

Universal Periodic Review
(17th session, from 21 October – 1 November 2013)

Contribution of UNESCO

(The countries to be reviewed are, in this order: China, Jordan, Mauritius, Mexico, Nigeria, Saudi Arabia, Senegal, Belize, Central African Republic, Chad, Republic of Congo, Malaysia, Malta, and Monaco. Each submission should refer to one country only)

China

I. BACKGROUND AND FRAMEWORK

1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Ratified 11/09/1961	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratified 12/12/1985			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratified 02/12/2004			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratified 30/01/2007			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

1. Right to education

Normative Framework:

Constitutional framework:

2. According to the Constitution of 1982¹, “the state develops socialist educational undertakings and works to raise the scientific and cultural level of the whole nation. The state runs schools of various types, makes primary education compulsory and universal, develops secondary, vocational and higher education and promotes pre-school education. The state develops educational facilities of various types in order to wipe out illiteracy and provide political, cultural, scientific, technical and professional education for workers, peasants, state functionaries and other working people. It encourages people to become educated through self-study. The state encourages the collective economic organizations, state enterprises and undertakings and other social forces to set up educational institutions of various types in accordance with the Law” (Art. 19). An important feature of constitutional system is that Article 46 of the Constitution states that citizens have the duty as well as the right to receive education.

3. “Article 24 [Socialist Education]

(1) The state strengthens the building of socialist spiritual civilization through spreading education in high ideals and morality, general education, and education in discipline and the legal system, and through promoting the formulation and observance of rules of conduct and common pledges by different sections of the people in urban and rural areas.

(2) The state advocates the civic virtues of love of the motherland, of the people, of labor, of science, and of socialism; it educates the people in patriotism, collectivism, internationalism, and communism and in dialectical and historical materialism; it combats capitalist, feudal, and other decadent ideas.”

4. “Article 46 [Education]

(1) Citizens of the People's Republic of China have the duty as well as the right to receive education.

(2) The state promotes the all-round moral, intellectual, and physical development of children and young people.“

¹ <http://english.peopledaily.com.cn/constitution/constitution.html> Accessed 15/03/11

5. “Article 36 [Religion]

[...] (3) The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. [...]

6. “Article 45 [Social Security]

[...] (3) The state and society help make arrangements for the work, livelihood and education of the blind, deaf mutes and other handicapped citizens.“

7. “Article 47 [Research]

Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation, and other cultural pursuits. The state encourages and assists creative endeavors conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art, and other cultural work.”

8. “Article 48 [Gender Equality]

(1) Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural, and social, including family life. [...]

9. “Article 49 [Marriage, Family, Parentage]

[...]

(3) Parents have the duty to rear and educate their minor children, and children who have come of age have the duty to support and assist their parents. [...]

10. « Article 4 [Nationalities, Minorities, Regions, Languages]

(1) All nationalities in the People's Republic of China are equal. The state protects the lawful rights and interests of the minority nationalities and upholds and develops the relationship of equality, unity, and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any acts that undermine the unity of the nationalities or instigate their secession are prohibited. A) The state helps the areas inhabited by minority nationalities speed up their economic and cultural development in accordance with the peculiarities and needs of the different minority nationalities. (2) Regional autonomy is practiced in areas where people of minority nationalities live in compact communities; in these areas organs of self-government are established for the exercise of the right of autonomy. All the national autonomous areas are inalienable parts of the People's Republic of China. (3) People of all nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own ways and customs.”

Legislative framework:

11. As regards legislative measures, the Law on Compulsory Education of 1986 (as revised in 2006), stipulates that the States shall institute a system of nine-year compulsory education divided into two stages, primary and lower secondary education. According to this Law “all children who have reached the age of 6 years shall attend school for the prescribed number of

years, regardless of sex, nationality or race. In areas where this is not possible, the beginning of schooling may be postponed to the age of 7 years”.

12. The newly revised Law further improves the compulsory education management system and related funds investment system, focusing on the rights of school-age children and minors, incorporating comprehensively the compulsory education into the financial guarantee framework, called for the implementation of quality education, and defining the principle of balanced development of compulsory education of quality education while setting forth comprehensive regulation on schools, teachers, students, education and teaching as well as legal liabilities. Since 2003, the State Education Inspection Team has organized inspections in 27 provinces, autonomous regions and municipalities regarding the enforcement of the Law on Compulsory Education and related state regulations.²

13. The Education Law of the People’s Republic of China, which came into force on 1 September 1995, guarantees the strategic position of education in the social and economic development, implements the significant decision of the State of establishing education development as a priority, and guarantees the reform and development of education.

14. China also adopted on 15 May 1996 the Law on Vocational Education, which came into force on 1 September 1996. This Law accelerates the reform and development of vocational education. China attached high importance to this field.

Policy measures:

15. China adopted a National Plan for Medium and Long-Term Education Reform and Development (2010-2020)³. Equity and Quality are two core themes. Universal preschool education and a pledge to eliminate illiteracy are among the reforms of China's education system published in this country's national education plan for the next decade.⁴ “According to the plan, government investment will increase steadily to support the education sector, with the ratio of education expenditure in terms of gross domestic product (GDP) to be 4 per cent by 2012. [...] The plan said giving students fairer access to quality education would be a "fundamental policy," with more public education resources for rural, impoverished and ethnic areas. The reforms would also encourage private organizations and individuals to play a greater role in the education system, said the statement.”⁵ UNESCO has contributed to the drafting of this Plan and will follow up with the Chinese authorities in its implementation.

² National Educational Development Report to the 48th Session of the International Conference on Education, Inclusive Education in China, October 2008, available at http://www.ibe.unesco.org/National_Reports/ICE_2008/china_NR08.pdf (accessed 15/03/2011)

³ http://www.aei.gov.au/AEI/China_Education_Reform_pdf.pdf (accessed 14/03/2011)

⁴ http://news.xinhuanet.com/english2010/china/2010-07/29/c_13421364.htm (accessed 14/03/2011)

⁵ http://news.xinhuanet.com/english2010/china/2010-06/21/c_13361297.htm (accessed 14/03/2011)

16. In November 2010, China announced that it would increase investment in pre-school education to guarantee “fundamental” and “good quality” pre-school education for all.⁶

17. Regarding free education, a small town in South China's Guangdong province, Shipai, has shown the way in education reform. It provides education free of cost starting September 2010 to children starting from the kindergarten level through to the college level. This service will be available to all of its 42,000 citizens holding residence permits.⁷

18. The Chinese Government has instituted a special education system for disabled persons from kindergarten to senior middle school, the system basically sets up a curricula of teaching material for the blind and deaf schools and sets up a special education pattern with special education schools as the backbone, and special education classes attached to, attendance of individual disabled students in ordinary schools as the main body. The newly revised Law on Compulsory Education includes five regulations on special education. Moreover, the Law on Protection of the Disabled Persons (formulated in 1990 and revised in April 2008) and the Regulation on Education for Disabled (1994), the Law on education (1995) and “the Action Plan for Invigorating Education towards the 21st Century” proclaimed by MOE made special stipulations on special education. Additionally, the related departments have introduced many special education-related policies to promote the development of education for the disabled, for example, the Trial Procedures of Admitting the Disabled Children and Teenagers to the Regular Classes for Studies, introduced by the State Education Commission on July 21, 1994.

19. Starting from 2008, the MOE and the National Development Reform Commission decided to implement the 2008-2010 Plan of Special Education School Construction in Central and West China during the 11th Five-year Plan. It is planned to invest 200 million RMB annually, 600 million RMB in 3 years, to construct 65 special education schools and reconstruct and expand 125 special education schools⁸.

20. China accords high priority to education in rural areas and to literacy. “Literacy and education for rural people” was the central theme of the Fifth Meeting of the High Level Group on Education for All (November 2005, in Beijing). Regarding education in rural areas, starting from 1985 China implemented the rural compulsory education management focusing on running schools in rural areas. In 2001, the State Council made a Decision on Reforming and Developing Basic Education, which clearly defined a management system under the State Council leadership, with local governments taking responsibility, management at different levels and mainly at the county level. By the end of 2005, the State Council decided to reform the rural compulsory education (RCE funds guarantee mechanism, which would comprehensively incorporate RCE into a new mechanism with central and local authorities sharing the responsibility in line with

⁶ http://french.china.org.cn/china/txt/2010-11/04/content_21270535.htm (accessed 14/03/2011)

⁷ <http://english.peopledaily.com.cn/90001/90782/90873/7002591.html> (accessed 14/03/2011)

⁸ National Educational Development Report to the 48th Session of the International Conference on Education, Inclusive Education in China, October 2008, available at http://www.ibe.unesco.org/National_Reports/ICE_2008/china_NR08.pdf (accessed 15/03/2011)

different programmes and proportions. The promulgation and enforcement of the newly revised Law on Compulsory Education in 2006 provided legal basis and support for the RCE funds guarantee mechanism reform. In November 2007 the State Council decided to further improve the RCE funds guarantee mechanism to enhance RCE guarantees and further improve the support for RCE, especially in poor and remote areas. In recent years, the State allocated some special funds for the rural areas in central and west China to implement a series of major projects and policies to improve the education quality and vigorously boost the popularization, consolidation and development of the nine-year compulsory education in rural areas in central and west China⁹.

21. Chinese people's Government makes girls' compulsory education a higher priority and takes practical measures to guarantee the equal rights of migrant workers' children to compulsory education¹⁰.

22. To ensure the rights of ethnic minority groups to use and develop their own written and spoken languages, the state has implemented the bilingual teaching method in the primary and secondary schools. By the end of 2007, the bilingual education of Mandarin and 21 ethnic minority languages has been conducted in over 10 thousand primary and secondary schools, and the total enrollment reached over 6 million. To enhance the translation, review, publication and distribution of the written teaching materials in ethnic minority languages, the central and local governments provided huge support in human, financial and material resources.¹¹

23. The Circular on Improving the Management and Services to Migrant Workers issued by the General Office of the State Council in 2003 stresses the need to enroll the children of the migrant workers through multi-channel, ensuring the rights of the children relocated along with migrant workers (CRMW) to compulsory education. The Opinion of the State Council On Solving the Problems Concerning the Migrant Workers issued by the State Council in 2006 explicitly states that the education of the migrant workers' children is one of the urgent problems in safeguarding the rights and that the rights of their children to equal access to compulsory education shall be protected. The newly revised Law on Compulsory education also stipulates that "for the school-age children and the youngsters whose parents or other guardians do not work or live in the resident registration areas and who receive the compulsory education in the

⁹ National Educational Development Report to the 48th Session of the International Conference on Education, Inclusive Education in China, October 2008, available at http://www.ibe.unesco.org/National_Reports/ICE_2008/china_NR08.pdf (accessed 15/03/2011)

¹⁰ National Educational Development Report to the 48th Session of the International Conference on Education, Inclusive Education in China, October 2008, available at http://www.ibe.unesco.org/National_Reports/ICE_2008/china_NR08.pdf (accessed 15/03/2011)

¹¹ National Educational Development Report to the 48th Session of the International Conference on Education, Inclusive Education in China, October 2008, available at http://www.ibe.unesco.org/National_Reports/ICE_2008/china_NR08.pdf (accessed 15/03/2011)

areas where their parents or guardians work or live, the local people's government shall provide them the equal opportunity for compulsory education.¹²

24. In order to improve quality of teachers and accelerate teacher training, on 12 December 1995 the State Council promulgated the Regulation on Qualifications of Teachers. The Regulation stipulates that Chinese citizens who are teaching in educational institutions, at all levels and of all types, should acquire teacher's qualifications according to law. The Regulation stipulates the categories, application, recognition and pre-conditions of teachers' qualifications. On 31 October 1993, the fourth session of the Standing Committee of the People's Congress approved the Teacher Law of the People's Republic of China. This Law introduced important measures for the improvement of teachers' qualifications and the protection of teachers' lawful rights. The Law recognizes that teachers are the professional personnel who shoulder the responsibility of education and instruction, undertake the tasks of imparting knowledge, educating people and improve the quality of their lives. It also calls for the whole society to respect teachers and to this end the 10th September is designated as Teachers' Day.¹³

Cooperation:

25. China is classified as an E-9 country for UNESCO. China has not ratified UNESCO's Convention against Discrimination in Education, but on 17 October 1999, China notified the Director-General of UNESCO that the Convention will continue to apply to the Macao Special Administrative Region of the People's Republic of China with effect from 20 December 1999¹⁴.

26. China is not party to 1989 UNESCO's Convention on Technical and Vocational Education.

2. Right to take part in cultural life¹⁵

Achievements, challenges, best practices and constraints related to the implementation of the right to take part in cultural life

27. Normative Framework: constitutional and legislative frameworks: The Chinese Constitution provides that citizens have the liberty to engage in cultural and creative production and provides equal rights to all ethnic groups in China, including the freedom to use and develop their own spoken and written languages and to preserve or reform their customs. It provides that the State promotes the development of literature and art, the press, broadcasting and television

¹² National Educational Development Report to the 48th Session of the International Conference on Education, Inclusive Education in China, October 2008, available at http://www.ibe.unesco.org/National_Reports/ICE_2008/china_NR08.pdf (accessed 15/03/2011)

¹³ International Bureau of Education, <http://www.ibe.unesco.org/fr/dans-le-monde/regions-de-lunesco/asie-et-pacifique/chine/profile-of-education.html> (accessed 15/03/2011)

¹⁴ <http://portal.unesco.org/la/convention.asp?KO=12949&language=E&order=alpha#2> Accessed 15/03/11

¹⁵ Sources :

undertakings, publishing and distribution services, libraries, museums, cultural centres and other cultural undertakings, and sponsors mass cultural activities. The State has the obligation to support and encourage citizens' creative work in the fields of culture and arts. Regional autonomy is granted in areas where ethnic groups live in homogeneous communities. The Constitution stipulates that citizens enjoy freedom of religious belief. Heritage, museums, and the arts are subjected to specific cultural norms and policies. There are separate laws for tangible cultural heritage, for intangible cultural heritage and for ethnic minorities.

28. Institutional framework: The State Council is in charge of implementing policy measures adopted by the National People's Congress. The Ministry of Culture coordinates the implementation of cultural policies. At local level, the state cultural departments monitor the policies implementation of and promote participation in cultural life, supported by the State Councils and the National People's Congress culture network. The protection and management of cultural heritage is led by bureaus and departments of the State Administration of Cultural Heritage (SACH). The Ministry's Bureau of External Affairs is in charge of facilitating the implementation of joint projects and of promoting new international contacts.

29. Policy measures: The Ministry of Culture with the State Administration for Cultural Heritage (SACH) and the Ministry of Housing, Urban and Rural Development (MHURD), have national and local entities to promote the implementation of the heritage conventions in close cooperation with UNESCO. They are supported by the National Commission for UNESCO, which is part of the Ministry of Education, especially for World Heritage. Activities include cooperation with all countries and regions.

30. Work with civil society: Although civil society is officially recognized as a key player in China's cultural life, many associations and NGOs are operated by the Government and are active at the local level through their work with the local governments. Cultural life is much institutionalized including for artists and writers.. Recently a reform of the public sector aims to provide more authority to the civil society. Social media used by youth are a strong factor for a freer access to cultural life.

3. Freedom of opinion and expression

Legislative Framework

31. The People's Republic of China does guarantee the "freedom of speech, of the press, of assembly, of association, of procession and of demonstration" through Article 35 of its constitution.¹⁶

32. A freedom of information law exists in China through the *Open Government Information* ordinance which came into force on May 1, 2008. However, the access to public information remains a challenge due to numerous requirements.

¹⁶ <http://english.people.com.cn/constitution/constitution.html>

33. Article 246 of the Criminal Law of the People's Republic of China criminalizes defamation with up to three years in prison.

34. Websites critical of the government or considered sensitive are often blocked including social media sites.

Media Self-Regulation

35. Media self-regulatory mechanisms are not developed in China.

Safety of Journalists

36. UNESCO's Director-General condemned the killing of journalist Sun Hongjie in 2011.¹⁷ There are also reported cases of journalists and social media producers being harassed, intimidated or even arrested for reporting on allegedly sensitive issues.

4. The right to enjoy the benefits of scientific progress and its applications (REBSP)

Co-operation

37. China transmitted its national submission to UNESCO on the application of the 1974 Recommendation on the Status of Scientific Researchers and took part in the consultations concerning the issue of a possible revision of the 1974 Recommendation discussed currently at UNESCO.

38. In the areas covered by the 1974 Recommendation on the Status of Scientific Researchers of UNESCO, China's national legislation is in conformity to the principles laid down in the 1974 Recommendation.

39. In the areas covered by the Recommendation, China's institutional practices are consistent with the principles laid down in the 1974 Recommendation.

40. On the science ethics and science policy issues, as recognized in the country's submission, China should be encouraged to abide by the basic principles laid out in the Recommendation of 1974.

41. The expert from China is member of the International Bioethics Committee (IBC) of UNESCO, an advisory body concerning the follow-up to the Universal Declaration on Bioethics and Human Rights (2005).

42. China declared that it is committed to the Universal Declaration on the Human Genome and Human Rights (1997). The Institute of Genetics and Developmental Biology (IGDB) of the

¹⁷ <http://www.unesco.org/webworld/en/condemnation>

Chinese Academy of Sciences (CAS) was founded in 2001 by a merger of three former institutes of CAS, the Institute of Genetics (founded in 1959), the Institute of Developmental Biology (founded in 1980) and the Shijiazhuang Institute of Agricultural Modernization (founded in 1978). The mission of the institute is to address fundamental questions in genetics and developmental biology and to develop new technologies for the uses in health care and agriculture sciences as well as to meet the nation's strategic needs in science and technology. International cooperation and exchanges are actively pursued in the frontiers of genetics, developmental biology and biotechnology.

43. In 2012 UNESCO launched a Science Report in Chinese in co-operation with the Chinese Association for Science and Technology (CAST). It analyses the trends and developments that have shaped scientific research, innovation and higher education from 2005 until 2010.

44. The project, originally titled Fluvial Sediment Supply to the South China Sea: Anthropogenic and Natural Aspects, has been implemented since May 2008, i.e. Phase I (May 2008-May 2010) and Phase II (May 2010-May 2012). The investigation of fluvial sediments in all surrounding rivers of the South China Sea has been completed. The new phase (May 2012-May 2014) of the project will aim to the fluvial sediment source-to-sink process on the shelf and in the deep basin of the South China Sea and its interaction with environmental change and human activity. Therefore, the title is updated as “South China Sea Fluvial Sediments and Environmental Changes (FluSed)”.

45. With a view to promoting international exchanges in the field of education, culture, communication, science and technology, and to enhancing friendship among peoples of the world, the Government of the People's Republic of China has placed at the disposal of UNESCO for the academic year 2012-2013, under the co-sponsorship of UNESCO, twenty five (25) fellowships for advanced studies at undergraduate and postgraduate levels. These fellowships are for the benefit of developing Member States in Africa, Asia and the Pacific and certain countries in the Arab States – UNESCO/ The Great Wall Co-sponsored Fellowship Programme.

46. China signed an agreement to join UNESCO in the Open Initiative on the Use of Space Technology in Support of the World Heritage Convention. Through the agreement, China will share its extensive expertise and know-how within the framework of the Open Initiative, which UNESCO and European Space Agency (ESA) launched in October 2001. The Initiative aims to provide satellite images and expertise in space-supported conservation to developing countries, helping them monitor natural and cultural World Heritage sites. It also provides for the development of countries' capacities in this area. Since China launched its first manned space flight in October 2003, it has demonstrated considerable expertise in the scientific exploration of space. Satellite technology is invaluable in observing Earth and monitoring changes there, including those caused by human activity.

III. RECOMMENDATIONS

1. Right to education

47. China is encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.

48. UNESCO has launched the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011), the results of this Consultation will be submitted to UNESCO's governing bodies at the end of 2013. China is encouraged to submit a report on the actions taken for giving effect to the Recommendation against Discrimination in Education.

49. China is encouraged to further elaborate provisions in their legislation and/or report on the justiciability of the right to education in order to increase the potential for the right to education to be respected, protected, fulfilled and monitored.

2. Right to take part in cultural life

50. The 12th 5 year plan (2011-2015), which focuses on China becoming An emerging prosperous society by 2020, includes cultural development through a boost to public cultural services, in meeting people's cultural demands, and in speeding up reform of the cultural sector including the creative industries. Current efforts to streamline ministries mean that the Ministry of Culture may incorporate Sports and possibly Tourism. In this case, it would be important to ensure that tourism development does not distort the attention on heritage and culture development. Meanwhile, the capacities at local level to develop and implement cultural activities autonomously and efficiently are sometimes limited. As such, attention could be placed on strengthening capacities to develop an ever stronger cultural sector, in conformity with the legislations and increase the role of youth. Special attention should also be paid to local needs and bottom-up approaches. Finally, a more even approach to strengthening the economic potential of the country's cultural sector and cultural industries is encouraged.

3. Freedom of opinion and expression

51. The Government of China is encouraged to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.

52. The Government of China is encouraged to enforce the *Open Government Information* ordinance to make it easier for the public to access information and if necessary review and update it.

53. UNESCO recommends developing the media self-regulatory mechanism.

54. Journalists and media workers should be able to practice profession in a free and safe environment as part of their fundamental human rights and the Government of China is encouraged to investigate all attacks on journalists and media workers.