Abstract

Almost all states have one or more minority group(s) within their national territories, characterized by their own ethnic, linguistic or religious identity, which differs from that of the majority population. Besides, almost each state has one or more issues and challenges within their national territories, such as defining minority, content of minority rights, the implementation of minority rights protection and how to balance between the minority rights and majority rights. These issues and challenges are always discussed and examined in international society. China is no exception, as one of the multi ethnic states, minority groups take a large percent of Chinese population, dealing with the complex ethnic relations, the issue of minority definition, protecting minority rights, improving the implementation of minority rights, these above issues and challenges also need to be discussed and examined in Chinese law.

This thesis aims to examine the issues and challenges of minority rights protection in international law and in Chinese law, in the part of international law, definition of minority, content of minority rights, implementation of minority rights protection, balance between minority rights and majority rule are analyzed, and the international instruments on the issues of challenges of minority rights protection in international law are examined. In the part of Chinese law, the complex history of ethnic relations of China, definition of minority, content of minority in China, implementation of minority rights protection in China are illustrated and examined, the Chinese legislations and policies on the issues and challenges of minority rights protection in China are examined.

Chapter one of this thesis is an introduction of issues and challenges of minority rights protection in international law and Chinese law, the literature review, major objectives, research questions, mythology, scope and limitation of this thesis are discussed in this chapter.

Chapter two examines the issues and challenges of minority right protection in international law, which contains minority rights protection, definition of minority, content of minority rights, implementation of minority rights and balance between minority rights and majority rule. Definition of minority is illustrated by the attempted definitions made by international scholars and international organizations, and the comparisons between the definition of minority and relevant groups, as well as subjective and objective elements of defining a minority are examined. The content of minority rights, minority rights implementation, and balance between minority rights and majority rule are examined.

Chapter three examines the major international instruments on minority rights protection in international law, but not all the international instruments are illustrated, just those on the issues and challenges of minority rights protection discussed in Chapter two, the international instrument on the definition of minority, content of minority rights and implementation of minority rights.

Chapter four examines the issues and challenges of minority rights protection in China, the issues and challenges of minority rights protection in China that examined in this thesis are the complex history of ethnic relationship of China, the definition of minority in China, the content of minority rights in China, and the implementation of minority rights. The definition of minority in China is illustrated by comparing with some relevant definitions, the content of minority rights in China contains religious, linguistic, ethnic, social, economic cultural and political rights, as the different situation of China is from the international society, and these minority rights are not all the same with the minority rights in international law. The challenge implementation of minority right is also examined; the obstacles and methods for minority rights implementation are elaborated.

Chapter five illustrates the legislations and policies on minority rights protection in China, different from discussion in Chapter two, the legislations and policies examined in this chapter focus on the rights of minority groups, so the main legislation:

Constitutional Law of PRC and the Law of the People's Republic of China on Regional National Autonomy are analyzed and discussed in detail as the most important two instruments on minority rights protection. And the other legislations and polices are examined and analyzed according to the different minority rights, such as the cultural rights, linguistic rights, political rights of minority in China.

Chapter Six is the conclusion part of this thesis, the arguments and findings are summarized in this chapter, and the thesis makes relevant recommendation of minority rights protection both in international law and in Chinese law.

Key Words:

Minority; Minority Rights, Minority Rights Protection; Implementation of Minority Rights; Minority Rights Protection in International Law; Minority Rights Protection in Chinese Law