



Convention on the Rights of the Child

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Summary record of the 1834th meeting

Held at the Palais Wilson, Geneva, on Friday, 27 September 2013, at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (continued)

Third and fourth periodic reports of China (continued) (CRC/C/CHN/3-4 and Corr.1; CRC/C/CHN/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of China took places at the Committee table.*

2. **Ms. Song** Wenzhen (China) said that over 30 bodies were responsible for the implementation of the Convention. Since 1992 the Government had drawn up three long-term outline plans for child development, which had enhanced the effectiveness of the activities carried out for children. The State Council Working Committee on Women and Children was responsible for the overall implementation of the Convention, including the provision of supervision and guidance for other bodies, and similar committees provided coordination services at the provincial, county and local levels. Implementation of projects such as the school supplementary nutrition programmes involved numerous agencies, including for instance those dealing with food safety, education, health, planning, development and finance; their actions were coordinated by the State Council Working Committee on Women and Children so as to ensure the greatest effect. The outline plans were integrated into the broader economic and social development plans adopted by the Government. Some 50 objectives related to children's rights had been identified, and responsibility for implementing measures to achieve them was distributed between some 40 departments. Evaluation structures had been set up to help determine the extent to which the objectives were being reached, and each unit of the State Council Working Committee on Women and Children was obliged to issue a detailed report at least once a year. The committees at all levels included appraisal and evaluation structures; and 10-year plans were assessed at the midterm point and upon completion. Both the central Government and the local authorities carried out annual evaluations of programme implementation using over 30 quantifiable indicators, and the resulting statistics were used in reports and integrated into a databank. In addition, major evaluations had been conducted in 2006 and 2011, under the direction of department heads.

3. In 2006 the Law on the Protection of Minors had been amended to recognize the importance of family education and the teaching of good parenting techniques. Such activities had been given more prominence in the educational reform plans for 2011–2020, which paid greater attention to family education in both urban and rural areas. The Government had set up some 4,000 structures to provide guidance and promote family education throughout the country.

4. **Ms. Herczog** (Country Task Force) asked what kind of topics were covered in such activities.

5. **Ms. Song** Wenzhen (China) said that the elements of family education defined by the All-China Women's Federation and the Ministry of Education, which were the bodies responsible for setting out guidelines in that field, included knowledge of parental responsibilities, parental capacity-building and methods of child-rearing. Such activities made full use of schools and community facilities such as family service centres and were performed by both experts and volunteers.

6. **The Chairperson** (Country Rapporteur for the Convention) asked whether there were any specific programmes aimed at reducing the use of corporal punishment and advocating alternative disciplinary techniques. Were such programmes conducted by trained staff, such as social workers? Did the instructors receive special training, and were they able to work with families from minority groups?

7. **Ms. Song Wenzhen** (China) said that a great deal of effort was devoted to countering the traditional Chinese view that corporal punishment of children was normal. Parents must understand that their children had rights and that they must respect those rights. Notwithstanding efforts to train more staff, social workers were still in short supply, and in some communities the family education activities were conducted by volunteers. The All-China Women's Federation and other bodies carried out train-the-trainer programmes targeting key personnel in local communities.

8. **Mr. Ke Chunhui** (China) said that some 200 million migrant workers had left the countryside for the cities, and there were currently an estimated 61 million children left behind in rural areas. The Government considered their education a priority and implemented a number of policies to support them. It had improved existing policies and drawn up new ones, gradually moving away from the repressive policies that had prevailed in the 1990s and towards an approach aimed at protecting the rights of such children and ensuring that they received equal treatment.

9. In 2003 the State Council had adopted a policy that established that the authorities in places receiving migrants who were accompanied by their children had a responsibility to provide for the children's education, inter alia by supporting the ability of public schools to receive such children. The central Government had increased support for education. For example, in economically developed areas it had implemented a policy advocating equality of treatment to ensure that migrant children received the same opportunities as local children. In 2012 some 13 million children accompanying migrant workers had received education in cities, more than 80 per cent of them in public schools. Upon completion of compulsory education, such children had in the past been forced to return to their official places of origin, but the policies were now being changed so that they would have the same opportunities for employment and further education as local children. In 2012 the State Council had issued a directive from the Ministry of Education calling on all local governments to allow the children of migrant workers to take university entrance examinations in the cities where they lived. The vast majority of provinces and cities had recently adopted such measures.

10. Children left behind in rural areas too had benefited from programmes run by the Government and non-governmental organizations (NGOs). Mechanisms had been established to address their needs, and they received the same compulsory education as other children in rural areas.

11. **The Chairperson** asked whether the children of members of Falun Gong enjoyed the same educational opportunities as other children.

12. **Mr. Jia Guide** (China) said that the fact that a child's parents were members of Falun Gong had no impact at all on the educational opportunities of the child.

13. **Mr. Ke Chunhui** (China) said that for many years access to preschool education had been problematic and had been characterized by low enrolment, high charges and a lack of facilities. Few people had been aware of the importance of preschool education, and there had been a shortage of funding for both preschool education and family education activities. In the past three years, though, with the introduction of the national education reform and development programme, a new emphasis had been placed on preschool education, and concrete targets had been set for the period until 2020. Ten new policies and eight major projects had recently been adopted and all provinces and municipalities had drawn up action plans for the development of preschool services. Over 10 billion yuan renminbi (RMB) had been allocated for the expansion of kindergarten facilities, and in the past three years 10 million new places had been added and over 90,000 kindergartens had been built. At the same time, the new facilities and preschool staff had been the subject of numerous evaluations, and training had been provided to introduce more playtime into the

facilities' programmes so as to permit the comprehensive development of the children attending them.

14. **Mr. Huang Junxian** (China) said that raising awareness of the Convention was the main element in the Government's efforts to ensure implementation. The dissemination of information on the Convention had been incorporated into the activities aimed at teaching the public about legal matters in general. The sixth five-year legal education plan that had begun in 2011 had set out that the protection of children's rights and interests was an important task to be performed by local authorities and governments. A pamphlet on children's rights had been produced and distributed, and lectures and training sessions had been held for staff working with children. Many activities had been organized with the direct participation of children. In various parts of the country, including areas with large ethnic minorities, summer camps were held on the theme of child protection, and other activities were organized in order to solicit views and suggestions from children on the theme of child protection. Governments at all levels made use of the media, books, periodicals and the Internet to disseminate knowledge of the Convention. An increasing number of people were aware of the Convention, accepted it and supported it. The Convention had been translated into the Yi, Korean, Mongolian, Kazakh, Tibetan, Uyghur and Zhuang languages and pamphlets and disks had been produced for distribution to children and professionals dealing with them.

15. **Mr. Gastaud** asked whether any of the pamphlets and publications were written in a child-friendly manner appropriate to children of various ages. Had the report of the State party been written after consultation with representatives of civil society, including children's groups and NGOs? What sort of professionals received information and training regarding the Convention?

16. **Ms. Khazova** asked whether children and professionals working with children had free access via the Internet to information from outside China.

17. **Mr. Huang Junxian** (China) said that dissemination activities were organized for government officials, legal professionals, social workers, people working in the media and educators. Special emphasis was placed on teaching professionals working with children about the specific provisions of the Convention. For dissemination among children, specially tailored publications, including storybooks and picture books, had been produced for the various age groups, and activities organized specifically for children took into account their level of ability to assimilate information on the Convention. Radio and television broadcasts, newspapers, other press outlets, CD-ROMs and Internet publications were used for dissemination. As there were well over 500 million Internet users in China, full use was made of that medium for the dissemination of information on the Convention. A search for "children's rights and interests" on any of China's search engines would produce a hit list of sites featuring information on the Convention.

18. **Mr. Jia Guide** (China) said that information on children's rights from outside China was freely accessible on the Internet, with no restrictions. The Chinese authorities only blocked certain harmful sites, such as those that showed pornography, from access within China.

19. **Ms. Wang Yanbin** (China) said that divorce cases could either be heard in court or registered directly with the civilian authorities. In 2012, the courts had heard 680,000 divorce cases and the civilian authorities had dealt with approximately 2.5 million. The views of children were taken into consideration in divorce proceedings. For example, children had the opportunity to write letters which were then read to the parents by a mediator. Once children had reached an age at which they had a good level of understanding and reasoning, they became an important part of legal proceedings.

20. The problem of violence against children was tackled from several different perspectives. At the legal level, it was important to increase the scope of protection for children. To that end, China had drafted and amended relevant legislation, including the Law on the Protection of Minors, the Compulsory Education Law and the Marriage Law. Legislation had also been drawn up to strengthen measures to penalize violations of children's rights, including domestic violence against children, violence at school and forced labour. There were specific administrative and criminal penalties for such offences.

21. China had strengthened measures to increase public awareness of violence against children and to build capacity to deal with the phenomenon. The Ministry of Education had developed methods for dealing with violence against children, and the methodology had been incorporated in the regulations on the management of kindergartens and schools.

22. Measures were taken to ensure that children who had been the victims of violence received comprehensive care and assistance. The Law on the Protection of Minors provided for the establishment of shelters at county level for street children and children who were victims of domestic violence. A variety of projects and programmes was in place to provide assistance to children who were the victims of violence. The National People's Congress was currently conducting research with which to prepare a national law on violence against children. The Standing Committee of the National People's Congress had already placed legislation on domestic violence on the agenda.

23. **Ms. Oviedo Fierro** (Country Task Force) asked the delegation to comment on the situation of the children of persons who faced persecution, such as practitioners of Falun Gong. The Committee had received reports that the rights of such children were violated.

24. **Mr. Jia** Guide (China) said that the situation of the Falun Gong was not a question of freedom of religion, as Falun Gong was not a religion but a cult. The Chinese Government had banned the movement, in accordance with the law. There was no doubt that practitioners of Falun Gong could have a negative influence on their children.

25. **The Chairperson** said that the Falun Gong movement stressed that their situation was a matter of freedom of conscience. She wished to know how children who practised Falun Gong were treated.

26. **Mr. Jia** Guide (China) said that the delegation had no data on children who practised Falun Gong.

27. **Mr. Zhao** Chi (China) said that the right of all Chinese citizens, including children, to freedom of religion and belief was protected under the Constitution. There was no government interference in regular religious activities, such as the practice of Buddhism, Taoism, Christianity or Islam, but Falun Gong was not a religion. Parents in ethnic areas could enrol their children in religious activities or classes with no restriction or limitation. There was a clear separation between religion and education in China. Under the law, no organizations or individuals, including children's guardians, could entice or force minors to participate in religious activities or to adopt a monastic life, nor could they use religion to deprive them of their right to compulsory education.

28. **The Chairperson** said that the Committee had received many reports describing the restrictions faced by children from the Tibetan or Uyghur minorities in practising their religions.

29. **Mr. Zhao** Chi (China) said that, in ethnic Tibetan areas, the tradition of recognizing the reincarnation of the Buddha was respected, and minors who were determined to be the reincarnation of the living Buddha were permitted to enter temples to learn the scriptures. Other children could choose to enter a religious institute or adopt a monastic life once they had completed their nine years of compulsory education. There had never been any prohibition on Muslim children attending mosques in the Uyghur autonomous region.

30. **The Chairperson** asked about the whereabouts of Gedhun Choekyi Nyima, the eleventh Panchen Lama. Had the information on his whereabouts been confirmed by an independent expert, as recommended by the Committee in its previous concluding observations?

31. **Mr. Zhao** Chi (China) said that Gedhun Choekyi Nyima lived like any other ordinary Chinese citizen. He had received compulsory and higher education in China and was leading a healthy, normal life. He and his family had expressed the wish not to be disturbed by outsiders, as they feared they might seek to use him for political motives.

32. **The Chairperson** asked the delegation about the use of minority languages in schools.

33. **Mr. Xiong** Fangliang (China) said that ethnic groups had the right to receive education in their ethnic languages. In addition to the Constitution and the regional ethnic autonomy law, a further 14 laws and regulations all provided for the right of ethnic minorities to use their languages. Traditional written languages, such as Tibetan and Uyghur, were widely used in schools. There were currently more than 3,500 different textbooks and other educational resources in ethnic languages. More than 10,000 schools provided teaching in ethnic languages, covering 29 languages of 21 ethnic groups.

34. The Chinese Government had always attached importance to the development of all the ethnic groups in the country. A strong legal framework protected the rights of ethnic minorities, and all ethnic groups were equal under the Constitution. All forms of oppression or discrimination against ethnic groups were prohibited. The right to participate in political life and State affairs was guaranteed for all ethnic groups. The law ensured that each of the 55 ethnic groups had their own representatives in the National People's Congress, regardless of the size of the group. Members of ethnic minorities, including Tibetans and Uyghurs, were also represented in local government and the judiciary.

35. **Mr. Gastaud** asked whether teachers were properly trained to teach in Tibetan, Uyghur and other minority languages.

36. **Mr. Xiong** Fangliang (China) said that the Compulsory Education Law clearly provided that all children had an equal right to education, and the Chinese Government placed an emphasis on the education of ethnic minority groups. By 2012, the enrolment rate in primary school had reached 99.2 per cent in ethnic minority areas. A comprehensive system ranging from kindergarten to higher education was available in ethnic areas.

The meeting was suspended at 11.40 a.m. and resumed at 11.55 a.m.

Second periodic report of Hong Kong, China (continued) (CRC/C/CHN-HKG/2; CRC/C/CHN-HKG/2/Add.1)

37. **Mr. Lau** Kong-wah (Hong Kong Special Administrative Region of China), referring to the question of ratification of the Optional Protocol on the sale of children, child prostitution and child pornography, said that cases of human trafficking and child prostitution or sexual exploitation were very rare in Hong Kong. The Prevention of Child Pornography Ordinance strengthened protection of children against sexual exploitation and extended the scope of certain sexual offences to include acts committed against children outside Hong Kong, in order to combat child sex tourism. In a recent case before the Hong Kong Court of Appeal, the Court had noted that article 34 of the Convention was applicable in Hong Kong, but that the Optional Protocol on the sale of children, child prostitution and child pornography still was not. Nevertheless, the Court had recognized that in Hong Kong there was no shortage of laws to combat activities involving sexual abuse of children within the territory. In order to target offenders who sexually abused children outside Hong Kong, the Crimes Ordinance gave extraterritorial effect to the provisions on sexual offences. Alleged offenders would be prosecuted if they were permanent residents of Hong Kong or

ordinarily resided in Hong Kong, or if the victim was a child who was a permanent resident or ordinarily resided in Hong Kong. The provisions of the Crimes Ordinance were thus to a certain extent consistent with the requirements of article 4 of the Optional Protocol.

38. The regulator for the broadcasting sector conducted consultations on a regular basis to gauge the public's views on the quality and variety of television programmes, including programmes for children, that were carried on Hong Kong's free television services. One of the free television broadcasters had also established an expert panel comprising education specialists, social workers, doctors and other professionals to advise on the production of children's programmes. To assess the effectiveness of programmes and public service announcements promoting the Convention, their ratings were monitored. For the assessment of other programmes funded by the children's rights education scheme, opinion surveys were conducted among participants, including children and parents, to ensure that they had effectively learned about children's rights through the activities.

39. With regard to children living in inadequate housing in Hong Kong, there was a need to increase the supply of public rental housing. The current plan was to create a total of 79,000 new housing units over the coming five-year period and a further 100,000 units in the next five-year period. In the interim, the authorities would continue to implement measures benefiting children when allocating public rental housing.

40. **Mr. Ip Yam-wing** Stephen (Hong Kong Special Administrative Region of China) said that over the past two years approximately 1,700 teachers had participated in 17 courses, seminars and workshops on children's rights. Some 3,450 teachers had participated in training courses related to child sexual abuse, happy schooling, non-attendance and domestic violence. In the new curriculum recently launched for junior secondary students, one of the core modules was on rights, responsibilities and the rule of law, and it addressed the children's rights set out in the Convention. In a 2009 review by the International Civic and Citizenship Education Study, students in Hong Kong had performed well above the international average in terms of human rights awareness.

41. **Ms. Leung Suet-mui** Betty (Hong Kong Special Administrative Region of China) said that bullying was not tolerated in schools. To ensure safety regardless of ethnicity, a plan had been launched to improve the Chinese language skills of ethnic minorities; efforts were also being made to establish a more systematic programme for teaching Chinese as a second language.

42. **The Chairperson** asked whether the Chinese language was taught to children of ethnic minorities so that they could pass school examinations.

43. **Ms. Leung Suet-mui** Betty (Hong Kong Special Administrative Region of China) said that the curricula were specifically designed to meet target goals.

44. **The Chairperson** inquired whether teachers followed the progress of students.

45. **Ms. Leung Suet-mui** Betty (Hong Kong Special Administrative Region of China) said that lack of knowledge of the Chinese language was not an obstacle to participation in courses. Students belonging to ethnic minorities were eligible for subsidies to help cover examination fees and had a choice as to what examinations they preferred to take. To promote employability and assimilation into the community for students belonging to ethnic minorities, there was also a wide range of courses available in English. Efforts were made to improve and enhance such programmes.

46. **Mr. Ip Yam-wing** Stephen (Hong Kong Special Administrative Region of China) said that the Government had established measures to cater to the needs of cross-boundary students, in particular the youngest ones. School buses were permitted to cross the boundary at restricted control points with facilitated clearance. Consideration was also being given to setting up schools for young children nearer to their homes.

47. The Government provided 12 years of free education: no student would go unschooled for lack of means. In addition, there were a wide range of subsidies covering expenses for such items as textbooks and school lunches.

48. **Ms. Lee Shui-Har Doris** (Hong Kong Special Administrative Region of China) said that no children with disabilities were deprived of a school education owing to a lack of resources. Such children had the same opportunities as did other schoolchildren. Educators were provided with special training so that they could teach disabled children both at regular schools and at special schools.

49. **Mr. Cardona Llorens** said that most disabled children in Hong Kong were reportedly schooled in special educational centres. If that was the case, it would amount to a form of segregation. It would be useful to know how many children attended those centres. He understood that children with lesser disabilities were permitted to attend regular schools. Many more measures needed to be taken to accommodate the needs of such children and to make education more inclusive

50. **Ms. Lee Shui-Har Doris** (Hong Kong Special Administrative Region of China) said that the principle of full inclusion was not practised in Hong Kong. Children with multiple disabilities indeed studied in special schools. Many special needs students, however, attended the regular schools, and supplementary resources were provided for them. Budgetary allocations for disabled children had increased in recent years.

51. **The Chairperson** said that more information would be welcome on the identification of disabled children.

52. **Ms. Lee Shui-Har Doris** (Hong Kong Special Administrative Region of China) said that Hong Kong had in fact been commended for its early identification of disabilities. The delegation would provide additional information subsequently.

53. **The Chairperson** said that, according to reports, the process of identification was unduly long.

54. **Mr. Kotrane** (Country Rapporteur for the Convention) said it was clear that in Hong Kong, as in mainland China children with disabilities were stigmatized and institutionalized, and that they were rarely cared for in the home. What policies were planned to increase the number of such children who could remain in their families?

55. **Ms. Lee Shui-Har Doris** (Hong Kong Special Administrative Region of China) said that the Government was working to reduce the stigmatization and non-integration of disabled children through a multi-departmental approach, in collaboration with NGOs.

56. A committee had been established to vet proposals for the implementation of free kindergartens.

57. **Mr. Ip Yam-wing Stephen** (Hong Kong Special Administrative Region of China) said that children's voices were indeed heard in Hong Kong. Some 17,000 views had been gathered about the reform of the academic system. Teachers collected students' opinions as a means of assessing the needs of schools. Under the new academic system, children were encouraged to participate in NGO and governmental forums. Such experiences were useful for the students when they applied to universities and as references for future employment.

58. **Ms. Yip Siu-ming** (Hong Kong Special Administrative Region of China) said that the Government was committed to preventing child abuse and had established legislation to that end. Amendments to the Domestic Violence Ordinance allowed children to seek protection orders if they were harassed by family members or relatives, and police officers were empowered to initiate child protection proceedings.

59. Corporal punishment was a complex matter, and a public consensus must be sought with regard to the level of corporal punishment that should be considered abuse.
60. **Mr. Cardona Llorens** said that public debate should not be necessary: no level of corporal punishment was acceptable.
61. **Ms. Yip** Siu-ming (Hong Kong Special Administrative Region of China) said that the guidelines on corporal punishment were clear. More public education was necessary.
62. **The Chairperson** said that some countries had found it useful to enact a total ban on corporal punishment with a view to promoting non-violence in families.
63. **Ms. Yip** Siu-ming (Hong Kong Special Administrative Region of China) described the varieties of available childcare and childcare subsidies available in Hong Kong.
64. **Mr. Kotrane** observed that the delegation had not yet discussed refugee children, child labour practices, or children in conflict with the law.
65. **Ms. Cheung** Mei-chu Doris (Hong Kong Special Administrative Region of China) said that women were granted 10 weeks' maternity leave. If health complications arose before, during or after the birth, they were given an additional four weeks. The labour legislation provided comprehensive maternity protection for employees.
66. **Mr. Fung** Pak-ho (Hong Kong Special Administrative Region of China) said that unaccompanied children were not detained unless there were strong reasons for doing so. The situation of each child was assessed and each was released on his or her own recognizance as soon as home care was available.
67. **The Chairperson** asked why unaccompanied children would be detained; was it not possible to provide them with a proper home?
68. **Mr. Fung** Pak-ho (Hong Kong Special Administrative Region of China) said that unaccompanied minors were not detained. However, if there was no one to take care of them, they were held in a supervised care facility until a proper care environment could be found for them. If, pursuant to a certain set of circumstances, a child had to be detained, the child's case was studied by the Social Welfare Department. An unaccompanied minor would receive the same care as a local resident.
69. **The Chairperson** said that more information would be welcome on children living in Hong Kong whose parents were ineligible to reside there, such as, for example, mainland Chinese mothers who had no right to work there and were obliged to return to China regularly to renew their permits to live in Hong Kong. Clarifications on the system of providing one-way permits would also be welcome.
70. **Mr. Fung** Pak-ho (Hong Kong Special Administrative Region of China) said that persons from other parts of China must make applications to reside in Hong Kong. Two-way permits were also available, for the purpose of visiting families.
71. **The Chairperson** said that measures should be taken to ease the strict regulations limiting the ability of families to remain together in Hong Kong.
72. **Mr. Kotrane** asked what shelters were available for unaccompanied children – whether the children were from mainland China, the Democratic People's Republic of Korea, or from Hong Kong. They should not have to hide from the authorities.
73. **The Chairperson** asked whether children were returned to the Democratic People's Republic of Korea without a thorough assessment of their reasons for leaving that country.
74. **Mr. Fung** Pak-ho (Hong Kong Special Administrative Region of China) said that the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or

Punishment had been applicable in Hong Kong since 1992: if a child claimed that he or she faced a risk of torture, the Hong Kong Government was obliged to review that claim.

75. **Ms. Cheung** Mei-chu Doris (Hong Kong Special Administrative Region of China) said that domestic helpers were required to leave Hong Kong at the conclusion of their contracts. They had not come to Hong Kong for the purposes of settling there and therefore were not eligible to stay.

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 (CRC/C/OPAC/CHN/1; CRC/C/OPAC/CHN/Q/1 and Add.1)

76. **Mr. Mezmur** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked whether civil society organizations had participated in the preparation of the report, what the role of the media was in the dissemination of the Optional Protocol, what the legal status of the Optional Protocol was in Chinese domestic legislation and whether the Optional Protocol was applicable as law and could be invoked before the courts. The Committee would also like to know what bodies were responsible for implementing the Optional Protocol, which body was responsible for coordinating its implementation, and what challenges the State party had faced in implementing it.

77. It would be useful to know whether China had planned to raise the minimum age for voluntary recruitment to 18. The Committee understood that the number of young people in China was declining. Was that the reason for the Government's reluctance to raise the applicable age of recruitment? It had been indicated that the age limit for military service could be applied flexibly: did that mean it could be lower?

78. Since there was a low rate of birth certification in China, the Committee wondered how age standards were enforced and how the Government ensured that children were protected against involvement in armed conflict. The State party should provide statistics on the number of children aged 17 and 18 who were recruited into the military. It would be interesting to know if there had been a decrease in the recruitment of 17-year-olds.

79. In what way was the Government of China planning to use its position on the Security Council to promote the implementation of the Optional Protocol on the involvement of children in armed conflict?

The meeting rose at 1 p.m.