



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fortieth session

SUMMARY RECORD OF THE 1064th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 20 September 2005, at 10 a.m.

Chairperson: Mr. DOEK

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

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of China (continued) (CRC/C/83/Add.9; CRC/C/83/Add.9 (Parts I and II); CRC/C/Q/CHN/2; CRC/C/RESP/89; CRC/C/RESP/89 (Parts II and III); HRI/CORE/1/Add.21/Rev.2)

1. At the invitation of the Chairperson, Ms. Albuquerque Ferreira, Mr. Cheng Ya'an, Mr. Costa Oliveira, Mr. dos Santos, Mr. Fisher, Ms. Huang Shu, Ms. Ip, Ms. Jin Chunzi, Mr. Kan, Ms. Lai, Ms. Lao, Ms. Li Jing, Mr. Liang Xiaofeng, Ms. Lin Shuli, Ms. Liu Quan, Mr. Ma Dong, Mr. Sha Zukang, Mr. Sun Jin, Ms. Tian Ni, Ms. Tong, Ms. Tou Wai Fong, Ms. Un, Mr. Wang Gang, Ms. Wang Yan, Mr. Wong, Ms. Michelle Wong, Ms. Wong Fong Iam, Ms. Xia Juan, Mr. Xu Hong, Ms. Yao Ying, Ms. Yeung, Ms. Zhang Lei, Mr. Zhu and Ms. Zhu Yantao (China) resumed places at the Committee table.

2. Mr. KOTRANE requested further information on the State party's measures to prevent child labour, particularly the employment of children in hazardous conditions. He asked whether the Government planned to abolish the use of forced labour for the purposes of re-education, which was in contravention of International Labour Organization (ILO) Conventions No. 29 concerning Forced or Compulsory Labour and No. 105 concerning the Abolition of Forced Labour. Regarding child labour in Macau, he wished to know how the Government defined "required physical capacity". He asked whether the minimum age for employment in hazardous conditions would be increased from 16 to 18 in Hong Kong and Macau.

3. He asked what the minimum marriageable age was for children in Macau. He wished to know whether the Government planned to increase the minimum age of criminal responsibility from age 7 in Hong Kong, and whether measures would be taken to prevent prolonged prison sentences from being handed down to minors in Macau.

4. Ms. KHATTAB asked whether official statistics were being gathered on the number of children involved in rural to urban migration. She expressed concern about discrimination against migrant children in urban areas with regard to access to basic health, education and social services, and asked what measures would be taken to rectify that situation. She wished to know what measures had been taken to protect migrant children against trafficking.

5. She asked what measures were being taken to prevent parents from abandoning children with disabilities, and terminating pregnancies when a disability was detected in the foetus. The representatives of the Hong Kong Special Administrative Region of China should provide statistics on child homicide, suicide and death as a result of abandonment. She wondered whether the Government was taking steps to raise awareness of the importance of the girl child, in order to redress the gender imbalance and reduce female infanticide and abandonment in mainland China.

6. The delegation should provide information on child refugees and asylum-seekers in China. She wished to know whether the human rights guarantees contained in the Convention were extended to non-citizens, refugees and asylum-seekers, whether legislation on compulsory education included migrant children, and whether the 87,000 children of Indo-Chinese refugees,

who had settled permanently in China, would be granted Chinese citizenship. She asked why China's accession to the 1951 Convention relating to the Status of Refugees and its Protocol had not been extended to Hong Kong. She wondered whether measures would be taken to provide social services and access to education and health care for asylum-seekers and refugees in Hong Kong. She wished to know how the Government would address the issue of Chinese women who gave birth in Hong Kong. She requested information on the protection of the rights of refugees and asylum-seekers in Macau.

7. Mr. LIWSKI requested information on the results of China's campaigns to prevent and reduce drug abuse among children, and on the main obstacles to the implementation of those campaigns. He enquired how compulsory rehabilitation for drugs users was provided, and whether it required a judicial order. He asked what measures were being taken to reverse the trend towards increased drug abuse in Hong Kong. He wished to know the outcome of the government study on increasing drug abuse caused by peer pressure, and he wondered whether the study had resulted in any new legislation, strategies or policies on drug prevention and treatment. Further information on drug abuse in Macau should be provided.

8. He asked what measures were being taken to eliminate torture of children by law enforcement officials. The Committee against Torture had expressed concern about the ill-treatment of Tibetans in detention, and he wished to know whether Tibetan children had been victims of such treatment. The delegation should provide further information on allegations of torture of minors and the measures taken to investigate them.

9. Mr. SHA Zukang (China) said that religious freedom was guaranteed by the Constitution. There were five principal religions in China: Buddhism, Taoism, Islam, Roman Catholicism and Protestantism. Religious schools existed for the training of religious teachers, who were permitted to conduct religious activities in places of worship or in the homes of believers. Although Chinese law did not impede children's freedom of religion, legislation provided that no organization or individual could use religion to interfere in public education.

10. His delegation refuted the claim that China was one of the most serious violators of freedom of religion and belief. The government religious affairs offices drafted and implemented policies on religious freedom, and protected the rights and interests of religious groups and teachers.

11. Falun Gong was not a religion but rather an evil cult that was contrary to the interests of humanity and society. Falun Gong preachers had encouraged death in the name of enlightenment, as a result of which many believers, including children, had committed suicide or self-mutilation. The Government was making efforts to assist the victims of Falun Gong, and any Falun Gong preachers who had violated the law were punished accordingly. The Dalai Lama's appointment of the Panchan Lama had been a violation of well-established laws. The boy in question was an ordinary Tibetan child who was living a normal, healthy life in China.

12. China paid particular attention to the protection of refugees, and had acceded to the 1951 Convention relating to the Status of Refugees and its Protocol. A large number of Indo-Chinese refugees had settled in China at the end of the 1970s, and the Government

was currently making efforts, in cooperation with the Office of the United Nations High Commissioner for Refugees, to resettle them. The question of the citizenship of the remaining refugees would not be addressed until the resettlement programme had been completed. In the meantime, they had been granted permanent residence permits, which gave them the same social protection and economic and social rights as Chinese citizens. Their children enjoyed the right to education, health care and social security. China had recently witnessed an influx of illegal economic migrants from the Democratic People's Republic of Korea; those immigrants were not refugees and were therefore not treated as such.

13. The CHAIRPERSON requested further information on religious instruction in schools, and asked whether religious groups were permitted to establish educational institutions. He said that the Panchan Lama had reportedly been taken to China from Tibet against his will and against the will of his parents. China had repeatedly refused the international community's requests to make an independent visit to China to verify the child's living conditions. He urged the delegation to transmit the Committee's concerns in that regard to the Chinese Government.

14. Mr. SHA Zukang (China) said that requests for an independent visit to the Panchan Lama had been refused at the instruction of the child and his family, who did not wish to have their privacy invaded. He would transmit the Committee's concerns to his Government. According to Chinese law, the minimum age of conscription into the armed forces was 18.

15. Ms. WANG Yan (China) said that programmes for the development of women and children had been drafted following the Fourth World Conference on Women, which had been held in Beijing in 1995. The programmes included activities to raise awareness of the importance of the girl child, and measures to prevent discrimination against girls. Sexual determination of foetuses, selective abortion and the abandonment and abuse of the girl child were prohibited by law.

16. Efforts were being made to eliminate discrimination against girls in the areas of health and nutrition, in particular by allocating more resources to health-care services and dispatching task forces to rural areas to provide medicine and food and free medical check-ups for girls. Several educational programmes and awareness-raising campaigns for disadvantaged girls had been conducted in cooperation with the United Nations Children's Fund (UNICEF).

17. Under the law, children had the right to express their views, in particular on issues of concern to them. The Chinese media took an active part in promoting the Convention. Parents and teachers were encouraged to listen to children's views and respect their choices. All government departments had units responsible for children's issues. In order to ensure that the best interests of the child were taken into account when the Government drafted policies, children were invited to participate in special seminars.

18. He acknowledged that child abuse still occurred and that mechanisms to eliminate child abuse must be strengthened. At present, child abuse could be reported to school authorities. In addition, a number of non-governmental organizations (NGOs) provided legal assistance to child victims of abuse, and child abuse hotlines had been set up to facilitate the reporting process. Special centres and shelters had been established for children and women who were victims of domestic violence.

19. The Government had taken steps to ensure that migrant children had access to health services and free compulsory education. Some migrant children attended schools that had been specially established for them; others attended ordinary schools. Special regulations were in place to ensure that migrant children were treated on an equal footing with other children.
20. The CHAIRPERSON requested information on the registration of migrants.
21. Ms. XIA Juan (China) said that, although special measures had been taken to ensure the registration of all migrants, the Government was experiencing difficulties in registering migrants who remained in a particular place for only a brief period of time. According to a survey conducted in nine cities, 90 per cent of migrant children attended school.
22. Mr. MA Dong (China) said that every school had a special committee that enabled children to express their views on matters of concern to them. In addition, children aged 6 and over could join a Young Pioneers group, and children aged 14 and over could join the Communist Youth League. Special groups had also been organized for children who enjoyed reading, drawing and other activities.
23. A number of measures had been taken to ensure respect for children's privacy. Children's letters and diaries were not to be read without their consent. Information on a child's academic performance could be disclosed only to the child and to his or her parents or guardians. Information on a child's physical or mental health was confidential. Over 10 million primary and secondary schoolteachers had taken part in training activities conducted by the Ministry of Education with a view to ensuring respect for the privacy of children.
24. Corporal punishment was prohibited by law. Although there was no legal definition of corporal punishment in Chinese legislation, most people understood what could be classified as corporal punishment. Teachers who resorted to corporal punishment incurred penalties, were dismissed or, in serious cases, were no longer allowed to practise their profession. Persons with a serious criminal record could not become teachers.
25. The Government attached great importance to preventing violence in schools and took steps to raise children's awareness of the various measures to protect them from violence. All reports of violence against children were investigated. Teaching staff who handled such cases inadequately were held accountable. Children who repeatedly committed acts of violence were sent to special correctional institutions.
26. The Ministry of Education made every effort to protect the physical and mental health of schoolchildren. Arbitrary increases in school hours and the workload were forbidden. First- and second-year primary schoolchildren were not given any written homework. Older children could not be given homework that required more than an hour to complete. While parents could enrol their children in extra-curricular activities, they had to ensure that such activities did not adversely affect their children's academic performance.
27. Juvenile court judges had held a number of meetings and seminars with a view to increasing the efficiency of trials. Training courses for juvenile court judges were conducted

every year. International experts in juvenile justice were invited to attend lectures on topics that included the implementation of the Convention, and Chinese judges went to other countries to study juvenile justice practices.

28. Under the Penal Code, persons under the age of 18 could be sentenced to life imprisonment. However, article 17 of the Criminal Code stipulated that minors between the ages of 14 and 18 could receive mitigated sentences. The Protection of Minors Act stipulated that education should be the main method of dealing with juvenile offenders. A life sentence could be reduced to a prison term of 20 years or less. In practice, minors rarely served a prison term of more than 20 years.

29. Ms. VUCKOVIC-SAHOVIC said that the Government should abolish the provision that allowed juvenile offenders to be sentenced to life imprisonment. She wished to know why there had been an increase in the number of juvenile offenders in recent years.

30. Mr. MA Dong (China) said that one of the main reasons for the increase in the number of juvenile offenders was that the Government was endeavouring to provide education and employment for the “floating population”, which included many children.

31. Ms. ZHU Yantao (China) said that a number of laws and regulations on birth registration had been introduced. The police were taking a more active part in the birth registration process. Since 1996, all babies born in hospital were issued medical certificates, which made it easier for parents to register their children.

32. Children were not prohibited from using the Internet. However, the Government was taking steps to protect them from harmful material by removing illegal, pornographic and violent websites and establishing a reporting system for cyber crimes.

33. Under the law, all drug addicts had to undergo compulsory treatment. Those suffering from a minor drug addiction were first treated at home. If that treatment failed, they were sent to special institutions for a maximum period of one year. All special institutions had a unit for minors, and the staff of such institutions included police, doctors and psychologists.

34. In 2003, schools had begun offering courses in drug abuse prevention starting in the fifth grade, and an awareness-raising campaign had been organized by NGOs to warn young people of the dangers of drug use. In 2004, the number of registered drug users had fallen by 15 per cent, and the number of new cases of drug use was decreasing. Nevertheless, China faced a number of challenges in its efforts to deal with juvenile drug abuse: China’s police force was too small, resources were insufficient and the number of medical facilities to treat drug users was inadequate.

35. Ms. ORTIZ asked whether there were special schools for children with behavioural problems and, if so, who took the decision to send children to such schools. She wondered whether such children were separated from their families and communities, and how long they remained in the special schools. The delegation should indicate what types of behaviour warranted placement in special schools, and how many special schools existed.

36. She asked whether child labour still existed in Chinese schools as a means of paying for school tuition.
37. Mr. FILALI said that the Government should take an educational approach to dealing with juvenile drug abuse. He asked whether any educational programmes had been developed for young drug abusers and what kinds of schools conducted them. He enquired whether any studies had been carried out to determine why drug abuse was more prevalent among girls than boys.
38. Mr. KRAPPMANN asked for clarification of the role of student councils in classroom management. He wondered whether the students concerned were involved in disciplining their classmates or whether they represented the opinions of the student body.
39. Mr. ZERMATTEN said that efforts to deal with juvenile delinquents in China and the Hong Kong and Macau special administrative regions should emphasize traditional Chinese methods of conflict resolution, in which conflicts were settled out of court. Juvenile delinquents would benefit more from such an approach than from the current method of systematically depriving them of their liberty.
40. Ms. JIN Chunzi (China) said that the Chinese Constitution and the Regional Ethnic Autonomy Act granted ethnic minorities in Tibet the right to study their own language and culture. The central Government and the Tibet Autonomous Region had taken measures to allow both the Tibetan and Han Chinese languages to be used in Tibet. Bilingual instruction was provided in schools, and textbooks used at the primary and secondary levels were written in Tibetan. Resolutions and laws adopted by the People's Congress of the Tibet Autonomous Region were issued in both Han Chinese and Tibetan, and legal proceedings involving Tibetans were conducted in Tibetan.
41. The central Government fully respected the religious freedom of the Tibetan people. Most Tibetans practised Tibetan Buddhism, which profoundly influenced their culture, lifestyle and philosophy. Since China was a secular State whose legislation provided for the separation of religion and education, public schools did not provide formal religious education. However, a general overview of religious traditions and practices was taught in primary and secondary schools. Traditional religious festivals and activities were held in Tibet without any impediments. Religious organizations were free to establish religious schools in China and could organize extra-curricular activities to disseminate knowledge of their religion.
42. Ms. KHATTAB suggested that it was better to provide religious education as an elective in State schools rather than in religious schools, since the latter sometimes failed to provide objective instruction in certain subjects.
43. Mr. FISHER (Hong Kong Special Administrative Region of China) said that both the judiciary and the legislature in Hong Kong took the principle of the best interests of the child into account. The highest executive authority in Hong Kong was the Executive Council. New policies and initiatives had to be cleared with the various policy bureaux before being submitted to the Council. A human rights unit had been established within the Department of Justice and was responsible for clearing papers relating to human rights, including the rights of the child.

44. Authorities in Hong Kong were currently considering a report on child custody published by the Law Reform Commission, which had recommended that the principle of the best interests of the child should be incorporated in legislation concerning children. Legislation had been enacted in Hong Kong in preparation for the implementation of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. That Convention would enter into force as soon as the ratification process by the central Government was completed. Adoptions in Hong Kong were carried out by court order and based on the recommendations of the Social Welfare Department or the NGOs responsible for children's issues.

45. The Home Affairs Bureau of the Government of the Hong Kong had established a committee to foster racial harmony and had funded a scheme to promote equal opportunities for ethnic minorities. An ethnic minorities forum, composed of representatives from the Government, civil society organizations and ethnic communities, had also been set up. Efforts were currently under way to draft an anti-discrimination bill, which would be submitted to the Legislative Council before the end of 2005.

46. Vocational training courses for children from ethnic minorities were usually offered in Chinese or English. Arrangements could be made to provide an interpreter for small groups of students not fluent in those languages. Although there had been a decrease in funding for certain childcare services, the workloads of the agencies involved had increased. A lengthy period of restructuring, salary cuts and efficiency savings had enabled the agencies to carry out more work using fewer resources.

47. A Law Reform Commission report published in December 2004 on the subject of privacy and media intrusion had recommended the establishment of an independent commission to deal with complaints of infringements of individuals' privacy, and to draft a press privacy code. The Government was currently considering those recommendations; in the meantime, it was dealing with cases of invasion of privacy under existing laws.

48. Hong Kong had adopted legislation to ensure that no distinction was made between children whose parents were married and those whose parents were not. While the word "illegitimate", which had been used in the second periodic report, was a common law concept, it was not usually used in official documents or private conversations. There were no plans to change the practice of including the name of the unmarried father on a child's birth certificate only with his consent, since that practice did not affect the child's right to benefits or maintenance.

49. A number of NGOs in Hong Kong had organized a children's council, which met with the government authorities once a year. There were plans to establish a children's rights forum, composed of children's counsellors, NGOs and government representatives, which would enable children to participate in matters concerning them. Children would propose items for discussion at the children's rights forum, and a secretariat would prepare the corresponding papers. Some of the agenda items proposed by children's counsellors had included education reform and the design of recreational facilities. Young people between the ages of 16 and 24 could participate in district youth councils, which were elected bodies at the district level.

50. The Home Affairs Bureau acted as a contact point for the various religious communities in Hong Kong. A number of private schools in Hong Kong were operated by religious organizations. While the curricula of such schools included religious studies, students were not compelled to adopt any religious beliefs, and children could be excused from religious studies with their parents' permission.

51. Police, social workers and other staff received specialized training to deal with child abuse. Corporal punishment was prohibited in schools and detention centres. While it was not illegal for parents or guardians to use corporal punishment, the Government was conducting voluntary parenting programmes to raise awareness of the harmful effects of such punishment.

52. The density of Hong Kong's population made it impossible to allow unlimited immigration. However, its entry quotas had not been filled over the previous three years. In conjunction with the mainland authorities, the Government planned to ensure that a maximum number of children whose parents had migrated to Hong Kong were reunited with their families.

53. Since education was compulsory until the age of 16, minors had the right to work after that age. The employment of children under 18 in hazardous work was illegal. Hazardous work was defined as industrial activity, working underground and tunnelling.

54. Hong Kong did not currently have an asylum policy. The Office of the United Nations High Commissioner for Refugees processed all requests for asylum and arranged resettlement for applicants who were granted asylum or refugee status. Social security benefits were available only to people who had lived in Hong Kong for over seven years.

55. The use of heroin among young people had decreased, while the use of psychotropic substances such as ketamine and ecstasy was on the rise. The Government was combating that tendency by cracking down on organized crime and conducting campaigns to raise young people's awareness of the dangers of drug abuse.

56. Mr. WONG (Hong Kong Special Administrative Region of China) said that, in response to the Committee's concluding observations, in 2003 the age of criminal responsibility had been raised from 7 to 10. Prosecuting authorities were obliged to prove that minors fully understood the crimes that they had committed before bringing judicial proceedings against them. Hong Kong's prosecution policy clearly stated that the age, maturity and mental capacity of all suspects should be considered before bringing charges. A range of alternatives to judicial proceedings, set out in the Police Superintendents' Discretion Scheme, aimed to prevent minors from reoffending. Juvenile offenders under the age of 16 who were charged appeared before one of five juvenile courts. The setting was informal, and measures were always taken to protect the interests of the child.

Initial report of China under the Optional Protocol on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSA/CHN/1; CRC/C/OPSA/CHN/1/Part II)

57. Ms. LEE asked whether the State party planned to develop a national plan of action against trafficking based on the Stockholm Agenda for Action and the Yokohama Global

Commitment. She wondered why the Ministry of Public Security was responsible for combating trafficking rather than a body that would address the socio-economic aspects of that phenomenon.

58. The reporting State should indicate whether it planned to conduct a study on cross-border trafficking and establish cooperation agreements with neighbouring countries. The data on the number of females abducted at the national level should be clarified. The State party should provide statistics on trafficking in children, disaggregated by gender, province and international border.

59. She requested additional information on proactive measures to prevent sexual exploitation and to provide rehabilitation services to all victims. It was unclear whether the minimum age of sexual consent applied to boys. The reporting State should indicate whether it planned to raise the minimum age of sexual consent.

60. She asked why the Government sometimes chose not to investigate and prosecute nationals who committed offences under the Optional Protocol outside the territory of the State party.

61. Additional information should be provided on the current status of the Prevention of Child Pornography Bill and the Crimes (Amendment) Bill in Hong Kong.

62. Mr. KOTRANE asked what measures the State party had taken to ensure the implementation of the Optional Protocol, particularly article 8, paragraph 1 (c) and (d). It was unclear whether China's definition of the child was in full conformity with the Convention and the Optional Protocol. The reporting State should indicate to what extent current legislation on the extension of Chinese jurisdiction abroad and the extradition of foreign nationals accused of crimes under the Optional Protocol was in line with that instrument.

63. Ms. ORTIZ asked what steps the Government of China had taken to raise awareness among parents and children of the dangers of child pornography on the Internet. She requested further information on judicial proceedings that could be brought against providers of Internet services. She wished to know whether the requirement that Internet service providers should inform the authorities of any illegal material they encountered had proved effective. She requested information on the measures that Hong Kong had taken to prevent child pornography, and on legislation and measures taken by Macau to combat child pornography and protect children against it. It would be useful to know whether the mainland authorities coordinated their efforts with those of Hong Kong and Macau, and whether the State party cooperated at the international level to prevent such crimes.

64. She enquired to what extent the sale of children in the State party was linked to international adoption. If there was a link, the reporting State should indicate what measures were being taken to combat that trend.

The meeting rose at 1.05 p.m.