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DROITS ÉCONOMIQUES, SOCIAUX ET CULTURELS

Note verbale datée du 10 décembre 2003, adressée au Haut-Commissariat  
des Nations Unies aux droits de l'homme par la Mission permanente  
de la Chine auprès de l'Office des Nations Unies à Genève

La Mission permanente de la République populaire de Chine auprès de l'Office des Nations Unies et des autres organisations internationales à Genève présente ses compliments au Haut-Commissariat aux droits de l'homme (HCDH) et, se référant au rapport de la Rapporteuse spéciale sur le droit à l'éducation concernant la mission qu'elle a effectuée en République populaire de Chine (E/CN.4/2004/45/Add.1), a l'honneur de lui transmettre ci-joint les observations du Gouvernement chinois\*. La Mission permanente de la République populaire de Chine vous serait très reconnaissante de faire distribuer le texte de la présente note et de son annexe en tant que document officiel de la soixantième session de la Commission des droits de l'homme et de le publier sur le site Web du Haut-Commissariat, simultanément avec le rapport de la Rapporteuse spéciale.

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\* Les observations sont reproduites telles quelles dans l'annexe, uniquement dans la langue dans laquelle elles ont été reçues.

Annex**Comments by the Chinese Government on the Report on the Mission of the Special Rapporteur on the Right to Education to the People's Republic of China**

In order to strengthen the exchanges and cooperation with the special procedures of the UN Commission on Human Rights, help the international community to further understand China's efforts in promoting the right to education, as well as to enable China to learn more from the successful experiences of other countries, so as to promote its work in realizing the right to education, the Chinese government invited Ms. Katarina Tomasevski, the Special Rapporteur on the right to education, to visit China from 9 to 20, September 2003.

Based on the requests of the Special Rapporteur, the Chinese government tried its best to make a thoughtful arrangement. During her stay in China, the Special Rapporteur visited government departments, including the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Justice, the State Ethnic Affairs Commission and non-governmental organizations including the All-China Women's Federation and China Disabled Person's Federation. She had discussions with Chinese scholars on human rights education and paid visits to schools of all levels and all kinds including schools for ethnic minorities and disabled children. With a positive, candid, open and objective approach, the Chinese side introduced to the Special Rapporteur the achievements made by China in protecting the rights to education as well as the existing problems. China believes that as long as the Special Rapporteur adopts an objective and impartial attitude and seeks truth from facts, she will draw a conclusion that reflects reality from the first-hand information she has got in China.

However, Ms. Tomasevski paid little attention to the information provided by the Chinese government. By speaking to the media, she made groundless comments and accusations against the Chinese Government's efforts on the protection of human rights and the realization of the right to education, based on materials, information and news report by some overseas individuals and organizations. Ms. Tomasevski visited Beijing only and didn't go to Tibet. Nevertheless, this did not prevent the Special Rapporteur from making biased and irresponsible comment on the education in Tibet. Moreover, when in China, the Special Rapporteur did not ask for information concerning

China's policy on public health, military expenditure, the Olympic project and NGO activities, yet she made false and inappropriate comment on these issues which are irrelevant to the right to education. The Chinese government is dissatisfied and expresses its regret over the irresponsible approach of the Special Rapporteur. The Chinese side would like to take this opportunity to reiterate its position and clarify the facts and request that the Special Rapporteur revise the report accordingly and fairly assess the efforts made by China in realizing the right to education from a historical and developing perspective.

### **I. The Right to Education**

According to the Chinese Constitution and the Education Law, the right to education is, first of all, a basic right of the citizen, regardless of their ethnicity, race, gender, occupation, property and religious belief. Secondly, for children at the school age and their parents, the right to education is a legal obligation. The provisions of Chinese law are in consistency with Article 13 of the International Covenant on Economic, Social and Cultural Rights concerning "the right of everyone to education".

The Chinese Law does not prohibit the education of children by their parents. Nevertheless, in order to give children comprehensive knowledge, cultivate their personality and team spirit, it is necessary to have children go to school. This notion is well received by most parents and children. Facts have proven that children educated only by their parents at home tend to have narrower knowledge and might have difficulties in communicating with others when they grow up at their adult age, which is detrimental for their growth. The above facts are the basic knowledge of pedagogy for educators of all countries.

It is one-sided and false for the Special Rapporteur to accuse China of defining the right to education as merely an obligation and not affirming "the right to education as the right of the child".

### **II. Education Input and Compulsory Education**

In recent years, the Chinese government has been steadily strengthening its financial support for education. The ratio of education expenditure to GDP has been increased for years in a row, from 1997 to 2002 it was respectively 2.5%, 2.59%, 2.87%, 3.19% and 3.41%. The government departments concerned had discussed this issue with the Special Rapporteur during her visit and provided her with the latest statistics.

The Chinese government regards compulsory education as a priority in

the work of education and implements the nine-year compulsory education. It is clearly provided in China's Education Law and Compulsory Education Law that the state, society, school and family should guarantee that children at school age receive compulsory education. During the ninth "Five-year Plan", the Chinese government set out the objective of basically achieving the goal of nine-year universal compulsory education and eliminating illiteracy, namely, nine-year compulsory education should cover 85% of the population, the gross school enrollment rate of junior high school should reach 85%, and the illiteracy rate among young people should decrease below 5%. The objective has been reached in time. The meeting of Ministers of Education of 9 developing countries was held in Brazil in 2000. According to the figure released by the meeting, the school enrollment rate of primary schools and junior high schools of China ranked top among the 9 countries. The achievements made by China in the elimination of illiteracy have been highly praised by the international community. China has won the UNESCO International Award for Eliminating Illiteracy for several times. It is not true for the report to say that neither of the two goals set by China during the ninth five-year plan was accomplished.

The Chinese government has a comprehensive evaluation system for the nine-year compulsory education. County is the basic unit for evaluation, and the items and indicators of the evaluation cover the universal compulsory education, the quality of faculty, the school equipment, education allocation and teaching quality. The universal compulsory education includes the school enrollment rate and drop-out rate of both primary schools and junior high schools, and school enrollment rate for disabled children. It is incorrect to say that China's statistics of nine-year compulsory education is the "creation of statistics" and monitor "only enrollment rather than attendance or completion".

The report's statement that "government policy of aiming for 9 years of compulsory education is, in the case of the poorest parts of the country, reduced to 6 years" is not true either. After the objective of nine-year universal compulsory education was declared, considering the different levels of economic and educational development, the Chinese government adopted the method of "different plans in different regions, different guidance for different kinds of education, and promoting compulsory education in a progressive process" by realizing six-year universal compulsory education first, and then they can move on to nine-year universal compulsory education. It is absolutely not "diminishing the urgency of equalization transfer".

Moreover, it is stated in the report that 80% of the children in primary school “make it to the secondary school and some 5% to higher education”, the figures of which are incorrect. In fact, 97% of the primary school graduates go to junior high school, 58.3% of the junior high school students make it to senior high school, and the gross school enrollment rate of higher education is 15%.

### **III. Education of Ethnic Minorities and Religious Education**

It is provided in China's Education Law that schools and educational institutions with the majority of students from ethnic minorities may use the oral and written languages of the ethnic group in their teaching. It is also provided in the Law of Ethnic Regional Autonomy and Compulsory Education Law that schools and classes enrolling mainly students of ethnic minorities may use the oral and written language of the ethnic groups in teaching and use the oral and written language commonly used nationwide as the subordinating method of teaching. For ethnic minorities that has no written languages, oral and written language commonly-used nationwide will be used in the teaching, and their own oral languages will be used as the subordinating methods.” Therefore, bilingual education is clearly provided for in these legislations for schools of ethnic minorities. In areas where ethnic minorities live in compact communities, both Chinese mandarin and the languages of ethnic minorities will be used in education. In the national entrance examination of colleges and universities, test papers for students of ethnic minorities are all in their own languages so as to protect the minority languages and the students' right to use their own languages.

It is the basic policy of the Chinese government to respect and protect religious freedom. The Chinese Law doesn't prohibit children under the age of 18 from believing in any religion. In the mean time, it is provided in the Chinese law that no state departments, social organizations and individuals are entitled to force people to believe in or not to believe in any religion. While emphasizing that the people enjoy the religious freedom, it is also stressed that the people enjoy the freedom of not believing in any religion. Like the way of forcing believers not to believe in any religion, to force non-believers to believe certain religion is also a violation of religious freedom.

China adopts the policy of separating education from religion and religion shouldn't interfere with education. It is not allowed to force anyone, especially children under the age of 18, to become a church member, monk or to study religious scriptures in temples. In fact, separation of

education and religion and religion shouldn't interfere with education has become an important principle of modern education. This principle is supported widely by the majority of the countries. The Compulsory Education Law provides that no organizations and individuals are allowed to make use of religion to interfere school and public education. The laws and policies of China are consistent and clear-cut.

It is a twist of the facts and the Chinese Law to state in the report that education in China "denies the religious or linguistic identity" of ethnic minorities.

#### **IV. The Education in Tibet and the Status of Other Ethnic Minority Languages**

The Rapporteur claimed in her report that Tibetan "cannot be used in economic, political and social life". The fact is that the central government and the government of the Tibetan Autonomous Region (hereafter referred as TAR) have always regarded it as an important task to develop education in Tibet and to improve the overall level of education of science and culture of the Tibetan ethnic minority. For that purpose, as early as in 1982 the government of TAR stipulated the Provisional Regulations on the Popularization of Compulsory Education of Tibet. In 1994, Measures on the Implementation of Compulsory Education Law in Tibetan Autonomous Region and the Plan of Implementing Compulsory Education in Tibetan Autonomous Region were stipulated. It has been made clear that the education allocation must account to 17% of both the annual budget and the annual infrastructure investment plan of TAR. At present, the TAR has formed a rather sound modern educational system. Its education popularization has been increasing, the enrollment rate of children of school age has reached 83.4%, the illiteracy rate among young and middle aged Tibetans is 41% lower than that during the Dalai Lama regime. All these achievements have represented a sharp contrast to the education situation of old Tibet when only a few privileged children of the religious leaders and noble families could have the opportunity for education, the enrollment rate of children was lower than 2%, the illiteracy rate amounted to 95% and the serfs and slaves who constituted the majority of the population were deprived of their right to education.

The Chinese government has been actively promoting the study, usage and development of Tibetan language in Tibet. At present, the resolutions, laws and regulations adopted by the People's Congress of TAR, the official documents and notices issued by all levels of governments of TAR and all governmental departments must be in both Tibetan and

Chinese. In the legal process, Tibetan is used when cases involve Tibetans, and the legal documents are in Tibetan too. The TAR has issued and implemented the Provisional Regulations on the Study, Usage and Development of Tibetan Language of TAR and its Rules on Implementation with a view of integrating the study, usage and development of Tibetan Language into the legal framework. With the development of times and social advancement, the vocabulary and grammar of Tibetan language have enriched and developed. Great achievements have been accomplished in regularizing technical terms in Tibetan and harmonizing it with information technology. The Tibetan coding has officially passed the national standards as well as the international standards. The combination of information technology and Tibetan language is put in place.

The report states that “‘out of more than 120 languages spoken in China, 50% are endangered’, which reinforces the necessity to remold guidance for education with a view to preserving the inherited cultural diversity... ” This is not in line with the facts. China is a country with many ethnic minorities, languages and cultures. The Chinese government has been consistently attaching importance to the protection of the ethnic minority languages. The ethnic minorities like Mongolia, Tibet, Korea that have large populations have their own languages and their languages have been widely used in the political life of the country. In the past, a few ethnic minorities only had their oral languages but no written languages. The Chinese government organized experts to help them compose their written words based on the Roman letters. Some ethnic minorities like Man, She, Tujia, Jing, Hezhe have only a small population and their languages are only used in their daily life and academic studies. With the intention of protecting the common cultural heritage of mankind, since the year of 2001, the Chinese government started to record, collect and compose their languages and the government is also ready to integrate the protection of the endangered languages of ethnic minorities into the protection project of the Chinese folk cultural heritages.

#### **V. The Corporal Punishment**

China attaches great importance to the protection of minors' physical and psychological health. China has joined the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor and other international treaties and instruments aiming at protecting the children's rights, and also comply itself to its international obligations.

China enjoys the traditional virtues of respecting teachers and prioritizing education. The parents and children respect and admire teachers. Most of the teachers can obey their professional ethics and serve as a good law-biding role model for their students. But some teachers who have little legal awareness and low moral standard wrongly believe that corporal punishment is a way to help the growth of children and to strengthen the administration of education. The corporal punishment to students in the schools of Beijing and other places are isolated cases conducted by a few primary and secondary school teachers who are held responsible for what they did.

### **VI. The Categorization of Educational Institutions in China**

The Chinese government attaches importance to enlisting resources from all social sectors to run educational institutions together. It is not accurate for the report to state that “‘private’ or ‘non-governmental’ encompasses three different types”. In China, only the community-run (Minban) education is a recognized legal term and form as provided for by Private Education Promotion Law of the People's Republic of China. The term of “education run by social force” appears in the Measures of Running Education by Social Force which was promulgated by the State Council. With the abolition of the Measures, the concept of “education run by social force” has been covered by the community-run education. The so-called “private school” is not a legal term, rather a phrase people use when they refer to the community-run education. As a result, the education with a private or non-governmental nature is called as community-run education or community-run schools. The law also stipulates that these schools enjoy the same legal status as public schools.

In addition, article 3 of the Private Education Promotion Law of the People's Republic of China that has come into force since September 1<sup>st</sup> of 2003 regulates that the community-run education serves the public interests, which has clarified the nature of community-run education. This does not, as the report states, blur “the boundary between education as an entitlement and as a traded service”.

### **VII. Students' Part-time Job at School**

According to the Provisional Management Measures on Work-Study Program in Primary and Secondary Schools of China, the primary and secondary schools in China may carry out work-study program for the purpose to promoting the combination of education and working practice and improving the students' practical skills. In the Measures, there are clear provisions on the scope and conditions of such work-study program.



It's strictly forbidden to organize the primary and secondary school students to participate in the production of toxic, harmful and explosive goods. In recent years, the Chinese government has stepped up its law enforcement efforts and stopped all the practice of organizing students into the above-mentioned harmful work in China.

It must be pointed out that "no formal prohibition of children being made to work at school" by the law in China should not be interpreted as that the students are encouraged to work at school, nor as the reason for "the tragedy of schoolchildren's deaths". As to the case mentioned in the report, it has been investigated by the Chinese judicial departments and conclusions reached that this was not an accident took place when the students were organized by the school to work, rather it was a crime plotted and carried out intentionally by a criminal. The statement in the report does not follow the fact.

### **VIII. Education for Girls and Women**

The report alleges in many places that girls and women are discriminated in the field of education and it quotes completely wrong figures. In fact, according to the data provided by the Ministry of Education, in recent years the proportion of female receiving education at all levels has been rising and the overall educational level of women has been improved. From 1990 to 2000, the illiteracy rate among women has decreased from 32% to 13.5%, and the total population of female illiteracy decreased from 159 million to 61.81 million. In 2000 the rate of enrollment of Chinese girl student reached 99.1%. Even in the economically less-developed western regions, the rate of school enrollment of girl student also reached 95%. At present, the proportion of girl students in China's primary schools is 47.2% and that in colleges and universities is 43.95%.

### **IX. The Right to Education of the Disabled Persons**

The Chinese government protects the right to education of the disabled persons. China's Constitution clearly stipulates that "the State and society has the responsibility to help the blind, deaf, mute and other disabled citizens with their work, life and education." Over the past 20 years, China has promulgated and implemented the Education Law, Compulsory Education Law, the Law on the Protection of Disabled Persons, Rules for the Implementation of Compulsory Education Law, Regulations for Disabled Persons' Education, the Provisional Regulations on the Schools for Special Education, etc. Meanwhile, a series of development program have been stipulated and carried out to make the education for the disabled persons an important component of the State's work on

education and the compulsory education for the disabled children part of the State's overall plan of nine-year compulsory education.

It needs to be clarified that according to China's Law on the Protection of Disabled Persons, disabled children refers to those who have visual, audio, oral, body or mental impairment. While handicapped children attend regular schools, those who have visual, audio and mental impairment receive education in one of the three options: in schools for special education, in classes for special education in a regular school, or attending classes together with healthy children. Among all the disabled students, 68.3% of them attend classes together with healthy students. With the popularization of the education for the disabled children, some developed areas in China such as Beijing and Shanghai have started to carry out one-on-one education for children with special educational need such as those with autism and learning disability. In 2000, the number of disabled students receiving compulsory education reached 370,000, 4 times more than that of 1990. At present, the special educational framework has taken shape, with the special education school as its backbone and the special classes of the normal school and the disabled students attending classes together with the normal students as its main body. Most of the disabled children and youth receive education by attending classes together with other normal students. Therefore it is not true for the report to state that "if a few schools exist for children with disabilities, this does not mean that all children with disability have a rights to appropriate schooling as the schools cater for the selected few, while there is not even a quantitative estimate of how many others are left with no access to education."

The Chinese government prohibits colleges and universities from rejecting disabled students. The Law on the Protection of Disabled Persons, Regulations for Disabled Persons' Education and the Law on Higher Education all stipulate that no college or university is allowed to reject enrolling eligible disabled students. The Law on Higher Education provides that "colleges and universities must enroll the disabled students who meet the national standard of enrollment and it is not allowed to reject any disabled student only for the reason that he or she is disabled." According to the statistics by China Disabled Person's Federation, in each year more than 1000 disabled students apply for entrance to colleges and universities and the enrollment rate is over 90%. China has established the Special Education College of Changchun University, the Technology Institute for the Deaf of Tianjin University of Science and Technology, the Special Education College of Beijing United University to enroll exclusively deaf and blind students.

As for the reference in the Special Rapporteur's report that "other condition excludes students who have a big scar or pigmented mole, or are lame, from studying diplomacy, law or pedagogy", the fact is that in March of 2003 the Ministry of Education, the Ministry of Public Health and the China's Disabled Person's Federation jointly formulated the Guidance for the Health Checkup Work of Colleges and Universities Enrollment, which provides the above-mentioned guiding advice for future employment and only serves as a reference for students when they decide which schools they are going to apply. But it does not allow college or university to reject students who meet the requirements of enrollment on the basis of the advice in this Guidance. The report by the Special Rapporteur picked a small part of the document out of context. What's more, because the education for the disabled students has been integrated into the overall education program, there is no breakdown on the proportion of educational budget earmarked for the disabled in China. It is unknown how the Rapporteur drew the conclusion that "only 0.4% of education budget is allocated to education of people with disabilities."

#### **X. The Curriculum for Primary and Secondary Schools**

In China the curriculum for primary and secondary schools is offered according to the Constitution, relevant laws and the national situation, and is an expression of national sovereignty. The curriculum stresses that the fundamental goal is to enhance children's development, to cultivate the awareness of democracy and rule of law, to abide by law and public ethics, to foster sense of responsibility and spirit of innovation, to develop the practical ability, to cultivate scientific and humane character, to raise the awareness of environmental protection, to master the basic skills and methods for life-long study, to be physically and psychologically sound and strong, and to cultivate healthy taste for beauty and life style.

The teaching practice has proven that China's curriculum and teaching contents are in line with China's national conditions, physical and mental development of primary and secondary school students, and are playing a positive and enhancing role to the overall development of children and youth. The majority of the students study hard with great vitality. What needs to be clarified is that it is the common practice of schools all over the world to have ideology education or to give guidance on the values. Every country and nation has its own ideology, and every country or nation use its own ideology and values to guide their people so as to increase solidarity and cohesion.

The guidance of ideology or values in Chinese schools is provided

gradually according to students' ability of understanding, psychological development and their daily lives. For example, the course of Morality and Life provided at lower grades of primary schools is aimed at cultivating good habits of the students by teaching rudimentary knowledge. The course of Morality and Society at higher grades of primary schools helps students to have a fundamental understanding of social life based on knowledge of their own lives. The course of Moral Character for junior high school students focuses on the relationship between individual, collective, state and the society, provides general knowledge on morality, psychology, law and national condition, and help the students understand meaning of life, so as to lead them to form correct values and concept of good and evil, right and wrong. The course of Politics for the senior high school students provides basic knowledge on economics, philosophy and politics so as to help students form a scientific world view, philosophy and values.

All sorts of schools at different levels in China are making efforts to find an easily accepted way to provide students with guidance on ideology and values. For instance, courses for lower grades of primary schools use games and other activities as the main method of teaching. Courses for higher grades of primary schools pay more attention to use examples in the daily lives, which make the students see with their own eyes, feel with their own hearts and study with their own methods. These teaching methods are very popular among students.

It is an extremely sided statement by the report that "more than 80% of pupils dislike school for being forced to memorize large amounts of data so as to pass entrance exams" and that " 'the strong emphasis on ideology' cannot continue attracting new generations."

## **XI. The Education for Migrant Children**

Since the initiation of the reform and opening-up, the schooling of migrant children has become a notable issue, along with the acceleration of urbanization, the restructuring of rural production and the continuous increase of the floating population. Vigorous measures have been taken by governments at various levels and competent departments to guarantee the migrant children's rights to receive compulsory education and great achievements have been scored. In order to ensure the migrant children can receive education, the Chinese government has incorporated the compulsory education for the migrant children into the Development Plan of Urban Social Programs, the building of schools mainly for migrant children into the program for urban infrastructure development. The financial departments have allocated necessary fund to subsidize these

schools. A portion of the additional urban educational budget has been earmarked for the compulsory education of migrant children. Some scholarships are set and free textbooks are given out for the migrant children from families with economic difficulties. Therefore, it is not correct for the Report to state that the migrant children in China are denied education due to their lack of residence permits (Hukou).

## **XII. The Employment of University Graduates**

China is under great employment pressure due to its huge population, abundant human resources and economic restructuring. Taking the promotion of employment as a strategic task for national economic development and social progress, and a major objective for macro-economic management, the Chinese government has increased employment through economic growth and kept a comparatively stable situation for employment.

At present, employment of university graduates is a matter of “two-way choice” between the graduates and employers and graduates are to “find a job according to one’s own will”. The work of the government is mainly to provide employment information, employment guidance, encourage students to start their own business, and create more jobs. The Report’s statement that “more than 2 million university graduates...have created a pressure to increase employment by the government, in opposition to its pledge to reduce the number of government employees”, which demonstrate that the Special Rapporteur do not fully understand the reform of employment system in China.

## **XIII. The Sex Ratio of Newly-born Children**

Though this subject has nothing to do with the Rapporteur’s mandate, the Chinese government would like to make a brief explanation. According to the 2000 census, the sex ratio of newly born boys to girls is 100:117. The imbalanced sex ratio of newly born babies is a social phenomenon, which stems from various factors, such as son preference originated from the traditional view of men’s superiority, rural people’s expectation of raising a son for old-age care due to low level of production in the rural areas, the tendency of families getting smaller and smaller, etc. It should not be oversimplified as the consequence of family planning policy. Besides China, some countries, which do not carry out family planning, also suffer from imbalanced sex ratio at birth.

The Chinese government has attached great importance to this problem and taken a series of measures to contain this tendency. It is stipulated, in Law on Maternal and Infant Health Care, the Population and Family

Planning Law, the Outline for Chinese Women's Development, the Outline for Chinese Children's Development and other laws and documents, as well as the local regulations on population and family planning, that the discrimination and ill-treatment against sterile women and women giving birth to girls are prohibited, and discrimination, ill-treatment or abandoning baby girls are forbidden. The laws and regulations also prohibit pre-natal sex determination by ultrasonic or other technologies or sex-selective artificial termination of pregnancy for non-medical purposes, the offenders will be dealt with in accordance with laws. The people's congresses in some areas have laid down special statutes to address the gender imbalance. Governments at various levels have mobilized all social forces to strengthen publicity and awareness campaign, foster scientific, civilized and advanced concepts on marriage and birth, protect the legitimate rights and interests of women and children, and increase the social status of women. Meanwhile, efforts are made to establish rural social security system with priority placed on households having only one or two girls.

From the above, one can see that the gender imbalance is not due to the policies of the Chinese government, rather a result of a complicated set of social and historical factors. According to the practical condition, the Chinese government has provided positive guidance to people through legislation, publicity and education, and severely punished those violating the laws and regulations.

#### **XIV. Providing Sex Education and Family Planning Service for Unmarried Adolescents**

According to China National Statistical Bureau, Chinese women's age for initial marriage has risen from 22-23 in 1991 to 24-25 in 2001, which indicates the increased social status for Chinese women and growing importance attached to career development by women. The urban women tend not to consider marriage until they complete their higher education. On the other hand, the family planning policy enforced by the State has convinced the majority of women of the negative effects of early marriage and child-birth to their reproductive health, so more and more women have changed their idea and choose to marry later than before. After the 1994 Cairo International Conference on Population and Development, the Chinese government has resolutely implemented the program of action, including the incorporation of the adolescent sex education and contraceptive medicine and instruments for adolescence into its work on family planning and reproductive health.

China has put the knowledge about adolescent sex education in

middle-school textbooks. Adolescent sex education and HIV/AIDS control and treatment are two important items for publicity and education campaign in the 60 project counties by the State Population and Family Planning Commission and UN Population Foundation in their projects of phase 4 and 5. Adolescent sex education program, held by China Family Planning Society and Bill Gates Foundation, is carried out within 12 municipalities and some rural areas with 150-odd counties and cities involved. The agencies in the hygienic and family planning service provide consultation and service to adolescent and unmarried youth. With the further development of China, better service with greater social tolerance will be available for adolescence's sexual and reproductive health. Therefore, the unmarried youth in China are not ignorant about sex and reproduction. It is groundless for the Report to state that that "virtually every woman in China follows the same pattern of contraceptive use-she uses no birth control until the first child."

#### **XV. Necessary protection and sex education for juvenile inmates**

The Chinese government would like to point out once again that, there is only one Juvenile Delinquency Prison in Beijing. It is not, as the Special Rapporteur complained to relevant Chinese agency, the "best one".

For years the Beijing Juvenile Delinquency Prison (BJDP) has been following the guideline of "combination of punishment and correction with the aim of rehabilitation" as well as "education, persuasion and redemption". BJDP strictly observes both the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Standard Minimum Rules for Administration of Juvenile Justice. BJDP also takes full consideration of the physical, psychological and behavior characteristics of juvenile inmates, and effectively protects the rights and interests of the juveniles. It is mainly manifested as follows:

1. The files of juvenile inmates are well protected. Publication and dissemination of these files are strictly prohibited.
2. The living and educational expenses of juvenile inmates are higher than these of adult inmates.
3. The Chinese government promulgated the Provision on Direct Administration of Juvenile Inmates by the People's Police. According to the Provision, the police is directly involved in everyday administration of juvenile inmates. The responsibilities of the police are specified in great details, which efficiently prevent older and stronger juvenile inmates from attacking the younger and vulnerable.
4. All juvenile inmates are allowed to make phone calls to their families. In respect of the duration and frequency for family visit, relevant regulations are more favorable to juvenile inmates than to adult.

5. The law protects the rights of juvenile inmates to appeal, sue and report.

In terms of education, BJDP has fully implements the Law on the Protection of Minors, the Beijing Juvenile Protection Provision and the Provision on Juvenile Delinquency Prison Administration. BJDP, guided by the ideal of protection, rehabilitation and returning to normal life, takes all necessary measures to promote juvenile education, and tries its best to educate, persuade and help the juvenile inmates back to normal life. Their efforts turn out to be quite successful. The sex education in BJDP is conducted through education concerning sex morality, scientific puberty physiology, necessary psychological counseling and behavior correction. Sex education always takes an important place in the overall education. Besides courses on rule of law, morality, culture, science and technology, which are helpful for juvenile inmates to learn useful skills to make a living, BJDP also conducts activities such as psychology counseling and psychological adjusting, so as to solve the juvenile inmates' psychological problems. In 1995, the BJDP established the psychology counseling and health section. The section conducts psychological test, set a mail box, and counsels those juveniles who suffer psychological problems caused by their families and personal experiences. The section also tries to help and rectify those juvenile inmates who suffer psychological problems about sex or violent tendency. At the same time, a project called "Oasis in Desert" has played a positive role in psychological counseling. This project is supported by the Psychology School and Education School of Capital Normal University. The allegations by the Special Rapporteur on these issues are groundless.

#### **XVI. Education on Contemporary History**

The issue of the Japanese history textbook referred to by the Special Rapporteur in the Report is a matter of principle for the Chinese people. It touches on the feelings of Asian peoples including the Chinese people who suffered the Japanese aggression. Japan's aggression of China is a historical fact, which can never be altered. The nature of the issue of Japanese history textbook is whether the Japanese government could truly acknowledge the history of Japan's aggression and treat it in the right manner. In particular, the Japanese government is obliged to honor its promise and commitment with regard to history and educate its younger generation with the correct historical perspective.

The 1989 political turmoil disrupted the normal social order and economic development of China. The Chinese government took resolute measures to put an end to the turmoil and riots, stabilized the situation,



consolidate the achievements of 10 years' reform and opening to the outside world and carried on its way of socialism with Chinese characteristics by furthering its reform and opening up policy. The remarkable achievement made during the last 13 years has proven that stability is of utmost importance. The Chinese government has already made the final conclusion on this issue, and 1989 is never "a blank sheet in the official history".

### **Conclusion**

China is a party to the International Covenant on Economic, Social and Cultural Rights and always fulfills its obligations earnestly. Its Constitution clearly promulgates that the Chinese people enjoy extensive economic, social and cultural rights. In recent years, China has formulated its development strategy in line with its national conditions, and enacted a series of laws concerning economic, social and cultural rights. The enjoyment of various economic, social and cultural rights by the Chinese people has improved notably.

In terms of the right to education, the Chinese government has made tremendous efforts to guarantee "the right of everyone to education" contained in the Covenant. The whole world has witnessed China's achievements in this regard. Either comparing with the past or with other countries in the world, China has made historic achievement in the last 50 years, though as a developing country, China still has a long way to go in its efforts to realize the right to education due to China's level of economic development as well as resource and population constraints. However, the realization of various rights in the Covenant is a progressive process, not one single country could finish it overnight. The Chinese government is ready to engage in active exchanges and cooperation with other countries and international mechanisms, so as to learn from the international community their useful experiences. We have every reason to believe that, with the economic development and social advancement in China, the right to education of the Chinese people is to be further guaranteed.

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