CHINA'S EDUCATION SYSTEM: READING BETWEEN THE LINES

A REPORT BY HRIC'S HONG KONG RESEARCH OFFICE

The United Nations Special Rapporteur on Education, Katarina Tomasevski, raised a furor last September when she concluded that China's educational shortcomings put it in violation of its international obligations. Following is HRIC's take on the Special Rapporteur's visit to China and the multiple challenges China's education system faces.

A visit by a UN Special Rapporteur is always significant, even if it attracts little publicity. As independent experts appointed by the Commission on Human Rights to "examine, monitor and publicly report on human rights situations and compliance of States with the various international human rights instruments," the Special Rapporteurs are arguably the most effective mechanism of an often toothless Commission.

This independence is very much feared by countries averse to having their human rights record examined, and China is no exception. The conditions of the Special Rapporteurs' visits are enshrined in the "terms of reference for fact-finding missions," which ensure that Rapporteurs are not taken on "Potemkin tours"—or as the classical Chinese saying goes, to "view flowers from astride a horse" (*zouma guanhua*). The terms of reference specify that Rapporteurs can have unannounced access to any facility of their choice, can carry out unmonitored interviews and are generally free of government interference.

The Chinese government's technique has always been to publicly trumpet the extension of invitations to Special Rapporteurs, while actually refusing to agree to the standard "terms of reference." The previous Special Rapporteur on Torture, Sir Nigel Rodley, negotiated unsuccessfully for more than two years to undertake a mission to China after Beijing extended an invitation in 1999. Beijing insisted on a "friendly visit" while Rodley insisted on the guidelines of independence and impartiality. Similarly, the U.S. Assistant Secretary of State for Democracy, Human Rights and Labor, Lorne Craner, announced following his visit to China in December 2002 that Beijing had agreed to invite the Special Rapporteur on Freedom of Religion or Belief. But as Craner had failed to secure a written agreement addressed to the Office of the High Commissioner for Human Rights, the visit has still not taken place.

Under these circumstances, Tomasevski's announcement in early 2003 that she had accepted an invitation to visit China initially met with severe criticism. First of all, she had reportedly broken a gentleman's agreement between the Special Rapporteurs not to accept an invitation before the Special Rapporteur on Torture was granted his fact-finding mission. Secondly, Tomasevski announced that her China visit would be conducted according to "her own rules," arguably making it harder for other Special Rapporteurs to insist on the terms of reference and weakening the institution as a whole.

Education is a less contentious issue than torture or arbitrary detention, and Beijing may have hoped to benefit from a Special Rapporteur visit that would demonstrate its engagement with the UN human rights system without having to pay the price of a severe criticism of its human rights record.

Much to the government's shock, however, Tomasevski revealed herself utterly unwilling to compromise the independence and impartiality expected from a Special Rapporteur, and proved a severe critic of the situation she found: "China's law does not yet conform to the international legal framework defining the right to education," she wrote in her report. "Freedom to impart education is not recognized, nor is teachers' freedom of association, and religious education remains prohibited."

In response to the report, the Chinese government took the unusual step of publishing a 17-page rebuke. "Ms. Tomasevski," it said, "paid little attention to the information provided by the Chinese government," and made "groundless accusations," an "irresponsible approach." Education and human rights experts will disagree. Tomasevksi's report goes beyond what she calls "the formal enactment of legal guarantees" to tackle the reality of education in China today: the *de facto* abandonment by the government of free, compulsory education.

Education as a national priority

As China prides itself on its superb economic growth over the last decade, one would expect the government to express similar pride in its growing investment in compulsory education. For that reason, it is hardly surprising that the Chinese government reacted with such fury when Tomasevski denounced

China's injection of 2.3 percent of GDP into compulsory education as even lower than that of Uganda.

In rebuttal, government spokesman Kong Quan stated that the real figure was 3.4 percent. But in her final report, Tomasevski concluded that a 3.4 percent allocation still failed to match the 4 percent of GDP by 2000 projected when the Reform and Development Program for Education was launched in 1993. She suggested that the injection be doubled to the internationally recommended level of 6 percent.

The current 3.4 percent injection translates into 548 billion *yuan* ($66 billion) in 2002, according to the China Education and Resource Network of the Education Ministry, and the country's total expenditure in education has soared at a rate of 16.7 percent annually since 1997. However, China's budgetary allocations have consistently favored military expenditure over investment in education. Given China's economic growth since 1997, an article in *China Daily* noted in December, "In comparison with the expansion of the government's fiscal revenues, the source of most of the country's total educational spending, the increase in education funds no longer appears so impressive."[1]

While the education allocation is inadequate for the country as a whole, the shortfall is most evident in rural localities, and further disadvantages girls in impoverished villages.

In the aftermath of Tomasevski's visit, China has renewed its promises of compulsory education for children from rural areas and standardized tuition fees countrywide. The State Council on September 20 issued a decision to extend compulsory education to more than 85 percent of the population in the west and to reduce the illiteracy rate to below 5 percent. However, similarly ambitious pledges the past have never been realized. The goal to provide over 85 percent of the population in the west with nine years of compulsory education was originally the target of the Ninth Five-year Plan (1996-2000), which also called for elimination of illiteracy by the end of 2000. Since then the goal of universal compulsory education has been pushed back to 2008.

Meanwhile, more than 2 million of China's children drop out of school each year, among whom 70 percent, or 1.4 million, are girls, according to *Shanghai Daily*, quoting a Xinhua News Agency story.[2] Parents have difficulty keeping their children in school mainly because of the way compulsory education is financed in the rural areas.

Exorbitant fees plague rural education

Since the 1980s, the central government has shifted the burden of education provision to the lower levels of the bureaucracy. County or township governments are asked to make up for the shortfall in education funding through "extra-budgetary resources" derived from school fees, tuition fees, book fees and so on. By 1997, extra-budgetary resources accounted for 46.3 percent of total education funding.

This practice has given rise to growing disparities among the provinces. In 2000, the per-student expenditures of the top-spending provinces were 10.6 times those of the lower-spending provinces in primary schools, and 6.6 times higher in junior secondary schools.

Adding to the problem, in 1994 the State Council announced that township governments would bear the responsibility of implementing compulsory education for all school age children and adolescents. In that same year, local governments were also given the autonomy to determine tax rates under the new Budget Law, resulting in an unreasonable level of taxation of the rural population. Inevitably, education funding fell victim to corruption, with local officials misusing education funds or diverting them for non-educational purposes.

A "Tax for Fees" reform was launched to address this problem in 2000, leading to the abolition of as many as 50 assorted fees and charges levied by township and village administrations. While government figures showed that the reform relieved farmers of 23.6 percent of their financial burden, a less desirable result was that schools were driven to the brink of bankruptcy through loss of tax revenue. Anhui, the impoverished southeastern province chosen for pilot implementation, has suffered a drop of 1.1 billion *yuan* per year in education revenue since 2000 as a result of the reforms, *Caijing* magazine reported.[3]

In order for schools to survive, various fees are once again being collected from farmers, legitimately or otherwise, ostensibly for education. The central government capped the standardized fee for a primary pupil at 160 *yuan* per year and 240 *yuan* for a junior secondary student in the rural areas in 2000, allowing schools to adjust the fees upward by no more than 20 percent depending on the financial situation. As subsequently announced by the State Development and Reform Commission, starting from 2004 schools can no longer charge more than the standardized fees under a so-called "one-fee system," or *yi fei zhi*. Nevertheless, imposition of arbitrary education-related fees in the rural areas continues unabated, even after repeated official reprimands. The China Education and Resource Network operated by the Ministry of Education reported a total of 238 million *yuan* in illegal charges in 1999, with 148 million *yuan* returned to the parents.[4]

Official investigations conducted in 2000 resulted in 5.02 million *yuan* in overpayments being returned to students in 2001 in Shanghai. In 2002, the amount climbed to 11.8 million *yuan*. The revelation led to the dismissal of six headmasters.[5]

Sometimes even efforts by farmers to build and operate schools with their own money and resources result in frustration. *Nanfang Zhoukan* (Southern Weekly) reported a case in Lu Yi County, Henan in which local farmers raised 120,000 *yuan* to build Xu Lou School in 1999 to provide the required nine-year compulsory education. But after contractors finished building the school, the funds set aside to pay them were found to have mysteriously disappeared. A driver named Lou Lin, eyeing potential profits from the school, used 80,000 *yuan* of his own money to pay off the contractors, and his family took over ownership and management of the school, charging students 100 *yuan* as educational fees. The school was so badly managed that teachers decided to raise funds to "buy back" the school, and managed to collect 8,340 *yuan*. After the story of Xu Lou School was reported in a newspaper in Singapore last June, two readers, including a professor from the Nanyang Technological University, donated a total of 93,581 *yuan* to the teachers (the professor subsequently retracted her 70,000 *yuan* and donated it to Yunnan instead after the Henan government said it would handle the problem). The teachers have since bought computers for students with the remaining 20,000 *yuan* donation. They have 25 years to repay the government, and in the meantime the ownership of the school has returned to the farmers.[6]

In spite of detrimental effects such as those described above, Tax-for-Fees reform has been extended to almost all of rural China. The central government is not unaware of the faults in the education funding system. A report published by the State Council's Development Research Center (DRC) in late 2002 noted that it is a worldwide practice for central/federal or provincial/state governments rather than grassroots administrations to take on compulsory education expenditures. Central finances had been allocated to rural areas for China's industrialization drive at the expense of rural primary education over previous years, the high-powered DRC said.[7]

The most serious problem of the rural primary education system is that teachers are routinely paid late—usually half or even a full year after the due date—and seldom the full agreed amount. Farmers simply cannot generate enough taxes to support both the local government and teachers' salaries.

The DRC has called for the central government to reassess the minimum expenditure of rural primary schools' everyday operations and establish a special foundation to cover construction and maintenance of teaching facilities. Such a practice would help rural primary schools deliver roughly the same quality of education—at least as far as the teaching conditions are concerned—despite disparities in economic development. However, no steps have been undertaken so far to implement the DRC's recommendations.

Migrant children fall through the cracks

While children in rural areas tend to enjoy a lower standard of education, those who move to the cities as children of migrant workers are often deprived of schooling altogether.

The main problem lies with the household registration or *hukou* system, under which everyone is assigned to a place of residence, usually his or her birthplace. Only the local government under which a child's *hukou* is registered is responsible for providing him or her with nine years of compulsory education.

It was estimated that only 15 percent of approximately 2.1 million school-aged migrant children were receiving nine-year compulsory education by the end of 1990s, which means that as many as 1.8 million were deprived of a proper education, according to Chinese scholar Xie Jingyu.[8]

Official figures claim otherwise. Estimates drawn from a survey co-sponsored by the United Nations Children Fund (UNICEF) and the State Council's National Working Committee on Women and Children claim that 90.7% of migrant children are enrolled in schools. The report estimates there are around 19.8 million migrants aged below 18.[9] However, this high attendance rate can be attributed to the fact that only migrant families registered with the authorities were covered in the survey, and it should be noted that the reported enrollment rate actually marks a decrease of more than five percent compared to a similar survey completed in 1996.[10]

Apart from the problems presented by the *hukou* system, regulations regarding migrant children's education are also deficient. The 1998 Provisional Measures for the Schooling of Migrant Children and Young People *(liudong ertong shaonian jiuxue*

Pupils at a private school for migrants in Beijing. Photo: Sinopix

zanxing banfa) states that children who have lived in a certain area for more than six months should receive compulsory education, but only if their parents have all the required permits. Given that less than half of the floating population has all the necessary permits, this has created a major barrier to the provision of schooling for migrant children.

State-run schools that do admit migrant children often levy exorbitant "temporary schooling fees" (*jieduefei*) on them. In Beijing, for example, children from other provinces are charged fees totaling around 3,600 *yuan* per year.

In an apparent response to Tomasevski's report, a document on strengthening compulsory education for migrant workers' children was released by the State Council on September 29, 2003.[11] The document states that children of migrant workers should be allowed to enroll in mainstream schools in the cities, and that city governments have the responsibility to ensure that children of migrant workers receive the same standard of basic education as urban residents.

The document also reiterates that migrant children should be charged the same education-related fees as local students, and that various installment plans should be arranged for parents whose job situation is not stable. Scholarships, tuition waivers and free textbooks should be made available to students in need, the document says.

As progressive as this document sounds, it still fails to lift the *hukou* requirement as a prerequisite for schooling, or to rule that "temporary schooling fees" are illegal. With rural-to-urban migration increasing on a daily basis, it remains to be seen how many of the school-aged newcomers will actually receive proper education.

Girls fall victim to priorities

In those parts of China where free basic education remains scarce, girls are often the first to be sacrificed. Financial hardships at home, and the traditional attitude that intellectual development for women should not be encouraged, are the main reasons why an estimated 70 percent of the 2 million children in China who drop out of school each year are girls.

About 90 percent of China's illiterate population lives in rural areas, 50 percent in the western regions, and 70 percent are female, according to statistics published by the Ministry of Education in early 2002.[12]

A County Gender Review on China conducted by the World Bank's East Asia Environment and Social Development Unit in June 2002 noted that the dropout rate among girls had risen since the government imposed tuition fees on all parents beginning in the mid-1990s.[13] "Poorer rural parents have often taken their daughters out of school because they cannot afford the school fees and need them at home to work," the review noted.

Increasing employment available for teenage girls as domestics in better-off households, in rural township and village enterprises and in urban enterprises was also another reason why girls left school, the review found.

Female dropouts are such a conspicuous problem that non-governmental charitable programs such as the Spring Bud Project have been set up to keep poor girls in school; but at present they still reach only a minority of dropouts. The World Bank report commented that the government has yet to take specific measures to address the issues affecting girls' enrolment, and that higher illiteracy rates for women and lower education levels for girls had obvious impacts on their economic opportunities and social status.

The fact that so many girls are deprived of a basic education raises serious questions over China's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which it ratified in 1980.

Tomasevski also noted in her report that incomplete official statistics make it impossible to access overall school attendance rates and that of boys and girls respectively. While a wealth of figures can be found in the Educational Statistical Report, the Statistical Yearbook and other official records, the exact number of the school-aged population is never provided. In addition, the Educational Statistical Report only provides the number of students registered with schools, but not the number of students actually attending school. A breakdown of male and female students is not provided in any official documents.

As Tomasevski put it in her report, "There is an endless stream of statistics that illustrate improvement in education. Figures are, as is well known, interpretations rather than facts." She added that it was difficult to estimate how many children on the roll-call sheet actually graduate.

High illiteracy among ethnic minorities

China's ethnic minority populations are largely concentrated in the country's most destitute regions. While facing the usual financial hardships of rural residents, the situation of non-Han citizens is more acute and prevalent.

China's 55 officially registered minorities, about 8 percent of the population, reside for the most part along the borders of the western and northern provinces, namely Guangxi, Liaoning, Ningxia, Guizhou, Xinjiang, Yunnan, Inner Monogolia, Tibet and Heilongjiang. According to the 2001 Educational Statistics Yearbook, Tibet, Qinghai and Gangsu had the country's highest illiteracy rates among the rural population, recording rates of 35.9 percent, 23.45 percent and 17.25 percent respectively in 2000, compared with the national average of 8.25 percent for the rural population as a whole.[14]

Hundreds of Tibetan children have reportedly been sent across the border to Nepal and India to receive education because they cannot afford the school fees in China. Another reason for the exodus is the use of Mandarin instead of Tibetan as the medium of instruction in schools in China.[15]

As with gender divisions, incomplete official statistics make comparisons of the ratios between ethnic minorities and Han Chinese at various education levels impossible. The Ministry of Education was quoted by a news Web site as saying the nationwide recruitment of ethnic minority students by tertiary education institutes, including prominent names such as Beijing University, Tsinghua University and Fudan University, would expand to 13,000 places in 2001.[16] By any standard, 13,000 places is far from adequate if young people of ethnic origins are to fare equally with their Han counterparts.

Catching up with special needs

China enacted the Law on the Protection of Disabled Persons in December 1990. Article 18 of the law stipulates that the State shall guarantee the right of disabled persons to education. China has an estimated 60 million disabled people, according to the Web site of the China Disabled Persons' Federation.[17]

According to the 2001 Educational Statistics Yearbook, China had 1,531 schools dedicated to children with special needs as of the end of 2000. Of these schools, 679 were for the hearing impaired, 375 for the mentally handicapped and 43 for the blind. About half of these schools were located in the cities. In the ten years leading up to to1999, the school attendance of deaf, blind and mentally handicapped children rose dramatically from only six percent to 64.3 percent.[18]

A small portion of the shortfall in the provision of schools for children with special needs is being filled by non-governmental organizations such as the Peng Cheng School for the mentally handicapped in Jiangsu, which is operated by UNESCO.

Efforts to meet the educational needs of handicapped children are still hampered by societal attitudes. As Tomasevski indicated in her report, the one-child policy has reinforced a negative perception of disability in society as parents wish their one and only children to be perfect. Chinese law effectively treats disabled children as unworthy, allowing couples a second child if the first one was born with deficiencies, Tomasevski observed in her report.

A new Olympic challenge?

While social class disparities are the norm in countries going through a transitional period, China is notable for having one of the world's largest poverty gaps. Zhang Xiaoqiang, deputy head of China's National Development and Reform Commission, estimated that the urban-rural income gap will rise from a multiple of 3.1 in 2002 to 3.5 in 2003.[19] This disparity is unlikely to diminish if around 70 per cent of China's rural children continue to drop out of school each year, while children in well-off urban families attend private international schools charging up to 12,000 *yuan* a year at the secondary level.

Following the rapid expansion of higher education since 1998, when university places almost doubled from 7.8 million to 16 million in 2002, an oversupply of college graduates has begun to flood the job market. This summer will see three million graduates begin their frantic search for a job.[20] While a population with a higher education level is crucial for the Chinese government's goal to build a largely middle-class (*xiaokang*) country by 2020, at this point Chinese society might benefit more from resources being diverted from higher to basic education.

Premier Wen Jiabao has promised to set aside additional funding for rural schools, but stringent monitoring will be required to ensure the money is funneled to where it is most needed. In any case, Tomasevski's suggestion for China to increase its injection on education to the internationally recommended minimum of 6 per cent of GDP is imperative to the survival of many rural schools.

China now has less than four years to honor its renewed pledge to extend compulsory education to all children, a deadline that coincides with the Olympic Games to be held in Beijing in 2008. In a speech at a Plenary Session held in Beijing on January 16, 2004 to mark the launch of the second phase of preparation for the Olympics, Liu Qi, president of the Beijing Organizing Committee for the Games (BOCOG) emphasized the importance of developing a relationship "between preparing and running the Olympic Games and promoting the capital city's urban construction and economic and social development." Former Minister for Education Chen Zhili, now a state councilor, also appeared in the meeting to give an opening speech, while Deng Pufang, president of the China Disabled Persons' Federation, who won the 2003 UN Human Rights Prize for his contribution to the country's disabled, was named BOCOG's new executive president.[21]

With the Chinese government committing itself to social development as a driving force for the Olympic Games, the full implementation of free and compulsory education for all of China's children should become one of the key benchmarks of China's Olympics preparations.

1. "Renew education with more funding," *China Daily*, December 3, 2003.
2. "Dropouts returning to class," *Shanghai Daily*, December 15, 2003.
3. "Rural schools deep in debt," *Caijing*, April 20, 2003.
4. "2000 Educational Evolution in China," by Yang Dongping, China Education and Research Network.
5. "Shanghai legislators call to regulate education fees," *China Daily*, August 6, 2003.
6. "Teachers take out loans to buy back school," *Nanfang Zhoukan*, August 28, 2003.
7. "Who should pay China's rural primary education?" *People's Daily*, December 21, 2002.
8. Xie Jingyu, "Educational problems of rural-urban migrant children," *Northwest Population*, April 1999.
9. "Worrying situation for 20 million migrant children's education," www.Chinacourt.org, February 15, 2004.
10. United Nations Education for All 1996-1997, United Nations Children Fund.
11. "Same fees for children of migrants attending schools in the cities," *China Youth Daily*, September 29, 2003.
12. "China's illiterates: 50% in the west, female 70%," *People's Daily*, March 4, 2002.
13. China-Country Gender Review, East Asia Environment and Social Development Unit, World Bank, June 2002.
14. *Educational Statistics Yearbook of China* 2001, p. 409.
15. "Tibetans driven out of China by lack of schooling," Radio Free Asia, February 18, 2004.
16. "Higher education recruitment of minority students expands to 13,000," www.eastday.com, August 23, 2001.
17. http://www.cdpf.org.cn/english.
18. "Commendable humanitarian work by China for the disabled," *China Daily*, September 8, 1999.
19. "Wider income gap between urban and rural," *Apple Daily*, December 30, 2003.
20. "China gives strategic priority to education: minister," *People's Daily*, October 2, 2003.
21. "Beijing enters 2nd phase of Olympic preparations," www.beijing-2008.org, January 16, 2004.

Call and Response

The Chinese government responded angrily to the overall tenor of the report by Special Rapporteur Katarina Tomasevski. In a formal response filed with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Chinese government stated, “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 had 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.”

Following are some of the specific criticisms that the Special Rapporteur made in her report, accompanied by the Chinese government’s response to those criticisms:

Topic	**Special Rapporteur**	**Chinese Government**
Education as a right, religious education	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 . . . 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.	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. . . 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.” . . . 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. . . it is also stressed that the people enjoy the freedom of not believing in any religion. China adopts the policy of separating education from religion and religion shouldn’t interfere with education. . . 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.
Illiteracy, compulsory education and statistics	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. . . 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.	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 . . . 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 state that China’s statistics of nine-year compulsory education is the “creation of statistics” and monitor “only enrollment rather than atten-

Topic	Special Rapporteur	Chinese Government
Illiteracy, compulsory education and statistics (*cont.)*	. . . 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.	dance or completion.". . . 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."
School fees	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 . . . 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 . . . The Special Rapporteur is deeply concerned that school fees continue to be regulated rather than abolished . . . The Special Rapporteur recommends an immediate and explicit commitment by the Government to free compulsory education for all children.	No response
School labor	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.	According to the Provisional Management Measures on Work-Study Program in Primary and Secondary Schools in 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 programs. 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.

Topic	Special Rapporteur	Chinese Government
Girls	A series of warning signs have highlighted the detrimental effects of the recent economic changes on girls and women . . . 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. Indeed, female illiteracy increased in the 1990s from 68 per cent to 71 per cent. 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.	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% . . . In 2000 the rate of enrollment for Chinese girl students reached 99.1% . . . At present, the proportion of girl students in China's primary schools is 47.2% and that in colleges and universities is 43.95%.
Migrants	An unknown number of migrant children are denied their right to education because they lack permits, and a series of regulations have been adopted. 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, including deportation, is a constant deterrent for all undocumented migrants.	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. . . 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).
Handicapped	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 . . . 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. Students who have a big scar or pigmented mole, or are lame, can be excluded from studying diplomacy, law or pedagogy, illustrating continuing prejudice.	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 . . . The Chinese government prohibits colleges and universities from rejecting disabled students. . . 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." 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

Topic	Special Rapporteur	Chinese Government
Handicapped (*cont.)*		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.
Tibet and minority education	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," reinforcing the necessity of remoulding education with a view to preserving cultural diversity.	At present, the TAR [Tibetan Autonomous Region] has formed a rather sound modern educational system. . . . 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. . . . The Chinese government has been actively promoting the study, usage and development of Tibetan language in Tibet. . . . Since the year of 2001, the Chinese government started to record, collect and compose [minority] 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.
Teaching history	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." 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."	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 . . . 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 achievement 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."

Sources:
Special Rapporteur's report: "Report submitted by the Special Rapporteur, Katarina Tomasevski, Addendum, Mission to the People's Republic of China, 10–19 September 2003"; UN Economic and Social Council, Commission on Human Rights, Sixtieth session, Item 10 of the provisional agenda, E/CN.4/2004/45/Add.1, 21 November 2003.
Chinese response: "Note verbale dated 10 December 2003 from the Permanent Mission of China to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights"; UN Economic and Social Council, Commission on Human Rights, Sixtieth session, Item 10 of the provisional agenda, E/CN.4/2004/G/16, 11 December 2003