

Universal Periodic Review (31st session, October-November 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

China

I. Background and framework

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	12/12/1985 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	02/12/2004 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	30/1/2007 Ratification			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The Constitution law of the People's Republic of China¹ of 1982, as last amended in 2004 does not spell out explicitly the right to education but includes important

¹ <http://www.unesco.org/education/edurights/media/docs/39f675948ad50e4af1f11188daea47d593e7f694.pdf>

provisions guaranteeing education. Article 19 “makes primary education compulsory and universal, develops secondary, vocational and higher education, and promotes pre-school education”. The Law on Compulsory Education of 1986², as last amended in 2006 spells out the adoption of a nine-year compulsory education system. Other educational provisions include the Education Law of the People’s Republic of China of 1995³, which includes the notion of non-discrimination in education, the Vocational Education Law of 1996⁴ or the 1994 Teacher Law⁵.

2. In terms of reporting to UNESCO, China has not submitted a report within the framework of the 9th (2016-2017) Consultation of Member States on the measures taken to implement the UNESCO Recommendation against Discrimination in Education nor within the framework of the 8th (2011-2013) Consultation. China neither reported on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the 6th (2016-2017) Consultations of Member States nor the 5th (2012-2013) Consultation of Member States.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The Constitution of the People’s Republic of China guarantees the freedom of expression in article 35 by stating, “Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration”. Those rights are however qualified by article 40 and 51 respectively: “[freedoms and rights] may not infringe upon the interests of the state, of society and of the collective”.⁶
4. Freedom of information is recognized in China through the Regulation on Open Government Information, which came into force on May 1, 2008 and pushes for citizen’s right to access government held information.
5. Articles 87 and 246 of the Criminal Law of the People’s Republic of China criminalizes defamation. The penalty is imprisonment, criminal detention, public surveillance or deprivation of political rights.⁷

➤ Implementation of Legislation:

6. The Ministry of Industry and Information Technology of the People’s Republic of China established in 2008, and the Ministry of Public Security (MPS), are responsible for the administration of China’s information industry⁸ and of the country’s public security, including the supervision of public information networks.⁹

² <http://www.unesco.org/education/edurights/media/docs/169b83f48bab79b912f3dfd3e207695aefa783a2.pdf>

³ <http://en.pkulaw.cn/display.aspx?id=e8def15206e3ba1ebdfb&lib=law&SearchKeyword=Education&SearchCKeyword>. Updated version not available for the moment on the Ministry of Education website

⁴ <http://www.unesco.org/education/edurights/media/docs/e279fe597490c1a803d1bb2640d6358fa53e3151.pdf>

⁵ <http://www.unesco.org/education/edurights/media/docs/d8a8ef0f0d2ed4e06a8c1d76453c5a196a0e60ad.pdf>

⁶ <http://en.people.cn/constitution/constitution.html>

⁷ <http://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm>

⁸ http://english.gov.cn/state_council/2014/08/23/content_281474983035940.htm

⁹ http://english.gov.cn/state_council/2014/09/09/content_281474986284154.htm

7. The State Administration of Press, Publication, Radio, Film and Television controls state-owned enterprises at the national level as well as other film and television studios and non-business organizations.¹⁰
8. The General Administration of Press and Publication is the government's administrative agency responsible for drafting and enforcing China's prior restraint regulations, as well as for screening books discussing what are deemed to be important topics.
9. The State Internet Information Office (SIIO) oversees telecommunications companies and regulates Internet content.¹¹ The government also controls online access routes. Online freedom of expression is impacted by the fact that it has to operate under a national monopoly of telecom industry and Internet companies including search engines and social media.

➤ Safety of journalists:

10. Since 2008, one journalist was killed on 28 December 2010 in China.¹² The Government has responded to UNESCO requests and the case has been resolved on 6 March 2014.

III. Recommendations

11. Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (October 2013)¹³:

186.39. *Maintain human rights education as a basic part of its National Human Rights Action Plans, including the relevant training of law enforcement agents, public servants and youth*

186.40. *Intensify greatly the numerous measures taken in this sector of human rights education*

186.43. *Share its experience on human rights education with countries requesting such need*

186.44. *Strengthen human rights education with a view of enhancing human rights awareness*

186.45. *Integrate human rights knowledge into relevant courses and the legal education curriculum*

186.87. *Give priority to protecting the rights of girl children by ensuring that all girls are registered at birth, implement wide awareness raising campaigns on the human rights of girls and promote their education*

186.89. *Establish anti-discrimination laws and regulations to ensure that lesbian, gay, bisexual and transgender persons enjoy equal treatment, including at schools and in the workplace*

186.119. *Improve further means and methods for vocational education of persons in prison in order to assist in their later integration into the society*

186.205. *Strengthen the implementation of compulsory education for nine Years*

186.206. *Continue to invest and take appropriate measures to ensure that all school age children enjoy fully the right to education*

186.207. *Continue to improve its education system and access to quality education for its people*

¹⁰ http://english.gov.cn/state_council/2014/09/09/content_281474986284063.htm

¹¹ <http://www.cac.gov.cn/>

¹² https://en.unesco.org/sites/default/files/unesco_condemns_killing_of_journalists_china_en.pdf

¹³ See document : <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/188/55/PDF/G1318855.pdf?OpenElement>

- 186.208.** *Intensify efforts in consolidating the right of education to further raise the level of compulsory education as consolidations as the advance it has made in the human capital formation*
- 186.209.** *Increase the provision of resources for education establishments in remote and rural areas, as well as regions inhabited by ethnic minorities*
- 186.210.** *Improve access to education for disadvantaged people*
- 186.211.** *Guarantee the right to education for children of migrant workers*
- 186.212.** *Adopt further measures to fully ensure the right to education of children accompanying rural workers migrating to urban areas*
- 186.213.** *Continue to attach great importance to safeguarding the compulsory education rights of children accompanying rural migrant workers*
- 186.214.** *Continue to make efforts to promote the right to education for children of migrant workers from rural areas*
- 186.215.** *Allocate more educational resources to central and western regions, rural areas, remote and border areas, and in ethnic minority areas*
- 186.216.** *Better the conditions of urban schools, especially in the poor neighbourhoods*
- 186.217.** *Raise the education level of the disabled and make sure that the school age disabled children generally receive compulsory education*
- 186.218.** *Continue to extend its State scholarship programmes to ensure that students do not drop out of school because of poverty*
- 186.219.** *Continue pursuing measures and policy aimed at ensuring the rights of ethnic minorities' learning, writing and the development of their own languages according to the relevant laws*

Review and specific recommendations

12. The Education Law of 1996 has been revised in 2015, with a paragraph 2 added to Article 11 providing that the state shall take measures to promote educational equality and promote the balanced development of education¹⁴. Regarding pre-primary education, an Article 18 has been added, committing the state to develop the standards for pre-school education, accelerate the popularization of pre-school education, and establish a pre-school education public service system covering both urban and rural areas¹⁵. China issued a Regulation on the Education of the Disabled¹⁶ in 2017, which notably guarantees the right of the persons with disabilities to equal access to Education, prohibits educational discrimination based on disability and stands that inclusive education shall be actively promoted. Finally, several amendments¹⁷ have been made to The Higher Education Law¹⁸ in 2015 regarding the aims of higher education. The Law on the Promotion of Non-public Schools¹⁹ has also been revised in 2016 regarding the management of profit and nonprofit non-state school²⁰.
13. Regarding the recommendations on human rights education, China underlined the importance of education in human rights in its National Human Rights Action Plan

¹⁴ <http://en.pkulaw.cn/display.aspx?cgid=261791&lib=law>

¹⁵ Idem

¹⁶ <http://en.pkulaw.cn/display.aspx?id=3a7520e2311a720bbdfb&lib=law&SearchKeyword=Education&SearchCKeyword>. Updated version not available for the moment on the Ministry of Education website

¹⁷ <http://en.pkulaw.cn/display.aspx?cgid=261793&lib=law>

¹⁸ <http://en.pkulaw.cn/display.aspx?id=762d04aea84c76d5bdfb&lib=law&SearchKeyword=Education&SearchCKeyword>. Updated version not available for the moment on the Ministry of Education website

¹⁹ <http://en.pkulaw.cn/display.aspx?id=5c8ffeacb9a327ebdfb&lib=law&SearchKeyword=Education&SearchCKeyword>. Updated version not available for the moment on the Ministry of Education website

²⁰ <http://en.pkulaw.cn/display.aspx?cgid=283836&lib=law>

2016-2020 and underlined its plan to intensify efforts in promoting human rights education and training. Education on human rights will be included in national education and shall continue to be supported in higher education institutions. Human rights education will furthermore be included in the curricula of Party schools, administration institutes and cadre colleges. Furthermore, a required course shall be taught for government employees.²¹

14. China adopted policies giving special attention to children staying behind in rural areas, including boarding schools as well as psychological report and requiring urban public schools to accept migrant children.²² China should be commended for progressively establishing the possibility for migrant children to take college entry examinations not only at the children's place of hukou registration, allowing them not having to return to their home provinces to continue education.²³ Furthermore, girls staying behind in rural are at a special risk to drop out of school, as they might be affected by lacking access to educational facilities, financial difficulties of their families, conventional stereotypes and heavy household and farm work.²⁴ In this regard, China should be encouraged to further support children of rural to urban migrant workers, continuing to expand access to urban schools, broadening the assistance system for children staying in rural areas and increasing financial resources for their support to guarantee their right to education.
15. Although the enrolment rate in nine-year compulsory education is at almost 100 per cent, the dropout rates for students from rural areas is higher, the quality of education differs and access and affordability of pre-primary and upper secondary education vary.²⁵ An emphasis on education in rural, remote and poor areas in the central and western regions has also been included in the 13th Five-Year Plan for Economic and Social Development of the People's Republic of China.²⁶ The Rural Teacher Support Programme, set up in 2015, aims at attracting teachers to rural areas where fewer promotion chances and a lower quality of life lead to teacher shortages. It supports rural teachers in receiving promotions, as the conditions for promotions have previously been unfair for them. In its 13th Five-Year Plan, China also highlighted the priority of waiving fees for economically disadvantaged senior secondary school students in order to raise gross enrolment rate to over 90 per cent. China should nevertheless be encouraged to continue its efforts in providing access to and affordability of education for students in rural, remote and poor areas and from disadvantaged economic backgrounds.
16. The right to education in minority areas is one of the priority areas of the Ministry of Education and China underlined its aim to promote education for minority

²¹ The State Council Information Office of the People's Republic of China, 2016, National Human Rights Action Plan in China (2016-2020), http://english.gov.cn/archive/publications/2016/09/29/content_281475454482622.htm (last accessed 05 September 2017).

²² National Commission of the People's Republic of China for UNESCO, National Center for Education Development Research, 2015, Education for All, Laying the Foundation for the Future, National EFA Report of China (2000-2015), p14, 28, 40.

²³ OECD, 2015, Education in China, A Snapshot, <http://www.oecd.org/china/Education-in-China-a-snapshot.pdf> (last accessed 05 September 2017), p11.

²⁴ Report of the People's Republic of China On the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome of the 23rd Special Session of the General Assembly (2000), https://sustainabledevelopment.un.org/content/documents/13028China_review_en_Beijing20.pdf (last accessed 05 September 2017), p12.

²⁵ The United Nations in China, UNDAF 2016-2020, United Nations Development Assistance Framework for the People's Republic of China, http://www.un.org.cn/uploads/kindeditor/file/20160107/20160107131719_6582.pdf (last accessed 06 September 2017), p12.

²⁶ The 13th Five-Year Plan for Economic and Social Development of the People's Republic of China (2016-2020), <http://en.ndrc.gov.cn/newsrelease/201612/P020161207645765233498.pdf> (last accessed 06 September 2017).

students as well as to strengthen bilingual education and teacher training in its 13th Five-Year Plan.²⁷ Finally, Article 12 of the Education Law of 1996, dedicated to the language used in education, has been amended²⁸. Access to education remains more difficult for minority students, also due to the high costs for secondary education, which are a main factor for dropouts.²⁹ China is encouraged to continue access to education for and reducing dropouts of minority students.

➤ **Specific recommendations:**

1. China should be encouraged to ratify the UNESCO Convention against Discrimination in Education and to eventually seek UNESCO's assistance in this process
2. China should be recommended to continue its efforts in providing quality and affordable education for students in rural, remote and poor areas and for students from economically disadvantaged backgrounds
3. China should be recommended to further promote the right to education of disadvantaged children, including children of rural to urban migrants and minority students
4. China could be encouraged to fulfil its targets set up on human rights training, such as trainings for certain government employees, as well as to expand its human rights trainings to further government employees and the larger public
5. China should be strongly encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments
6. China should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education³⁰

Freedom of opinion and expression

17. The Government is encouraged to decriminalize the defamation law and subsequently incorporate it into the civil code in accordance with international standards.
18. The Government is urged to continue its efforts to ensure the safety of journalists and to continue to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and

²⁷ The 13th Five-Year Plan for Economic and Social Development of the People's Republic of China (2016-2020). <http://en.ndrc.gov.cn/newsrelease/201612/P020161207645765233498.pdf> (last accessed 06 September 2017).

²⁹ Committee on Economic, Social and Cultural Rights, Concluding observations on the second report of China, including Hong Kong, China and Macao, China, 13 June 2014, E/C.12/CHN/CO2, p11.

²⁹ Committee on Economic, Social and Cultural Rights, Concluding observations on the second report of China, including Hong Kong, China and Macao, China, 13 June 2014, E/C.12/CHN/CO2, p11.

³⁰ <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

the Issue of Impunity, and, in particular, national safety mechanisms as a means to strengthen protection of journalists.

Cultural Rights

19. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)³¹, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³² and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)³³, China is encouraged to fully implement provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, China is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

20. China has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). China is encouraged to report to UNESCO in future on the implementation of the revised 1974 Recommendation, which is now entitled Recommendation on Science and Scientific Researchers (2017), on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of autonomy, freedom of research, non-discrimination and respect for their human rights.

³¹ Periodic Report available at: <http://whc.unesco.org/document/116967>

³² Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=13350>

³³ Periodic Report available at: <http://en.unesco.org/creativity/monitoring-report/quadrennial-reports/available-reports/periodic-report-china>