

On the Legal Protection of the Urban Ethnic Minority Migrant Population as a Vulnerable Group-- Hohhot

Abstract: The ethnic minority migrant population is not only the reflection of urban and rural floating, but also the reflection of the cross-ethnic interaction. After coming to cities, many an ethnic minority migrant cannot adjust themselves in several aspects, like knowledge and skills, values, life styles, national psychology, and national customs. Moreover, they are separated from the others by the unseen frontier and estrangement. Finally, most of them couldn't get rid of poverty, and even get involved in it, turning into the social vulnerable group in cities for their missing of political and legal rights, their lacking of material and economic basis. However, protecting and relieving the social vulnerable groups is meaningful to promote the healthy development of cities and maintain the steady society as well as the essential requirements for realizing the social justice and the legal substantive justice. The author takes the ethnic minority migrant population in Hohhot, the capital city of Inner Mongolia of China as her study object, analyses them from different aspects and attempts to study the legal protection of the specific vulnerable group-the ethnic minority migrant population. The last but not the least, she offers some proposals on how to strengthen the legal protection of the ethnic minority migrant population in cities. For example, establish more specific and comprehensive legislation; abolish systematic barriers and establish social security system; improve the legal aid system and the judicial remedy procedure; strengthen humanistic concern and finally achieve educational equality.

Keywords: ethnic minority, migrant population, vulnerable groups, legal protection

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1 Introduction

According to the latest issued statistics of "Report on China's Migrant Population 2014" by China's National Population and Family Planning Commission, the current urban population proportion of China was over 50%. The migrant population size hit a new high, amounting to 245 million, in excess of 1/6 of the whole (*Report on China's Migrant Population Development 2014*). Comparing with the Han migrant population, the ethnic minority migrant population

group cannot be neglected in the huge migrant population. They dreamed to achieve prosperity when coming to cities, however, they couldn't improve their life and condition, turning into the social vulnerable group in cities for their missing of political and legal rights, their lacking of material and economic basis. The author attempts to analyze the issue on legal protection of the ethnic minority migrant population, one of the vulnerable groups, because it is not only the requirement for realizing social justice and legal substantive justice, but also the vital task to promote economy, maintain national unity and build a harmonious society.

In general, this paper consists of four parts, most of which is based on the author's studies and analysis of the urban ethnic minority migrant population mainly according to the statistics and data of Report on China's Migrant Population Development 2014 and "the Migrant Population Dynamic Monitoring Data of Hohhot (2014)" offered by Hohhot Population and Family Planning Commission. Moreover, she attempts to study the legal protection of the specific vulnerable group--the ethnic minority migrant population. Finally, she offers some proposals on how to strengthen the legal protection of the ethnic minorities migrant population in cities.

2 The Definition of the Vulnerable Groups

As WHO defines, vulnerability is the degree to which a population, individual or organization is unable to anticipate, cope with, resist and recover from the impacts of disasters. Children, pregnant women, elderly people, malnourished people, and people who are ill or immunocompromised, are particularly vulnerable when a disaster strikes, and take a relatively high share of the disease burden associated with emergencies. Poverty- and its common consequences such as malnutrition, homelessness, poor housing and destitution- is a major contributor to vulnerability. Vulnerable groups refer to those who get involved in unfavorable and difficult situation in the aspects of social status, economic income, competitive power, rights and interests maintenance, needing support and help from the state and the society (Wang 2012). The author thinks vulnerable groups refer to those who are restricted by kinds of objective conditions, missing social resources occupancy, lacking competitive ability for existence, unable to gain favorable job opportunity, thus they have low income, unable to get rid of poverty and meanwhile lack of the ability to resist the impacts of disasters, impossible to improve their living conditions by themselves, and situated in the disadvantaged situation in economy, politics, culture and psychology.

There should be some reference objects as standards to define "vulnerable groups", because "they are dynamic groups whose concept and scope will be varied by kinds of different objective conditions"(Sha 2013). As for the transforming period of society in China, the vulnerable groups show the following features when comparing with the common groups:

(1) They are pressed for money and living in poverty. The vulnerable groups are the economically low-income ones whose income is much lower than the social per-capita income. They even live under the poverty line. Poverty is the most fundamental contributor to the common features of the vulnerable groups in living quality and bearing capacity (Adili·Maimaiti, Wushouer·Maimaiti 2010).

(2) They are powerless in political influence and social competition. "The economic base determines the superstructure." Therefore, poor in economy makes the vulnerable groups in the

bottom of social stratification system, having little opportunity to participate politics, even unable to lay down public policies in favor of their own interests. In other word, the vulnerable groups can hardly get rid of poverty and shift for themselves only by their own strength (Li 2013).

(3) Their basic rights are commonly overlooked and they have little consciousness and ability to protect their own rights. Since the existing legal system is lagging behind, and the vulnerable groups have little knowledge and social resources, they should have enjoyed the rights of equality, liberty, political rights, educational rights and the other basic rights as the equal member of the Chinese society. However, their basic rights are not guaranteed but even deprived. What's worse, with little right-protection awareness and ability to safeguard the legal rights and interests of their own, most of the vulnerable groups have to suffer helplessly, resist silently under most circumstances of infringement or accident. Even though some of them will safeguard their legal rights by legal means, it's difficult and bumpy, so much so that in China, the vulnerable groups are commonly situated in "Six Problems"(Liu 2012) at present--employment problem, living problem, housing problem, health care problem, educational problem and legal assistance problem. "Once they encounter serious diseases or other disasters, hardly can they anticipate, cope with, resist or recover from the impacts of the disasters"(Liu 2012).

3 The Research and Analysis on the Investigation from Hohhot Population and Family Planning Commission

3.1 The Investigation and the Questionnaires

The author learned from Hohhot Population and Family Planning Commission that by the end of 2014, 100 dynamic sample points of migrant population had been built in Hohhot which had been included into the 106 monitored cities in China, and the migrant population of Hohhot was amount to 634,000.⁴³ With great efforts, the staff members of Hohhot Population and Family Planning Commission sent out 2000 questionnaires in 2014 with the error rate only 2.8%.⁴⁴

Generally speaking, the investigation was about the basic information, employment, income and expenditure, health care, and marital status in order to learn the existing and developing status of migrant population in Hohhot by the end of 2014, so that the government will establish related policies and improve their work continuously to offer better service for the migrant population.

The author will attach her importance particularly to the ethnic minority migrant population among the whole migrant population in Hohhot. According to the data displayed in the surveys for the reference year of 2014, 418 of the 2000 respondents were the ethnic minority migrants, accounted for 20.9%, including Mongolian (303, 72.5%), Manchu (45, 10.8%), Hui nationality (39, 9.3%), Daur (3, 0.7%), Ewenki (2, 0.5%), Oroqen(1,0.2%) and uygur (25, 6%).⁴⁵ Among the ethnic minority migrant population in Hohhot, 102 of them moved from the

⁴³ See the news of "the Information about the establishment of the migrant population dynamic monitoring points"available at <http://www.saibeinews.com>. (Last visit at 26 July, 2015).

⁴⁴ My research of the surveys is based on the statistics and results of the questionnaires and investigations of the "Migrant Population Dynamic Monitoring Administrative System" available at <http://www.ldrk.net.cn>. (Last visit at 29 July, 2015).

⁴⁵ See the data available at <http://www.ldrk.net.cn>. (Last visit at 29 July, 2015).

other provinces or autonomous regions, the others moved within Inner Mongolia Autonomous Region. Because Hohhot is the capital city of Inner Mongolia Autonomous Region-- the ethnic area, the percentage of the ethnic minority migrant population was much higher than the average figure 4.6% of the whole nation (*Report on China's Migrant Population Development 2014*).

According to the statistics for the reference year of 2014, the average age of the working-age population (16-59 years old) of the 418 ethnic minority migrants was 34.6 years old; the male ones (217) accounted for 51.9%, and the female ones (201) accounted for 48.1%. 15 ethnic minority migrants (3.6%) received college or higher education; 86 of them (20.6%) received high school's (including vocational high school's or technical secondary school's) education; 162 of them (38.8%) received junior middle school's education; 133 of them (31.8%) received primary school's education; 22 of them (5.3%) were illiterates; and the average years of receiving education were 9.5 years.⁴⁶

3.2 The Ethnic Minority Migrant Population in Hohhot from Different Aspects

3.2.1 Employment, Income and Expenditure

Firstly, the employment rate of the ethnic minority migrant population was 89.8%, unemployment rate was 1.6%, and household working rate was 8.6%; male employment rate was 97.2%, and female employment rate was 80.8% in 2014. Comparing with the Han migrant population who concentrated in manufacturing industry, wholesale and retail industry, lodging and catering industry, social service industry and construction industry, the ethnic minority migrant population has its own employment features. According to the surveys in 2014, apart from the traditional industries, most of the respondents were occupied in ethnic catering services (26%), ethnic foods businesses (16%), and ethnic small commodities businesses (12%).⁴⁷

Secondly, as far as economic income is concerned, the average monthly income of the ethnic minority migrant population in Hohhot was 2619 yuan/month in 2014, lower than the notional average by about 20%, which was 3287 yuan/month. Actually, half of the population's average monthly income was lower than 2000 yuan.⁴⁸ In general terms, the average income of the ethnic minority population was much lower than the permanent urban residents in Hohhot, whose average income was 4499 yuan/month in 2014.⁴⁹

Thirdly, as to expenditure, the consumption pattern of the ethnic minorities migrant population was quite different from the citizens. As the surveys display, their consumer orientation in 2014 was: purchasing necessities (48%), building houses in hometown (12%), affording to pay school fees (12%), getting married (10%), purchasing agricultural tools (8%), etc.⁵⁰

3.2.2 Living Mode and Social Insurance

Among the ethnic minority migrant population in Hohhot, 65.1% of them were renting privately, 23.2% of them built or purchased their own houses, 10.7% of them were living in the dormitories or apartments offered by the employers, and 1% of them were living in their

⁴⁶ See the data available at <http://www.ldrk.net.cn>. (Last visit at 29 July, 2015).

⁴⁷ See the data available at <http://www.ldrk.net.cn>. (Last visit at 29 July, 2015).

⁴⁸ See the data available at <http://www.ldrk.net.cn>. (Last visit at 29 July, 2015).

⁴⁹ See the news of "the average monthly income in the main cities of China 2014" available at <http://www.sina.com.cn> (Last visit at 29 July, 2015).

⁵⁰ See the data available at <http://www.ldrk.net.cn>. (Last visit at 29 July, 2015).

working places or other informal residence buildings in 2014.⁵¹ What's more, most of them lived in semi-urban areas or county-suburban villages practically without separate bathing facilities, kitchen facilities or separate tap-water vessels.

With respect to social insurance, in 2014, more than half of the ethnic minority migrant population had no access to social insurance coverage, accounted for 56.2%, and the others (43.8%) attended at least one of the social insurances (including endowment insurance, medical insurance, industrial injury insurance, unemployment insurance and maternity insurance).⁵²

4 Causes of Ethnic Minority Migrant Population to Fall into One of the Vulnerable Groups

Migrant population in China refers to the ones who leave their constant registered permanent places without changing their residency status in a given period (usually one year) and live in another administrative region temporarily (Liu 2012).

The ethnic minority migrant population refers to the ethnic minority members who are engaged in economic and professional activities spontaneously in order to make a living in cities and become the temporary resident population. In other word, they are the ethnic minorities who are engaged in various kinds of economic, cultural activities without urban registered permanent residence (Chen 1991). From the surveys displayed above, we can see clearly that when most of the ethnic minority migrant population came from their own minority regions to cities, with little knowledge and few skills, they could only work on some fields of high labor intensity, low income, such as physical laboring, catering service and small commodities businesses. They live in poverty, and their legal rights cannot be guaranteed. What's worse, under the kinds of social exclusion from state system and cities, they have gradually become the "urban marginal man". The ethnic minority migrant population has all the above features and plights of the vulnerable groups (Du 2011).

Besides, comparing with the permanent resident population and the Han migrant population, the ethnic minority migrant population is quite different and deficient in culture, education, language communication, custom, and the like when coming to cities according to the above analysis of the investigation. In contrast to cities, most of the places of their previous residence, with low social level of development, have harsh natural conditions. The ethnic minority migrant population, with distinct living orders and habits, is difficult to adapt itself to the new environment. Moreover, in many places of China, the unique ethnic religious beliefs and customs of the ethnic minorities are hardly known or acknowledged to most people who even misunderstand, despise and repel them, which makes it more difficult for the ethnic minority migrant population to be approved and get involved in cities.

"The imbalance resulted in the forming and existing of the vulnerable groups during the period of social transition, but if there have been vulnerable groups with deep gap for a long time, it's very easy to induce various kinds of social problems which will cause serious social crisis, and what's worse, it will severely decrease the sustainable power of the social economic development and greatly increase the development cost of the social reform"(Shen 2002). Due to the above factors, the urban ethnic minority migrant population belongs to category of the

⁵¹ See the data available at <http://www.ldrk.net.cn>. (Last visit at 29 July, 2015).

⁵² See the data available at <http://www.ldrk.net.cn>. (Last visit at 29 July, 2015).

vulnerable groups during the transforming of society in China, and it will directly impact on the national unity, social solidarity and prosperity among all the nationalities in China with large population and many nationalities. Hence, it's necessary to protect the legal rights of the ethnic minority migrant population effectively.

5 Strengthening Legal Protection of the Urban Ethnic Minority Migrant Population as a Vulnerable Group

5.1 More Specific and Comprehensive Legislation

5.1.1 Legal Practice on Protecting Vulnerable Groups in Foreign Countries

It has been one of the most important principle in legislation to protect the rights of the vulnerable groups in many countries. At present, most countries have formed their own legal system to protect the rights of the vulnerable groups, which is based on the constitution, mainly depending on the specialized laws and aided by civil law, criminal law and other related laws.

There are special regulations of protecting the rights of the vulnerable groups in the constitutions and constitutional documents of almost all the countries. The constitution of a country is the fundamental law which has the supreme legal authority; however, the concrete implement should be relied on the detailed regulations in some specialized laws. Therefore, various of laws on protecting the rights of the vulnerable groups were established in many countries.

From the achievements in legislation of the foreign countries, we can learn at least three revelations for the protecting of the vulnerable groups in China. First of all, comprehensive laws should be established, including the articles in the fundamental laws and also the specialized laws. Second, the regulations should be specific and operable. Third, there should be regulations about remedy by someone-self which is of great importance in legal practice.

5.1.2 Legislative Situation in China

In China, there are three specialized laws based on the Constitution to protect the rights of the vulnerable groups, which have played very important part in Chinese legal system. However, they cannot adapt to the new situations as time goes by. Though Law on the Protection of the Handicapped of People's Republic of China, Law on the Protection of the Juveniles of People's Republic of China, Law on the Protection of Women's Rights and Interests of People's Republic of China have played a vital role in protecting the equal rights, legal rights and special rights for the three specific vulnerable groups, the regulations of these three specialized laws have lagged behind the objective needs of the vulnerable groups.

In addition, vulnerable groups are not only in existence objectively, they are becoming more and more, so that the shortage in legal system and the difficulties in carrying out laws are always the most serious problems in protecting the rights and interests of the vulnerable groups. As is mentioned above, the disabled, the elderly, children, women are the acknowledged vulnerable groups. But in fact, in the modern Chinese society, the numerous peasants, the poor unemployed urban citizens, the migrant workers from the rural areas and occupied in dangerous positions, the impoverished college students and also the urban ethnic minority migrant population mentioned here should be classified into the vulnerable groups whose legal rights and interests ought to be guaranteed by laws.

When it comes to the urban ethnic minority migrant population, it should be known that Chinese ethnic group affairs are always one of the most important affairs and are paid great attentions by the Party and the government, which will affect the whole nation's development and stability, so no matter in the Constitution of the People's Republic of China, or in the Civil Procedure Law of the People's Republic of China, or in the Criminal Procedure Law of the People's Republic of China, Law the People's Republic of China on Regional National Autonomy, etc, their are special rules to protect the rights and interests of the ethnic minorities. For example, "The organs of self-government of national autonomous areas shall guarantee the freedom of the nationalities in these areas to use and develop their own spoken and written languages and their freedom to preserve or reform their own folkways and customs." "The organs of self-government of national autonomous areas shall guarantee the freedom of religious belief to citizens of the various nationalities." However, when viewing the special law Regulations on Legal Aid of PRC, we find that legal aid for the ethnic minorities hasn't mentioned at all. Indeed, it's impossible to stipulate the ethnic group affairs in any rules and regulations;but there should be some articles in the Regulations on Legal Aid at least. Because the aim of legal aid is to offer free legal service for the vulnerable groups, balance both sides in the lawsuit, safeguard fairness and justice. And ethnic minorities, part of the vulnerable groups, are not mentioned, let alone the urban ethnic minority migrants.

In Inner Mongolia Autonomous Region of PRC, the legislation about the vulnerable groups is lagging behind, the laws are not comprehensive, making it difficult for the government to solve the problems with effective legal support to protect the legal rights and interests of the vulnerable groups. For example, Social Insurance Law of PRC was issued in 2011, which is the milestone in the legal history of social insurance in China. Then the government of Inner Mongolia Autonomous Region drafted and issued some supporting policies, which offered legal basis for the social security work. Yet, there are still many other aspects without specific laws. So much so that, without effective legal force, numerous social security work can be carried out only by political and administrative ways, weakening the government power to protect the rights and interests of the vulnerable groups. And being encountered such cased, they are not likely to solve the problems by the legal way for its high cost, forming a vicious circle. Therefore, only by more specific and comprehensive legislation, the specific problems of the vulnerable groups can be solved and the problems of urban ethnic minority migrant can be settled effectively.

5.2 Legislative Suggestion

As far as protecting the rights and interests of vulnerable groups is concerned, the Chinese government has relied heavily on some policies and administrative rules and regulations issued by some national relevant leading departments, relatively ignoring the strict scientific legislation, which goes against the national legal construction on the long run and also against the legal obligation. Since the Chinese reform and opening-up policy, labor and social security and other public social policies which have been proved by practice should be upgraded and turned into national laws.

On the basis of sufficient feasibility studies, establishing uniform code on the protecting of the vulnerable groups will be the legislation core on the long run. By doing so, all the details and systems of protecting the rights and interests of the vulnerable groups will be included.

Additionally, it is also effective to improve the current laws and issue new specialized laws from the perspective of practical needs, legislative conditions and implementable conditions.

Firstly, the proved effective way, special legislation can be adopted, such as Law on the Protection of the Handicapped of People's Republic of China, Law on the Protection of the Juveniles of People's Republic of China, Law on the Protection of Women's Rights and Interests of People's Republic of China. Secondly, attached legislation can also be used. For example, some chapters and articles can be regulated in the Enterprise Law to protect the rights of the poor workers and the like. Thirdly, improve the current specialized laws, making them meeting the current needs.

In conclusion, although there has been a great number of laws and regulations to protect the interests of the vulnerable groups whether from central government or to local governments in China, there are still some legislative issues to be discussed because the legislative techniques and laws are lagging behind. For instance, the scope of the applicable objects in legal provisions cannot entirely accord with the reality during the transforming period of society in China, the enormous new born migrant workers, laid-off workers, the unemployed and migrant people are not included into the scope; the relevant rules and regulations about the protection of the vulnerable people in laws are rather indistinct and abstract; and what's more, the articles about the legal liability to infringe the rights and interests of the vulnerable groups and its investigation system are really not enough, so much so that it's very difficult for the vulnerable groups to protect their rights and interests by the legal way for the lacking of relevant laws, non-strict investigation.

According to the above analysis, the author thinks that the first thing to do to protect the rights and interests of the vulnerable people is improving the relevant regulations in law. By means of legislation, it's necessary to further improve the social security system, judicial remedy procedure, legal aid system; and moreover, to enact specialized laws for different vulnerable groups pointedly; and finally, to resolve the problems of household registration system, political participation, social security, labor employment, income distribution and some other living problems which are closely bound up to the vulnerable groups rationally and effectively. In addition, it's essential to specify the regulations legally in the confirmation and investigation of legal liability when dealing with the encroaching on the rights and interests of the vulnerable groups in the judicial practice in order that the laws will be more operable and practical and it's possible to protect the legal rights and interests of the vulnerable groups from both in entity and procedure totally. It's also necessary to add some more specific and egocentric rights to the ethnic minority migrants according to their regional features and ethnic customs, making their rational religious beliefs, national customs guaranteed via legislation. Only in this way will the rejection and discrimination from the public be gradually eliminated, and the implicit legal justice be shown, and consequently, their basic legal rights and interests will be truly realized.

5.2 Systematic Barriers and Social Security System

5.2.1 The Necessity to Abolish Systematic Barriers

In China, influenced by the traditional feudal conception and national customs, and besides, restricted by the current dualistic urban and rural residence registration system, there has been kinds of discrimination and inequality in e.g. identity, ownership, and census registration for a

long time. When the ethnic minority migrant population coming to cities, the adult laborers will be limited by various kinds of restrictions on account of the household registration system. As a result, they cannot access the main labor market in cities, and it's impossible for them to gain equal employment opportunity. On the other hand, as to the juvenile, it's difficult for them to receive compulsory education from the urban public school due to the same reason. Without permanent urban residence certificate, they are unable to enjoy other social security and public welfare. In order to safeguard the vulnerable groups like the urban ethnic minorities migrant population, it's essential to abolish the restrictions of the administrative laws and regulations, remove the urban and rural barriers, making them enjoy the equal citizen treatment as the others.

5.2.2 The Necessity to Establish Social Security System

The basic solution to realizing social substantial fairness and justice and protecting the vulnerable groups is to establish a sound comprehensive social security system. In these years, the Party and the government have paid great attention to it, and the basic framework of the social security system has been established, covering increasing number of population. In terms of the vulnerable groups represented by the urban ethnic minority migrant population, the social security system should be further improved as follows:

1 Enlarge the application scope of the social security system, and establish favorable policies for the vulnerable groups like the ethnic minority migrant population.

2 Increase social assistance, providing the urban ethnic minority migrant population with the basic cost of living allowances, low-cost housing, low-price health care and the like, so as to offer the social assistance all around.

3 Improve the social insurance legal system, especially the basic endowment insurance, medical insurance, industrial injury insurance, unemployment insurance and maternity insurance, and establish the multi-layered social insurance system.⁵³

5.2.3 Concrete Suggestion

1. Promote the legalization of the right to social security of the urban ethnic minority migrant population by legislation. At present, the protection of the right to social security of the urban ethnic minority migrant population is always political regulation without operability and the issued Social Security Law is directed at the urban residents. In some ways, there has been no legislation of the right to social security of the urban ethnic minority population in China. The legislative gap will cause great harm to their legal rights and interests. Therefore, we should make every effort to put the policies into practice to protect the rights of the urban ethnic minority migrant population effectively. In terms of specific operation, we should combine the features of the urban ethnic minority migrant population with some other factors to improve the quality of legislation. For instance, the jobs engaged by the urban ethnic minority migrant population are always the flexible ones with unstable incomes, so it should be considered when setting the social security fees. Such legislation combining with the real life of the urban ethnic minority migrant population will make the right to social security turning from idealistic right to actual right.

2. Weaken the effect of the household registration system on the social security system of the urban ethnic minority migrant population. The most outstanding feature of Chinese household registration system is to divide the census registration into two strata, urban and rural

⁵³ Adili • Maimaiti, Wushouer • Maimaiti, *The Exploration and Analysis on the Legal Protection of the Vulnerable Population During the Transforming Period of Society, Exploration and Contending*, December 2010, p. 23.

according to living basis and family member relationship. The Chinese social security system is also taking on the feature of urban and rural separation affected by the household registration system, seriously preventing the urban ethnic minority migrant population from the rural areas against realizing their right to social security. Therefore, we should weaken the effect of the household registration system on the social security system of the urban ethnic minority migrant population, bringing them into the urban social security system together with the urban residents. Meanwhile, we should balance the unfair distribution of social security fund caused by the household registration system in order to make sure the urban ethnic minority migrant population enjoy equal social security with the urban residents.

3. Establish the inter-provincial system of social security for the urban ethnic minority population. Because of the high population mobility of the urban ethnic minority migrant population, we should establish inter-provincial system of social security to guarantee the the relation metastasis of social security can be transferred when they go to the working places or come back to their hometown. Only in this way can the urban ethnic minority migrant population realize their right to social security at any time and under any circumstance.

4. Classify the urban ethnic minority migrant population when managing the right to social security. One the one hand, for the ones who have got stable work and lived in the cities for at least one year, we should incorporate them into the urban social security system and offer them equal treatment with the urban residents; at the same time, we should also make sure that their social security relations can be transferred in the national wide. On the other hand, for the ones who haven't got stable work, we should establish the social security accounts for them according to their identity, and make sure the accounts can be circulated in the national wide.

5.3 Sound Judicial Remedy Procedure and Perfect Legal Aid System

5.3.1 Present Situation and Difficulties

We should advance the actual level of the law enforcement effectively in order to help the vulnerable groups obtain corresponding remedy and help when their rights and interests are encroached. In particular, it's difficult for the urban ethnic minority migrant population to safeguard their legal rights due to their low degree of education, low level of ideology and tight budget. Furthermore, they are also restricted by the other factors like language difficulties or different religious beliefs. All these reasons made the safeguarding of their legal rights deprived or encroached again. Despite of the rules and regulations about protecting the rights and interests of the vulnerable groups in judicial practice, they are general and they don't have the nature of operation in practice, so much so that the weak cannot receive true legal remedy when their rights are encroached.

According to the author's investigation of the urban ethnic minority migrant population in Hohhot, most of them have little legal knowledge, and what's worse, some of them cannot speak Mandarin fluently, which make it difficult for them to understand and apply laws. In other words, lacking of legal knowledge means their lacking of ability when they participate in litigation. If this defect cannot be made up by legislation correspondingly, especially the legislation on legal aid, it is impossible for the urban ethnic minority migrant to achieve effective legal aid in practice. Hence, under the circumstances of considering the Chinese ethnic minorities sufficiently, the rational choice in legislation on legal aid is to incorporate them into the

covering of the legal aid object. Besides, the legislator should view religious beliefs and customs as the practical conditions in minority areas. In Inner Mongolia Autonomous Region of PRC, most of the mongolians and other ethnic minorities believe Tibetan Buddhism or Shamanism which religious doctrines have been blended in their culture and life. Profoundly influenced by these religions, they act in accordance with the true, the good and the beautiful. However, this influence has its negative aspect: they view religious rules, etiquette patterns as their acting standard, ignoring laws instead. To great extent, with dim legal awareness, little legal knowledge, the ethnic minorities have belonged the vulnerable groups in the legal level. This objective case has existed and will exist for a long time. Correspondingly, it is the legislator that will offer some help both in legislation and litigation, making them enjoy similar rights and resources as the normal people in society and safeguard their own rights by means of laws.

5.3.2 Some Solutions to the Problems

According to the above, the legal aid system should be improved and perfected based on the Regulations of Legal Aid, and the legal aid resources should be developed widely. Additionally, we should give more humanistic concern to the urban ethnic minority migrant population as well as offer them language translation, popular legal culture and other legal aids in order to safeguard the rights and interests of the vulnerable groups. Besides, the related institutions and organizations should strengthen the judicial oversight, supervise if the basic human rights of the vulnerable groups like the urban ethnic minority migrant population are guaranteed by all means, and make great efforts to strengthen legal publicity in order that the public will pay close attention to the basic human rights of the vulnerable groups, and the ideas of equality and justice will take deep roots in the public's minds.

To be in details, firstly, we should improve the operability of laws and legal awareness of the vulnerable groups. It is not only the government implement but also the participating willing of vulnerable groups that make laws practicable. So it is vital for the vulnerable groups to improve their legal awareness in order that they can safeguard their own legal rights and interests by means of laws. The government should make use of newspaper, television and internet to spread legal knowledge, and make efforts to answer the legal questions from the assisted people-the disabled, the aged, the households enjoying the five guarantees, the low-income group, migrant workers-on Legal Publicity Day.

We should adjust the working conditions according to the changes of laws as soon as possible. Through the detailed rules and regulations, matched enforcement regulations, we should improve the social security system of vulnerable groups, applying the social security more operable.

Secondly, we should strengthen the enforcement of legal aid. Legal aid has become a very important means to popularize legal knowledge in China. The legal aid organization guided by government offers legal service to the vulnerable groups freely and at the same time improves their legal awareness. It's true that legal aid organizations are guided by government and offer free legal service to vulnerable groups, however, in minority areas the covering of legal aid is not wide, and the force is not intense. Hence, the legal culture of "disgust to litigation" is very prevailing among vulnerable groups in minority areas. When their rights and interests are encroached, they won't choose the legal way to solve the problems. For these reasons, the government should enlarge the force of legal aid and increase the financial investment to make sure the legal aid work can be carried out smoothly. With professional and theoretical training,

the personnel's quality of legal aid will be improved, the new wording methods will be created, the quality and level of legal aid will be improved. The government should take on its due responsibilities to realize the judicial justice and equality of the vulnerable groups.

5.4 Humanistic Concern, and Pushing the Publicity and Leading Work Forward

5.4.1 Strengthening Humanistic Concern

The state and government, especially the related urban functional department should attach more macro control and administration from the angle of humanistic concern to the urban ethnic minority migrant population. They should make efforts to eliminate prejudice and discrimination, comprehend and respect their ethnic religious beliefs and customs, and bring them into the urban fundamental management and service system, making them fully enjoy the citizen treatment but not marginalized. They should also make every effort to offer them more employment training, work on their skill training, and improve their employment competitiveness. In the meantime, urge the employers within the administrative areas to create more occupations for the ethnic minority migrant population, and what's more, facilitate them to find employment depending on their own ethnic culture and ethnic identity.

In addition, the government and the related urban functional department should do better publicity and leading work to promote the inter-communication between the urban residents and the ethnic minority migrant population, in order that the public will realize that the Chinese culture contains the ethnic cultures which are all excellent and glorious. Besides, they have got the same legal rights and interests as the common urban residents. We should seek common points while reserving difference, respect one another, bridge the gap, eliminate discrimination, and admit them into cities as far as possible. Only in this way can the ethnic minority migrant population have the sense of belonging and the sense of approval, making the traditional ethnic cultures brought by them and the modern urban civilization develop harmoniously; intensify the positive effect they brought to cities, making them blend in the urban life as quickly as possible, which will safeguard their legal rights and interests better (Li 2010).

5.4.2 Some Concrete Solutions

Firstly, reinforce the publicity of the rules and regulations of the social security system to the urban ethnic minority migrant population, helping them build up correct law conception of social security. We should spread the knowledge of social security laws to the urban ethnic minority migrant population working in big cities and make them know they have enjoyed the help offered by government with the urban residents equally. What's more, they should know under what circumstances they can enjoy the corresponding social security and in what way they can enjoy the rights practically. Meanwhile, under the leading of the equality conception of social security, the urban ethnic minority migrant population will improve their right-protection awareness actively, and participate in social security positively.

Secondly, right to social security is a right a equality in the modern society. The urban ethnic minority migrant population as one member of the modern society should equally enjoy this right and cannot be treated differently due to their own nationalities, religious beliefs, census registration and so on. Therefore, in real life, we should eliminate discrimination to the urban ethnic minority migrant population and improve their unequal situation caused by their nationalities and census registration. We should grant equal civil treatment to the urban ethnic

minority migrant population according to the right to social security endowed by the Constitution, and rescue them from the awkward identity caused by the political census registration.

Thirdly, we should establish correct equal conception of social security because it is the basic responsibility for both the nation and the society to realize the right to social security of the urban ethnic minority migrant population. It is a symbol for an individual in a modern civilized society to have the right to social security; moreover, it is a basic responsibility for people in modern civilized society to make a living with dignity. The urban ethnic minority migrant population as citizen in Chinese society should have the same rights to perform the same responsibility as the urban residents. The government, the performer should perform their responsibility to help the ethnic minority migrant population realize their right to social security no matter whether they have made the pledge to do so or not. In the process of concrete operation, the relevant departments in governments shouldn't shirk their responsibility for they haven't made a pledge; instead, they should help solve the problems about the right to social security of the ethnic minority migrant population, and help them realize the right to social security equally.

5.5 Educational Equality, and Improving the Cultural Quality and Professional Skills

As previously mentioned, the ethnic minority migrant population coming from the ethnic minority areas are unable to obtain preferable employment opportunities when coming to cities due to lacking of educational resources, cultural knowledge and professional skills. Living in the bottom of the urban society is one of the most important reasons that they belong to the category of the vulnerable groups. Thus, enhancing the scientific and cultural level and living skills of the ethnic minority migrant population and improving their qualities all around are the foundation for them to get rid of poverty and change their weak position thoroughly. In consequence, we should strive to develop the cultural and educational programs and improve their qualities in the ethnic minority areas which are output areas of the ethnic minority migrant population (Tang 2009). Meanwhile, we should also carry out all kinds of adult vocational education and training, improve their professional skills and advance their capacity and strength in urban employment according to local conditions.

5.5.1 The Present Situation of Human Capital

When coming to big cities, the urban ethnic minority migrant population has limitations of human capital. Human capital is really a necessary factor for an individual to adapt to the transition of the economic society, and the quality of the human capital will have direct impacts on whether the urban ethnic minority migrant can adapt themselves to big cities and how they can adapt to the new situation. In the aspect of the channel of employment, there have been invisibility and uncertainty of information in market economy. If the ethnic minority migrant population has high educational level, rich working experience, better network awareness and sound information technology, they can be employed very well by means of modern media, save much information expense, expand acquisition space and capacity of employment information and shorten the employment period. With low quality of human capital, the ethnic minority migrant population will be less competitive even in the vulnerable groups. It's difficult for them to compete with the urban residents with high quality of human capital, and what's worse, it's

even difficult for them to compete with the urban laid-off workers. Therefore, the majority of them choose to work in the labor concentrated industries. In the aspect of safeguarding their rights, if the ethnic minority migrants have high quality of human capital, they will have strong legal awareness to safeguard their rights. They can reach relevant employment agreement or contact, or safeguard their own rights by means of legal operable ways. In the aspect of their lifestyle, the ethnic minority migrant population with high quality of human capital will adapt themselves very quickly and finally blend in the urban life.

Because the fiscal expenditure of education is limited in China, and the investment channel of educational fund is simple, the investment in educational training in the underdevelopment ethnic minority areas is much lower than the national and eastern coastal areas. There has been a culture consciousness of taking no count of cultural education for a long time. They can make a living by small businesses without too much education. There has been a “culture discomfort” in school education: the traditional education mode is lacking of national characteristics both in the contents of courses and curriculum provision, which makes it difficult to be jointed with the ethnic minority education. The children of the ethnic minority migrants are not interested in school education and escape school or even drop off school. All of these made the urban ethnic minority migrant population invest in the quality of human capital less and less and finally form a vicious circle.

5.5.2 Some Concrete Measures

There are some concrete measures to improve the quality of the human capital for the urban ethnic minority migrant population. First, we should focus on advance their productive skills. In detail, we should positively develop the rural professional education and adult education in the ethnic minority areas, and strengthen the on-the-job training, vocational training and career training. Besides, we should combine the unused educational resources with the accumulation work of human capital in the ethnic minority countryside and pasturing areas. Second, we should also carry forward the spirit of advocating knowledge in the traditional culture and religious belief of the ethnic minorities. Thirdly, we should reform school education in the aspects of curriculum and contents of courses, establishing distinct education mode for the ethnic minorities. The last but not the least, we should improve their mental adaptive ability and gradually change their modes of living, producing and existing, and finally blend in the urban life.

6 Conclusions

Although the existing of vulnerable groups are the universal phenomenon in any society or in any age, the urban ethnic minority migrant population as a particular one of the vulnerable groups is deeply ironed by the era of the transformation period of society in China. The realization of their legal rights and interests is not only the important components in building a harmonious socialist society but also the essential realistic problems in maintaining the development and stabilization of the modern cities of our society, and even has great impact on the peace and prosperity as well as the ethnic unity. We certainly have reasons to believe that with the strengthening and perfecting of Chinese legal system, with the further reforms and with the sustained and stable economic development, various methods of protecting the rights and interests of the urban ethnic minority migrant population will be more institutionalized and

normalized. And finally, the difficulties and problems of the vulnerable groups will be solved and the social development achievement will be equally shared by all citizens.

The Chinese government always attaches great importance to the ethnic minority issues, and the urban ethnic minority migrant population as one of the vulnerable groups should be specially protected by laws. However, in legal practice, it's quite difficult for them to seek legal aid by means of law. Not only in legislation but also in litigation, they are not likely to protect their legal rights and interests. To solve all these problems, there is a long way to go for the Chinese legal scholars, lawyers as well as Chinese government to help them realize their legal rights and achieve real justice.

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