good option for the government and even for the people.
Moreover, given the high burden of proof required in criminal cases, and the reluctance
of the victim to resort to the criminal law, it will be better to incorporate
anti-discrimination provisions into civil and administrative law as they provide a more

66 Kenneth B. Clark, Desegregation: The Roles of the Social Sciences, Teachers College Record, Vol.62, No.1,
October 1960, P9-17
67 See the Penal Code of Finland, Chapter 11, section 9, the Penal Code of Sweden, Chapter 16, section 9.
accessible route for discrimination cases in areas such as trade, employment, and access to public and private services. These substantive laws should define different types of discrimination comprehensively, provide legal remedies, and impose duties on related parties to encourage the victim to use the law when they are discriminated against. It is also feasible to establish special anti-discrimination tribunals through civil and administrative procedure laws in order to facilitate the handling of discrimination cases. Effectively implementing the Employment Promotion Law and the Labour Law in practical judicial cases may complement the role of the civil and administrative judicial system in anti-discrimination cases. For this, it is necessary to amend the Employment Promotion Law by adding some articles about remedies and civil and administrative liabilities for violators.

We have laws on gender, disability, juvenile, and elderly-specific rights, but we do not have any minority-specific law that defines “minority” as a legal term in China. Nor does China have a law specifically about minority integration. Although the Law on Regional Autonomy outlines the main principles of integration by giving minority regions more self-governing rights, it is a political arrangement rather than an anti-discrimination and integration regime, and so cannot undertake the responsibility of combating discrimination. Some scholars suggest that the Chinese laws on the protection of minority nationalities has not yet become a system. The structure of Chinese laws on nationalities should consist of four levels: (1) the Law on Regional Autonomy; (2) special laws; (3) administrative codes and detailed rules for the implementation of special laws; (4) and regulations on the exercise of autonomy.68 Currently, while we have the first item, the other three are not on the table yet. It is thus necessary to promulgate special laws that not only prohibit discrimination on the ground of ethnicity, but also facilitate integration of every nationality into the larger society. The experience of Denmark can be instructive in this respect. The Integration Act of Denmark, that focused on refugees and immigrants, is very concrete and clear.69 The Act states that its purpose is to promote the integration of minorities into Danish society by assisting them to participate in political, economic, and social life on equal footing with other citizens, and assisting them to achieve self-support through employment. It also aims to encourage citizens, enterprises, authorities, institutions, organizations, and associations to contribute to the effort of integration.70 It is an all-inclusive act. China, in the future, if it elaborates on the law of nationalities, should consider making its rules clear and all-inclusive, which would let everyone take responsibility for integration by enlisting them to combat discrimination and promote diversity.

Secondly, it is necessary to reinforce the functions of several organs such as the State Ethnic Affairs Commission, the State Administration for Religious Affairs, and the Ministry of Human Resources and Social Security, and other related organs, and if

---

69 Article 68 of the Danish Integration Act stated that this Act does not apply to Faroe Island and Greenland.
possible, to establish special branches under them to monitor the implementation of related laws. The International Covenant on Civil and Political Rights\(^71\), and the International Convention on the Elimination of All Forms of Racial Discrimination\(^72\) established a special committee responsible for supervising human rights violations such as discrimination and called on member states to do the same through domestic institutions. Although the State Ethnic Affairs Commission and Ministry of Human Resources and Social Security take some responsibility for the promotion of integration by drafting positive measures to promote equality, they are not specialized in addressing anti-discrimination and integration issues. Social psychological research has shown that “discrimination tends to be absent when surveillance is high and discrimination costly.”\(^73\) These findings underline the need for two things: first, we need a comprehensive legal framework that ensures that effective and dissuasive sanctions are in place, and second, we need institutional support mechanisms for victims. These mechanisms should provide psychological and other support for victims and assist them in taking their case to court, should they wish.\(^74\)

An administrative organ’s responsibilities should not only be defined by orders from superior organs or statutory regulations, but also should come from their responsibility to the whole of society and society’s expectations of them. As these two organs’ names include the terms ‘ethnic’ and ‘social security’, people associate them with the responsibilities of integration and anti-discrimination, and they expect them to play more of a role in this aspect. Yet, these administrative organs have not created any special branches to perform these functions. The author recommends a close examination of Denmark’s experience. The minority population of Denmark occupies 5 percent of the total population. Denmark has established a Ministry for Refugees, Immigrants, and Integration. The Integration Department has responsibility for the formulation of integration policies in Denmark, including integration law, legislation regarding teaching Danish as a second language for adult immigrants, and the repatriation act. The department is also responsible for developing integration policies in connection with initiatives concerning social, labour market, and urban political affairs.\(^75\) Its positive policy of integration in education, labour, markets, and politics promote the integration of minorities into Danish society. While it is regarded as excessive to establish a special integration department in China, we may consider expanding the role of the State Ethnic Affairs Commission and the Ministry of Human Resources and Social Security by giving them more power to draft laws which promote integration in social, economic, and political areas. They should have the right to monitor the implementation of laws and provide consultation and training not only to governmental organs in integration policies, but also to individuals who feel frustrated in attempting to integrate

\(^71\) See Part IV of International Covenant on Civil and Political Rights from Article 28 to Article 45.
\(^72\) See International Convention on the Elimination of All Forms of Racial Discrimination Part II Article8.
because of differences in their ethnicity and language.

Thirdly, “a wholehearted commitment to equality might well require far more imaginative legal structures, including not just prohibitions of discriminatory behaviour or practices, but positive duties to promote equality.” These positive duties should include developing and nurturing tolerance among different ethnic groups by providing promotional measures in training, political participation, and economic development under a legal framework. Although legislation is not the best way to nurture tolerance among peoples from different cultures, it can decrease social distance and nurture tolerance among different cultures. The strategy of shortening social distance entails an inclusive society, which not only prohibits discrimination, but also actively promotes participation across the board in all areas of social activities, whether we speak of employment, school, politics, or leisure time activities. Legislative arrangements regarding training, education, employment, economic activities, and political participation on equal basis not only shorten social distance and nurture tolerance among different ethnic groups, but also exclude knowledge-based stereotypes against other ethnic groups. Stronger minority-related social and economic policies in law and their implementation encourage minorities to participate in society actively and make them more responsible to the society in which they are living. Minority-specific educational and development legislation enable minorities to understand other people and other parts of society, and make them more tolerant of different people and different cultures. So it is necessary to elaborate promotional measures in legislation and create legal environment for integration.

Forth, preferential treatment should be detailed through legal mechanisms. Forms of preferential treatment that favour minority groups are named “positive action” in Europe and “affirmative action” in the United States. Preferential treatment measures aim at providing equal opportunities for minorities by favouring them in some parts of social and economic life from which they have been excluded. It is a temporary method to promote the equal treatment of vulnerable groups. It should be cancelled when the condition for giving that preferential treatment have disappeared. An example would be the preferential treatment of minorities in China’s college admissions examinations. Initially, the policy aimed at making minority students competent by giving them equal opportunity to study at good universities with Han-Chinese. In recent years the media has reported that some people changed their ethnic identity in order to receive this preferential treatment. Some members of minority groups have shifted to Han-Chinese and they cannot even speak in their own group’s language. However, they are still taking advantage of preferential treatment policies such as the adding of points on the university entrance examinations. The policy discriminates against Han-Chinese and should not apply to people who received all their education in the Han-Chinese language and are qualified enough to study and work in Han-Chinese. It is not necessary to continue such preferential treatment at the expense of Han-Chinese.

The quota system in employment and political participation should also be differentiated as their purposes are different. The quota in political participation works to facilitate communication between minorities and Han-Chinese in the forum of politics by giving minority the right to make their voice heard. The ethnicity-based quota system in employment does not play such a role. Some people get their position because of ethnicity-based requirements despite the fact that they are incompetent in that job. This kind of practice in western countries is called reverse discrimination. It cannot play any role in promoting the capacity of both groups except causing social and economic losses for both the individual and society. Equality of results need not be achieved through openly preferential treatment. It could be achieved through encouragement, training, and other such measures. Instead of using the quota system in employment, it will be better to establish rules such as providing capacity building training, language training, and technical skills training for minorities, and legalize these policies through legislative procedures. When there is no special need to employ certain ethnic groups, the ethnicity requirement should be removed from job notices.

**Conclusion**

Integration is a process that demands mutual recognition of the qualities embodied in different ethnic groups. Successful integration includes passive measures such as prohibition of discrimination and active measures such as promoting political and economic participation, employment training, mutual learning, mutual socialization, and other measures that facilitate integration. Anti-discrimination law, as a tool of integration, “has to do with unequal treatment, power, and the mechanisms involved in limiting access to resources for certain people because of their perceived ethnic origin, their nationality, religion, or sex.” Promotional measures, as the foundation of integration, should work to create an equal playing field by providing capacity building and development opportunities for people who may face isolation because of their language or other differences. The state should provide the necessary conditions for the ability to develop through pre-work training and other measures. China has already initiated substantial action in this regard. In its National Human Rights Action Plan 2009–2010, China promised to promote the development of education for ethnic minorities, advance the employment of ethnic minorities by providing training at the district/county level, and promote the economic development of minority regions. Correspondingly, the Chinese Central government held the Tibet Work Forum and the Xinjiang Work Forum in 2009 and 2010 respectively, and initiated significant action in these regions. It is a great step toward promoting equal development opportunities. However, we should not forget that the success of these initiatives depends on equal treatment of every group without ethnicity-based distinctions, equal benefit from development, and equal opportunity in

employment. We are waiting for it written into Chinese law and put into practices in the future.