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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The right to education

Report submitted by the Special Rappoteur, Katarina Tomaševski,

Addendum

Mission to China*

*The summary is being circulated in all languages. The full report, annexed to the summary, is being circulated in the language of submission and Chinese only. The end notes are circulated as received

Summary

This report highlights key issues which have emerged from examining education in China through the human rights lens. Using the international legal framework as the yardstick, the Special Rapporteur's mission and this report have focused on the role of the central Government as it is responsible for ensuring that China's international human rights obligations are complied with.

China's law does not yet conform to the international legal framework defining the right to education. Its Constitution defines education as an individual duty, adding a "right to receive education". Freedom to impart education is not recognized, nor is teachers' freedom of association, and religious education remains prohibited. Therefore, the Special Rapporteur recommends that China's law be reviewed using the yardstick of its international human rights obligations so that human and minority rights can be integrated in education policy, law and practice. She also recommends extensive public education, as has been done for the implementation of China's obligations stemming from its membership in the World Trade Organization. Moreover, an analysis should be made of the human rights impact of the coexistence of private and public education, and of the private and public law that regulate them.

China's international obligations include ensuring free education for all school-age children through the elimination of all financial obstacles. However, the private cost of public education precludes access to school and is the most important reason for non-attendance and school abandonment. Also, schoolchildren perform manual work at school and the Special Rapporteur recommends the immediate prohibition and urgent elimination of this practice. The Special Rapporteur recommends that the Government affirm, formally and explicitly, that all children have the right to free education, and invite all school-age children to enrol. This will reveal the exact number of schoolchildren, as nobody knows how many children there may be, especially migrant or out-of-plan children. She recommends that the budgetary allocation for education be increased to the internationally recommended minimum of 6 per cent of gross domestic product (GDP), that is, doubled from 3 to 6 per cent.

The Special Rapporteur recommends that specific Government institutions be made responsible and accountable for the implementation and enforcement of laws dealing with women and people with disabilities. Sustained public education is necessary for the elimination of gender discrimination and discrimination against people with disabilities. She also recommends a clarification of the rights of young unmarried people to sex education and family-planning services relating to their right to found a family and to self-protection against sexually transmitted diseases and HIV/AIDS.

The Special Rapporteur recommends a review of the strong emphasis on ideology in education and the adoption of a cross-sectoral strategy based on the indivisibility of human rights, with a view to adapting education to ongoing changes stemming from the introduction of the free market.

Annex

REPORT OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION ON HER MISSION TO CHINA, 10-19 SEPTEMBER 2003

Contents

Introduction

1. The Government of China invited the Special Rapporteur of the Commission on Human Rights on the right to education to visit the country by its letter of 14 November 2002. Unusually, that letter originated from the Human Rights Dialogue between the European Union and China and was forwarded to the Special Rapporteur by the Danish EU Presidency. Her visit had originally been scheduled for June 2003 but was postponed to September 2003 due to severe acute respiratory syndrome (SARS). She would like to record her gratitude for the interpretation **services** provided by the United Nations Office at Geneva and for the logistical support by the Beijing office of the United Nations Development Programme (UNDP). As is customary, the Special Rapporteur's official programme included meetings with officials of the Ministry for Foreign Affairs, the Ministry of Education and the Ministry of Justice, visits to educational institutions, meetings with representatives of mass organizations and discussions with Chinese scholars about human rights research and ongoing litigation. A part of her mission was left for her to arrange meetings herself, so that she could meet with international organizations working on education and human rights and, alone, have additional meetings and respond to specific human rights issues brought to her

attention.

2. Given the rapid and profound changes in China, the controversy surrounding human rights, China's vastness and differences within it, this is not meant to be a comprehensive report. The maximum length of documents - 10,700 words - prevents this in any case. Moreover, the extremely limited budget restricted the duration of her mission to 10 working days and the Special Rapporteur had to confine her visit to Beijing. The Special Rapporteur's hope is that this report will encourage an examination of the human rights dimensions of education. Using the international legal framework as the yardstick, her mission - and this report - focused on the role of the central Government, as it is responsible for ensuring that China's international human rights obligations are complied with. These ought to be highlighted because the widespread perception that any education automatically equals the right to education hinders adjustment of domestic law, policy and practice to China's international human rights obligations. This report summarizes key issues that emerge from examining education through the human rights lens. Notes are provided only where absolutely necessary; recommendations are integrated in the text in bold-face type.

I. THE CONTEXT

A. Post-SARS, pre-Olympics

3. During the summer of 2003, SARS seemed to have been consigned to history with a sense of relief that its spread had halted. The effects of SARS on public health education - in and out of school - were not visible; very few posters were left in Beijing. Fears of another outbreak of SARS or a SARS-like epidemic arose during the Special Rapporteur's mission and led to the re-emergence of masks. The Special Rapporteur's concern that public security would, again, prevail over public health has been reinforced by her finding that health services are available only against payment, which precludes access for the many who simply cannot afford the cost.

4. Although accounts of poverty are routinely confined to rural China, the contrast between wealth and poverty is visible in Beijing. Street hawkers and beggars crowd around shiny shopping malls that gleam with overpriced consumer goods imported from all over the world. The fabulous wealth, ostentatiously displayed, is protected by extensive public and private security. Cars have replaced bicycles, and Beijing promises to become a permanent traffic jam. Old parts of Beijing are shrinking, erased, as developers rush to build new hotels, shopping malls and office blocks. Anonymous modern architecture defies the very notion of cultural identity, otherwise a source of so much pride. "The traditional community neighbourhood has been relentlessly destroyed" [1] and evictions lead to frequent protests. Those who are evicted rarely have access to justice and fear the future, not being able to afford to purchase new housing and pay the costs of education and health care.

5. Just a week before the Special Rapporteur's mission, on 1 September 2003, a set of gold keys symbolically "opened the gates to the most important market in the world" for the 2008 Olympic Games and, it was hoped, to $1.6 billion in corporate sponsorship. During the Special Rapporteur's visit, $4.87 billion in new investment were sought for infrastructure projects (including the subway and a new expressway).[2] This will lead to additional evictions and to an even greater need for manual labour. Construction workers, many of whom are internal migrants, are seen as "labour" rather than people. Nobody knows how many are in

Beijing; a guesstimate is 3 million. Their access to education and health care is even more costly than for the residents.

B. Human rights with Chinese characteristics?

6. The Special Rapporteur applies her 4-A scheme as analytical framework, structuring government obligations stemming from the right to education in terms of making education available, accessible, acceptable and adaptable. However, China's law does not yet conform to the international legal framework defining the right to education. China has not ratified the International Covenant on Civil and Political Rights. Although analogous provisions regarding parental freedom to choose education for their children form part of the Convention on the Rights of the Child, this is not recognized in domestic law. Also, China's reservation to the International Covenant on Economic, Social and Cultural Rights regarding freedom of association denies trade union freedoms. Likewise, International Labour Organization (ILO) Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize has not been ratified, although numerous cases before the ILO Committee on Freedom of Association demonstrate the necessity of legal reform. Moreover, the ILO Declaration on Fundamental Principles and Rights at Work includes freedom of association. Hence, it should be respected by China as well as fully integrated in international cooperation. Thus, there are gaps in domestic law regarding key parts of the right to education. Furthermore, misconceptions are widespread. Although the term "the right to education" is used abundantly, China's Constitution and legislation define education as an individual duty, adding a "right to receive education". Freedom to impart education is not recognized and demands for its affirmation have emerged: a mother has demanded to educate her child herself, and a child's book describing his abandonment of school to educate himself has become a best-seller. The legalization of private education has introduced parental freedom of choice, but only for those with purchasing power. Contrary to China's international human rights obligations,[3] religious education remains prohibited in both public and private educational institutions. Although the first words of China's initial report under the Convention on the Rights of the Child describe it as "a consistent respecter and defender of children's rights," [4] children's rights in education have yet to be recognized. **The Special Rapporteur recommends a review of Chinese law using the yardstick of international human rights law with a view to initiating adjustments with respect to international requirements.**

7. Education imposed upon minorities, enforcing their children's obligation to receive compulsory education, violates human rights when it denies their religious or linguistic identity. This came as a complete surprise to most of the Special Rapporteur's interlocutors. The prevalent view seems to hold, erroneously, that any schooling equals the right to education. Moreover, the right to education is not affirmed as the right of every child, as the Convention on the Rights of the Child requires. The denial of migrant children's right to education because they do not possess the required permits openly conflicts with the Convention. Thus, the Special Rapporteur carried out a great deal of impromptu human rights education during her mission. Although foreign-funded human rights programmes have been many, their contents and target audiences have apparently been outward-orientated. Indeed, the only part of the Government bearing "human rights" in its name is found within the Ministry for Foreign Affairs. **The Special Rapporteur recommends that the extensive public education relating to the implementation of China's obligations stemming from its membership in the World Trade Organization (WTO) be replicated for international**

human rights law.

8 Furthermore, the formal enactment of legal guarantees is routinely mistaken for the end rather than merely a means of human rights protection. Thus, the formal prohibition of corporal punishment is perceived to have solved the problem although, to take just one example, the research by the Beijing Academy of Educational Sciences has revealed that half of the teachers in and around Beijing use corporal punishment. The first court cases, initiated by parents, secured compensation after their children had been badly harmed, sometimes disabled, by teachers. The prohibition of corporal punishment is only one step towards its elimination. It requires effective implementation and enforcement, and extensive public education to become internalized and accepted by all. Another illustration came from a meeting on prisoners during the Special Rapporteur's mission, which concluded: "Legal experts said China had always taken good care of prisoners. Of the 78 articles of the Prison Law, 33 safeguard prisoners' rights."[5] The provisions of these articles may not conform to universal human rights guarantees, or they may not be applied in practice. The Special Rapporteur's visit to the Beijing Juvenile Delinquency School confirmed her fear that human rights safeguards were not in place. She was informed that no sex education was provided to the staff or inmates although the institution has "school" in its name. A corridor with four cells, each sleeping 16 boys, is locked between metal grilles at both sides for the night. Her question as to how the prison administration prevented sexual abuse, which is inevitable under such conditions, was met with an assurance that it never happened because it was prohibited. Her dismay that no sex education was provided to the boys and no protection against abuse while they were in the custody of the State was met with silence. The responsibility of the State for people in its custody - especially children - may be tackled in the aftermath of the draft guidelines by the Supreme People's Court on personal injury, issued during her visit. [6] If hotels or schools are responsible for ensuring "proper care" in order to prevent personal injury, so should prisons be. **The Special Rapporteur recommends that public education be initiated on differences between formally adopted laws and actual rules of conduct of all persons acting in the name of the State. That will constitute the foundation for translating human rights safeguards into rules of conduct for all public officials.**

II. BEYOND STATISTICAL VICTORIES

9. The creation of "a well-off society" and the officially set goal of quadrupling the size of China's economy by 2020 creates a constant pressure for statistical victories. The political project of sustaining an economic miracle emphasizes "legitimacy through prosperity". There is an endless stream of statistics that illustrate improvements in education. Figures are, as is well known, interpretations rather than facts. The thirst for documenting success, with deflection of criticism the reverse side of the coin, requires figures. The generation of statistics from the school to the local administration, and all the way to the central Government, indeed depicts successes. For example, although the official target is to attain nine years of education for all, the Education for All (EFA) Monitoring Report has noted the reduction of primary schooling by one year (from ages 6-11 to 7-11), and the decrease of net enrolment ratio from 97 per cent in 1990 to 93 per cent in 2000. [7] The chain of accountability goes upwards, documenting that the targets set from the top have been met. There is little research examining the huge quantities of statistics, although differences amongst the figures indicate that this should be done. Figures are apparently published as reported, without independent verification. Inaccurate statistics rarely gain public attention and the case of

SARS was an exception. [8] The official silence during the first months of the epidemics was followed by the reporting of low figures that were subsequently revised upwards, and led to an unprecedented official apology. [9] The term “the right to know” is becoming increasingly mentioned.

10. China had set for itself the goals of eliminating illiteracy and attaining nine years of compulsory education by the end of the Ninth Five-year Plan (1996-2000), but neither was accomplished. The latter objective has been postponed to 2007. On 20 September 2003, the State Council reiterated the pledges that should have been implemented in the 1990s, namely to extend the coverage of compulsory education to 85 per cent in the poorest parts of the country. Regarding the former, one has to acknowledge that literacy in China requires the mastery of at least 1,500 characters for the rural and 2,000 for the urban population. [10] Such openly different - discriminatory - criteria dividing the population into urban and rural pervade education policy. The 1986 Compulsory Education Law stipulates that ”the State shall subsidize the areas unable to introduce compulsory education because of financial difficulties.” In the 1990s, 40 per cent of children of compulsory school age in the poorest provinces could not attend school. [11] The lowest levels of government, county and township, shoulder the biggest burden by providing 87per cent of public expenditure for education. The problem, as diagnosed by the World Bank, is “decentralized financing of basic education without adequate equalization transfers.” [12] These remain inadequate, “under-funded since their inception, rising in 1998 to only just under a meagre level of 2 per cent of total transfers.” [13] The goals and methods for achieving education for all are thus at odds with each other, leading to adverse selectivity. Those the least able to finance education - the poorest - can afford the least schooling although they need free education the most. Furthermore, Government’s policy of aiming for nine years of compulsory education is, in the case of the poorest parts of the country, reduced to six, thus diminishing rather than increasing the urgency of equalization transfers. **The Special Rapporteur recommends an immediate affirmation of China’s international obligation to ensure free education for all children by eliminating all financial obstacles.**

11. Countrywide statistical monitoring is confined to school enrolments. The education statistics are “collected at the beginning of the year and do not reflect attendance.” [14] The nine years of compulsory education consist of six years of primary and three years of junior secondary; thus, all children aged 6-15 should be at school. Many are not, but it is not known how many and why. Cheng Xiaoling has claimed that the increasing costs of education have created “new illiterates”, which was confirmed by the official statistics that placed the number of illiterates in 2001 at 85 million. [15] Rising costs most affect girls, who are estimated to form the majority of the “new illiterates”. One of China’s proudest accomplishments used to be providing elementary education free of charge but, as schooling has become increasingly expensive, all those who cannot afford the cost are excluded. **The Special Rapporteur recommends the monitoring of school attendance, combined with the identification of the reasons for non-attendance and school abandonment, and the collection of data disaggregated by all internationally prohibited grounds of discrimination.**

III. LOCALIZATION AND PRIVATIZATION OF FINANCIAL RESPONSIBILITY FOR EDUCATION

12. Ten years ago, the head of China’s State Education Commission (as it was then)

singled out the key problems as insufficient funding, arrears in teachers' salaries, school dropouts and illegal charging of school fees. [16] An identical listing could be repeated today, enlarged to include the disconnect between education and the economy. The Private Education Promotion Law, which came into force on 1 September 2003, has further blurred the boundary between education as a human right and a traded service. Many public schools have been charging fees because budgetary funds for education have been inadequate. China's official statistics for 2000 have shown that merely 53 per cent of funding for education was public,[17] and out of that merely 8 per cent came from the central Government and only 2 per cent went to compulsory education.

13. The official statistics on school enrolment, all above 99 per cent, conflict with reports of large numbers of children who cannot afford to go to school. The World Bank has confirmed that "the high out-of pocket costs of education [are consistently cited] as a primary reason for student drop-outs or non-enrollments."[18] Private donations are sought for particularly talented but poor children. Caring individuals donate part of their salaries to pay fees that should not be charged in the first place. There are no statistics on the variety of fees that are charged, ranging from exam-paper fees to reading room permit charges, from desk fees to homework-correcting fees. In Beijing, the Education Committee has reportedly approved no less than 14 different fees. Although some are ostensibly voluntary, parents complain that all have to be paid. The Special Rapporteur is deeply concerned that school fees continue to be regulated rather than abolished. In March 2002, the then prime minister, Zhu Rongji, denounced local authorities for their failure to pay teachers' salaries and for imposing a range of charges, including in education, urging their abolition. [19] However, the unified and/or standardized fees for compulsory education (*yi fei zhi*) were continued just after the Special Rapporteur's mission. [20] **The Special Rapporteur recommends an immediate and explicit commitment by the Government to free compulsory education for all children. Sample studies to determine the real costs of education should be carried out as soon as possible, as the basis for a strategy to eliminate financial obstacles to the realization of the right to education of every child.**

14. The impoverishment of schools erupts into public knowledge with tragedies, such as the officially reported 42 deaths of schoolchildren and their teachers when their school blew up on 6 March 2001 in Hebei (Jiangxi province). The reason - children having to produce firecrackers to compensate for the shortage of funds for their schooling - had at first been dismissed as "irresponsible reporting", but another investigation confirmed the facts. [21] During her meetings at the Ministry of Education, the Special Rapporteur inquired into changes subsequent to that tragedy so that other children who may have to work at school would not pay with their lives. She was told that safety inspections and additional regulations for productive activities at school had been initiated. The linkage between schooling and manual labour goes back to the 1950s and there was an effort to separate manual labour from schooling in the 1970s. However, manual labour by schoolchildren (*qingong jianxue*) remains permitted. The Special Rapporteur is deeply worried about the absence of a formal prohibition of primary school children being made to work at school. **She recommends a comprehensive review of schoolchildren's work at school so as to develop a strategy for its urgent elimination and for the immediate protection of children's lives, health and safety where they are still obliged to work.**

A. Budgetary allocations

15. China's rate of economic growth, averaging 7-8 per cent in the 1990s and in the early years of the new millennium, has not led to increased public funding for key public services. The ratio of revenue to gross domestic product (GDP) of 15 per cent in 2000 was low (it had been 19 per cent in 1990). Moreover, Minxin Pei has estimated that government revenue amounting to 8-13 per cent of GDP does not follow the budgetary rules. [22] Much of that may be lost through corruption. Although China's fiscal revenues rose 28 per cent in the first half of 2003 from a year earlier, [23] its budget deficit was reported at 3.2 per cent of GDP. [24] This was questioned by the Organization for Economic Cooperation and Development (OECD) as misleading, due to non-recognized government debt obligations which "could more than double the government debt ratio." [25]

16. Although international human rights law mandates priority for human rights in resource allocation, China's budgetary allocations favour military expenditure at the expense of investment in education. The 9.6 per cent increase in military expenditure approved in 2003[26] was lower than the 18 per cent in 2002 and, for the first time in 14 years, a single-digit increase. The budgetary allocation for education hovered around 2 per cent of GDP throughout the 1990s although the Government made a commitment in 1993 to increase it to 4 per cent. The United Nations Educational, Scientific and Cultural Organization (UNESCO) Institute for Statistics has referred to 2.2 per cent of GDP for 1998/99 as the most recent figure in November 2003. [27] For 2001, the Government reported a budgetary allocation for education of 3.2 per cent of GDP, [28] still below the 4 per cent promised in 1993. In 1999, the State Council mandated an annual increase in the budgetary allocation for education by one per centage point, but that has also not happened. A school headmaster has commented: "It is quite usual that Government committed education funds and broke its promise, and gave its commitment again and broke its promise again." [29] **The Special Rapporteur recommends that the budgetary allocation for education be increased to the internationally recommended minimum of 6 per cent of GDP, that is, doubled from 3 to 6 per cent of GDP.**

B. Private costs of public schooling

17. China's legislation defines education as a right as well as an obligation. The further specification of nine years of education as compulsory reinforces its definition as an obligation. Parents have to send their children to school under the threat of legal enforcement, but they cannot choose education for their children. Furthermore, although the entire history of the right to education has confirmed that education cannot be made compulsory unless it is free, compulsory education has not been made free in China. The 1986 Compulsory Education Law stipulates that "the State shall not charge tuition for students receiving compulsory education", and the 1995 Education Law prohibits the charging of fees illegally, but the definition of fees that are illegal is unclear. [30] Direct charges in the form of many different types of fees are notorious and huge, estimated at 200 billion yuan (US$ 24 billion) in the past decade. [31] Local authorities have often resorted to the law on compulsory education to force parents to enrol their children, and fines have been imposed by courts for their failure to do so. A father in Lin Yi (Shan Dong province) committed a robbery in April 2001 because he was unable to pay school fees for his children. The 30 yuan he stole earned him three years in prison and left his children without the schooling which should have been free to begin with.

18. The law on compulsory education requires government funding of schools so as to

prevent the charging of fees. However, the central Government does not provide the funding needed for education nor are the local authorities empowered to raise revenue through taxation. Hence, local officials resort to an array of direct charges "outside the budget system, in the form of fees and charges which accrue to locally managed extrabudgetary funds, over which the local officials have complete control and face virtually no oversight." [32] These extrabudgetary funds are estimated to amount to 12 per cent of GDP. [33] Also, the gap in per-student expenditure is large and increasing: a good, public, urban school may spend 19 times more on each pupil than a poor rural school. **The Special Rapporteur recommends that budgetary allocations for education be increased to cover completely the costs of compulsory education for all school-age children. Both the costs and the disbursements should be made transparent as this will also facilitate eliminating corruption.**

C. Free market in education

19. China's membership in the WTO has introduced pluralism into education since China has made extensive commitments under the General Agreement on Trade in Services (GATS), liberalizing all education sectors. In higher education, the direct costs paid by students trebled in 1995-2000. [34] How much of a right to education remains in higher education, if any, is an open question. China's law formally prohibits "educational institutions for profit", although it allows charging fees and obliges the institutions "to openly reveal the items of fees charged." [35] The announcement that "the State will encourage fair competition between governmental and non-governmental schools" [36] heralded change. What constitutes "fair" competition also remains an open question. China is bound by both international human rights law and international trade law, and there is a conflict between the two. **The Special Rapporteur recommends assessing the human rights impact of trade in education and measures to alleviate its most detrimental effects on the right to education.**

20. The diversity of educational institutions, public and private, free and for-fee, permeates education, including compulsory education. Community schools (*minban*), organized, paid for and run by communities, emerged in the 1950s. For example, "*minban* teachers" were paid much less than "government teachers". At the time of the Great Leap Forward, the policy dubbed "walking on two legs" encouraged the establishment of community schools by agricultural communes or factories. In many, students worked half a day and studied half a day. Political study and manual labour were prioritized. In the 1980s, the policy of diversifying sources of funding for education invited "the social forces" to set up and finance schools, categorized as non-governmental and/or private. Private schools have mushroomed as increasing wealth created a huge demand for excellent and expensive education at all levels, even before the Private Education Promotion Law formally legitimized them. Confusingly, the term *minban* is used for the community schools as well as in the Private Education Promotion Law. The same term thus applies to schooling for children who would otherwise have none and to schools dubbed "aristocratic", which cater for the wealthy elite. Public schools charge fees, although they should not; schools for migrant children charge fees because there simply is no public funding; rural schools charge fees because public funding is insufficient. The resulting confusion is exacerbated by the fragmented legal framework, as different laws separately regulate education for children with disabilities or for migrant children, for example. **The Special Rapporteur recommends a unified legal framework based on every child's right to free and compulsory education and an all-encompassing strategy for its realization and enforcement.**

21. The need to adapt education to change was acknowledged in 1996: "The previous education system in China, taking shape under a planned economy, played some positive roles in the past. But it could no longer adapt itself to the new environment as a result of establishing a socialist market economy." [37] Ruth Hayhoe noted as early as 1989 "a contradiction between knowledge transformation for economic development and knowledge regimentation for political order." [38] The process of economic change was subsequently illustrated by the fact that one in five workers in State-owned enterprises lost his/her job in the past five years. [39] The pattern of urban employment has shifted to contractual, temporary and informal work, with urban unemployment increasing. Although the constitutional amendments in 1999 acknowledged the legitimacy of the private sector, changes in the education curriculum have not followed suit. Vilma's Seeberg's question whether education and the economy are divorced from each other [40] remains pertinent. **The Special Rapporteur recommends the adoption of a cross-sectoral strategy based on the indivisibility of human rights with a view to adapting education to ongoing changes stemming from the introduction of the free market.**

IV. LIMITS TO EQUALITY

A. Gender

22. The All-China Women's Federation owns a gleaming 11-storey building in the centre of Beijing as well as the next door hotel - not an image people have of non-governmental organizations (NGOs). Its privileged status is further evidenced in the ability of its officials to join government delegations or to field their own. The term "non-governmental" is applied to Government-supported mass organizations, [41] although the World Bank has categorized the All-China Women's Federation as "a quasi-governmental agency." [42] This structure has not remedied "the serious absence of women at policy-making levels in government institutions".[43] The Special Rapporteur was keen to learn whether the Federation's priorities for Chinese women, whom it claims to represent, matched what she had discerned from the current research to be key issues. One was the deteriorating sex ratio at birth, demonstrating continuing son preference. Another was the negative gender impact of the free market. However, she was to be disappointed.

23. The results of the 2000 census showed 117 boys born for every 100 girls, a considerable deterioration from the census of 1990 when there had been 111 boys for every 100 girls. Although pre-natal sex determination and sex-selective abortions had been banned many times, the census results showed that the prohibition was not effective. The popularly dubbed "Women's Law" laid down in 1992 many substantive guarantees but did not anticipate enforcement or remedies for its breaches. [44] There is an unfortunate tendency to examine each country's standing within a variety of global rankings that are constantly produced, and China ranks very high, if not the highest, in female suicides. [45] A part of the explanation is contained in the "Women's Law", which lists practices victimizing women such as drowning or abandoning female babies, maltreatment of women who give birth to female babies or are sterile, and abandonment of aged women. [46] **The Special Rapporteur recommends that specific government institutions be made responsible and accountable for the implementation and enforcement of laws dealing with women.**

24. The Special Rapporteur's first visits to China, almost 10 years ago, coincided with the publication of the Chinese translation of her study *Human Rights in Population Policy* by the

Chinese Academy of Social Sciences. At the time, the Family Planning Commission espoused the view that "the solutions and program for each country to deal with its own affairs cannot be restricted and intervened [in] by any given ethic standard or model." [47] The Population and Family Planning Law, in force as of 1 September 2002, stipulates that officials should not violate citizens' rights. Even before this law, the Family Planning Commission had issued circulars banning coercion. Thus, the approach has profoundly changed within a decade, demonstrating gradual adaptation to universal human rights and pointing to the need for patience and persistence in facilitating change.

25. The average age at marriage is 23, leaving a 10-year gap between the onset of adolescence and marriage. Although safe and effective contraception should be made available to "women of childbearing age",[48] the assumption that no sex takes place before marriage leaves adolescents and young unmarried people beyond the remit of family planning: "Virtually every woman in China follows the same pattern of contraceptive use - she uses no birth control until the first child." [49] Indeed, it remains an open question whether unmarried young women are denied a right to have a child, and whether adolescents and youth have a right to information and services they need. Condom use was reported to be only 5 per cent in 2000, [50] highlighting the need for public education on sexually transmitted diseases (STDs) and HIV/AIDS. The 2002 report *HIV/AIDS: China's Titanic Peril* issued a warning of the likely catastrophe unless an immediate and affective programme is put in place and given the highest political priority. **The Special Rapporteur recommends clarification of the rights of young unmarried people to sex education and family-planning services relating to their right to found a family and to self-protection against STDs and HIV/AIDS.**

26. A series of warning signs have highlighted the detrimental effects of the recent economic changes on girls and women. Women's income diminished from about 80 per cent of men's in 1990 to about 70 per cent by the turn of the millennium. [51] The increased private costs of public education, with girls deemed not to constitute a good investment, have led to estimates that 80 per cent of the "new illiterates" may be girls. [52] Indeed, female illiteracy increased in the 1990s from 68 per cent to 71 per cent. [53] Girls have overtaken boys in primary education with 50.6 per cent of enrolments, but are lagging behind at the university level with 38.2 per cent. [54] **The Special Rapporteur recommends the adoption of a comprehensive strategy for attaining gender equality both in and through education at the highest level of the Government.**

B. Migration

27. Restrictions upon freedom of movement and residence are exemplified in *hukou*, the requirement of local residence permits to access public education or health care. This requirement is based on registration at birth, and the local authorities are responsible for providing services to their registered residents. The existing statistics refer only to those people who have been registered. Children who are not registered at birth - almost always girls - do not acquire an entitlement to any services. Nor do migrants and their children. An unauthorized change of residence deprives migrants of services and exposes them to the risk of enforced return. An unknown number of migrant children are denied their right to education because they lack permits, and a series of regulations have been adopted. [55] Those migrant children who are allowed into school are required to pay a "temporary schooling fee" amounting to 20,000 yuan in Beijing, as the Special Rapporteur heard to her dismay. That

sum is beyond the reach of most migrants. The enforcement of restrictions on migration, [56] including deportation, is a constant deterrent for all undocumented migrants. Although migrants are visible and Hou Wenzhuo says that "migrant children are everywhere in Beijing", [57] there is a studious, constant attempt not to see them. Not counted, they do not count and cannot exercise their human rights. **The Special Rapporteur recommends an explicit and authoritative affirmation that all children have the right to education, and an invitation to all school-age children to enrol. This will reveal the exact number of schoolchildren, as nobody knows how many migrant or out-of-plan children there may be. It will also create the necessary background for assessing the cost of educating all the children and the public funding that ought to be provided.**

28. The education of migrant children is a visible problem in large cities, which are magnets for the rural exodus. The change from agriculture to manufacturing has been profound. In 1952, 84 per cent of the population were categorized as agricultural workers, halved to 44 per cent in 1999; the proportion of manufacturing workers grew from 6 per cent in 1952 to 23 per cent in 1999. [58] Estimates of the number of internal migrants vary between 100 and 160 million, but nobody really knows. The most likely reason is that this pool of surplus labour constitutes China's competitive advantage as the world's manufacturing powerhouse. Increasing numbers of migrants are used to justify broadening fee-for-service practices as well as for enforcing the restrictions upon freedom of movement and residence so that the numbers do not swell further. The shared hardship, and the shared anger that often accompanies it, result in visible, but small-scale, protests. The police apparently have clear instructions as to which protests to allow and which to suppress. Foreigners demonstrating curiosity regarding the substance of the complaints on protest banners are brushed off, as the Special Rapporteur herself experienced.

C. Disability

29. "The quality of the population" is a concept used in China's law, [59] and "low quality" is attributed to rural migrants in Beijing or to children with disabilities. More than 90 per cent of abandoned children are classified as disabled, and an unknown number are not born if a disability has been detected, or even feared. For example, the 1998 Shandong regulations, which banned foetal sex identification, allowed termination of pregnancy if "a foetus has [a] serious deficiency." [60] The one-child policy has had a serious negative effect on the image of disability in society as parents wish their one and only child to be perfect, and discrimination on the grounds of gender and disability leads to selective infanticide. [61] China's law still treats girls and children with disabilities as unworthy, allowing parents of such children a second child. This is, perhaps, compensated by the Government's references to the rights of women and people with disabilities, but these are not accompanied by guarantees for implementation and enforcement. **The Special Rapporteur recommends an urgent and clear affirmation of China's human rights obligations, which pertain to all parts of the Government and encompass all rights of all people with disabilities, and the assignment of institutional and personal accountability for ensuring that these are translated into reality.**

30. According to the 1990 Law on the Protection of Disabled People, the Government should guarantee the right to education to all of them. However, only 0.4 per cent of the education budget was allocated in 2000 to the education of people with disabilities, according to the official statistics. Some schools do exist for children with disabilities, catering for the

selected few, while there is not even an estimate of how many others are left with no access to education as there is no definition of learning disability. For example, the 1998 Higher Education Law allows the rejection of students who do not meet the conditions for admission, which may include a specified height of 170 cm for men and 160 cm for women. This was brought to light by a complaint from a student rejected as being too short in March 2002. Students who have a big scar or pigmented mole, or are lame, can be excluded from studying diplomacy, law or pedagogy, [62] illustrating continuing prejudice. **The Special Rapporteur recommends revising the definition of disability, and initiating comprehensive and sustained public education aimed at eliminating the underlying prejudices and stereotypes.**

V. THE 1-2-4 FAMILY STRUCTURE AND COMPETITIVENESS

31. A five-year-old boy looked up and asked, in perfect English, where I was from, translating for his beaming mother. That "little emperor", who probably started in a bilingual kindergarten, is likely to make it all the way to the university, possibly a foreign university. The term "little emperors" entered usage with the one-child policy. Another common expression, "six pockets, one mouth", refers to the parents and two sets of grandparents doting on the one and only child, as does the "1-2-4 formula" - one child, two parents, four grandparents.

32. The "social maintenance fee" [63] imposed on those who have an out-of-plan child has led to estimates that the cost of raising a child may be as much as 100,000 yuan. Estimates for Beijing are that the compulsory nine years of public education cost $8,000 for each child. [64] Parental investment in a child's education may amount to much more: an annual $2,000 for a private, multilingual kindergarten and an annual $25,000 for secondary education abroad. The former figure is more than twice the average national per capita income; the latter exceeds it by almost 20 times. Protests against rapidly and deeply increasing income inequalities, evidenced in the ability of some to afford hugely expensive education and the inability of many to ensure any education for their children, are frequent. They are fuelled by a widespread assumption that most wealth results from misappropriation of public funds. A survey by Renmin University showed that only 5.3 per cent of respondents thought that the newly rich obtained their wealth legitimately. [65]

33. Of the children who start primary school, very few make it to higher education. Children's test results tend to be publicly displayed at school to shame poor performers into improving. Test results determine progression up the education pyramid, access to the best schools, the best class in the same school and, thereafter, the best universities. Although the absolute number of graduates has been rapidly increasing, it remains minuscule compared with the huge number who wish to proceed to the university but cannot. Parents do their best for their "little emperors" and children may be transformed into "studying machines". [66] Fierce competitiveness focuses on the university entrance exam as the gateway to career-making, fuelled by the phenomenon of graduate unemployment.

34. More than 2 million university graduates in 2003, 46 per cent more than in 2002, [67] have increased the pressure to create employment, including upon the Government, and despite its pledge to reduce the number of its employees. The Chinese Academy of Social Sciences has predicted that unemployment could reach 15 per cent in the coming years, [68]

while the official statistics keep the unemployment rate below 5 per cent. Changes in the curricula or teaching methods aiming to replace rote learning by creativity - without a changed university entrance exam - are not expected to have much of an impact. [69]

VI. THE THIRST FOR LEARNING

35. The Special Rapporteur's fondest memories of Beijing have always been her visits to bookshops, full to overflowing with eager learners. A Chinese proverb, "even if you are rich, you do not throw away your books", conflicts with data showing that more than 80 per cent of pupils dislike school. [70] This dislike focuses on being forced to memorize large amounts of information to pass exams at every step up the education pyramid. The combination of a "strong emphasis on ideology" [71] and teaching-to-test preclude adaptation of education to change. **The Special Rapporteur recommends adaptation of education to the best interests of the principal subjects of the right to education.**

36. Shen Shuzhen has aptly stated that "the basic function of education is to mold people." [72] The Book of Rites (*Li Ji*) said the same a long time ago: "man cannot know The Way without learning." Hence, key questions regarding education are qualitative rather than quantitative, revolving around what is being taught, how, and why. Although there is an affirmation that minority languages can be taught, there is no similar tolerance of religion: "no religion is allowed to disrupt education" and "no one is allowed to make use of religion to oppose the socialist system or to undermine the unification of the country". [73] As the Committee on the Elimination of Racial Discrimination has stated, "a distinctive religion is essential to the identity".[74] The Special Rapporteur was dismayed at the illiteracy rate in Tibet, 39.5 per cent, and asked the Ministry of Education whether one reason might be the fact that the literacy test was in Tibetan, while Mandarin is used in political, economic and social life. "Out of more than 120 languages spoken in China, 50% are endangered", [75] reinforcing the necessity of remoulding education with a view to preserving cultural diversity An education that would affirm minority rights necessitates full recognition by the majority of the worth of minority languages and religions in all facets of life. Otherwise, education is seen as assimilationist and, hence, not compatible with China's human rights obligations. **The Special Rapporteur recommends full integration of human and minority rights in education policy, law and practice.**

A. The future of teaching history

37. Recent Chinese history profoundly affected education. The "ideology of denigrating formal learning"[76] during the Cultural Revolution severely affected education. Many schools were closed in 1966 and the Ministry of Education was also closed. Colleges and universities reopened in the early 1970s, and graduate institutions as late as 1978. Many Red Guards were recruited from middle schools and universities and their teachers were usually their first victims, "the stinking ninth category", sent to the countryside to do manual labour, or worse. Too many teachers were driven to suicide. Undermining the damage done to education takes a long time, as was acknowledged in 2003 on Teachers' Day: "Chinese teachers were degraded to a low social status during the Cultural Revolution (1966-76). Thus, raising the status of teachers has been advocated by the central Government since 1977." [77] **The Special Rapporteur recommends that the raising of teachers' status include guarantees of their freedom of association.**

38. The introduction of human rights education would necessitate revisions of the content of the syllabi, curricula and textbooks. China's law specifies "Marxism, Leninism, Mao Zedong Thought and the theory of building socialism with Chinese characteristics" as guidance for education, while pupils and students have an obligation to "develop sound ideology". [78] Further, all schools are required to strengthen the education in patriotism, collectivism and socialism. [79] Study guides for the university entrance exam highlight what students should demonstrate as their acquired knowledge. Such questions involve confirming "why China cannot copy the Western system of separation of powers", or offer as a correct answer that "the Communist Party has written a magnificent chapter in the 20th century and will surely write a new magnificent chapter in the 21st century." The specific formulations of such questions are used as a political barometer. [80]

39. As in all other countries, the teaching of contemporary history has hugely important human rights dimensions. Two weeks before the Special Rapporteur's mission, the twenty-fifth anniversary of the normalization of relations between China and Japan revived, yet again, "problems left over from history". [81] Diplomatic protests relating to history textbooks published in Japan about the Second World War, including the Nanjing massacre, have not yet led to something resembling a truth commission, whereby a shared version of history could emerge. Such a process would, inevitably, lead to the rewriting of many history textbooks. For example, the 1989 Tiananmen Square protest had initially been called a "counter-revolutionary rebellion" and, 10 years later, "political turmoil." [82]

B. Visions of the present: in-school and out-of-school education

40. Ongoing changes out of school have not altered the selfless heroism celebrated in school textbooks. This conflicts with the self-interest that fuels today's economic boom and conspicuous consumption. An inevitable contrast between the socialist ideology woven throughout education and the free market outside it, the extremes of luxury and deprivation, the cherished cultural heritage and rampant modernization, the praised selflessness and notorious corruption impose upon the young the necessity of making their own choices among radically different visions of their own country. China encapsulates so many diverse realities that it defies all single-word descriptors.

1. *Biennium Report 2001-2002*, UNESCO Beijing Office, 31 May 2003, p. 39.

2. Olympics lures global investors, *China Daily*, 13-14 September 2003.

3. The Convention on the Rights of the Child lays down the most detailed guidance for rights-based education: (1) it prohibits State interference with the liberty of individuals and bodies to establish and direct educational institutions; (2) it stipulates that children belonging to religious minorities should not be denied the right, in community with other members of the minority, to profess and practice their religion; (3) it affirms every child's freedom of religion and emphasizes the rights and duties of the parents in this regard; (4) it obliges the State to respect and ensure all rights of the child, including the right to education, without discrimination based on religion.

4. Committee on the Rights of the Child - Initial report of China, U.N. Doc. CRC/C/11/Add.7, para. 1, 21 August 1995.

5. Pilot prison raises bar for penal system, *China Daily*, 13-14 September 2003.

6. Court ruling helps clarify personal injury case law, *China Daily*, 18 September 2003.

7. *EFA Global Monitoring Report 2003/4*, UNESCO, Paris, 2003, p. 49 and 328.

8. "Nobody is allowed to revise or adjust statistical figures at will and is banned from concealing problems to present a false picture", the *People's Daily* quoted the pronouncement of the State Statistical Bureau, which continued: "Any individual who resorts to deception in statistical data will be investigated and seriously dealt with under the statistical laws and there will be no tolerance." *Far Eastern Economic Review*, 5 June 2003.

9. "We want here to apologize to everyone," Li Liming, the director of the Chinese Centre for Disease Control and Prevention, told mainland and Hong Kong journalists in an April 4 press conference in Beijing." *Far Eastern Economic Review*, 17 April 2003.

10. Education for All: The Year 2000 Assessment. Final Country report of China, available at www.unesco.org/education/efa/wef/countryreports.

11. Hossain, S. - Making an equitable and efficient education: The Chinese experience, *Policy Research Working Paper No. 1814*, The World Bank, 1998, p. 7.

12. *China: National Development and Sub-national Finance. A Review of Provincial Expenditures*, Report No. 22951-CHA, 9 April 2002, p. 95.

13. Ahmad, E. Et al. - *Recentralization in China?*, IMF Working Paper WP/02/168, p. 13.

14. Nirmala Rao, Kai-Ming Cheng, and Kirti Narain - Primary schooling in China and India:

Understanding how sociocultural factors moderate the role of the state, in Bray, M. (ed.) - *Comparative Education: Continuing Traditions, New Challenges, and New Paradigms*, Kluwer Academic Publishers, Dordrecht, 2003, p. 156.

15. Xiaoling, C. - School's out too early for Chinese girls, *DCI Monitor*, vol. 15, No. 2, Defence for Children International, Geneva, May 2002.

16. Xinhua, 24 August 1993, cited from FBIS-CHI, 24 August 1993, pp. 28-30.

17. The statistics differentiates between budgetary funds and four other sources: (1) funds of social organizations and citizens, (2) donations and fund-raising, (3) tuition and other fees, and (4) unspecified "other educational funds". *Educational Statistics Yearbook of China 2001*, Department of Development & Planning, Ministry of Education, The People's Republic of China, p. 366.

18. *China: National Development and Sub-national Finance. A Review of Provincial Expenditures*, Report No. 22951-CHA, 9 April 2002, p. 107.

19. Gittings, J. - Zhu hits out at corruption by officials, *Guardian Weekly*, 14-20 March 2002.

20. These unified and/or standardized school fees in compulsory education, *yi fei zhi*, were selectively applied in 2001 and extended in October 2003. The charging of textbook and exercise book fees is permitted as are unspecified "miscellaneous fees". These should be charged according to centrally determined criteria, but the fees could be locally increased by 20 per cent. Furthermore, in September 2003, the State Council also affirmed that migrant children should continue paying fees on the same level as resident children.

21. Lawrence, S. - Digging up truth, and Lesson learned?, *Far Eastern Economic Review*, 22 and 29 March 2001; Gittings, J. - School explosion exposes China's child labour problem, *Guardian Weekly*, 15-21 March 2001.

22. Pei, M. - The long march against graft, *Financial Times*, 10 December 2002.

23. China briefing: Taxes, *Far Eastern Economic Review*, 10 July 2003.

24. China: What he did and left undone, *The Economist*, 8 March 2003.

25. OECD - *China in the World Economy: The Domestic Policy Challenges*, Synthesis Report, Paris, 2002, p. 25.

26. Kynge, J. - National People's Congress: Rural poverty may threaten China's future, Zhu warns, *Financial Times*, 6 March 2003.

27. The UIS calculates public expenditure on education as per centage of GDP as well as Gross National Product (GNP) and Gross National Income (GNI), which is - in the case of China - the same figure of 2.2 per cent for 1998/1999. The World Bank's database of education statistics (EdStats) has reported the figure of 2.9 per cent of GDP for 2000.

28. Ministry of Education - *2001 China Education and Human Resource Report*, Beijing, 2002, p. 563.

29. Mark Bray, Ding Xiaohao and Huang Ping - *Alleviating the financial burden on poor households: Review of cost-reduction strategies in the GBEP (Gansu Basic Education Project)*, Comparative Education Research Centre, University of Hong Kong, August 2003, p. 16.

30. The 1995 Education Law says: "In cases where schools ... collect fees from educatees without regard to the relevant regulations of the State, such fees shall be returned by the order of the administrative departments of education; persons directly in charge and other persons held directly responsible shall be given administrative sanction according to law."

31. *People's Daily*, 3 September 2003.

32. Ahmad, E. Et al. - *Recentralization in China?*, IMF Working Paper WP/02/168, p. 10.

33. Wong, C. - Converting fees into taxes: Reform of extra-budgetary funds and inter-governmental fiscal relations in China, Association for Asian Studies Meeting, Boston, Massachusetts, March 1999.

34. *OECD Review of Financing and Quality Assurance Reforms in Higher Education in the People's Republic of China*, CCNM/EDU (2003) 2, 14 October 2003, p. 9.

35. Articles 25 and 29(5) of the 1995 Education Law of the People's Republic of China.

36. Ning, C. - Progress made on education, *China Daily*, 28 February 2000.

37. State Education Commission of the People's Republic of China - *The Development and Reform of Education in China 1995-1996, International Conference on Education, 45th Session, Geneva, 1996*, Beijing, September 1996, p. 1.

38. Hayhoe, R. - *China's Universities and the Open Door*, Ontario Institute for Studies in Education (OISE) Press, Toronto, 1989, p. 168.

39. Country assistance strategy of the World Bank Group for the People's Republic of China, Report No. 25141, 22 January 2003, p. 2.

40. Seeberg, V. - *The Rhetoric and Reality of Mass Education in Mao's China*, The Edwin Mellen Press, Chinese Studies Series No. 14, Lampeter (Wales), 2002.

41. China's legislation does not permit NGOs. International NGOs cannot register and, domestically, there are "social organizations" sponsored by particular parts of the Government, research centres, or commercial actors. A Government sponsor is necessary for a "social organization", hence a huge number exists in sponsored areas (such as women, disability, youth, or education). Obtaining registration as a research centre or a commercial actor is the path followed by those NGOs that are unlikely to get government sponsorship.

42. China: Country Gender Review, The World Bank, June 2002, p. 12.

43. *China's Accession to WTO: Challenges for Women in the Agricultural and Industrial Sectors*, UNDP, Beijing, 2003, p. 89.

44. Committee on the Elimination of All Forms of Discrimination against Women - Consideration of the report of China (CEDAW/C/CHN/3-4, and Corr. 1, and Add. 1 and 2), U.N. Doc. A/54/38, para. 283, 3 February 1999.

45. Murray, C.J.L. and Lopez, A.D. (eds.) - *The Global Burden of Disease: A Comprehensive Assessment of Mortality and Disability from Diseases, Injuries, and Other Risk Factors in 1990 and Projected to 2020*, Harvard School of Public Health; Cabral, E. - *China's Hidden Epidemic*, Ford Foundation Report, Winter 1999.

46. Law of the People's Republic of China on the Protection of Rights and Interests of Women, adopted at the Fifth Session of the Seventh National People's Congress on 3 April 1992, Article 35.

47. *Population and Family Planning in China*, State Family Planning Commission and Department of Foreign Affairs, undated, p. 16.

48. Eying zero population growth (editorial), *Shanghai Daily*, 8 May 2000.

49. *Women in China: A Country Profile*, Economic and Social Commission for Asia and the Pacific, Statistical Profiles No. 10, United Nations, New York, 1997, p. 6.

50. United Nations Population Fund - Country programme outline for China, Annex, U.N. Doc. DP/FPA/CPO/CHN/5, 12 July 2002.

51. Ji, L. - *Gender as determinant in income differentials*, Academy of Educational Sciences, Beijing, 2001.

52. CIDA - *Gender Profile of China*, Canadian International Development Agency, 1995.

53. Education for All: The Year 2000 Assessment. Final Country report of China, available at www.unesco.org/education/efa/wef/countryreports.

54. These and other gender disaggregated statistics are available on the website of All China Women's Federation (www.women.org.cn).

55. The signposts were the 1986 "Trial measures for the schooling of children and youth among the floating population", followed in 1997 by the "Provisional measures on the management of fees charged by schools offering temporary schooling". These institutionalized "temporary schooling fees" which are still charged. In 1998, an additional set of the "Provisional measures for the schooling of migrant children and young people" posited that all school-aged children should get compulsory education if they live in a particular place more than six months, but only if they have all the required permits. In 2003, the pledge that migrant children should be able to enrol was repeated and the charging of fees continued.

56. On 1 August 2003, regulations entitled "Measures on the administration of aid to indigent vagrants and beggars" went into force. They were adopted following a successful legal challenge of the constitutionality of the previous regulations. Instead of "administration of aid", those referred to "internment and deportation", and their enforcement had caused the

death of a student, which triggered the challenge of unconstitutionality. The new regulations anticipate aid to “vagrants and beggars”, such as shelters for the homeless, but it is unclear whether the practice of internment and deportation will be discontinued.

57. *Shutting Out the Poorest: Discrimination against Migrant Children in City Schools*, Human Rights in China, Hong Kong, May 2002.

58. *Report on a Study of Contemporary China’s Social Strata*, CASS (Chinese Academy of Social Sciences), Beijing, January 2002.

59. The Population and Family Planning Law of the People’s Republic of China specifies that family planning is a fundamental state policy, aimed at controlling the size and raising “the general quality of the population.”

60. Regulation on prohibiting fetal sex identification and selective termination of pregnancy for non-medical reasons, adopted at the Fifth Session of the Ninth Standing Committee of Shandong Provincial People’s Congress on 21 November 1998, Article 5.

61. Committee on the Rights of the Child - Concluding observations of the Committee following the consideration of the initial report of China, U.N. Doc. CRC/C/15/Add.56, para. 15, 7 June 1996.

62. *China Education*, 24 April 2001.

63. The 2001 Population and Family Planning Law states that “citizens who give birth to babies not in compliance with [one child per couple unless exemption is granted] shall pay a social maintenance fee prescribed by law.”

64. Xueqin, J. - A crumbling promise in China: Access to school, *The Christian Science Monitor*, 22 January 2002.

65. Lawrence, S. - The wrangle over a right to riches, *Far Eastern Economic Review*, 27 March 2003.

66. Muju Zhu - The views and involvement of Chinese parents in their children’s education, *Prospects*, vol. 29, No. 2, June 1999, p. 236.

67. Unemployment in China and South Korea: Young, bright and jobless, *The Economist*, 21 June 2003.

68. A survey of China, *The Economist*, 15 June 2002.

69. Exam system hampers students (editorial), *China Daily*, 1 March 2000.

70. China: Roll over Confucius, *The Economist*, 25 January 2003.

71. Xiaoyan Liang - *China: Challenges of Secondary Education*, The World Bank, June 2001, p. 6.

72. Wang Fulin et al. - *A Collection of Essays on Chinese Women of Minority Nationalities*,

People's China Press, Beijing, 1995, p. 238.

73. Wu Shimin, editor-in-chief - *A Survey of China's Policies regarding the National Minorities*, (English Translation), People's Publishing House, Beijing, 1995, p. 285.

74. Committee on the Elimination of Racial Discrimination - Concluding observations of the Committee following the consideration of the fifth, sixth and seventh periodic reports of the People's Republic of China, U.N. Doc. CERD/C/304/Add.15, para. 14, 27 September 1996.

75. *Biennium Report*, UNESCO Office Beijing, 2001-2002, 31 May 2003, p. 46.

76. *The China Human Development Report*, United Nations Development Programme, China, Oxford University Press, 1999, p. 19.

77. Interests of educators underlined, *China Daily*, 11 September 2003.

78. Article 3 and 43(2) of the 1995 Education Law of the People's Republic of China.

79. State Education Commission of the People's Republic of China - *The Development and Reform of Education in China 1995-1996, International Conference on Education, 45th Session, Geneva, 1996*, Beijing, September 1996, pp. 2, 3 and 11.

80. *Far Eastern Economic Review*, 30 January 2003.

81. China and Japan: Ghosts of the past, *The Economist*, 23 August 2003.

82. Tomasevski, K. - *Education Denied: Costs and Remedies*, Zed Books, London, 2003, p. 117.