



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-fourth session

Summary record of the 1835th meeting

Held at the Palais Wilson, Geneva, on Friday, 27 September 2013, at 3 p.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties *(continued)*

Second periodic report of Macao, China, on the implementation of the Convention on the Rights of the Child (continued) (CRC/C/CHN-MAC/2, CRC/C/CHN-MAC/Q/2/Add.1)

1. *At the invitation of the Chairperson, the Chinese delegation took places at the Committee table.*
2. **Ms. Leong Vai Kei** (Macao, China) said that the Education and Youth Affairs Bureau had set up a website where families could watch talks on parenting. It was also possible to send in queries. The time taken to respond was 10 days, or a maximum of 45 days for complex questions requiring research. The Bureau also organized workshops where young people could give their views, and forums where they could meet senior officials. It also published information brochures on Internet security and subsidized computer purchase for community centres. Students were taught the Convention and the other major international instruments as part of their civics curriculum.
3. **Ms. Xu Xiaochao** (Macao, China) said that all policies adopted had a budget to go with them. However, detailed data on resource allocation were not available. Overall, the authorities devoted 9.2 per cent of their budget to education, but special efforts were made for children with special needs. As of 31 August 2011, there were 9,000 children holding disability cards in Macao.
4. In 2012, the State services had dealt with 93 cases of child violence. It had to be said that as the data were collected by different departments, there could be inconsistencies and errors. Precisely in order to have a complete and accurate database, the Social Welfare Bureau had recently set up a centralized system of registration.
5. The Government of Macao did not think it necessary to open an orphanage as there were very few orphans. Orphans were accommodated in one of the nine institutions for minors run by the Special Administrative Region.
6. **Mr. Cardona Llorens** wished to know what criteria were used to determine whether a child with a disability could be accepted in a mainstream school.
7. **Ms. Herczog** (Country Task Force) said that she was aware that the number of orphans in Macao was low. However, the fact that the SAR had nine alternative care institutions was all the more surprising. Why were adoptions by family members and placements with foster families not encouraged?
8. **Mr. Kotrane** (Coordinator, Country Task Force) wished to know whether professionals who worked with children were obliged to notify cases of ill-treatment that came to their attention.
9. **Ms. Xu Xiaochao** (Macao, China) said that the Social Welfare Bureau had developed a plan to promote placements with foster families. Two of the alternative care institutions had been restructured to create small family-like units. In the other institutions, placement was adapted as far as possible to the age and sex of the child.
10. **Ms. Vong Yim Mui** (Macao, China) said that, as of August 2013, there were 739 children with disabilities in Macao, 433 of them with severe disabilities. Families bringing up children with disabilities received a monthly allowance of 660 yuan, which went up to 1,300 yuan for children with severe disabilities, and could be drawn concurrently with other welfare benefits.

11. **Ms. Kwok** Chau Sha (Macao, China) said that any child likely to experience difficulty in following mainstream courses underwent a full assessment that could involve psychologists and speech, occupational and psychomotor therapists. It was generally accepted that an intelligence quotient of at least 75 was required to qualify for mainstream schooling. Problems that were of a purely physical nature, such as visual or hearing defects, were not considered to be obstacles. Children with severe or multiple problems could be admitted to small classes.
12. **Ms. Vong** Yim Mui (Macao, China) said that a bill on domestic violence had made notification of cases of violence compulsory on the part of physicians, teachers and personnel working in crèches or any other type of childcare institution.
13. **Ms. Kwok** Chau Sha (Macao, China) said that the juvenile justice system had been reformed in 2007. The concept of restorative justice had been introduced and provision made for non-custodial measures such as community service or compulsory residence orders. Educational and reintegration measures were favoured over detention, which was used only as a last resort.
14. **Mr. Kotrane** (Coordinator, Country Task Force), supported by **the Chairperson** (Coordinator, Country Task Force), said that the Committee was particularly concerned about the solitary confinement of children, especially very young children.
15. **Ms. Kwok** Chau Sha (Macao, China) said that Macao had reviewed its practices following the issue of the Committee against Torture's concluding observations in 2009. Currently, solitary confinement was in theory possible at night for a maximum of six consecutive nights. However, it was only used as a last resort, and had been imposed only twice in 2013, on 16–17-year-old young men.

Third and fourth periodic reports of China on the implementation of the Convention on the Rights of the Child (continued) (CRC/C/CHN/3-4 and Corr.1, CRC/C/CHN/Q/3-4 and Add.1)
16. **Mr. Jia** Guide (China) confirmed that bilingual education was guaranteed in areas where ethnic minorities were strongly represented.
17. **Ms. Xu** Xiaochao (China) said that since 2009 China had been running a project on the prevention of mother-to-child HIV transmission, under which 30,000 pregnant women had received treatment. Since 2010, hepatitis B and syphilis transmission had also been covered by the project.
18. **Ms. Nie** Jing (China) said that a second study on persons with disabilities had been conducted in 2006, and had revealed that about 78,000 children with disabilities could not attend school due to disability, the financial situation of their parents, lack of transport or a combination of those factors. The regions where the problem was most acute were the central and western parts of the country, which received targeted assistance and subsidies.
19. Special education could take many forms; it could be a component of mainstream classes or provided in specialized institutions or even at home. The authorities were working on a new inclusive education policy. Specialized institutions would not disappear, however. Some offered boarding, while others accepted day students only. The staff working in specialized institutions were provided regular training to upgrade their skills.
20. **Mr. Cardona Llorens** said that he was surprised to learn that the number of children with disabilities in institutions was increasing, and wondered if parents were reluctant to let children with disabilities be integrated into mainstream schools.
21. **The Chairperson** (Coordinator, Country Task Force) asked the delegation to comment on reports of abductions of children with intellectual disabilities.

22. **Ms. Zou Mingming** (China) said that 2.5 billion yuan had been invested in children with disabilities from the central and western parts of the country. The authorities were aware that children's best interests lay in remaining at home within a family environment whenever possible. Allowances paid to poor families raising children with serious illnesses were intended to prevent children from being abandoned. Orphaned children were placed in institutions only if no one from the extended family could take care of the child or no adoptive family could be found. Most orphans placed in institutions were children with severe disabilities for whom institutional care was essential.

23. **Ms. Herczog** (Country Task Force) asked whether the State party had conducted a study apparently finding that children with disabilities were better cared for in alternative care institutions than in foster homes, and if it intended to provide financial support and training to foster families to develop foster care.

24. **Ms. Zou Mingming** (China) said that the Government had set up a system of subsidies for foster families, including families that accepted children with disabilities, to encourage foster care. That did not mean that it was neglecting outpatient care in health facilities for such children, and it paid particular attention to the training of specialist staff.

25. **Ms. Wijemanne** (Country Task Force) asked whether the State party ran screening campaigns for deficiencies such as iodine deficiency, in order to prevent disability, and whether all newborns systematically underwent a medical examination. She wondered whether adolescents had access to sexual and reproductive, as well as mental, health services, or to psychological counselling if they asked for it. Finally, did the State party run campaigns against smoking, alcoholism and drug addiction?

26. **Ms. Aidoo** would like to know what the State party was doing to correct the demographic imbalance due to prenatal sex selection, which meant that there were 130 boys born for every 100 girls. She asked whether the State party intended to raise the GDP share allocated to education (4 per cent) and health (1.4 per cent) and tackle inequalities in child services between urban and rural areas, and between the eastern and western parts of the country.

27. **Ms. Xu Xiaochao** (China) said that the inequalities were due, among other reasons, to the fact that child protection services were partly funded by local authorities, which did not all have the same resources. However, the Chinese Government had adopted social protection measures for children which specially targeted the poorest and most remote regions of the country. For example, food programmes that offered free lunches were run to improve nutrition among children in disadvantaged areas. Moreover, between 2008 and 2011, the gap in infant mortality rates between urban and rural children had narrowed. To prevent disability and improve children's health, various screening procedures were offered free of charge during pregnancy and all infants underwent a complete medical examination. A Department of Mental Health had been created within the Ministry of Health in 2008, and specialist mental health care and counselling services for adolescents had been established in hospitals, both in rural and in urban areas.

28. To address the demographic imbalance between boys and girls in some areas, the Chinese Government had been conducting awareness-raising and education campaigns among the population and had prohibited sex selection of fetuses.

The meeting was suspended at 4.15 p.m. and resumed at 4.30 p.m.

29. **Mr. Kotrane** (Country Task Force) asked whether it was true that children suffered deprivation and ill-treatment in juvenile offender centres for rehabilitation through labour. He would also like further information on secret detention centres, commonly referred to as "black jails".

30. **Mr. Huang Junxian** (China) said that there were 31 rehabilitation centres for juvenile offenders, accommodating nearly 15,430 children in conflict with the law. Minors' right to privacy was respected and they were separated from adults and could attend school. They enjoyed some flexibility in visiting rights and were treated with the respect due to them, with a view to rehabilitation and education.

31. **The Chairperson**, speaking as a member of the Committee, asked whether it was true that Tibetan children were held incommunicado for long periods in some prisons and that children over 16 years old could be held for 18 months in re-education through labour facilities in violation of their right to fair trial and without access to a lawyer.

32. **Mr. Huang Junxian** (China) said that Tibetan child detainees received the same treatment as all other child offenders. No minor was held incommunicado or deprived of their fundamental right to a lawyer and there were no "black jails". Torture was prohibited by the law on criminal procedure and other laws and was severely punished.

33. **The Chairperson**, speaking as a member of the Committee, asked whether a complaint mechanism had been established to enable victims of torture to seek redress.

34. **Mr. Huang Junxian** (China) said that inspectors had visited child detention centres and had found no cases of torture or ill-treatment. Minors who felt that they had been subjected to ill-treatment could speak to their lawyers.

35. **Mr. Kotrane** (Country Task Force) thanked the Chinese delegation for its replies and commended the State party for the many advances made since the last review, especially in the fields of health and preschool education. However, if China wished to improve the lives of its children, it would need to make further efforts to respect all rights, and notably establish a national human rights institution, opt for non-violent methods of education, counter the unfortunate consequences of its family planning policy (infanticide and selective abortion), guarantee the rights of migrants and ethnic groups, make the national household registration system more flexible and give priority to restorative justice for juvenile offenders.

Initial report of China on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/CHN/1 and Corr.1, CRC/C/OPAC/CHN/Q/1 and Add.1)

36. **Mr. He Yongcai** (China) said that the State Council and the Central Military Commission were jointly responsible for implementing the Optional Protocol. The Chinese Government did not intend to raise the minimum age of conscription from 17 to 18, as 17 was also the age of completion of secondary education. It was an honour for young people to perform military service after graduating from high school and it was of their own free will that they enlisted in the army.

37. **The Chairperson**, speaking as a member of the Committee, asked how the competent authorities ascertained that young people were joining the army of their own free will and that those who joined were indeed 17 years old on enlistment.

38. **Mr. He Yongcai** (China) said that new recruits to the army had to be 17 years of age on 31 December the year before they joined up. The identity and age of future recruits were first checked by officials of the Ministry of Public Security, the Ministry of Health and the Ministry of Education, who reviewed all the documents submitted — ID card, school certificate and the card issued by the national household registration office — at the time of application. The educational qualifications and age of recruits were again verified on enlistment.

39. **Mr. Mezmur** (Country Rapporteur for the Optional Protocol) asked what the punishment was for recruiting a person who did not meet the criteria. He asked why China, which claimed that it did not lack candidates wishing to join the army, did not raise its conscription age to 18 years.
40. **Ms. Aidoo** wondered if young school-leavers who had taken out loans to pay for their secondary education had any choice but to join the army to repay their debts and ease the financial burden on their families.
41. **Mr. He Yongcai** (China) said that the Chinese Constitution and the Military Service Law made it compulsory for all men aged 18 to perform military service. The army was also a way for young people to acquire greater knowledge, which made them more competitive in the labour market. Since 1984, students in higher education had been able to apply for deferment and the number of applicants meeting the recruitment criteria had therefore fallen, which was why it was not possible to raise the age of conscription to 18. Under the Chinese Criminal Law, the recruitment of a person unsuitable for military service for any reason was liable to a sentence of 3 years' imprisonment.
42. **Mr. Mezmur** (Country Rapporteur) pointed out that China was one of the States that exported small arms to countries known for not respecting children's rights, notably during armed conflict, one of them being the Syrian Arab Republic. He asked the delegation to say something about that.
43. **Mr. Kotrane** asked whether the State party could prosecute offences under the Optional Protocol committed abroad or make an extradition request based on the Protocol. He also wanted to know if it would accede to the Rome Statute of the International Criminal Court.
44. **Mr. Wang Peng** (China) said that the export of small arms was strictly regulated and that China did not export arms to countries subject to Security Council sanctions. Export certificates and a strict oversight system were used to rigorously monitor all arms exports.
45. **Mr. Mezmur** (Country Rapporteur) asked why China had abstained from voting on Security Council resolution No. 2068 (2012), strengthening and extending the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict.
46. **Mr. Jia Guide** (China) said he did not know the reasons for the abstention, but assured the Committee that the decision to abstain would not affect China's firm commitment to fighting the involvement of children in armed conflict.
47. **Mr. Wang Peng** (China) said that some secondary schools provided students aged 18 — or even 17, in exceptional cases — with a brief military training course, which did not involve the use of arms and was primarily aimed at inculcating discipline among students and familiarizing them with the principles of national defence. Members of the People's Militia were generally aged between 18 and 35, and were mainly recruited from the reserve officer corps.
48. **The Chairperson**, speaking as a member of the Committee, asked whether it was true that secondary schoolchildren had to undergo a one-month military training course.
49. **Mr. Wang Peng** (China) said that the course did not last a month but five days at most, and that it was only national defence awareness training.
50. **Mr. Mezmur** (Country Rapporteur) asked whether military colleges and schools were run by the Chinese People's Liberation Army and whether measures had been taken to prevent the recruitment of children by non-State armed groups and private security companies, even though such bodies were officially prohibited by law.

51. **Mr. Jia** Guide (China) said that the law expressly prohibited armed groups and private security companies and that there was therefore no further need to take steps to regulate their activities. The legislature did not consider it necessary to expressly prohibit the recruitment of children by groups or companies that de facto did not exist.

52. **The Chairperson**, speaking as a member of the Committee, asked if the State party had mechanisms for detecting whether child refugees or asylum seekers had been involved in hostilities.

53. **Mr. Jia** Guide (China) said that he had no information on that subject, but would arrange to send the response to the Committee.

54. **Mr. Mezmur** (Country Rapporteur) commended the efforts made by the State party, but said that there was still much room for improvement in applying all the provisions of the Optional Protocol in order to be in full compliance, in particular with regard to the age of conscription into the Armed Forces, regulating the sale of weapons abroad and military education in ordinary schools.

55. **Mr. Jia** Guide (China) thanked all the speakers for their insightful questions and recommendations and assured the Committee that written replies would be given to all the pending questions.

The meeting rose at 6 p.m.