



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Second periodic report of States parties due in 1997

CHINA* **

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[27 June 2003]

* For the initial periodic report submitted by China, see CRC/C/11/Add.7; for its consideration by the Committee on 28 and 29 May 1996, see CRC/C/SR.298-300 and CRC/C/15/Add.56. The annexes may be consulted in the files of the secretariat.

** This report has not been edited before being submitted for translation.

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**SECOND PERIODIC REPORT OF THE PEOPLE'S REPUBLIC
OF CHINA ON IMPLEMENTATION OF THE CONVENTION
ON THE RIGHTS OF THE CHILD**

Foreword

1. The People's Republic of China hereby submits to the Secretary-General of the United Nations its second periodic report on implementation of the Convention on the Rights of the Child, in accordance with article 44, paragraph 1, of the Convention.
2. This report is in three parts. Part 1 covers the situation and progress of implementation of the Convention in China over the years 1996-2001. Part 2 covers the implementation of the Convention in the Hong Kong Special Administrative Region (SAR), and is written by the Government of the Hong Kong SAR. Part 3 covers the implementation of the Convention in the Macao Special Administrative Region, and is written by the Government of the Macao SAR.
3. This report follows the guidelines for the writing of periodic reports as set out by the Committee on the Rights of the Child. The observations and suggestions of the Committee in respect of China's first report are addressed in the text of the report below.
4. This report has been written in the light of information provided by the various ministries of the Government of China that are concerned with children and by Chinese NGOs, and with contributions from specialists in the relevant domains.

PART 1

1. General measures of implementation (art. 4, art. 42 and art. 44, para. 6)

5. The general census of China conducted in 2000 reported a population under the age of 18 of 345,300,000: roughly 182,600,000 boys and 162,700,000 girls (for detailed statistics, consult Table 1).

6. China has been working for years on legislation to protect the legitimate rights and interests of children and on creating a legal framework for that purpose. In the light of its own national situation, it has consulted the legislation of countries around the world, especially on the protection of the rights and interests of children, and international documents, and has built around its Constitution an extensive range of laws and regulations pertinent to children's survival, protection and development, including the Criminal Code, the Code of Criminal Procedure, the General Principles of Civil Law, the Marriage Act, the Inheritance Act, the Education Act, the Compulsory Education Act, the Protection of the Disabled Act, the Protection of Minors Act, the Regional Ethnic Autonomy Act, the Rights and Interests of Women Act, the Maternal and Infant Health Care Act, the Adoption Act, the Regulations on the Education of the Disabled, and the Standards of Social Welfare Institution for Children. Since the submission of its first report, China has thoroughly considered the Committee's observations and has amended the Criminal Code, the Code of Criminal Procedure, the Adoption Act, the Marriage Act and other laws with provisions that concern the rights and interests of children. It has also enacted new laws, regulations and standards such as the Prevention of Juvenile Delinquency Act, regulations issued by the Supreme People's Court on the handling of criminal cases involving minors, regulations on the handling by people's procuratorates of criminal cases involving minors, regulations on the handling by the public security authorities of delinquency and criminal cases involving minors, and regulations on juvenile correctional facilities (for a list of the principal laws, regulations and ministry rules concerning children's rights and interests, consult Appendix 3). China's laws provide a systematic regulatory framework for the protection of children's rights to life, survival and development, basic health, substitute care and education, and special protections for disabled and minority children, and stipulate penalties for cases of abuse, abandonment or wilful injury of children as well as for such unlawful or criminal acts as the theft, kidnapping, sale or purchase of children. There are relatively complete provisions for the protection of children in China's Constitution, laws, administrative regulations, and the principles of governmental functions, social participation and work, and the corresponding legal responsibilities are set out in each of these areas. It can be clearly seen that the legal structures and social safeguards the Government has put in place for protecting the rights and interests of children have been effectively implemented. This report sets out below the details of these concrete accomplishments.

7. Through a resolution of the permanent arm of China's supreme national authority, the Standing Committee of the National People's Congress, China has ratified the Convention on the Rights of the Child (hereafter, "the Convention"). The principles and stipulations of the Convention are fully reflected in the domestic laws of China, which provide the legal guarantees to protect all the rights children should enjoy.

8. In its review of the first report, the Committee suggested that, in keeping with the Convention, China formulate programmes or development plans to further the rights of children. With reference to general targets for economic and social development and to the 24 global child development targets, China launched in 1992 a “National Programme of Action for Child Development in China in the 1990s” (hereafter, the “Children’s Programme”; see Appendix 2:1), which proposed 10 major targets and 39 supporting targets. This was China’s first national action plan specifically to address children, and the relevant government departments and every province, autonomous region, municipality directly under the Central Government, regional city and almost all county-level cities established corresponding children’s development projects and plans for their implementation. Government departments of education, health and culture, the All-China Youth Federation (ACYF), the All-China Women’s Federation (ACWF), the China Association of Physically Disabled Persons and other groups established a series of plans including the National Education Reform and Development Programme, the 9th Five-Year Plan¹ Programme for Disabled Persons’ Enterprises, the National Outline for IDD Elimination by the Year 2000, the Programme for the Control of Diarrhoeal Diseases, the National Programme for the Prevention of Acute Respiratory Ailments in Children, the National Plan for Improvement in Nutrition, and the National Children’s Cultural and Artistic Development Programme for the 1990s, so as to integrate the targets of the Children’s Programme into the working objectives of these various departments. After ten years of effort, the targets of the Programme have basically been realized.

9. Having achieved this much, China is keenly aware of the problems and difficulties that children’s development still faces. With reference to the Outline for the Tenth Five-Year Plan for the People’s Economic and Social Development, and in keeping with the actual developmental status of children in China, the Government issued the National Children’s Development Programme (2001 – 2010) (hereafter the “new Children’s Programme”; see Appendix 2:2) as a national action directive for children’s work in the new millennium. It set forth national children’s development targets and specific action to be taken for the first 10 years of the twenty-first century in four areas – children and health, children and education, children and the protection of the law, and children and the environment. In its formulation and implementation, the Programme is sure to further the sound growth of China’s children and the continued development of child-centred institutions.

10. In order genuinely to protect children’s rights and interests, the relevant legislative, judicial and governmental departments and various social organizations have set up systems to monitor, implement and promote the healthy development of institutions for the protection of children. These include the Women and Children’s Working Group of the Committee for Internal and Judicial Affairs of the National People’s Congress, the Women’s and Youth Committee of the Chinese People’s Political Consultative Conference and the State Council Working Committee on Women and Children. Meanwhile, the education, health, culture, sports, public security and civil administration departments of the central and regional governments

¹ The 8th Five-Year Plan ran 1991-1995; the 9th Five-Year Plan, 1996-2000; the 10th Five-Year Plan, 2001-2005.

have all set up functional agencies responsible for work with children (these have already been described in detail in the first report and will not be revisited here). Among these, the State Council Working Committee on Women and Children has grown from an initial membership of 19 agencies to 29 now, of which 24 are governmental and five are non-governmental organizations. Nationwide, 31 provinces, autonomous regions and municipalities directly under the Central Government, and 95 per cent of regional and county-level cities, have established agencies working specifically with women and children.

11. While discussing China's first report, the Committee suggested that China strengthen its capacity for the systematic collection of statistics and other data concerning children, a suggestion the Government took to heart. It has established, with reference to scientifically based norms for children's development, a system for monitoring statistical targets, agencies for monitoring and assessment and a system for reporting and review. In addition to producing annual reports, this system makes mid-term and final assessments of children's development which furnish the scientific data for grasping the overall situation, monitoring developmental trends and formulating new programmes. Accordingly, a system for monitoring and assessing the Children's Programme has been set up and progressively perfected nationwide, from the national to the provincial and county/municipal levels. The Central Government has formulated a system of targets for monitoring and assessment, fixed the definitions for these targets, set out the channels, times and frequencies for data collection, and provided training for monitoring personnel at the various levels. Data are collected annually through standardized reporting systems (for instance the networks monitoring child mortality, maternal mortality, birth defects, infectious disease and nutrition). In addition, random surveys targeting certain indicators were conducted in 1995 and 1999 respectively, which served to test the quality of and fill in various gaps in the data collected through regular channels. Since 1994, reports on the status of children's development have been produced annually at the provincial level and quarterly at the national level. By the end of 2000, virtually all counties had started work on monitoring children's development issues, collecting, analyzing and publicizing local relevant data, and many counties had begun to write and submit reports outlining the situation in their areas. These various reports are duly submitted to higher authorities and their substance is made available to the general public through a full range of media, including published reports, news conferences, the broadcast and print media and public bulletin boards. Analysis of, feedback on and the publication of the data in these reports make for swift adjustment of governmental policies and measures and serve to inform social groups and the general public about children's development issues.

12. Since the promulgation of the Children's Programme by the State Council, all levels of government have increased the funding allocated to the realization of its targets. In addition to progressive increases in central government budget allocations for education, health, etc., both the central and local governments have made many specific funding allocations in the cause of children's development. Between 1993 and 2001, funding for compulsory education increased from RMB 33.4 billion to RMB 137.9 billion. Between 1995 and 2000, the central government made special allocations of RMB 3.9 billion in addition to the previously budgeted figures for the development of compulsory education in disadvantaged areas, funds that were matched by RMB 8.6 billion from local governments to make a total of

RMB 12.5 billion. Funding for health care for women and children and for the prevention and cure of infectious diseases increased from RMB 305 million and RMB 1.203 billion respectively in 1990 to RMB 1.046 billion and RMB 3.388 billion in 1999. Between 2000 and 2001, central and local financial administrations allocated RMB 200 million specifically for programmes to reduce maternal mortality rates and the incidence of neonatal tetanus in western areas of the country, while to reinforce the protection of, and strengthen the fight against criminal trafficking in, women and children, the central government specially allocated RMB 115 million. Available figures from some 27 provinces, autonomous regions and municipalities directly under the Central Government show that since 1990, additional spending by provincial and lower levels of government on basic education, maternal and child health care, immunization and monitoring and assessment activities to implement the Children's Programme has exceeded RMB 20 billion. At the same time as China is increasing domestic spending in this area, it is channeling international donations towards children's survival, protection and development. Since 1990, one-third of the average US\$350 million per year that China receives in aid from United Nations agencies and through bilateral agreements with other Governments has been directed towards these children's causes.

13. In 1997 and 1998 respectively, China signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both of which were formally ratified in February 2002. China also actively participated in the drafting of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution And Child Pornography and the Optional Protocol on the Involvement of Children in Armed Conflict, signed these two documents and ratified them in August 2002. Its active participation in and support of international human rights documents clearly demonstrate the country's firm resolution and good faith in the promotion and protection of human rights, in particular the rights of the child.

14. In order to promote international cooperation in the protection of the child, and while working domestically to ensure the survival, protection and development of children, China actively participates in global and regional cooperation and exchange activities. In May 2001, Beijing successfully hosted the Fifth East Asia and Pacific Ministerial Consultation to address children's development problems. The conference served to lay groundwork for the forthcoming Special Session for Children of the United Nations General Assembly, and passed the Beijing Declaration, a document setting out a strategy for children's development issues in the region for the next 10 years. In November 2001, China also hosted in Guangzhou a conference on law enforcement and protection of the rights of children in Europe and Asia that brought together over 240 delegates from 38 countries and 3 international organizations. Discussions Centred on the methods adopted in the various countries to safeguard the rights and interests of women and children in the light of their own experiences, and new features of and patterns in criminal violations of these rights in the era of new information technology and globalization. A consensus was reached with regard to strengthening international cooperation and establishing a system of legal guarantees for the rights and interests of women and children. For many years now, China has also worked very effectively in cooperation with UNICEF, UNESCO and WHO in the domain of child protection, achieving concrete results that are detailed in various parts of this document.

15. The Government takes publicizing the Convention on the Rights of the Child seriously, is constantly working to do so, and provides pertinent training for all types of professional workers. In conjunction with some 31 provincial-level women's and children's working committees, the State Council Working Committee on Women and Children has organized a great number of training sessions for county chiefs and the heads of relevant agencies and groups to familiarize them with the basic principles of the Convention and the rights and interests that children should enjoy, and to require that these principles are respected in the work they undertake and are fully safeguarded. Many social groups and institutions also actively participate in promoting the Convention. For the past few years, media organs from the central to the local level have produced special programmes and editions promoting the Children's Programme and the Convention. These media organs include the central and many regional television stations, the People's Daily, China Woman, China Family Education, China Education News, Chinese Teenagers' News, Learning and Playing and Parents' World. Additional media activities to mobilize the population include training sessions, seminars, opinion surveys, and quiz games. Meanwhile, youngsters are encouraged to participate in poetry, song, painting and summer camp activities on the theme of the Convention that favour the development of a child-Centred social consciousness which promotes respect for and the proper education of children, and the setting of appropriate examples for them in real contexts.

16. China's law enforcement authorities conduct training programmes related to the protection of the rights and interests of children to ensure that law enforcement personnel are fully cognizant of the principles and articles of the Convention. Between 1999 and 2000, the Ministry of Public Security conducted 23 training sessions on the Convention in 18 provinces that were attended by over 1500 persons. The Supreme People's Court offers training for juvenile court judges and other personnel involved in juvenile justice that ensure protection of children's rights. At the local level, courts everywhere organize training sessions of various types related to the Convention on the Rights of the Child so as to strengthen judges' understanding of the protection of children's lawful rights in the execution of justice.

17. Chinese NGOs have also initiated a number of training and publicity programmes associated with the Convention on the Rights of the Child. One is the China Working Committee for the Next Generation (hereafter, the 'Next Generation Committee'), which undertakes cooperation projects with UNICEF including:

(a) Operating, according to the spirit and the letter of the Convention, 'training for trainers' programmes (also known as 'seed training') in 30 provinces and cities, Hong Kong and Macao, attended by 1200 persons to date;

(b) Establishing social mobilization 'demonstration points' for special training at all levels in one province (Fujian), two cities (Shanghai and Tianjin) and one region (the Simao district of Yunnan);

(c) Organizing children's forums promoting the Convention in 7 provinces, 10 cities and the Hong Kong, Macao and Taiwan areas; organizing education seminars on the Convention attended by workers in education and government personnel in related areas in 16 provincial cities; editing and publishing the workbook for Convention studies, "Taking Love into the 21st Century."

Another Chinese NGO, the China National Children's Centre and its 8 affiliated bases (hereafter, the 'Children's Centre and Bases'), introduced the first participatory training sessions on the Convention to China in 1998, in cooperation with UNICEF, the British charity Save the Children and other international organizations. Between 1998 and 2000, the Children's Centre and Bases produced a manual for participatory training on the Convention, and provided training to a great number of 'seed trainers' in different areas, more than a thousand persons in ten separate sessions. The training targeted social and welfare workers, doctors, health care and family planning workers, teachers, judges, lawyers, policemen civil servants, parents and children themselves. In areas of minority concentration, these training sessions were conducted in Mongolian, Uighur, Kazakh and a number of the minority languages of Yunnan. The Children's Centre and Bases have also published storybooks, video and audio recordings and other media materials for use in Convention-related education. In 2001, the Children's Centre and Bases integrated the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) into its training on the Convention on the Rights of the Child, adopting a participatory model in the production of a training manual that constituted a new and complete system of training in children's rights. The Centre also edited a compact booklet comprising all three of these major international documents.

18. China's provinces, cities and autonomous regions have also been publicizing the Convention. In the Xinjiang Uighur Autonomous Region, for instance, the Convention on the Rights of the Child has been fully translated into Uighur, Kazakh and Mongolian, and is available on recordings, in illustrated booklets and informational leaflets. By the end of 2001, training on the principles of the Convention and the protection of children's rights had been provided to 128 cadres in 16 regions across Xinjiang. At the same time, training on the protection of children's rights was provided to some 2,510 county-level cadres in 15 counties across Xinjiang. Trainees included workers from educational committees, and agencies related to women's groups, civil administration, health care, public security, the judiciary, the news media, primary and middle schools, pasturelands and local government.

19. The Government has circulated the Committee's conclusions and observations on the first report among the various government agencies, NGOs and social groups whose work concerns the rights and interests of children, encouraging them to take effective action to promote and further the protection of these rights. In its preparation of this report, the Government enlisted the willing cooperation of government departments at all levels, including justice agencies such as the Supreme People's Court and the Supreme People's Procuratorate, the State Council Working Committee on Women and Children, the Ministry of Foreign Affairs, the Ministry of Education, the State Ethnic Affairs Commission, the Ministry of Public Security, Ministry of Civil Affairs, the Ministry of Justice, the Ministry of Labour and Social Security, the Ministry of the Information Industry, the Ministry of Culture, the Ministry of Health, the State Commission for Population and Family Planning, the State Administration of Radio, Film and Television of China (SARFT), the National Bureau of Statistics, the National News and Publications Administration and the Bureau of Religious Affairs. In addition, a number of academic organizations and NGOs lent their assistance in collecting and compiling comprehensive data and detailed information resources. These included the Chinese Academy of Social Sciences, ACWF, the China Association of Physically Disabled Persons (CAPDP), the

All-China Youth Federation, the Song Qingling Foundation, the Next Generation Committee, and the China National Children's Centre. These agencies and organizations convened a great number of conferences in preparing their contributions and frequently called upon their affiliates to furnish specific material on the implementation of the Convention. These efforts were made to ensure that the writing of this present Report would conform to the Committee's requirements, and amply show that the opinions and suggestions of the Committee have been adhered to.

20. With regard to the Committee's expressed wish that the State party should overcome remaining problems, China attaches great importance to the Committee's suggestions, and the relevant government departments are at present actively engaged in studying such remaining issues in the light of the country's actual situation.

2. Definition of the child (art. 1)

21. Article 2 of the Protection of Minors Act stipulates that "The term 'minors' as used in this Act refers to citizens under the age of 18." This stipulation is consistent with the definition of minors in the Convention, and the 'minors' referred to in Chinese law and in practice correspond to the Convention's references to children.

22. With regard to the age at which persons may seek legal advice without parental consent, in criminal proceedings, courts may only directly consult a defendant 18 years of age or older on matters of penalties and procedural rights; for example, whether one wishes to apply for recusal, to lodge an appeal, etc. In civil and administrative proceedings, in general only persons 18 years of age or older may independently exercise their procedural and substantial rights. One exception is that a child aged 16 years or older who can earn his own livelihood enjoys individual rights in civil and administrative litigation and may, during proceedings, be directly consulted by the court without first obtaining parental consent.

23. With respect to the age of criminal liability and age of eligibility for custodial penalties and capital punishment, the Government has taken into full account the principles and stipulations of the Convention when drafting and amending the law. (With regard to the major revisions to juvenile punishments enacted through amendments to the Criminal Code in 1997, see Part 8, section 3, of this report, "The sentencing of children: prohibition of capital punishment and life imprisonment"). Article 17 of the Criminal Code stipulates, "A person who has reached the age of 16 and who commits a crime shall be held criminally liable. A person aged between 14 and 16 who commits intentional homicide, intentionally hurts another person so as to cause serious injury or death, or commits rape, robbery, drug-trafficking, arson, explosion or poisoning, shall be held criminally liable. A person aged between 14 and 18 who commits a crime shall be given a lighter or mitigated punishment." Article 49 states: "The death penalty shall not be imposed on offenders who were under 18 at the time the crime was committed or on women who are pregnant at the time of trial."

24. With regard to the age at which a person may initiate court proceedings or seek compensation, China's laws stipulate that a juvenile indeed has the lawful right to seek and obtain redress for genuine violations of his person or property, but, not being 18 years of age or

older, a juvenile is considered to not have, or to have restricted, competence and cannot therefore independently exercise this right to litigation. His suit or demand for compensation must therefore be brought before the court by a parent or legal guardian. During proceedings, a child does not have independent procedural rights. If the object of his accusation is his legal guardian, a child may call upon another family member or a social group or organization dedicated to the protection of children's rights to represent him in dealings with the court. Such organizations include the rights-protection department of the All-China Youth Federation, the Women's Federation, or the child's school or neighbourhood. However, a child aged between 16 and 18 who earns his own living may under Chinese law be considered fully competent in civil matters and may independently exercise his right to take legal action, and bring suit or seek compensation in his own right before judicial organs.

25. With regard to the age when compulsory education ends, China has a system of nine years' compulsory education which, according to the Education Act, may not begin before the age of 6. In actual practice, owing to differences in regional conditions, the age at which children begin their education varies nationwide, and the age at which they finish it varies accordingly, usually between 15 and 17. By law, the youngest age at which a worker may be hired is 16, and the great majority of children in China have finished their compulsory education by that age.

26. In addition to the points noted above, the report-writing guidelines also require information regarding other minimum legal ages as stipulated in law. Some such information has been provided in the previous report; other details follow below.

3. Basic Principles

(1) Non-discrimination (art. 2)

27. The information provided in China's first report remains valid.

28. The Constitution of the People's Republic of China confirms the equal status before the law of all citizens, thus providing the highest legal protection to the equal rights children may enjoy in matters of legislation, administration and justice. Concrete provisions of the Protection of Minors Act, the Marriage Act, the Compulsory Education Act and other laws all emphasize the principle of children's equality, and ensure that no child is discriminated against for reasons of language, ethnicity, religion, politics or other prejudice based on gender, property, colour of skin, social status, physical handicap or other factor. The Government of China energetically enforces measures to ensure that the rights of ethnic-minority and handicapped children may be exercised to the highest possible degree and in this way secures their right to equality.

29. China is a land of many ethnic groups, and in order genuinely to realize equality among them the Government has taken action to promote the rapid economic, social and cultural development of minority regions. It has brought roads, railways, electricity, irrigation and other infrastructural improvements to assist economic development and reform and open up minority areas. Thanks to preferential financial policies, local economies have experienced

unprecedented growth that sets a firm foundation for the realization of all the rights of minority children. The Government also strongly supports the development of educational institutions in minority areas and has made supplementary funds and financial assistance available that have significantly increased school enrolment among minority children. China attaches great importance to the protection of minority cultures and traditions and respects their customs and religious beliefs. Schools and other educational institutions in minority areas may teach in the local language or provide a bilingual education. Details of the current situation in this respect may be found in Part 8 of this Report, Children of Minority or Indigenous Groups. China's eighth and ninth reports of October 2000 on the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) may also be consulted.

30. In order to ensure that all children enjoy equal rights to survival, protection, development and participation, the Government of China pays particular attention to the progress of girls, striving to improve conditions for their survival and development and apply the national policy of gender equality comprehensively. The Constitution, the Rights and Interests of Women Act, the Marriage Act and other statutes establish in law the principle of gender equality that is already widely acknowledged in society. At the 1995 Fourth World Conference on Women, China's President Jiang Zemin advanced "the equality of men and women as a basic national policy to promote China's social development." The Programme for the Development of Chinese Women (1995-2000) and the new Children's Programme both clearly stipulate that the "basic national policy of gender equality must be implemented." Educational departments make the protection of girls' equal right to education and the elimination of gender discrimination in education important criteria in their assessment and approval procedures. In order to improve conditions for girls in rural areas China has, in some such areas, instituted a "Plan to Improve the Living Environment for Girls in Rural Areas," which has been very effective in inculcating the notion of gender equality, improving the living environment for girls, improving care for girl infants, ensuring that girl infants receive the same health care services as do boys, and promoting boys' and girls' growing up healthily together.

31. With respect to measures taken to ensure that disabled children do not encounter discrimination in their access to health care, medical and hygienic services, education, and entertainment, see 'Disabled Children' in Part 6, section 1 of this report below.

(2) Best interests of the child (art. 3)

32. The information provided in China's previous report remains valid.

33. That children benefit from the protection of the nation is confirmed in the Constitution. There is no law, from basic laws such as the General Principles of Civil Law and the Criminal Code, to specific statutes such as the Marriage Act, the Education Act and the Inheritance Act, that does not reflect the 'greater rights and interests of the child'. In order to strengthen the protections extended to children, China has also specially enacted the Protection of Minors Act, the Compulsory Education Act, the Prevention of Juvenile Delinquency Act, the Maternal and Infant Health Care Act, the Adoption Act, the Regulations Prohibiting Child Labour, the Standards of Social Welfare Institutions for Children and other statutes that specifically address protections for children.

34. Comprehensive implementation of the Children's Programme has resulted in broad social acknowledgement of the 'children first' principle. All levels of government regard their success in implementation of the Programme as a performance indicator, and have incorporated it into their daily agendas and areas of official responsibility. This is the greatest embodiment of the principle of the best interests of the child.

35. In the administration of justice, China fully implements the principle of the best interests of the child, as many important laws contain special provisions for the protection of children. China provides juveniles who fall foul of the law with education, moral persuasion and guidance, and adheres to the principle of preferring education to punishment. When public security agencies, people's procuratorates and people's courts handle cases involving juvenile offenders, they take fully into account the particular physical and psychological features of young persons, respecting offenders' human dignity and safeguarding their lawful rights and interests.

36. Public security agencies are the country's investigating authorities, and when handling criminal cases involving juveniles they firmly adhere to the principle of the 'best interests of the child'. On the one hand, they resolutely combat criminal activities such as kidnapping, murder and abduction, which violate children's interests. On the other hand, when handling cases of juvenile delinquency, they call upon specialized agencies or professionals, bear in mind the particular physical and psychological features characteristic of young persons, utilize different methods than those used for adults, and require interrogations of juveniles at school not to affect the normal course of their studies. When interrogating juvenile delinquents, they listen patiently and carefully to the accounts or explanations given and aim to provide education and guidance with respect to the young person's concerns, anxiety or conflicting emotions.

37. People's procuratorates are the country's legal supervisory authorities, and when overseeing cases involving juveniles, they firmly adhere to the principle of the 'best interests of the child'. In their duties, which include supervision of interrogations, review of authorizations to arrest, review of charges, support of prosecutions in court, supervision of criminal verdicts and the execution of punishments, and investigating appeals of criminal charges, procuratorates take special measures to ensure the procedural rights of juvenile defendants, thus upholding their lawful and vital rights and interests. When handling juvenile criminal cases, people's procuratorates generally appoint female investigators familiar with the characteristics of young people and adept at ideological work with them. They take into account the physical and psychological characteristics of their young charges throughout the process, and provide education in keeping with their school and family situations, the origins of their criminal infractions and their degree of remorse. In addition, when supervising civil or administrative cases in accordance with the law, people's procuratorates are diligent in supporting appeals or demurrers when juveniles are involved.

38. People's courts are the country's judicial authorities, and when trying cases involving juveniles they firmly adhere to the principle of the 'best interests of the child'. The courts attach great importance to their work in combating criminal activities that seriously infringe the rights and interests of children, and fully protect the procedural rights of juveniles involved in trials so as fully to uphold these legitimate rights and interests. People's courts are diligent in the

prosecution of cases involving grave infringements of children's rights and such violations of their physical integrity as murder, deliberate injury, robbery, kidnapping and abduction. When handling divorce cases that involve maintenance for children, they are guided by a primary concern for the children's physical and psychological well-being and for safeguarding their lawful rights and interests, and base their decisions on the parents' abilities to provide support and their actual situation. When the defendant in a criminal case is a juvenile, trial is held in a juvenile court. All cases involving juvenile defendants between the ages of 14 and 16 are conducted *in camera*. Similarly, most cases involving juvenile defendants between the ages of 16 and 18 are also conducted *in camera*.

39. The Standards of Social Welfare Institutions for Children ratified by the Ministry of Civil Administration came into force nationwide on 1 March 2001. They clearly stipulate the objectives of social welfare institutions for children and the basic services, administration and facilities they are required to provide. They clearly set out standards for nutrition, care, rehabilitation, psychology and education, and lay down detailed regulations governing institutional certification, as well as the numbers of workers, their qualifications, training and responsibilities. At present, all social welfare institutions for children in China strive to conform to the requirements of the Standards and thereby ensure that the best interests of children in these institutions are upheld.

(3) The right to life, survival and development (art. 6)

40. China's Constitution, the General Principles of Civil Law, the Rights and Interests of Women Act, the Protection of Minors Act, the Marriage Act and other statutes clearly stipulate that children enjoy the rights to a healthy life and development, while the Criminal Code and the Code of Criminal Procedure provide similar safeguards. The specific articles of these laws have been discussed in the previous report.

Status of implementation

41. The right to life and health embodies the best interests of the child and is the foundation for the enjoyment of all other rights. China has consistently placed the safeguarding of children's rights to life, survival and development at the head of its efforts to protect the rights and interests of children.

42. The greatest threats to children's lives and health are war and violence. China is opposed to all forms of terrorism and to war, encourages and promotes negotiation as the means of resolving domestic and international disputes, and strives its utmost to ensure that security, peace and solidarity prevail both at home and abroad. This is the best way of ensuring that children can grow up healthily. At the same time, China vigorously combats the abduction and trafficking of children, and protects all children's rights and interests in accordance with the law.

43. China is energetically pursuing economic development so as to provide the material basis which safeguards children's rights to life and survival and ensures the necessary conditions for their development. In 2000, China's GDP reached RMB 8,944.22 billion, a per capita GDP of RMB 7084 which represented a significant increase in per capita disposable income. The great

development of health and medical programmes, and of programmes for women and children, provides effective assurances for the right to a healthy life for infants and indeed for all children. In 2000, there were 565 maternity and child-care hospitals nationwide (with some 39,930 beds), 36 children's hospitals (with 9,835 beds) and another 2,539 maternity and child-care centres. The infant mortality rate and under-5 mortality rate decreased to 32.2 and 39.7 per thousand respectively, thus meeting the developmental targets for the year 2000 set out in the Children's Programme. China places great emphasis on planned immunization and has put in place a quite comprehensive national immunization system, while sanitation and disease-control agencies and personnel have also seen great development. Planned immunization programmes now reach more than 90 per cent of children. Economic development and a rise in standards of living have led to fundamental improvements in children's nutrition, with the under-5 underweight rate being halved between 1990 and 1998, some two years faster than the target set out in the Children's Programme. Wishing to strengthen children's physiques, China also emphasizes the development of physical activities. It has developed a set of exercises for broadcast to infants, and 12 other series of calisthenics that are broadcast to older children. Primary and junior middle schools implement the national standards for physical training, and a great variety of sporting competitions are organized for young persons to develop their physiques and promote healthy development. While ensuring that children grow up healthily, China also strongly promotes the elaboration of educational programmes that allow children to achieve optimal development on the ideological, spiritual and psychological planes.

(4) Respect of the views of the child (art. 12)

44. Many of China's laws and regulations clearly stipulate the right of children to express their personal views, particularly insofar as their own interests are concerned. These include article 12 of the General Principles of Civil Law, article 11 of the Adoption Act, and article 21 of the Marriage Act. The content of these specific laws and regulations has been clearly described in the previous report and will not be repeated here. Similar rules are found in the Regulations of the Supreme People's Court on the handling of criminal cases involving minors, promulgated in 2001.

Status of implementation

45. In their everyday lives, the children of China have many opportunities and means of expressing their personal views and opinions. At school children can express their wishes in many ways and through many channels on matters of relevance to them. Many schools respect children's democratic rights and student cadres are elected by the students themselves. Certain activities are also planned and launched by the students themselves, which allows them fully to enjoy their rights to freedom of expression. In the family, meanwhile, more and more parents are inclined to listen to their children and respect their views and the choices they make.

46. When a child has become involved in judicial proceedings, he may express his personal views without reserve and the judicial authorities will listen carefully to his depositions and arguments. When investigating authorities examine prosecutions of children, they will pay close attention to the views of the children themselves as well as to those of their parents or legal

representatives. When China's courts try cases involving a child, in addition to permitting the child directly to tell his version of events, the child's legal representative will also be required to attend proceedings to assist the child in exercising his rights, to ensure that the child's views are fully expressed and his lawful rights upheld. If a child has no advocate when charged with a crime, the court is required to appoint a lawyer to argue the defence. The child and his legal representative may refuse a particular lawyer, in which case the court must respect their wishes: if the reasons for the refusal are deemed sufficient, the court will appoint a different lawyer for the defence. When parental custody is disputed in divorce cases, the court will hear the opinions of children aged 10 and above and will consider these opinions as decisive factors in its eventual judgment. Minor children have the right to petition a people's court for termination of visiting rights.

47. In adoption proceedings involving a child 10 years of age or older, the child's opinions about the adoption must be taken into account. Only if the child is in agreement may adoption proceed.

48. In recent years, greater importance has been accorded to the right of children to express their views, and the views so expressed have met with increasing respect. With the sponsorship of UNICEF, government departments and NGOs have organized a number of activities aimed at publicizing the Convention on the Rights of the Child. A main feature of these activities has been to make children's rights to participate and express their views better known. At the same time, a number of children's forums have been conducted that, on the one hand, offer an opportunity for children to express their opinions and, on the other, serve to inform adults of the rights children should enjoy. This encourages adults to listen to children's voices and enhances the respect accorded to children's rights of expression. More specific details about these children's forums are presented in Part 4 of this report, under the heading 'Freedom of Speech.'

4. Citizens' rights and freedoms (arts. 7, 8 and 13-17, art. 37, para. 1)

(1) Name and nationality (art. 7)

49. The Government attaches great importance to the protection of children's civil rights and has enacted a series of laws, regulations and departmental rules that safeguard every child's right to a name and nationality. Legislation requiring that all children be registered at birth recognizes their civic identity and guarantees their right to a name, as well as the right to change that name. Relevant laws in this area include the General Principles of Civil Law, the Marriage Act, the Nationality Act, the Household Registration Regulations, the Regulations on Resident Identity Cards, the Regulations on Public Security Administrative Penalties and the rules on the enforcement of the Regulations on Resident Identity Cards.

50. With regard to a child's right to a name, article 99 of the General Principles of Civil Law stipulates: "Citizens shall enjoy the right of personal name and shall be entitled to determine, use or change their personal names in accordance with relevant provisions. Interference with, usurpation of and false representation of personal names shall be prohibited." Article 22 of the Marriage Act states: "Children may adopt either their father's or their mother's surname." Article 18 of the Household Registration Regulations stipulates that, "Citizens who change their

names must do so according to the provisions below: a) Persons under the age of 18 requiring a change of name should apply for the change of registration at a Household Registry Office in person or through their parents or guardians; b) Persons over the age of 18 requiring a change of name should apply for the change of registration at a Household Registry Office in person.” These regulations fully guarantee the rights of the child to a name and the right to change that name. In addition, according to article 120 of the General Principles of Civil Law, should a child’s right to a personal name be infringed, the child (or the child’s legal representative) has the right to require that the ill effects thereof be eliminated; if the right to a personal name has suffered unlawful infringement leading to damage to the victim’s property, the victim has the right to seek compensation.

51. A child obtains Chinese nationality principally in keeping with the provisions of the Nationality Act. This stipulates that: a person who is born in China of parents who are both or of whom one is a Chinese citizen, is a Chinese citizen (article 41); a person who is born outside China of parents who are both or of whom one is a Chinese citizen, is a Chinese citizen. If, however, the person’s parents or one parent resides permanently outside China and, by virtue of being born in another country, the person acquires the citizenship of that country, then that person is not a national of China (article 5). Persons born in China of stateless parents or parents whose nationality is undetermined but who reside in China have Chinese nationality (Article 6). The People’s Republic of China does not acknowledge that a Chinese citizen may have double nationality (article 31).

52. The Household Registration Regulations require that the birth of a child be registered with the Household Registry Office of the locality where the infant permanently resides within one month; registration may be performed by the head of the household, a relative, a guardian or a neighbour. The birth of an abandoned child is to be registered by the person or foundling agency that takes the child into care. In the event that a child dies before its birth is registered, the birth and death are to be registered simultaneously.

53. In previous practice, the births of most children could only be registered in the locality where the mother resided. In July 1998, the State Council issued a “Circular to the Ministry of Public Security concerning the resolution of certain current problems in the administration of household registration,” which confirmed the principle that a newborn child may be registered with the Household Registry Office in the locality of permanent residence of its father or its mother, as may be desired. It also stipulated that, in the case of children who had been originally registered with their mothers but wished to be registered with their fathers as city residents, the problem of city residence should be first resolved, and priority would be given to resolving this before the child reached school age. In September 1998, the Ministry of Public Security formally issued documents implementing the terms of this Circular, and further stipulated that the residence of newborn children, including those born out of wedlock, could be registered in the locality of permanent residence of either the father or the mother, thus ensuring that children born either in or out of wedlock enjoyed an equal right to registration. These measures allow children the right to choose the most advantageous environment to grow up in and also protect the rights of birth registration of children born out of wedlock.

Status of implementation

54. In practice, children in China obtain Chinese nationality at birth with no other procedures involved. Even children born out of wedlock, in so far as they satisfy the requirements of the Nationality Act, automatically obtain Chinese nationality and need undertake no extra procedures. Chinese children who move abroad do not lose their nationality unless they take legal action to renounce their nationality or lawfully become citizens of another country.

55. In its concluding observations on China's first report, the Committee on the Rights of the Child suggested that China consider reviewing the feasibility of its current system of birth registration. The competent authorities have, in accordance with this suggestion, reworked the regulatory framework and put in place a comprehensive, constantly improving network for the administration of birth registrations. Birth registration is handled by the Public Security organs. All such organs, from the Centre to each province, autonomous region, municipality directly under the Central Government, county and city, have established departments specifically dedicated to the administrative tasks in this area. Birth registration offices are located in Public Security police stations or at the peoples' government offices in townships not having a police station. In residential communities, China operates a system of residents' committees or village committees which all have one delegate responsible for household administration affairs, who assists the Household Registry Office in registering new births. China invests a great deal of human, material and financial resources every year to ensure the smooth operation of the registration network described above and thereby ensure that every child is able immediately to benefit from the safeguards that birth registration provides.

56. In order continually to improve the administration of birth registrations, the relevant government organs have adopted modern management procedures, and began in 1986 to introduce a computerized system for the administration of basic population data. After ten years of effort, a national population data management system was basically in place and developing rapidly; by the end of 2001, the number of permanent residents registered on the system, including children, amounted to 1.13 billion.

57. At present, many provinces, cities and autonomous regions permit, in accordance with the State Council and Public Security directives mentioned above, registration of births in the locality of residence of the child's father or mother, and also regularly register births which occur out of wedlock or in excess of family planning norms. These measures were applied during China's 5th National Census of November, 2000, and children born out of wedlock or in excess of family planning norms were duly registered.

58. Even though China has been very active on the subject of birth registration and has been outstandingly effective in many areas, for a variety of reasons, problems persist. These include:

(a) A low level of awareness of birth registration among certain parts of the population, which results in some people not actively carrying out their obligations in this area;

(b) Regional imbalances in the development of the birth registration system. More economically developed regions outstrip their less developed neighbours, and the eastern coastal strip is further advanced than the hinterland to the west;

(c) In certain areas, geographical factors, inadequate transportation facilities, poor information handling or a lack of personnel may prevent births being registered in a timely manner.

59. In order to address these difficulties and problems, the relevant authorities have decided to make greater efforts in the following areas:

(a) Strengthening the regulatory framework for birth registration by adding to the relevant laws and regulations and making more scientific and precise stipulations;

(b) Perfecting the network administering birth registrations, in particular by extending the number of police stations in rural and remote areas over the next few years, and manning them with enough staff to make a real improvement to registration in these areas;

(c) Significantly increasing publicity and public education efforts to increase awareness of birth registration. A number of channels will be employed to stress the importance of, and the law on, birth registration so as to boost public understanding in these areas;

(d) Improving education and training for people employed in birth registration, progressively improving their compliance with the law and the service they provide.

(2) Preservation of identity (art. 8)

60. Many Chinese laws and regulations stipulate the respect for and protection of a child's identity. The General Principles of Civil Law stipulate that citizens have rights to their names, images and reputations and that these rights are protected by law. In the event that any of these rights suffers infringement, the citizen has the further right to demand that the infringement cease, that his reputation be restored and any damage thereto be erased, that due apologies be made, and that compensation be paid as necessary. Article 5 of the Protection of Minors Act stipulates that the State shall protect from infringement the identity, property and other lawful rights and interests of minors. Article 46 stipulates that in the event of an infringement of the legitimate rights and interests of a minor, the victim or his guardian has the right to require the relevant government department to deal with the issue, or to bring suit before a people's court. Article 47 stipulates that anyone who encroaches upon the lawful rights and interests of a minor, causing him or her losses in property or other losses or damage, must compensate for the losses or bear other civil liabilities according to law.

61. In order to protect the identity of citizens, including children, facilitate their participation in social activities and safeguard their lawful rights and interests, household registration and identity card systems are employed in China. In September 1985, the Standing Committee of the National People's Congress enacted regulations on identity cards for residents of the People's Republic of China; and in October 1999, the Ministry of Public Security published, after two revisions, rules on the enforcement of the regulations on residents' identity cards. Article 3 of the regulations stipulates that registration of a resident's identity must include the person's name, gender, nationality, date of birth and address; article 6 of the enforcement rules

stipulates that on reaching the age of 16 citizens must initiate the procedures to obtain an identity card with the Household Registry Office of the locality where their permanent residence is registered.

Status of implementation

62. In actual practice, Household Registry Offices issue residence booklets to every family and establish a permanent residence registration form for every citizen. Identity data recorded on the residence booklet and the permanent residence registration form include residents' names, gender, nationality, date and place of birth, name of guardian, guardian relationship and address, as well as changes to any of these particulars. These documents are of legal effect in proving a person's identity. When the birth of a child is registered, the child is registered as a permanent resident and a specific page for the child is added to the residence booklet. This acknowledges the identity of the child as a citizen of China.

63. In order to facilitate participation by citizens in social activities and to protect their legitimate rights and interests, Household Registry Offices also issue personal identity cards to all citizens resident within the country over the age of 16. All citizens have an identity card number which is printed on the card. As of September 1999, every child in China has been issued an identity card number at birth which is printed on the residence booklet and is used when the child applies for an identity card on reaching 16.

64. China's household registration and identity card systems ensure that every child enjoys a legal identity from birth. In actual practice, there still occur certain situations which arbitrarily or unlawfully deprive children of their identity.

(3) Freedom of expression (art. 13)

65. Article 35 of the Constitution clearly stipulates that, "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration." Chinese children are also citizens and therefore also enjoy these rights as set out in the Constitution.

Status of implementation

66. Children's freedom of speech principally encompasses the rights of a child freely to seek and obtain information and materials beneficial to his physical and mental health, and freely to express his views. Chapter 4 of Part 3, and chapter 7 of Part 4 of this report provide certain information regarding the status of implementation of this right.

67. To facilitate the exercise of children's rights to freedom of expression, China established in June, 2000 the China Children's Expression Centre. The Centre was set up jointly by UNICEF, the China Youth Information Services Network of the All-China Youth Federation (hereafter, the China Youth Net), the News Department of the Chinese Academy of Social Sciences, and the Media and Youth Development Institute. It is based on the China Youth Net and constitutes a national organization for reporting children's news. Children throughout the

country aged 6 to 18 may report and comment on news items on-line, or by email, post or fax, telling their own stories and expressing their own views and perspectives. The China Youth Net is responsible for maintaining the website, and planning and organizing activities related to it. At present, the China Children's Expression Centre has over 300 child reporters and has cultivated some 40 child reporters in areas outside Beijing. The Centre has already run some important activities, such as organizing children's rights training sessions, setting up forums for children's news on the China Youth Net, interviewing children in rural communities and organizing children to express their views, and has achieved many favorable results. The establishment of the Centre has provided children with an arena for the free expression of their views and opinions, and has come to exert an important effect in encouraging adults and society at large to listen to children's voices and to respect their freedom of expression.

68. In order to publicize the Convention and the rights they enjoy under it among children, and to provide children with an arena for the expression of their wishes, various government departments and NGOs have organized a number of children's forums. In July and August, 2000, the Next Generation Committee and UNICEF hosted a children's forum on the Convention on the Rights of the Child in the city of Yantai in Shandong Province. More than 100 children, teachers, parents and childcare workers from provinces, autonomous regions and cities across China, as well as from Hong Kong, Macao and Taiwan took part in the event which, presenting the Convention in a number of formats, gave children the opportunity to express their own views and feelings and broadened channels of communication among children, parents and educators. At its conclusion, the forum issued a proposal calling on all children to join in publicizing and upholding the Convention, calling on schools and families to create favorable environments for children to grow up in, and calling upon society at large to implement the Convention in its entirety.

69. In anticipation of the upcoming Fifth East Asia and Pacific Ministerial Consultation and the Special Session of the United Nations General Assembly on Children, the All-China Women's Federation led a group of 12 agencies including the Ministry of Education, the State Ethnic Affairs Commission, the Ministry of Civil Affairs and the China Association of Physically Disabled Persons in organizing the First All-China Children's Forum in Beijing, from 7 to 9 July 2001, around the theme "We have our own rights." Some 60 child delegates attended, coming from 12 provinces, regions and cities, and representing 13 different nationalities and social groups, including disabled children, orphans, wayward children, and children from single-parent families. The entire course of the forum, from deciding an agenda to formulating a final report, and from organizing activities to choosing representatives, was handled by the children themselves, the first time such an event has occurred in China. The forum used a model of games mixed with discussions to enliven the atmosphere at the site and to encourage interaction among the children. The children delivered their opinions freely and with verve, discussing aspects of contemporary life and what the future might hold in store for them. Topics included quality education, dropping out, concern for the education and health care of disadvantaged, vagrant, orphaned and disabled children, the physical and psychological problems that arise through accidental injury, food hygiene and nutrition, the environment and other issues of widespread concern. Other topics of a more sensitive nature were touched upon as well, including precocious love affairs and on-line safety for Internet users. In the report

produced at the end of the forum, children expressed their belief that school, the family and society are the three most important elements in a child's growing-up, and called upon schools to show concern for children's psychological problems, upon parents to improve communication with their children, and upon society to ensure that children have a healthy environment in which to grow to adulthood. The forum also launched the China Children's Participation Action Plan, and elected child delegates to the first Asia-Pacific Children's Forum to be held in Thailand, the second Asia-Pacific Children's Forum to be held in Laos, the East Asia and Pacific Ministerial Consultation on Children's Development to be held in Beijing, the Preparatory Meeting for the Special Session of the United Nations General Assembly on Children to be held in New York, and the Special Session itself.

70. From 13 to 17 May 2001, the Next Generation Committee organized a forum for rural children on the Convention on the Rights of the Child. The forum was attended by children from rural areas of Beijing and Shaanxi Province, as well as researchers in children's rights issues. Their discussions of the Convention served to raise the children's awareness of their own roles in participation and in upholding their rights. Children specially called upon parents to respect children's views and to treat children equally so as to give them the space in which to develop freely.

71. The Qingdao branch of the Shandong Chapter of the China National Children's Centre conducted a training programme for children on the terms of the Convention, after which the children produced some 200 painted banners promoting the Convention. The China National Children's Centre also participated in multi-stage seminars on children's rights organized by UNICEF and the Song Qingling Foundation. The children invited, who represented poor urban families, vagrants, the blind and the deaf, showed their enthusiasm for the cause by working together to produce a booklet and some graphic materials directed at children and adults alike that advocated the rights of the child. The China National Children's Centre has also set up a website that provides Chinese children with an on-line forum for the expression of their views, and has cooperated with the media and commercial institutions to produce a series of 365 televised puppet shows, *Full-Care School*.

72. China publishes a great quantity of literature specifically for children every year, including newspapers and magazines directed at children of various ages. These include *Infant Pictorial*, *Children's Pictorial*, *Chinese Children's News*, *Chinese Teenagers News*, *Junior High News* and *Xiao Zhu Ren Bao*. Children have the opportunity to publish their own writings and express their personal views in journals of this type, as well as to raise questions with and make suggestions to their editors. Some of these periodicals host advice columns for their young readers and employ experts to answer the queries children raise, thus enabling children freely to express their opinions. *Xiao Zhu Ren Bao*, for instance, is China's first periodical to engage children under the age of 15 in its production - conducting interviews, doing illustrations, providing photographs and editing feature articles. At its highest, circulation reached 1 million copies, the highest circulation for a children's paper in the world. The editor-in-chief, contributing editors and reporters at *Xiao Zhu Ren Bao* are all under the age of 15 and all obtained their positions through a process of democratic selection. The journal's layout, editorial themes, et cetera are all decided upon by the children, and the young reporters

range far and wide to report on issues of concern to their peers, conducting interviews with national leaders, important international visitors and model workers, as well as everyday citizens, students, teachers and parents. Children in China may also publish their own works, submit articles to newspapers and magazines and start up their own journals on school campuses, thus fully exercising their rights to freedom of expression.

(4) Freedom of thought, conscience and religion (art. 14)

73. The freedom of conscience and religion of China's citizens is protected by the Constitution and in legislation. The legal safeguards China provides for citizens' rights to freedom of religious belief are basically consistent with the spirit and main provisions of international agreements and the Convention. The freedom of religion or conscience provided for in the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action represent a basic human right. That citizens have freedom of choice of religion or belief and that no one should be discriminated against because of his religion or beliefs, that people are free to worship and assemble for religious purposes and to establish and maintain places for that end, to produce and circulate religious and conscience-based publications, to observe religious festivals and to conduct religious ceremonies according to the rules of a religion or belief, and are entitled to promote and protect the members, ethnicity, religions and languages of minority peoples - these and other related rights are all explicitly enshrined in legislation in China, and are duly exercised.

74. The Constitution stipulates that the freedom of religion and conscience is a basic citizens' right. Article 36 states, "Citizens of the People's Republic of China enjoy freedom of religious belief. No State organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The State protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the State. Religious bodies and religious affairs are not subject to any foreign domination."

75. China's Regional Ethnic Autonomy Act, General Principles of Civil Law, Education Act, Labour Act, Compulsory Education Act, People's Congresses (Election) Act, Village Committees Organization Act, Advertising Act and other legislation also stipulate that:

(a) Citizens enjoy equal opportunity of education under the law regardless of their religious beliefs;

(b) The people of all nationalities should mutually and reciprocally respect the language, script, customs, traditions and religious beliefs of others;

(c) Citizens may not be discriminated against in the field of employment because of differing religious beliefs; and,

(d) Advertising and trademarks may not contain any discriminatory elements with regard to nationalities or religions.

76. The Government has promulgated regulations on managing places for religious activities in order to uphold the legitimate rights and interests of such places. The regulations stipulate that places of religious activity are to be managed by the appropriate organizing body; that the legitimate rights and interests of the place must be given due legal protection, as must the regular religious activities conducted there, and that no organization or individual may infringe or interfere with them. Any such infringement of the legitimate rights and interests of a place of religious activity renders the culprit legally liable.

77. The Government has also issued regulations governing the religious activities of foreign nationals within China, which respect the freedom of religious belief of foreign nationals in China and protect friendly interaction and cultural exchange between foreigners and Chinese in the religious arena. Foreign nationals may participate in religious activities in places of religious activity within China, and may also bring into China for their own use printed materials, recorded audiovisual materials and other items related to their religion. It is also stipulated that foreigners conducting religious activities in China must abide by the laws and regulations of China.

78. China clearly stipulates penalties and punishments for behaviour that infringes upon citizens' rights to freedom of religion and conscience. Article 251 of the Criminal Code, for instance, states: "Any functionary of a State organ who unlawfully deprives a citizen of his or her freedom of religious belief or infringes upon the customs and habits of an ethnic group shall, if the circumstances are serious, be sentenced to up to two years' imprisonment or detention."

Status of implementation

79. China is a land of many religions, and counts followers of Buddhism, Daoism, Islam, Roman Catholicism and Protestantism among its population. Citizens of China are free to choose and express their own religious beliefs and to express their religious identity. Available figures show that China has more than 100 million followers of various religions, some 85,000 places of religious activity, some 300,000 religious teachers and administrators and more than 3,000 religious groups. These groups maintain 74 establishments for the training of religious teachers and administrators. The normal religious activities that these religious teachers engage in, like the normal activities of the faithful both at places of worship and in their own homes, are all regulated by the religious groups and their adherents themselves. They are under the protection of the law and interference from any quarter is prohibited. The Government similarly protects the rights to freedom of religion and conscience of Chinese members of other religions.

80. Certain institutes of higher learning and research offer programmes in religious education and research. Institutes operated by the various religions offer the specialized teaching required by the religion in question to train the teachers and administrators it may need.

81. The Government attaches great importance to the protection of the rights of freedom of religion and conscience of China's minority nationalities. The Regional Ethnic Autonomy Act states, "The organs of self-government of autonomous regions shall guarantee the freedom of

religion and conscience of citizens of all nationalities.” In recent years, the Government has vigorously promoted the economic, cultural, educational and other advancement of ethnic minority regions. While striving to improve material standards of living for all ethnic groups, including followers of religions, it has been especially careful to respect the religious beliefs of such minorities and protect their cultural heritage. Extensive work has been undertaken to survey, collect, categorize, study and publish the cultural and religious heritage and ethnic art forms of these minorities. China has invested heavily in the repair and maintenance of temples and religious sites of important cultural and historical value in minority areas.

82. Since the 1980s, China has made specific allocations in excess of RMB 300 million for repair and restoration of religious sites in Tibet, including the Potala Palace, Jokhang Temple, Tashi Lhunpo Monastery and Samyue Temple. The Government has also provided funding support for the compilation and publication of the Pali Canon and other important classics of Buddhism in Tibetan, and has supported the establishment of the High-Level Tibetan Buddhism College of China and the Tibetan Buddhist Institute, in Beijing and Lhasa respectively. Tibet is currently home to more than 1,700 Buddhist centres and more than 46,000 people live in monasteries as monks or nuns. Large numbers of people engaging in Buddhist pursuits can be seen all across Tibet, as their freedom of religious belief is accorded the respect and protection it deserves.

83. The Government of China also respects and protects the freedom of religious belief of Muslims as well as their customs and traditions. Since the 1980s, some 40,000 Muslim faithful have made the pilgrimage to Mecca. There are at present some 23,000 mosques in Xinjiang and 29,000 persons engaged in religious instruction and administration, serving the needs of believers living according to their religion. The Government also fully respects the dietary habits and burial practices of ethnic minorities of the Islamic faith, and has formulated regulations for the production of halal foods and provided Muslim burial grounds.

84. In terms of judicial safeguards, China’s Ministry of Justice has tried a number of cases in recent years involving serious harm done to the feelings of religious believers in violation of the nation’s laws, and meted out due punishment to the offenders. In terms of administrative safeguards, all levels of government in China have established religious affairs offices to supervise the application of laws and regulations on religion, and to apply and enforce policy on freedom of religion and conscience.

85. The people’s congresses, organs which exercise the people’s rights at all levels, and the political consultative conferences, which play an important role in the nation’s political and social life, oversee the execution of policies with regard to religious freedoms and the enforcement of related laws. Some 17,000 members of religious groups are delegates to the various levels of these congresses and conferences.

(5) Freedom of peaceful assembly and of association (art. 15)

86. The provisions of Article 35 of the Constitution regarding the people’s freedoms of expression, the press, assembly, association, procession and demonstration apply also to juveniles.

87. Article 17 of the Protection of Minors Act states, “Collective activities organized by schools and kindergartens for minor students and children, such as taking part in rallies, recreational activities and social practices, shall be conducive to the sound growth of minors; accidents endangering personal safety shall be prevented.”

Status of implementation

88. As children are physically and psychologically still at a developmental stage, their freedoms of assembly and association are most often reflected in their everyday lives in the various activities they join in through shared interest. No individual or organization is permitted to interfere in children’s normal activities.

89. The State, schools and relevant social groups provide assistance and support in many ways to a great variety of social activities for children. In addition, the State supports active participation by children in appropriate social activities, encouraging them through these to continually strengthen their understanding of China’s national situation and the responsibilities they bear.

90. A youth group called the Young Pioneers is active throughout China, in primary and junior middle schools and in communities. Schools have three levels of brigade for older, younger and small children, and the brigade members choose their own leaders by election. Most organize Young Pioneer activities outside of class time and on holidays. In junior middle schools, students themselves set up student councils and organize their own elections for council leaders. As a means of enriching students’ lives outside the classroom, junior middle and primary schools across the nation organize a great variety of clubs for students with special interests. These may include choirs, musical and dance groups, hand-weaving, calligraphy, painting, science and other small groups that students are free to join voluntarily.

(6) Protection of privacy (art. 16)

91. Every child’s right to privacy is protected by law. Articles 38, 39 and 40 of the Constitution, articles 101 and 102 of the General Principles of Civil Law, and articles 30, 31 and 32 of the Protection of Minors Act all make detailed provision for the protection of children’s right to privacy. Specific details of the statutes just mentioned have been provided in our previous report and will not be repeated here.

92. The Prevention of Juvenile Delinquency Act enacted in 1999 again reaffirmed respect for and protection of children’s right to privacy in the judicial process and in media reports. Article 45 states: “In trying criminal cases involving juvenile defendants, people’s courts shall constitute a juvenile court consisting of judges and people’s jurors familiar with the particular physical and psychological characteristics of minors. All cases involving juvenile defendants between the ages of 14 and 16 shall be conducted *in camera*. Most cases involving juvenile defendants between the ages of 16 and 18 shall also be conducted *in camera*. In cases of juvenile delinquency, news reports, television programmes and freely-available publications may not reveal the juvenile defendant’s name or address, or show a picture or any other information that may lead to the defendant’s name being inferred.”

Status of implementation

93. Recent legislation and the continuing publicity given to the protection of children's rights have led to the gradual recognition among government administrators, workers in judicial organs and in education, parents and other family members, of children's rights to privacy, to make friends and to correspond with others. In schools, teachers respects students' right to privacy and strictly abide by the provisions of relevant laws and regulations. They do not open students' letters, do not reveal students' confidential matters and refrain from forcing students to tell what they wish to keep secret. In the home, many parents respect the human dignity of their children and, respecting the rights to privacy they should enjoy, refrain from opening their mail, reading their diaries without permission or secretly inspecting their personal belongings in order to discover their private affairs.

94. In order fully to protect the reputation of juveniles involved in judicial proceedings, people's procuratorates handling such cases do not reveal or otherwise make public the juvenile defendant's name or address, or show a picture or any other information that may lead to the defendant's name being inferred. When issuing indictments they will, having first solicited the agreement of the juvenile and his or her legal representative, generally refrain from calling upon juvenile witnesses or victims to testify in court.

95. China's courts have established special juvenile courts for trials of juvenile defendants in criminal cases. All criminal cases involving juvenile defendants are conducted *in camera*. The judges appointed to hear such cases are familiar with the special physical and psychological characteristics of young persons. They are able to maintain an equable attitude in court and do not attempt to coerce defendants into confessions. Criminal cases involving juvenile defendants are not generally publicly reported. If events do require public reporting, the juvenile's name must be kept secret, and pictures or any other information that may lead to his name being inferred may not be revealed. In addition, the records of criminal cases involving juvenile defendants may not be broadcast or otherwise made public.

96. In summary, children's rights of privacy are ever more widely acknowledged in China, although there do remain individual parents whose understanding of these rights is insufficient and who do not fully respect them. Nonetheless, as the publicity China gives to this cause increases and China's engagement and cooperation with other countries around the world deepens, this sort of phenomenon should gradually improve and children's rights to privacy will receive greater respect and protection.

(7) Access to information (art. 17)

97. Article 24 of the Protection of Minors Act states that, "The State shall encourage units of the press, publication, broadcasting, film and television, art and literature, and writers, scientists, artists and other citizens, to create or provide works beneficial to the sound growth of minors. The State shall support the publication of books, newspapers, magazines and audio-visual products specially catering to minors.

98. In October 1991, the State Council issued an opinion on certain problems regarding the creation of a favorable environment for the sound growth of children to the State Education Commission and other relevant departments. Article 3 of this document stipulates that: "All departments producing news publications, television broadcasts or cultural, educational, technical or other materials of a spiritual nature must strive to provide better spiritual nourishment for primary and middle-school children." Article 4 states, "Rectification of the cultural marketplace must continue, and the composition, production, publishing, circulation, sale, broadcast and rental of books, images or recordings harmful to minors must be strictly prohibited."

99. Article 25 of the Protection of Minors Act stipulates, "It shall be strictly prohibited for any organization or individual to sell, rent, or disseminate by any other means to minors, books, newspapers, magazines or audio-visual products depicting pornography, violence, wanton killing or horror that are pernicious to minors."

100. Articles 30, 31 and 32 of the Prevention of Juvenile Delinquency Act clearly stipulate that publications, broadcasts, movies, television programmes and Internet content directed at minors may not contain any material liable to harm minors' physical or psychological health. Articles 52, 53 and 54 prescribe punishment for infractions of these regulations.

101. In July 1998 the State Administration of Radio, Film and Television issued a circular concerning the "dissemination in broadcast and television programmes of information conducive to protecting the physical and mental health of young persons", which set out restrictions on the violence, sexual content, coarse language and other materials injurious to healthy growth in such programming. In addition, the Regulations on Broadcasting and Television Administration and the Motion Picture Regulations clearly prohibit the production, broadcast, circulation, screening, import or export of programmes or films advocating obscene behaviour, superstition or exaggerated violence.

102. In order to strengthen stewardship of the Internet, particularly with respect to network and data security, government departments have put in place a range of laws, regulations and rules. These include a Resolution of the Standing Committee of the National People's Congress on Internet security, interim provisions on the regulation of computer networks and the Internet, the Regulations on Telecommunications, procedures for the management of Internet information services, regulations on the management of Internet electronic bulletin board services, interim provisions for the management of Internet news providers, and procedures for the management of Internet access providers. These various laws, administrative statutes, regulations and documents contain provisions clearly prohibiting the publication or broadcast on the Internet of materials of a pornographic, violent or obscene nature. As such, they serve to protect children from exposure to harmful information.

Status of implementation

103. The Government attaches great importance to children's rights of access to suitable information, and encourages and supports television broadcast agencies' and news publishers' creation, broadcasting and publication of reading and audiovisual material for children that is conducive to their sound growth. In recent years, this effort has advanced considerably.

104. In line with the spirit of article 29 of the Convention, and as a means of supporting the efforts of educational departments, television broadcast agencies have produced many educational programmes aimed at improving young viewers' general knowledge. The China Central Television (CCTV) programme "Focus Interview", for instance, has presented a special show, 'For Children, For the Future' that has featured middle schools students from Harbin in Heilongjiang Province attending a winter training camp to boost their will-power and stamina, and the children's "I Can Do It" activities at Beijing's Guangming Primary School, as examples to young viewers of the importance in life of physical training, enhancing life skills and cultivating fortitude. The Central People's Radio news programme *Xinwen Zongheng* has produced six seasons of the children's series "Talking about Boosting Personal Qualities for Youth" which emphasize the necessity of improving oneself and offer guidance on doing so.

105. Television broadcast agencies have done a great deal of work in the area of informing children of the law and improving children's knowledge of the legal system. In January 1999, the Central People's Radio initiated a new programme, "A New Legal World" which focused upon providing young persons with a general knowledge of the law. It broadcasts a great many reports aimed at preventing juvenile delinquency and strengthening young people's grasp of legal concepts. Central People's Radio also produces a major broadcast series entitled, "Learning, Knowing and Abiding by the Law" which has been very well received by the public, in particular by young persons. CCTV has produced a special programme, "For Tomorrow – Perspectives on Preventing Juvenile Delinquency" as well as special reports drawn from visits to reform schools, and the family and social reasons that led their young inmates there. These programmes have certainly been effective in preventing juvenile delinquency.

106. Television and broadcast agencies have produced and presented a great number of programmes attractive to young children, such as the Central People's Radio features 'Little Trumpet' and 'Star Torch', and CCTV's 'Great Windmill' and "Children of the East". The content of these programmes suits the mental and physical developmental needs of young children, and, through easily accessible presentation formats, provides information that enriches children's lives, stimulates their thinking and broadens their vision. They are very popular. All the news media also report widely on young people's extra-curricular educational activities, programming that prompts interest and concern for youth among parents and society at large.

107. China is consistent in attaching great importance to the production and importation of video products for children, creating, for example, such outstanding series as 'Seasons of Flowers, Seasons of Rain' and 'Precious Lotus Lamp' that are widely popular and well-loved by the young. China thus promotes the thriving development of children's video programmes to satisfy strong demand. In the field of cinema, meanwhile, the State encourages the production of films for children with a system of incentives including RMB 500,000 grants and the Calf Award prizes for outstanding films. Between 1998 and 2001 alone, some 33 children's stories and another 13 fine-arts topics were made into films. As for television drama series, China has consistently favoured productions with children's themes and the same 3-year period saw some 323 episodes of 35 series created and brought to the screen by national television.

108. China also imports high-quality movies, art films and animated television programmes every year to satisfy demand among the young. In 2000, for example, 3 art films and some 590 episodes from 12 animated series, and in 2001, 2 art films and 879 episodes of 23 animated series, were imported.

109. China's news and publishing agencies also attach great importance to the production of reading material for children. By the end of 2000, China was home to more than 30 publishing houses specializing in works for children, and at least 30 literary publishers and 10 fine arts publishers with divisions devoted to works for children and youth. Another three regional people's publishing concerns with divisions for young children bring the total of persons working in this industry to 4,000. By the end of 2001, some 7,004 publications for children were available, with 229 million copies in circulation. At present, news and publishing agencies edit and publish a great number of excellent books every year that reflect the spirit of the age and encourage children to strive to do their best. Similarly, a great number of newspapers, magazines and recorded and electronic materials are produced for children and young people in general that encourage and support them in their endeavours. At the end of 2000, some 150 periodicals for young children were being published nationwide with an average print run of 24 million copies and some 288 million copies printed in total. There were 74 major children's newspapers with a comparatively large circulation nationwide.

110. In order to ensure that children obtain healthy and beneficial information, the Government and relevant agencies firmly combat publications, recordings and electronic materials with content featuring exaggerated violence, sex, gambling, horror and the like. Campaigns against obscene or pornographic material and unlawful publications strengthen the fight against all types of unhealthy cultural products and products illegally imported or copied. This helps to keep the cultural marketplace clean and preserves children from unhealthy influences, thus furthering the protection of their rights and interests.

111. China's news and publishing agencies encourage publication of reading material for children in the languages of the country's minority nationalities, and offer prizes for outstanding works. Through foundations established for minority publishing activities, moreover, great support is provided to publishing in these languages. China also views with importance the creation, production and import of audiovisual material for children in minority languages. Between 1998 and June 2002, some 23 films, one television drama and 212 episodes of animated series were produced or translated for children using minority languages.

(8) The right to not be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37, para. 1)

112. Legislation such as the Criminal Code, the Code of Criminal Procedure, the Prisons Act, the People's Procuratorates Act, the Police Act and the Judiciary Act all prohibit torture and stipulate that torture and other cruel, inhuman or degrading treatment or punishment are punishable offences. Chinese citizens may, under the relevant legal provisions, publicly condemn, sue or criticize any State official who engages in any unlawful acts including torture. If a State agency or functionary, in an abuse of authority, engages in an act, including torture,

that violates a citizen's right to physical integrity or any other right, the victim may, in accordance with the relevant legislative provisions, seek compensation. Provisions to this end are contained in the Constitution, the State Compensation Act, the Administrative Suits Act, the People's Procuratorates Act and others.

113. In recent years China has made significant strides in establishing legislation to ban torture. For example, the basic premise of "government by law" has been written into the Constitution and revisions made to the Criminal Code and Code of Criminal Procedure that have resulted in reforms in a number of important institutional systems. Progress has also been made in formulating rules requiring the judicial organs to follow legally established procedures in the collection of evidence and prohibiting the use of such illegal methods as the use of torture to extract confessions and collect evidence. This has afforded genuine protection in preventing and punishing the use of torture and promoting impartiality in the administration of justice.

114. In addition to domestic legislation, China's judiciary and executive departments have also promulgated a series of regulations and rules to prevent and prohibit acts of torture. The State Council issued regulations on the use of police instruments and weapons by the People's Police and regulations on the supervision of public security forces in 1996 and 1997 respectively. China's judicial organs have drafted such texts as rules for public security authorities and the People's Police on the investigation and determination of responsibility for torts; methods for the provision of compensation by organs for the administration of justice and compensation; measures for investigating and determining responsibility for torts by people's procuratorates (provisional edition); and methods for the investigation and determination of responsibility by people's courts in criminal trials (provisional edition). All these regulations and rules provide guidance and safeguards for law enforcement bodies in the impartial performance of their duties under the law.

115. To ensure that children are not subjected to torture or other cruel, inhuman or degrading treatment, China's judicial organs have formulated specific measures for dealing with cases involving minors; these include regulations for the handling of delinquency and criminal cases involving minors by the public security authorities, regulations on the handling of criminal cases involving minors by people's procuratorates and Supreme People's Court regulations on the handling of criminal cases involving minors. These normative texts contain special provisions to ensure that the legitimate rights and interests of juveniles are safeguarded and juveniles are not subjected to any physical or psychological harm. For example, when the public security organs and people's procuratorates interrogate juvenile criminal suspects, they are in principle not allowed to use weapons. If it is demonstrated that a real danger exists and the use of weapons is required, such use must cease as soon as the danger has been minimized. When a people's procuratorate reviews and approves an arrest or reviews and decides to prosecute in a juvenile criminal case, it must simultaneously look into the actions of the public security organs during their investigation to determine whether or not they were consistent with the law. If any of the following has occurred, the people's procuratorate must issue an opinion as to whether the action constituted a crime and, pursuant to the law, investigate and attribute criminal responsibility: illegal coercive measures used on a juvenile criminal suspect, or unwarranted coercion used; a juvenile criminal suspect not held or detained separately from adult criminal suspects, as required by law; a juvenile criminal suspect, after being placed in criminal detention or arrested, not interrogated or allowed to contact a legal representative or family members within the time

limit prescribed by law; a juvenile criminal suspect threatened, subjected to ill-treatment, humiliated, forced to march about in public or to make a confession under torture or through entrapment; a minor deliberately used to build a wrong, false or erroneous case; a minor victim or witness forced to produce evidence by means of entrapment or other illegal devices, or the human dignity, right to privacy or other legitimate interests of minor victim or witness violated; time limits governing detention and the processing of cases not respected; public security organs not respecting a decision not to authorize arrest or a *nolle prosequi* decision; or other incident during an investigation that may violate a minor's legitimate interests. People's procuratorates reinforce supervision of the security, health and hygiene conditions and living environment in facilities where minors are detained and ensure that the facility supervisors maintain order in matters of schooling, work and daily life. If it is found that the law-enforcement authorities are the source of any problems for a juvenile offender -- ill-treatment, humiliation, forced confession, forced labour in breach of regulations, illegal use of weapons, inappropriate confinement or failure to release upon completion of sentence -- the people's procuratorate must by law immediately redress them; if the actions in question are found to constitute a crime, they must be investigated and responsibility attributed, in accordance with the law.

116. Chinese legislation also provides that prisons and juvenile correctional facilities must strictly uphold the legitimate rights of offenders and scrupulously prevent any offenders from being subjected to torture or other inhumane treatment. Article 7, paragraph 1, of the Prisons Act stipulates that "a prisoner's human dignity shall not be humiliated, and his personal safety, lawful property and rights to defence, petition, complaint and accusation as well as other rights of which he has not been deprived or which have not been restricted under the law shall not be violated". China has also put in place an education-based system for juvenile offenders. In accordance with article 75 of the Prisons Act and regulation 43 of the Regulations on Juvenile Correctional Facilities, any criminal punishment imposed in respect of juvenile offenders shall have education and reform as its basis. Any labour performed by juvenile offenders must be tailored to the particular characteristics of minors and have as its basis the acquisition of literacy and productive skills. Juvenile correctional facilities must establish educational, work and recreational facilities suitable for minors as necessary. Work assignments for juvenile offenders may not exceed 4 hours a day or 24 hours a week; juvenile offenders under the age of 16 must not participate in productive labour. In work details for juvenile offenders, such matters as the type of work, labour intensity and protective measures must comply strictly with the relevant national provisions; juvenile offenders may not be assigned to any unduly burdensome labour or dangerous activities, nor to work off the detention facility grounds.

Status of implementation

117. The Government of China has consistently opposed and prohibited torture and other cruel, inhuman or degrading treatment or punishment and has adopted effective legislative, administrative, judicial and other measures to prevent and punish State officials, especially members of the judiciary, who carry out acts of torture or other cruel, inhuman or degrading treatment or punishment. Since becoming a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988, China has conscientiously fulfilled its obligations: in May 1999 it submitted its third periodic report on implementation of the Convention to the Committee against Torture and received the Committee's observations. The Committee commended the Chinese Government for its unstinting efforts to prevent torture.

118. Because of the great importance the Chinese Government attaches to the matter and the unstinting efforts it has made in this area, the number of cases of torture of criminals has fallen sharply with each passing year. If China has not experienced any instances involving the torture of children, one reason is that the Government attaches great importance to protecting the rights of children; in the process of enforcing the law, the relevant judicial organs strictly comply with the provisions of the relevant laws and regulations. Another reason is that the Government has in recent years expanded its capacity for investigating and prosecuting torture and has improved its supervisory and control mechanisms; it has also stepped up efforts to publicize the law, increasing citizens' awareness of safeguards for their legitimate rights, so that if torture does occur, the victims (including children and their representatives) can exercise all their rights under the law and bring complaints or lawsuits or demand compensation. In recent years, the Government has sought to strengthen legal propaganda throughout society and promote public awareness, using such means as publications and the news media to disseminate international human rights instruments, including the Convention against Torture, and providing the public with legal advice and assistance, increasing citizens' use of legal procedures to protect their legitimate rights and interests, with all of society working together to prevent and combat the crime of torture.

119. The Chinese Government also attaches importance to all rights of offenders, including juvenile offenders. Not only does the law clearly set out the rights enjoyed by criminals, but in practice strict measures have also been adopted with a view to effective supervision and monitoring, ensuring that those rights are implemented, and preventing and punishing any action that might infringe them. For example, in order to guarantee the legitimate rights of juvenile offenders and prevent torture, China's juvenile correctional facilities have adopted the following measures:

(a) Persistent efforts are being made to ensure that correctional facilities and the police operate in accordance with the law; strict legislative and regulatory norms govern the actions of police officers and, by means of a comprehensive regulatory framework and rigorous civilized, scientific management, police officers are prevented from verbally abusing juvenile offenders or inflicting corporal punishment on them. Any ill-treatment among juvenile offenders is likewise prevented;

(b) The pace of construction and modernization of civilized juvenile correctional facilities is being stepped up and the development of hardware and software for juvenile correctional facilities is being strengthened;

(c) An "opening up" process is in progress, involving sweeping moves to eradicate all sorts of serious breaches of law and discipline in law enforcement. In practice, when juvenile correctional facilities reduce the sentences of juvenile offenders, place the offenders on parole or release them on bail to obtain medical treatment, the Prisons Act and the relevant laws and regulations are strictly observed. In accordance with rules and procedures, strict investigations are conducted at all levels and dealt with in accordance with the law. The transparency of working methods is being increased and officials are aware that their actions are subject to scrutiny by the relevant departments and by juvenile offenders themselves and their family members;

(d) Local procuratorates are establishing permanent inspection offices at each juvenile correctional facility to supervise and investigate law enforcement in prisons and protect the legitimate rights and interests of juvenile offenders;

(e) High-level departments are strengthening their capacity to monitor and oversee law enforcement, and will take immediate steps to rectify such erroneous tendencies in this area as are identified.

120. China's law enforcement authorities have tightened up the instruction provided to law enforcement personnel. Each department has prepared a law enforcement handbook which contains not only the relevant national legislation and regulations but also the texts of such international instruments as the Convention against Torture, the Universal Declaration of Human Rights and the Standard Minimum Rules for the Treatment of Prisoners. All law enforcement personnel are urged to seriously study and implement them. Each department has also started training courses for law enforcement personnel; in 1999 the entire Chinese penal system offered a total of 4,470 classes, and 280,000 members of personnel were trained.

121. The education and training of child labourers will be discussed in another chapter of this report. With regard to China's efforts to prohibit torture, the progress made in that area and legislation aimed at preventing torture, reference is made to the third periodic report which the Chinese Government submitted to the Committee against Torture in May 1995 on China's efforts to implement the Convention against Torture.

5. The family environment and substitute care (art. 5, art. 18, paras. 1 and 2, arts. 9-11, arts. 19-21, art. 25, art. 27, para. 4, art. 39)

(1) Parental guidance (art. 5)

122. The Protection of Minors Act confirms the responsibilities of parents or other guardians to educate minors using suitable, ideologically and ethically sound methods. The Children's Programme also sets out targets for education in the home. In 1996, the ACWF and the State Education Commission jointly issued the Ninth 5-Year Plan Programme for Education Work in the Home, a guiding opinion on the work of parents' schools nationwide, standards for the conduct of parents in education and other documents to guide and promote education in the home.

Status of implementation

123. In order to encourage parents or guardians to provide children with effective guidance and education, the State pays particular attention to ensuring that appropriate assistance is put at their disposal. Education in the home, or family education, forms an important part of ACWF work with children at all levels, and the Federation plays a leading role in imparting knowledge about and methods for the scientific education of children to communities and parents. In 1989, ACWF, in conjunction with the Ministry of Education, the Ministry of Health, the All-China Youth Federation, the Next Generation Committee and relevant agencies and

specialists, founded the China Association for Education in the Home. At present, there are some 30 provincial-level associations or research bodies for family education, which have done a great deal of research and social-service work in this area. Institutions for research on in-home education have been established in all provinces, cities and counties, while guidance groups have been set up in many communities, villages and towns. With residents' committees also operating family education information stations, the necessary work is being done at all levels of society.

124. Parents' schools of a variety of types have worked to establish effective channels for disseminating knowledge about family education, enhancing parents' educational levels, improving in-home teaching methods and encouraging coordination among schools, parents and the community. These initiatives include community schools for parents, for newlyweds, for expectant mothers, for the parents of primary- and middle-school students, for parents of displaced children, for households headed by the grandparent generation, for parents in special-needs families, and for parents of children in the floating population. According to available figures, there are currently some 320,000 schools of various types for parents nationwide, a considerable number of which operate under the auspices of ordinary schools and kindergartens.

125. The work of publicizing family education has broken away from outdated models based on simple slogans, mottos, posters and the like, and widened the range and extent of channels used. The State Council Working Committee on Women and Children, for example, has produced and distributed free of charge a series of 'life-skills for mothers and children' videos addressing issues of maternal safety, child nutrition, child hygiene and health care, eliminating iodine deficiency, improved methods of water supply and human-waste disposal et cetera. These videos have been broadcast on national and provincial television networks nationwide. China has also constituted the China Association for Family Education, an organization that groups expert academics from family-education institutions with groups and volunteers working in the various areas of education in the home in a national, non-profit academic body. The principal duties of the Association are:

1. To conduct family education and related research work so as to provide theoretical guidance for the practice of family education;
2. By a variety of means and channels to circulate sound knowledge of family education and assist parents in establishing correct educational concepts;
3. To ascertain the prevailing status of family education, and compile and pool experience and progressive models;
4. To develop and supply information about in-home education, and promote related domestic and international exchanges;
5. To commend leading individuals and groups who have made significant contributions in the field of family education.

Each edition of the magazine of the China Association for Family Education, 'China Family Education', is published in more than 100,000 copies, and the Association has also produced the handbooks, "What Every Modern Parent Should Know" and the "Family Guide to Better Births, Nurturing and Education" to provide guidance in family education nationwide. A number of other news agencies also devote columns to family education, and regularly publish information of interest in this field. Meanwhile, magazine and book publishers produce books and periodicals addressing family education issues, such as the monthlies 'Indispensable News for Parents', 'Parents' World' and 'Indispensable News for Young Mothers'. For its part, the Next Generation Committee has produced a series of six books for the benefit of rural parents. Titles in this collection, 'Raising Children Scientifically in Rural China', include: Prevention and Treatment of Neonatal Tetanus; Preventing Pneumonia in Babies and Young Children; Feeding Babies and Young Children; Prevention and Treatment of Common Injuries among Rural Children; Self-Care for Pregnant Women at Home; and a Self-Care Manual for Pregnant Women at Home. These books have been provided free of charge to certain rural villages and are being progressively introduced to a wider rural readership so as to provide mother-and-infant care workers and women in general with the scientific knowledge to take charge of health care in the home. In addition, many of China's provinces, cities and regions make the most of modern media methods to disseminate information of value in family education. Jiangsu Province, for example, operates a televised parents' school that appears at peak time on the education channel and broadcasts information about child-rearing and educational theory to strengthen family education campaigns addressing parents. For 11 years now, Sichuan Province has been broadcasting parents' school classes that have been followed by over 14 million listeners, or some 75 per cent of parents of children aged 0 to 14. Special television and radio programmes addressing family education have also been produced and broadcast in other provinces and cities.

126. In short, through the concerted efforts of all society, the cause of family education in China has made significant strides. General trends are: a strengthening of family education work across the country, leading to the complete implementation of the Ninth 5-Year Plan Programme for Family Education; comprehensive provision of family education guidance and consulting services; universal dissemination of knowledge and methods for scientific family education that have markedly enhanced the standards of family education provided by parents; and an ever-more apparent coordination of family education efforts by schools, society and families, as well as community administration of this important work.

(2) Parental responsibilities (art. 18, paras. 1 and 2)

127. Article 16 of the General Principles of Civil Law states: "The parents of a minor shall be his guardians." Article 18 states: "A guardian shall fulfil his duty of guardianship and protect the person, property and other lawful rights and interests of his ward."

128. Article 21 of the Marriage Act states: "Parents shall have the duty to bring up and educate their children. If parents fail to perform their duty, children who are minors or are not capable of living on their own shall have the right to demand the costs of upbringing from their parents." Article 23 states: "Parents shall have the right and duty to discipline and protect their minor children. If minor children cause damage to the State, the collective or individuals, their

parents shall bear the civil liability thus incurred.” Article 25 states: “Children born out of wedlock shall enjoy the same rights as children born in wedlock. No person may harm or discriminate against them. The father of a child born out of wedlock, or the natural mother, shall bear part or the whole of the child's living and educational expenses until the child can support himself or herself.”

129. Article 11 of the Compulsory Education Act stipulates that: “When children have reached school age, their parents or guardians shall send them to school to receive compulsory education for the prescribed number of years. If, on account of illness or other special circumstances, school-age children need to postpone enrolment or be exempted from schooling, their parents or guardians shall submit an application to that effect to the local people's government for approval.”

130. The Prevention of Juvenile Delinquency Act stipulates clearly and in detail the responsibilities of parents. Articles 10, 15, 16, 17, 18, 19 and 20 separately mandate parental responsibility for ensuring that children receive the compulsory education stipulated by law, and education in crime prevention. They also require parents to teach their children not to smoke, consume alcohol or fail to return home at night, or, in the case of children under the age of 16, to leave home and live independently. Parents are similarly constrained from neglecting their children and letting them run free, or otherwise abandoning their responsibilities of guardianship. Articles 21 and 22 stipulate that parents who have separated may not on those grounds neglect their duties with regard to their children's upbringing, and that step-parents or foster parents must fulfil their due parental responsibilities towards their step- or foster children. Chapter 7 of the Act specifies penalties for parents and responsible parties who fail in their parental responsibilities.

131. The Criminal Code stipulates that anyone who refuses to fulfil his duty to support an aged person, minor, sick person or any other person who cannot live independently shall, if the circumstances are flagrant, be sentenced to up to five years' imprisonment, detention or public surveillance.

132. The Protection of Minors Act also contains provisions regarding the responsibilities of parents. These were discussed in detail in the previous report.

Status of implementation

133. Chinese laws and regulations clearly set out the responsibilities of parents and ensure that both parents share common responsibility for the upbringing and education of their children. In practice, under the influence of national traditions, family relations in Chinese society tend to be relatively close, and in everyday life parents do fulfil their obligations not only to support their children, but to educate them also. In general, and when conditions permit, the duty of support Chinese parents accept with regard to their children continues until the children are able to earn their own living. If parents or other legal guardians are unwilling to fulfil their legal duties and shirk their obligation to support their children, their minor children, including any illegitimate, step- or foster children, may petition a people's court to require that the parents or guardians pay for their support. Courts support this type of petition.

134. With regard to the current status of efforts to ensure the development of institutions, facilities and services for children's education, please refer to Part 6, Chapter 3, "Social security and child-care services and facilities."

(3) Separation from parents (art. 9)

135. The overwhelming majority of children in China live with their parents or other legal guardians. The relationship between children and their parents does not alter because of changes in the parents' marital circumstances. Article 36 of the Marriage Act stipulates that, "The relationship between parents and children shall not come to an end with the parents' divorce. After divorce, whether the children are put in the custody of the father or the mother, they shall remain the children of both parents. After divorce, both parents shall still have the right and duty to bring up and educate their children ... a child who is separated from one or both parents has the right to maintain relations with his or her parents on a regular basis." Article 38 of the Marriage Act stipulates that, "After divorce, the parent who is not directly raising a child or children shall have visiting rights with that child or children, and the other party shall be obliged to cooperate in this regard. ... Should such visits by the father or mother be unfavorable to the physical or mental health of the child, the visitation rights may be terminated by a people's court. When the reasons for such termination have been dispelled, the visiting rights should be restored."

136. The laws of China expressly prohibit the abuse of a child by its parents or other guardians. The custodial rights of a parent or guardian who fails to fulfil his or her due obligations or infringes the legitimate rights and interests of the child ward may, failing redress through education, be revoked. In such an event, another guardian shall be appointed. The laws and regulations relevant to this procedure are addressed in detail in Part 5, Chapter 10, "Prohibition of abuse, maltreatment and neglect, and physical and psychological recovery and social reintegration."

137. The rights and the duties inherent within the relationship between children and their parents or guardians are protected by law. Only in the two situations described below can a people's court, in response to the petition of a concerned party and after due investigation, rule to revoke the custodial rights of a guardian and thereby change the relationship. One is if a guardian does not fulfil his or her obligations of guardianship. The second is if a guardian infringes the legitimate rights and interests of the child by, for example, violating the child's property or abusing the child.

138. When people's courts deal with divorce cases that involve maintenance for children, they are guided by a primary concern for the health and well-being of these young persons and safeguarding their lawful rights and interests, and base their decisions on the parents' actual situation and their abilities to provide support. Children under the age of two in general live with their mothers, except in situations where this is precluded by the mother's illness, or where the child could live with the mother but the mother does not fulfil her due obligations of support. In situations where both parents of children above the age of two request custody, the decision taken will be the one most advantageous to the sound growth and physical and mental health of the child or children. In cases involving a child above the age of 10, the child's own opinion on the matter is taken into account.

139. In the event that parents are separated from their children due to detention or arrest for violation of the law, provisions of the Code of Criminal Procedure require that the public security organs that detained or arrested the suspect should inform the work unit or family of the detainee within 24 hours of the reasons for and place of the detention, unless they cannot be traced or contacted. The Supreme People's Court, the Supreme People's Procuratorate, and the Ministry of Public Security have all enacted internal regulations regarding case procedure which address this issue. Articles 108 and 125 of the regulations on the handling of criminal cases stipulate that after a detention or arrest, a notice of detention or notice of arrest shall be issued within 24 hours and forwarded to the detainee's family or work unit.

(4) Family reunification (art. 10)

140. The information provided in China's previous report remains valid.

141. When the Government of China is providing judicial assistance to or is involved in extradition proceedings with another country, it automatically takes into consideration the reunification of children with their fathers or mothers, and when a child makes a request in this respect, will provide active assistance to facilitate such reunification.

(5) Recovery of maintenance for the child (art. 27, para. 4)

142. Article 37 of the Marriage Act states: "If, after divorce, one parent has been given custody of a child, the other parent shall bear part or the whole of the child's necessary living and educational expenses. The two parents shall seek agreement regarding the amount and duration of such payment. If they fail to reach an agreement, the people's court shall make a judgment. The agreement or court judgment on the payment of a child's living and educational expenses shall not prevent the child from making a reasonable request, when necessary, to either parent for an amount that exceeds what was decided upon in the said agreement or judgment."

143. In July, 2000, the Supreme People's Court issued regulations on the provision of judicial assistance to parties in economic hardship, which refined the system of judicial assistance by providing minors petitioning the court for maintenance, or in similar circumstances, with a suspension of, or reduction in, or exemption from court fees. Should the amount of maintenance payable decreed by the court be insufficient, and children petition the court for an increase, the court will rule in favour of such an increase. In the event of refusal to comply with the rulings of a court on the provision of maintenance, the court may enforce payments so as to ensure that the child's ordinary needs are met. Between 1996 and the end of 2001, people's courts changed guardianship arrangements in 275 civil cases, and stipulated increases in maintenance in 2,894 cases.

(6) Children deprived of their family environment (art. 20)

144. The Government of China employs various methods to address problems in the raising of orphaned, handicapped or abandoned children. Some children are taken in as wards of the State to be raised until adulthood in collective institutions established by the State or public welfare bodies. Life-long support is provided to children who are severely handicapped, whether

mentally or physically. Other children are placed in foster homes in the community, under the guardianship of welfare institutions, while others are legally adopted by families, both domestically and abroad. In addition, there are some 10,000 community organizations throughout the country providing services to orphaned or handicapped children, including rehabilitation centres, classes for the mentally weak and foster stations for the handicapped. There are also now more than 100 charitable social welfare institutions operated by individuals or work units.

145. The social welfare institutions responsible for raising orphaned, handicapped or abandoned children include for the most part children's welfare homes, Children's Villages, children's divisions of social welfare institutes and other social welfare agencies. At the end of 2001, there were 160 children's welfare homes nationwide besides 400 social welfare institutes with children's divisions, together sheltering more than 50,000 orphaned, handicapped or abandoned children, most below the age of 14. There are at present nine SOS Children's Villages in China (in the cities of Tianjin, Qiqiha'er, Chengdu, Kaifeng, Nanchang, Yantai, Futian, Lhasa and Urumqi) that are home to more than 900 orphans. At the same time as collective arrangements for orphaned, handicapped or abandoned children have been developed over recent years by social welfare agencies, agencies of the Ministry of Civil Affairs have actively explored new avenues in the placement of orphans in private homes as foster or semi-foster children. Placing children in foster homes involves children's welfare homes' identifying in their local area or other localities families with a reasonably good standard of living and experience in child care who are willing to take in a child to raise and care for it on the agency's behalf. The welfare agency signs an agreement with the foster family to cover, according to specific standards, the necessary living and associated expenses for the child. The agency retains the rights of guardianship, and the period of foster care is stipulated in the agreement. 'Semi-fostering' refers to arrangements whereby families, individuals or work units volunteer to support children (any number) residing in a welfare home through lump-sum or regular annual or monthly donations, and to invite the children to their homes on weekends and holidays. Again, the agency retains the rights of guardianship. In practice, these various fostering arrangements are of benefit to the sound growth of the children concerned, allowing them to enjoy the warmth of a family environment and facilitating their integration into society.

146. The principal sources of funding for social welfare institutions working with orphans and infants are the central and regional governments, supported to a certain degree by donations. The Ministry of Civil Affairs has established the China Charity Federation, the Office for Assisted Studies, and the Office for Medical Assistance, organizations which have raised large amounts of capital to help provide the thousands of orphans in institutional care throughout China with education and medical attention. According to available figures, between 1996 and 1999, a programme sponsored by the Ministry of Civil Affairs provided some RMB 20 million to fund 2,937 rehabilitative surgery operations to 2,689 handicapped children. This programme, which specifically aims to help handicapped children in welfare institutions overcome their disabilities, continues today with the active support of the Ministry of Health and the assistance of various international charitable organizations.

147. In recent years the Government has increased its support for children's welfare institutions through additional funding, and has undertaken some very effective work in this regard. In 1997, the Ministry of Civil Affairs, the National Development and Reform

Commission, the Ministry of Finance and two other agencies jointly issued a circular on further development of welfare institutions for orphaned and disabled children which required that by 2010, China should have basically achieved the establishment in all regional-level cities of a children's welfare institution fully capable of arranging foster care, medical treatment, rehabilitation and education. In February 2000, a circular on accelerated realization of socialized social welfare, issued by the working office of the State Council on behalf of the Ministry of Civil Affairs, the National Development and Reform Commission and nine other agencies, reiterated the Government's commitment to supporting, and continuing to increase funding for, children's welfare institutions. Another decision of the Government with regard to funding for these institutions has been to utilize funds raised through channels other than direct grants, such as the State Lottery, which allows further investments to be made.

148. The Ministry of Civil Affairs attaches great importance to improving basic conditions in children's welfare homes, aiming to provide the children they shelter with a full array of child-care, rehabilitative and educational services so as to ensure their basic rights and interests. The guiding principles of these institutions are thus to raise, to cure and to educate in an integrated fashion. In March 2001, the Ministry of Civil Affairs began to apply the standards governing social welfare institutions for children, which set out detailed requirements for the nourishment, care, rehabilitation, psychological care and education of children in such institutions, and set benchmarks for facilities, equipment, numbers of workers required, etc.

149. At present, all social welfare institutions for children in China strive to conform to the standards, in particular children's welfare homes. These focus on caring for their wards in the light of the special developmental issues that set them apart from regular children. They provide dormitory services, life-skills guidance teachers and balanced nutrition, in addition to promoting sports, exercise and early learning opportunities and caring for the children's physical and psychological development. In particular, they work very hard to help children overcome psychological trauma and develop healthy mental states, with the result that the great majority of the children in care are very satisfied with the homes they live in. Children's welfare homes also pay great attention to restoring the physical health of children who come into their care, and aspire to provide the most extensive possible treatment to children suffering from grave illness or congenital disabilities. At the same time, medical attention and health care are available for the physically sound children in the home. At present, the great majority of children's welfare homes are attended by doctors, therapists and nutritionists, and are equipped with specific rooms for medical treatment, physical therapy and emergency care, in-patient rooms, laboratories and pharmacies, thus allowing timely provision of medical services to the children. The homes also operate health care systems for the healthy, equipped with all the necessary medical facilities to provide everyday care, treatment and nutrition and ensure the prevention of disease. In view of the great variety of children residing in welfare homes, the education the homes provide is also of a special nature: the complete educational curriculum, from pre-school through to primary and middle school, is available in a range of formats to children who are sound of body and mind, as well as to the mentally retarded and the physically disabled. Children's welfare homes adopt different methods for the different children they take into care. For infants and young children, basic child-care is the priority, so as to ensure a healthy foundation for pre-school education and the mental and physical conditions for sound growth. School-age children sound of body and

mind are given a suitable education and upbringing; they attend nine years of compulsory education and those with good prospects are offered opportunities for further skills development. Special education is provided for disabled children, depending on their particular circumstances. Every effort is made, for example, to send blind or deaf children who are sound of mind to the special schools that exist for the blind and deaf. Children who are sound of mind but suffer a physical disability are taught in the home itself, and receive the same instruction as is offered in regular schools or kindergartens. Children with mental disabilities are given a simplified cultural and life-skills education consistent with the severity of their condition. These various efforts have achieved excellent results. At present, mortality rates among children in care in social welfare institutions are broadly similar to rates among children living in their own family homes.

150. In its observations on China's first report, the Committee recommended that China improve the training provided to staff in welfare institutions. The Government of China believes that to improve the training of staff in children's welfare institutions and thereby upgrade the skills they bring to their work of care is an important step in improving the quality of welfare services provided to children. Accordingly, children's welfare homes recruit graduates of technical schools and institutes to join their ranks with a view to progressively improving the knowledge structure and professionalism of institutional staff. The proportion of staff with professional skills employed in children's welfare homes at present exceeds 40 per cent, and civil administration authorities are actively engaged in running training programmes for the staff of these institutions. On the one hand, educational institutions are directed to run training programmes, while on the other, an array of social resources is drawn on for training purposes. Since 1998, for example, the Ministry of Civil Administration directed the Civil Administration Institute to set up a certification course in children's welfare, which several hundred graduates have completed in the five courses run to date. In addition to State-level initiatives, provincial and regional children's welfare institutions also offer training to institutional staff, community volunteers and parents, reaching some 80 per cent of persons targeted.

(7) Adoption (art. 21)

151. In its concluding observations on China's first report, the Committee suggested that China review its legislation on adoption in the light of the principles and provisions of the Convention, notably those of Articles 20 and 21, so as to evaluate the effectiveness of national legislation in facilitating domestic adoption. The Government attaches the utmost importance to the Committee's suggestions, and over the next few years conducted a thorough review of the laws and regulations that address adoption. The Adoption Act has been amended and a range of new regulations has been enacted. China now has a relatively comprehensive legal system for handling adoption issues, one which, reflecting the principle of 'the best interests of the child' effectively safeguards the rights and interests of adopted children.

152. By a resolution passed on 4 November 1998, the Standing Committee of the National People's Congress made the necessary amendments to the Adoption Act. The changes in the amended Act are as follows:

153. (a) There is a clear stipulation that the adopted person is due certain safeguards, in particular of his legitimate rights and interests. Article 2 of the new Adoption Act states: "Adoption shall serve the interests of the adopted minor's upbringing and growth, safeguarding the adoptee and his legitimate rights and interests, upholding the principles of equality and

voluntariness, and not contravening social morality.” Article 16 states: “When an adoptive relationship has been established, the Public Security organs shall register the adoptee in the household registry in accordance with the relevant national regulations.”

154. (b) The criteria pertaining to adoption have been broadened. Article 8 of the amended Act lowers the age of the prospective adopter from 35 to 30, and stipulates that: “Persons adopting orphans, disabled children or abandoned children of whom social welfare institutions are unable to trace the natural parents are not subject to the restrictions that the adopter shall be childless and may adopt one child only.”

155. (c) A consistent model has been established for the registration of an adoptive relationship. Paragraph 1 of Article 15 states: “An adoption shall be registered with the civil administration of the people’s government at the county level or higher. The adoptive relationship shall enter into effect on the date of its registration.” A further provision is also added: “In cases of adoption of abandoned infants or children whose natural parents cannot be traced, the civil administration shall announce the adoption publicly before effecting the registration.”

156. (d) Clear criteria for the qualifications of persons wishing to adopt Chinese children from abroad, and for the procedures for intercountry adoption, have been established. Article 21 of the new Adoption Act states: “A foreign national wishing to adopt a child in the People's Republic of China shall first obtain the legal consent of the relevant authorities in his or her country of residence. The adopter shall provide papers issued by the competent authorities of his or her country certifying such particulars as age, marital status, profession, property, health and whether ever subjected to criminal punishment. The said papers shall be certified by the foreign affairs authorities of the adopter’s country or by an agency empowered by the said authorities to do so, and shall in addition be authenticated by the embassy or consulate of the People's Republic of China in that country. The adopter shall conclude a written agreement with the person putting up the child for adoption, and register the adoption in person with the civil affairs department of the provincial people’s government.”

157. In order to ensure that procedures for adoption conform to the principle of the ‘best interests of the child’, the new Adoption Act specifically stipulates that the adoption shall serve the interests of adopted minors’ upbringing and growth (Article 2), and that where the adoption involves a minor aged 10 or more, the consent of the adoptee shall be obtained (Article 11).

158. The amendments to the Adoption Act have made the criteria for adoption more reasonable and the procedures involved more systematic. They have allowed more people to realize their wishes to bring love to Chinese children’s welfare institutions and adopt orphaned, disabled or abandoned children, and have thus enabled more such unfortunate children to enjoy the warmth of family life.

159. In conjunction with the implementation of the new Adoption Act, on 25 May 1999 the Ministry of Civil Administration issued procedures for the registration of adoptions by Chinese citizens which clearly specify the documents adopters must submit, the procedures to be followed, the various fees to be paid, et cetera. These adjustments make the process of registration clearer and more thorough, and are as such of benefit to the legitimate rights and interests of the adopted child.

160. Article 26 of the Marriage Act states: “The state shall protect lawful adoption. The relevant provisions of this Act governing the relationship between parents and children shall apply to the rights and duties in the relationship between foster-parents and foster-children. The rights and duties in the relationship between a foster-child and his natural parents shall terminate with the establishment of his adoption.”

161. China actively participates in international efforts to establish norms for intercountry adoption, and helped to draft the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, which it signed in November 2000. It is now actively considering the matter of its ratification.

Status of implementation

162. In matters of adoption, China believes that as children do not have the ability to protect themselves, safeguarding their rights and interests must be the first priority. Irrespective of whether an adoption is a domestic or intercountry one, the child’s rights and interests must be taken fully into account, and all procedures must be undertaken with these interests in mind. China’s policy with regard to adoption issues can be expressed as, “Domestic adoptions first, intercountry adoptions as appropriate.” This corresponds to the stipulations of Article 21, paragraph (b), of the Convention. In recent years, China has handled some 40,000 cases of domestic adoption annually.

163. The situation regarding methods of adoption in China and the welfare institutions for adopted children is described in Chapter 6 above, “Children deprived of their family environment.”

164. In order to further the progress of adoption and children’s welfare institutions, China’s civil administration bureaux are preparing to launch a number of initiatives in the near future:

165. (a) The ultimate objective of children's welfare institutions is to help children return to their family and society. To this end, civil administration bureaux are to enhance their promotion of adoption, foster-care and semi-fostering by families, and to introduce family-style care in children's welfare institutions to the extent possible.

166. (b) In order to improve the administration of children's welfare institutions and to promote their sound development, civil administration bureaux are to enforce occupational standards in these institutions and related organizations at all urban and rural levels so as to ensure that the legitimate rights and interests of orphaned, disabled and abandoned children are duly safeguarded.

167. (c) In order to take full advantage of the existing basis for the training of children’s welfare workers, experts in children’s welfare management and services from China and abroad are to be engaged to conduct a variety of training and exchange programmes. This will upgrade the training available to workers in children's welfare institutions and create a high quality workforce with high occupational standards.

(8) Periodic review of treatment (art. 25)

168. Article 21 of the Protection of Minors Act makes provision for the settlement and protection of vagabond, beggar or runaway minors. In 1995, the working office of the State Council issued a circular concerning the opinion drafted by the Central Committee for Comprehensive Management of Public Security on “improving administrative work among the floating population,” stating that: “With respect to minor children who have been adrift for long periods with no home to return to, and have thus lost the normal security safeguards and conditions for life and education, measures should be taken to establish, in cities where such children concentrate, centres for their protection and education.”

Status of implementation

169. In order to protect, care for and provide medical treatment for certain minors, the civil administration authorities are making arrangements for their settlement. Orphaned, disabled or abandoned children are generally cared for in children’s welfare homes, the children’s divisions of social welfare institutes or rehabilitation centres for the disabled, or are placed in foster care in family homes. Vagabond children may be sent for temporary asylum to homeless children’s relief centres where they can be given the assistance and protection they need and help in returning to their home districts; children whose families are untraceable are sent to social welfare institutions in the districts where they were put on the household register.

170. Since 1995, the civil administration authorities and regional governments have worked together to raise funds through a variety of sources to help cities with large populations of homeless children to establish relief centres for them. In recent years, through allocations by the Ministry of Civil Administration exceeding RMB 10 million and contributions by regional governments of more than RMB 100 million, some 127 asylum-type homeless children’s relief centres have been established. These provide emergency assistance and instruction, offering inmates a temporary safety-net together with psychological counselling and correcting inappropriate behaviour with a view to resolving the children’s ideological problems and returning them to their families and to society as quickly as possible.

171. The civil administration authorities make regular inspections of these arrangements, checking the conditions and facilities available. In particular, children’s welfare homes are inspected regularly, usually once a year, and are graded according to their facilities, the quality of their staff and the services they provide. These measures safeguard the rights and interests of the children concerned.

172. Though there are still some difficulties with the arrangements that can be made for children in special difficulties, including a shortage of funding and insufficient welfare institutions to satisfy the demand, the Chinese Government and civil administration authorities are fully committed to protecting the best interests of these children. Plans have already been enacted to permit greater development over the next five years of institutions that address the needs of children in adverse circumstances. These include the Working Programme for Homeless Children’s Relief and Education 2001-2005, the Framework for

Community Rehabilitation of Disabled Children 2001-2005 and the Prospects for the Development of Relief and Protection Programmes for Orphaned, Disabled and Abandoned Children 2001-2005.

(9) Prohibition of abuse, maltreatment and neglect, and physical and psychological recovery and social reintegration (arts. 19 and 39)

173. Article 3 of the Marriage Act prohibits violence in the home, and prohibits maltreatment and abandonment of family members. Article 21 prohibits the drowning, abandonment or any other form of maltreatment of infants. Article 43 stipulates that in the event of family violence or abuse of a family member, the injured party has the right to appeal to the neighborhood or village committee or the work unit to which they belong to mediate and put a stop to the abuse. The public security organs must intercede to halt the abuse and, at the request of the injured party, inflict due administrative punishment on the family member responsible for the violence or maltreatment. Article 44 stipulates that in the event of abandonment of a family member, the injured party has the right to appeal to the neighborhood or village committee or the work unit to which they belong to mediate; at the request of the injured party, the people's courts must, in accordance with the law, order the payment of support. Article 45 stipulates that any person committing culpable domestic violence, abuse or abandonment shall be held criminally liable under the law.

174. Article 261 of the Criminal Code stipulates that anyone shirking the duty to support an aged person, minor, invalid or other person unable to live independently shall, if the circumstances are flagrant, be subject to up to five years' imprisonment, detention or public surveillance. Under Article 262, anyone who abducts a minor under the age of 14, separating the child from his family or guardian, shall be subject to up to five years' imprisonment or detention. Article 260 stipulates that anyone maltreating a family member shall, if the circumstances are flagrant, be subject to up to two years' imprisonment, detention or public surveillance; if the maltreatment causes serious injury or death, the culprit shall be subject to between two and seven years' imprisonment.

175. The Protection of Minors Act sets out detailed provisions covering parental responsibility and the prohibition of abuse or abandonment of children. These include:

176. Article 8, which stipulates that minors' parents or other guardians must by law fulfil their responsibility of guardianship and their obligation to bring the minors up. They shall not maltreat or forsake the minors, nor discriminate against female or handicapped minors. Infanticide and abandonment of infants are forbidden.

177. Article 12, which stipulates that minors' parents or other guardians who shirk their duties as guardians or encroach upon the lawful rights and interests of the minors under their guardianship shall bear the responsibility therefor according to law.

178. Where minors' parents or other guardians act in the manner described in the preceding paragraph and refuse to mend their ways after education, a people's court may, upon application by the person(s) or work unit(s) concerned, strip them of their status as guardians and designate fresh guardians in accordance with article 16 of the General Principles of Civil Law.

179. Article 15, which stipulates that teaching staff in schools and kindergartens shall respect minors' personal dignity and may not inflict corporal punishment or corporal punishment in disguised forms, or otherwise wound the minors' dignity.

180. The law also stipulates that anyone who violates a minor's right to physical integrity or any other rights, or abuses a minor family member, shall be held criminally liable under the law.

181. Article 16 of the Compulsory Education Act states: "Insulting or assaulting teachers is forbidden. Inflicting physical punishment on students is forbidden." Article 37 of the Teachers Act stipulates that teachers who inflict physical punishment on students and do not change their behaviour after education, or whose conduct is humiliating or otherwise a bad influence on students, shall be subject to administrative punishment by the school where they work, by another educational institution or by the education authorities, or dismissed. In cases serious enough to constitute an offence, they shall be held criminally liable in accordance with the law.

Status of implementation

182. Cases of parental abuse or abandonment of children still occur in China, but in extremely limited numbers. When they do occur and come or are brought to the attention of the residents' or village committee or Public Security organs, these will intercede to stop the abuse or abandonment. At the same time, child victims may, with the assistance of other family members, youth-protection organizations, schools, the Women's Federation or other children's rights groups, bring charges before a court. Depending on the circumstances, the court may order the parents to fulfil their parental duty of support, order an increase in maintenance payments or order a change of legal guardian. The court will also hold those responsible criminally liable, in accordance with the facts and evidence, for cases of abuse or abandonment which amount to offences. Between 1996 and 2001, courts throughout the country convicted 1,532 people of abuse or abandonment; some of the cases involved parental abuse or abandonment.

183. With respect to the prohibition of corporal punishment of students, many education workers have, through exhortation and education, now come to acknowledge children's rights, particularly "children's human dignity." Corporal punishment and scolding of children in schools have, accordingly, greatly diminished, and teachers and schools basically recognize that respect for children's human dignity means, first and foremost, respect for children on the ideological, spiritual and psychological planes. In order to ensure that children's human dignity receives due respect and protection, the State has enacted a number of laws that specifically prohibit the corporal punishment of students and any behaviour towards minor students that affronts their dignity; these laws constitute a system through which students may bring charges for infringements of their legitimate rights and interests. When a child's right to receive an education or any other legitimate rights and interests are violated by a school or teacher, the child may lodge a complaint with the school or the education authorities and request protection of his or her said rights. At the same time, depending on the circumstances, the case may be brought up for administrative review, or for administrative, civil or criminal proceedings in accordance with the law.

**6. Basic health and benefits (art. 6, art. 18, para. 3,
arts. 23, 24, 26, art. 27, paras. 1-3)**

(1) Disabled children (art. 23)

184. China attaches great importance to safeguarding the rights and interests of disabled persons, including disabled children, in accordance with the law. The Constitution, the General Principles of Civil Law, the Adoption Act, the Protection of Minors Act, the Education Act, the Compulsory Education Act, the Maternal and Infant Health Care Act and other statutes -- 36 important legal instruments in all -- contain provisions that protect the legitimate rights and interests of disabled persons. The Children's Programme and the New Children's Programme also contain provisions that safeguard the rights of disabled children.

185. China has enacted a series of specific laws and regulations to ensure disabled children have equal rights, and to develop institutions for them. The Protection of the Disabled Act systematically addresses the rehabilitation, education, employment, cultural life, environment and legal responsibilities of disabled persons. The Ninth 5-Year Plan Programme for Institutions for the Disabled and the Tenth 5-Year Plan Programme for Institutions for the Disabled (2001-2005) set out plans and clear targets for such institutions. The assignments under the Ninth Programme have been fully completed and the current state of implementation of the Tenth Programme is very favourable.

186. China has enacted and implemented a succession of laws and regulations that address the education of disabled persons, and made special funding allocations for the development of education for disabled children nationwide. The regulations on the education of the disabled issued in 1994 set out clear directions, methods and objectives, enabling education for the disabled to be developed according to the principle of "education and treatment in accordance with the law." The interim regulations on special education schools issued in 1998 took further steps towards standardizing the management of such schools. An Opinion on further development and reforms in special education during the Tenth 5-year Plan, issued in 2001, set out the duties, objectives and measures to be adopted for the development and reform of education for disabled children during the Plan.

Status of implementation

187. There are 600 million disabled persons in China, among whom some 9.5 million are under the age of 14. Of these, some 2.22 per cent or 209,000 are visually disabled; some 14.2 per cent or 1,349,000 are hearing or speech-impaired; some 7.58 per cent or 720,000 are physically disabled; 65.96 per cent or 6,266,000 are mentally handicapped; 0.17 per cent or 16,000 suffer a psychological disability, while 9.87 per cent or 938,000 suffer multiple handicaps.

188. China has conscientiously applied laws and regulations for the protection of disabled children and has moved forcefully to improve conditions for their survival, protection and development. Much progress has been made on the education, rehabilitation, social assistance and protection of the rights of disabled children, and in work to prevent childhood disabilities. In short, the conditions of survival for disabled children have improved markedly.

189. The State has taken steps to improve conditions in children's welfare homes and to upgrade available benefits; by clamping down severely on infanticide and the abandonment of infants, it has been actively upholding the legitimate rights and interests of disabled children. Humanitarianism is promoted throughout society, as is a favourable social atmosphere that encourages respect, concern and support for disabled persons. To this end, a number of campaigns have been conducted, including a National Aid for the Disabled Day, Volunteers for the Disabled, Red Scarves Help the Disabled, Cultural Aids for the Disabled, and Legal Aid for the Disabled, to help disabled children overcome the many difficulties they encounter. In larger cities, efforts are under way to create obstacle-free environments. Initiatives include the installation on city roads of wheelchair ramps, pathways for the blind and audible traffic signals, and similar obstacle-free facilities in public buildings and residential areas. Films, television news and drama programmes are sub-titled or are accompanied by sign-language interpreters. These various initiatives make it far more convenient for disabled children to get out and about, use public facilities and participate in the exchange of information.

190. With regard to the prevention of disabilities in children, the Marriage Act and the Maternal and Infant Health Care Act are conscientiously applied, as are prenatal health care, screening and diagnoses; a comprehensive system of post-natal screening allows for early intervention in cases of disability and the prevention and control of congenital illnesses and birth defects. The iodisation of salt is promoted so as to prevent mental handicaps attributable to iodine deficiency; strengthened controls of medicines harmful to the ear have reduced the incidence of drug-induced deafness; traffic-safety controls have been strengthened in order to prevent disabilities caused by road accidents; special days have been designated for the promotion of prevention-relevant messages that boost public understanding of the issues - these include 'eye-care day', 'ear-care day', and 'countering iodine-deficiency day'. These various measures serve to prevent and reduce the incidence of childhood disabilities and promote the mental and physical health of all children.

191. A rehabilitative training services network for disabled children has been put in place that is family-based, assisted by community support facilities and directed by major rehabilitative institutions. Since 1996, some 605 provincial and municipal rehabilitation centres for the deaf (language-training divisions) have been established, as have some 3,676 rehabilitative services agencies for all types of disability. Speech training has been provided for some 95,000 deaf children, and 117,000 mentally retarded children have benefited from knowledge, life-skills and social-integration training. Tens of thousands of physically handicapped children have also received functional training with outstanding results.

192. The main feature of education for the disabled in China is the compulsory education provided for disabled children. In line with the Ninth 5-Year Plan Programme for Institutions for the Disabled, the State has introduced a compulsory education programme for disabled youth. To safeguard the right of disabled children to receive an education, China has steadily perfected a working system of education for the disabled that it is striving to integrate into the normal channel of compulsory education, and that it subjects to the same inspections and evaluations as the regular 9-year programme of compulsory education. This has led to the development of a structure supported by special-education schools but consisting mainly of special classes or

attendance in regular classes in regular schools. A variety of assistance programmes are available for disabled children, including reductions in or exemptions from various fees, the Project Hope poverty-relief programme for disabled children missing school and the Spring Buds poverty-relief and school enrolment programme for girls. The National People's Congress has organized supervision and inspections by the Ministries of Education and Civil Administration and the Disabled Persons Federation of work on compulsory education for the disabled in some provinces. The State has established specific funding allowances for special education, which amounted to some RMB 200 million between 1989 and 2000. In 1998, a pilot programme of subsidized compulsory education for disabled children was launched, and in 1999 a system assigning responsibility for compulsory education for disabled children was introduced in 21 economically underdeveloped provinces, autonomous regions and municipalities directly under the Central Government. This involved the signing by the Ministry of Education and the local governments of a statement of responsibilities, and it became a motive force in the development of institutions for the education of disabled children. In 1999, the Song Qingling Foundation and the Beijing Golden Key Centre for the Visually Disabled jointly set up the Song Qingling Foundation Fund for the Education of Visually Disabled Children, which has enabled greater numbers of such children to enter school and receive special education, thus enjoying the same rights to education as normal children. In 2000, in a programme sponsored by Hong Kong businessman Li Jiacheng and his affiliated companies, the Ministry of Education and the Disabled Persons Federation organized in 12 provinces, autonomous regions and municipalities directly under the Central Government in central and western China the 'Western Schooling Initiative for Blind Children' which, within 5 years, will have helped some 20,000 visually disabled youngsters to receive their compulsory education. In 2001, with funding support from the Central Culture Bureau, the Ministry of Education and the Disabled Persons Federation initiated a further programme for the education of disabled persons in 16 jurisdictions in the same areas of central and western China which, over 5 years, will provide funding for some 5,000 disabled children from poor areas to receive their education.

193. The State actively promotes early education for disabled children, and education departments in some regions have begun trial programmes for these children in kindergartens. For their part, many special education schools have also set up pre-school classes. At the same time, an expansion of the variety of instructional formats utilized in special education has encouraged and accelerated the development by social groups and individuals of compulsory education opportunities for disabled children. China has a considerable number of such special education schools and classes organized by individuals and collectives, which are very helpful in resolving the problems that disabled children in some areas encounter in gaining admission to schools. In order to give disabled children greater opportunities for study, growth and integration into society, governments and educational authorities at all levels are actively working to enable more disabled children to attend normal schools in the company of ordinary children. In 2000, some 259,900 disabled children were attending normal schools nationwide; this figure represented 68.82 per cent of all disabled children in school, and a marked increase since 1995. In 2000, China had 1,539 special education schools, some 160 more than in 1995, attended by 377,600 disabled students, an increase of 27.74 per cent over 1995. Development was fastest in the junior middle stage of special education, with the number of disabled students attending tripling, from 13,300 in 1995 to 40,100 in 2000 (details are provided in Table 2).

194. The State actively supports a wide variety of entertainment and recreational activities suitable for disabled children. During the Ninth 5-Year Plan, pertinent Government departments organized National Arts Festivals for Special Schools for the Blind, Deaf and Mentally Handicapped, and sponsored many performances by disabled arts groups both in China and abroad, giving a powerful impetus to the development of arts education and artistic activities in special schools and encouraging disabled children's full physical and mental development. In order to enliven sporting life for disabled children, the Government has, in conjunction with the international Special Olympics Organization and a related Norwegian organization, run 16 training sessions for special physical education teachers and introduced a number of sporting activities that are easy to undertake, adapted to China's special conditions, conducive to the enjoyment of participants, and rehabilitative in nature. Chinese mentally handicapped child athletes have participated in two international Special Olympiads, and the Government has successfully hosted the first Asia/Pacific Special Olympics, in which disabled child athletes from 20 provinces, autonomous regions and municipalities directly under the Central Government participated.

(2) Health and health-care services (art. 24)

195. In 1990, the Ministry of Health and four other ministries jointly issued planning targets for universal health care in rural communities by the year 2000 with two related documents, the 'Primary Health Care Administration Programme' and 'Assessment Standards for Universal Health Care in the Year 2000.' Together, these documents clearly set forth the proposition that "implementing primary health care is an undertaking of all society," and articulate the policy of 'Implementation in 2 Steps and 3 Stages.' The 13 targets address such issues as the prevention and treatment of infectious and endemic diseases, health education, maternal and infant health care, and upgrading water supply and sewage disposal methods.

196. Article 32 of the Protection of Minors Act states that: "Departments of public health and schools shall provide minors with necessary sanitary and health-care conditions and make efforts to prevent diseases." Both the Children's Programme and the new Children's Programme also set out concrete targets for children's health care services. After the promulgation of the Children's Programme in 1992, the Ministry of Health issued corresponding plans for its implementation. In 1994, China promulgated the Maternal and Infant Health Care Act, issued laws and regulations on pre-marital and pregnancy/maternal health care and technical appraisals, specified that medical treatment and health care services were mothers' and children's right and laid down standards governing such services, and set out strict criteria for the evaluation and approval of health care institutions and their staff that provide special technical services to mothers and infants. Article 2 of the Maternal and Infant Health Care Act stipulates that the State shall develop health-care institutions for mothers and infants and provide necessary conditions and material assistance to ensure that mothers and infants receive medical and health care services; it expressly mentions that these efforts will be supported in outlying and poverty-stricken areas. Since the Act took effect, the various provinces, autonomous regions and municipalities directly under the Central Government have developed corresponding local regulations to bring work in this area within the ambit of legally-regulated management and to apply the standards governing the training, evaluation and certification of persons

working in institutions providing mother-and-child health care services. To facilitate the speedy transition of mother-and-child health care work from administrative management to legally-regulated management with norms of service stipulated in law, the Ministry of Health has, since 1995, issued a number of normative documents: procedures for managing inspectors of mother-and-child health care, procedures for managing medical technology appraisals in mother-and-child health care, basic standards for specific technical services in mother-and-child health care and administrative procedures governing qualifications and permits for personnel providing specific technical services in mother-and-child health care. In 2001, the State Council also issued rules to govern the application of the Maternal and Infant Health Care Act.

197. In 1988, the State Council issued regulations for the protection of female workers, which govern the protection of women during menstruation, pregnancy, childbirth and breastfeeding, stipulate three months' maternity leave for female workers and require enterprises with breastfeeding female workers to provide rooms and guarantee time for that purpose. In order to promote feeding with mother's milk, China in 1991 issued the China Mother's Milk Promotion Plan, and in 1995, procedures to govern the sale of mother's milk substitutes.

198. In 1998, the State Council issued China's medium- and long-term plans for the prevention and control of AIDS (1998-2010). In order to curb the rapid increase in AIDS infections, to bring down the incidence of AIDS and other sexually-transmitted diseases and to keep the number of persons with AIDS by 2010 below 1.5 million, in May 2001 the working office of the State Council put out a programme for AIDS control and prevention (2001-2005) which aimed at concrete deployment of AIDS-prevention measures throughout the country by 2005. An increase in funding for these measures was passed at the same time.

Status of implementation

199. In implementing the Children's Programme, the State has continually increased the funding allocated to mother-and-child health care and the prevention and control of disease. Spending in these two areas increased from RMB 305 million and RMB 1.203 billion respectively in 1990 to RMB 1.046 billion and RMB 3.388 billion in 1999, increases of 14.46 per cent and 12.19 per cent, and higher in both cases than the rise in GDP over the period. In order progressively to improve standards of health care services for rural inhabitants, including children, and to reduce the gap between urban and rural areas in this regard, China has made rural health care work a major focus of its efforts and has tilted health spending in favour of rural communities. Between 1991 and 2000, total investments in health facilities by the central and regional governments and health agencies combined amounted to RMB 30 billion, funds that went to rebuilding or enlarging some 41,000 rural township health centres and the great majority of county-level epidemic prevention stations and maternity and child-care hospitals. Of this sum, the National Development and Reform Commission and the Ministry of Finance contributed RMB 130 million specifically to strengthen development of health-care networks at the county, township and village levels. Between 1995 and 2000, the Government utilized a World Bank loan of US\$ 90 million to improve basic health care services for women and children, in particular the capacity and quality of these services at the township and village levels. In 1999, the Government also launched a construction programme for county hospitals

in impoverished areas that aimed to upgrade and expand 316 such hospitals nationwide (though particularly in the west) so as to improve service capacity. With respect to problems with the drinking water supply, meanwhile, between 1991 and 1999 some RMB 31 billion was invested in infrastructure upgrades in water-poor rural areas, while to improve the quality of drinking water, another RMB 26.34 billion was invested between 1996 and 2000 for the construction of water facilities in rural villages. Over the same period, some RMB 13.59 billion was spent in the construction of sanitary latrines in rural villages. From 1993 to 1999, RMB 300 million was spent in national programmes to add iodine to table salt so as to combat illnesses associated with iodine deficiency. From 2000 to 2001, meanwhile, RMB 100 million was spent on a national programme to improve nutrition among primary and middle school children by giving each child a glass of soya milk every day.

200. Since the promulgation of the Maternal and Infant Health Care Act, health-care administration enforcement programmes have been introduced in all regions, with enforcement structures and teams of inspectors being set up by health departments at all levels to ensure enforcement proceeds smoothly. National health and other departments have run many courses to train enforcement officials at the various levels, especially to encourage the various levels of government in impoverished areas to take more responsibility for mother-and-child health care. With a view to boosting public awareness of the law on mother-and-child health care, the State has targeted comprehensive publicity campaigns using a variety of formats, including televised addresses and printed material, at urban and rural audiences. All levels of government have incorporated the major targets of mother-and-child health care into development plans for their local health institutions, and some regions use the achievement of these targets as a key indicator of performance by the agencies concerned.

201. Over the past ten years, China has increased spending on mother-and-child health care and disease control, focusing particularly on rural communities and giving priority to preventive intervention. Networks for preventive health, treatment and health-care have been strengthened at the county, township and village levels, with particular attention being paid to upgrading capacity at the latter two levels and stabilizing the ranks of grass-roots workers. Training for the 1.02 million rural doctors has been improved, thus ensuring continual improvement of the quality of existing personnel. After training, some 82 per cent of rural doctors have achieved the level of middle vocational college graduates. A patriotic sanitation campaign conducted nationwide has actively promoted the upgrading of water supplies and human-waste disposal methods in rural communities, preventing and controlling the incidence and transmission of infectious diseases of the intestinal tract, and improving the quality of life and the environment for rural populations, including children. Water-supply upgrades in rural communities in 2000 reached some 92.38 per cent of the rural population, and running water is now available to some 55.22 per cent of rural villagers. With the installation of sanitary latrines in 44.84 per cent of rural communities, work towards controlling infectious and endemic diseases has also shown great progress (see Table 3).

202. Great progress has been made in the fields of mother-and-child health care and primary health care. A comparatively sound 3-tier network providing mother-and-child health care services has been put in place by health-care institutions across the country. The infant mortality

rate and under-5 mortality rate decreased from 50.2 per thousand and 61 per thousand respectively in 1990 to 32.2 per thousand and 39.7 per thousand in 2000, drops of 36 per cent and 35 per cent that met the Children's Programme target of reducing these rates by one third. The maternal mortality rate dropped from 94.7 per hundred thousand in 1989 to 53 per hundred thousand in 2000, and inoculation rates for four vaccines (Bacillus Calmette-Guerin Vaccine (BCG), Adsorbed Diphtheria Tetanus and Pertussis Vaccine (DTP), trivalent oral polio vaccine (TOPV) and measles vaccine) all exceeded 85 per cent, thus meeting the targets of the universal child immunization plan (see Tables 4 and 5).

203. In order to realize the targets of China's commitment to eradicate poliomyelitis by 2000, all levels of government and health departments have cooperated closely with international organizations to improve assessment of immunization work, establish AFP (maternal serum alpha-fetoprotein test) testing systems and eradicate poliomyelitis, and have accomplished a great deal in terms of improving immunization programmes, training professional workers and mobilizing society. In a three-year programme launched nationwide in 1993, two anti-polio days were held annually to strengthen immunization work, an initiative that continued in most provinces for the following four years with 800 million child immunizations. In the past two years, in order to maintain the achievements of the eradication programme, further enhanced immunization campaigns have been conducted in certain targeted areas. China has had no reports of local wild-strain cases of poliomyelitis since October 1994, and in October 2000 the World Health Organization formally declared that in the Organization's Western Pacific region, which includes China, the target of eliminating polio had been realized.

204. In order to enhance efforts to prevent the occurrence of childhood diarrhoea, oral rehydration therapy has been widely promoted and the child mortality rate for this condition has markedly decreased, falling, in the under-5 bracket, 21.3 per cent between 1991 and 1998, from 275.2 per hundred thousand to 216.7 per hundred thousand. The under-5 pneumonia mortality rate fell 31.3 per cent between 1991 and 1998, from 1512.7 per hundred thousand to 1039.2 per hundred thousand, and the primary causes of infant mortality shifted from avoidable pneumonias to conditions such as asphyxia, congenital irregularities and underweight premature birth. In 1990, the primary cause of infant mortality in 19 provinces was pneumonia; this remained the case in 6 provinces only in 2000. In the past ten years, the rate of measles infection has also been in continuous decline.

205. In order to improve children's standards of nutrition, since 1992 a large-scale 'Baby-Friendly Campaign' has been implemented throughout the country that promotes the WHO ten steps to successful breastfeeding and aims to create 'baby-friendly hospitals' meeting global standards. By the end of 1999, some 7,329 baby-friendly hospitals and 6,452 baby-friendly health centres had been established under this initiative. The Baby-Friendly Campaign's promotion of breastfeeding raised the urban rate of feeding on mother's milk only for a baby's first four months from 47 per cent in 1994 to 54 per cent in 1998, and from 68 per cent to 72 per cent over the same period in rural areas (see Table 6).

206. Nutritional standards for children have improved in step with China's economic development and rises in the standard of living. The prevalence of low body weight among children dropped from 3.74 per cent to 2.4 per cent between 1990 and 2000, while the current

national average birth weight, at 3,228 grams, is approaching levels seen in developed countries. These figures illustrate the marked improvements that have been achieved in childhood nutrition, and children's standards of growth and development have risen accordingly (see Table 7 for details).

207. While making overall improvements in childhood nutrition, China has also taken firm steps to combat iodine deficiency disorders. Since 1994, a policy of adding iodine to table salt has been adopted as a primary preventive measure. In order to ensure that fetuses and infants do not suffer the harmful effects of iodine deficiency, iodized oil capsules have also been made available to newlywed and pregnant women and infants until the age of two in affected areas. These measures provide children from the earliest moments with effective safeguards against the threat of iodine deficiency disorders. By 2002, the usage rate of approved iodised salt nationwide had risen to 88.8 per cent from 39.3 per cent in 1995, and children's urine iodine levels were basically consistent with desirable levels of iodine intake.

208. Since the implementation of the Women's Programme and the Children's Programme, the Government has attached even greater importance to women's health care issues. In cities and many rural communities, women of childbearing age have access to systematic health care services that provide for premarital examinations, regular examinations during pregnancy, appropriate services in a medical institution at childbirth, and access to regular post-natal services. In order to raise standards of mother-and-child health care in rural communities, the Ministry of Health conducted an education plan for rural doctors over the years 1991-2000, producing 20 different training aids and training some 830,000 rural doctors. At the same time, a 'mothers' safety project' was introduced in poor, remote areas and areas inhabited by ethnic minorities with the aim of improving mother-and-child health by helping women to give birth safely in hospitals. In general terms, the in-hospital delivery rate for Chinese women is rising; it had reached 79.2 per cent by the end of 2000, some 15 per cent higher than in 1995, while the rate of antiseptic out-of-hospital deliveries stood at 96.6 per cent, some 9 per cent higher than in 1995 (for details, see Table 8). On the national level, obstetrical service networks in China have exceeded the targets set out in the Women's Programme, which called for a minimum of four basic obstetrical service institutions and one full-service institution per 500,000 persons. In 1999, for every 500,000 persons, there were on average 24 basic obstetrical service institutions and 5 full-service institutions.

209. Between the discovery of the first case of AIDS in 1985 and the end of December 2002, some 40,560 cases of HIV infection were reported in 31 provinces, autonomous regions and municipalities directly under the Central Government, resulting in 2,639 cases of full-blown AIDS and 1,047 deaths. The three channels of HIV infection are present, with the injection of illicit drugs being the main vector for the spread of the disease, accounting for 63.7 per cent of infections. Experts estimate that by the end of 2002, a million people throughout the country were infected. The incidence of AIDS infection is showing rapid annual growth, and viral transmission is spreading out of high-risk groups to the ordinary population.

210. The China Action Plan for the Control and Prevention of AIDS set out measures to be taken over the period from 2001 to 2005 and required local governments to study and develop specific local plans in accordance with it. The Plan clearly defined areas of responsibility and

provided for strengthened direction and oversight to ensure that prevention targets would be met as scheduled. For more than ten years, the agencies that make up the State Council Coordinating Committee for AIDS and STD Prevention and the various levels of government have, in keeping with the requirements of the Action Plan and the local situation in the region or department concerned, worked hard at publicity and education, intervention and training, and have achieved definite results. In recent years, the Government has increased funding for AIDS-prevention activities, actively investing capital from the sale of government bonds in strengthening blood banks in central and western regions and establishing institutions for AIDS prevention and control. In particularly affected areas, model integrated prevention zones have been established that feature care, treatment, intervention and education programmes, and intensified oversight and inspection regimens. A situation which can be encapsulated as 'government concern, departmental cooperation and public participation' is gradually taking shape.

211. In view of China's particular situation, the Government has given much consideration to the marked disparities in economic development between urban and rural areas. To address issues of childhood nutrition, a children's protection project proposed by nutritionists which adjusts measures to local conditions has been put into operation. The project urges children to drink milk and soy milk and to eat nutritious food, combining the promotion of specific nutritional plans and nutritional knowledge with nutritional testing for children, training for nutritional workers and counselling services. It is gradually developing into a national-scale integrated children's health and nutrition services system and information network. The Government views lingering problems with children's health and nutrition with great concern. In its efforts to eliminate problems such as low body weight and slow growth, nutritional deficiencies, a significant increase in childhood obesity and a noticeable decline in physical condition, and to implement the Children's Programme, it strongly advocates feeding according to scientific principles and the adoption of good eating habits. In recent years it has phased in a 'Milk for Students' plan and a State Soy Milk Plan for Primary and Middle School Students besides promoting, in cities, nutritious meals plans for students. These initiatives have been outstandingly successful in improving standards of nutrition and physical health among children.

212. For historical, geographical, cultural and other reasons, the degree of economic development varies from region to region in China, and this means that child-protection institutions are also not uniformly well developed. Both infant and maternal mortality rates are higher in western regions than along the eastern seaboard, and a similar difference can be noted between cities and rural communities. Indeed the rate of disorders linked to medium or severe childhood malnutrition is some two to three times higher in the country than in the city. In order to resolve these problems, shrink the gap separating rural from urban children, improve child health care services and generally raise standards of children's health, the new Children's Programme set higher targets which specially emphasized raising the standards of health of rural children.

213. In order to raise health standards among women and children in western regions, bring down maternal mortality rates and shrink the urban/rural and east/west divides, between January 2000 and the end of December 2001, the State Council Working Committee on Women and Children, the Ministry of Health and the Ministry of Finance together

implemented a programme to bring down maternal mortality rates and eliminate neonatal tetanus in 12 provinces, autonomous regions and municipalities directly under the Central Government, including Tibet, Guizhou, Qinghai, Xinjiang, Gansu, Yunnan, Sichuan, Ningxia, Inner Mongolia, Jiangxi, Chongqing and Hunan (the Tujia Autonomous Prefecture of Xiangxi). Total funding for the programme amounted to RMB 200 million, the most ever devoted to a single mother-and-child health care initiative since the founding of the Republic. By the end of 2001, the maternal mortality and neonatal tetanus rates in the 12 jurisdictions had both noticeably decreased: from prevailing levels before the programme started, the maternal mortality rate in 378 counties fell 28.79 per cent and the neonatal tetanus rate, 55 per cent. Not only did the programme thus raise standards of health for women and children in the west of the country, it also contributed to a decline in maternal mortality and neonatal tetanus rates nationwide.

(3) Social security and child-care services and facilities (art. 26 and art. 18, para. 3)

214. The Government of China has adopted a number of concrete measures and enacted many laws and regulations establishing a social insurance system. These include a resolution on the establishment of a unified system for a basic pension insurance scheme for company employees of 1997, a resolution on the establishment of a basic medical insurance scheme for city and township employees of 1998, and provisions governing unemployment insurance and minimum subsistence guarantees for urban residents, both dating from 1999. These various measures provide the foundations for improvements in China's social security system.

215. With regard to child-care services, article 33 of the Protection of Minors Act states: "Local people's governments at all levels shall actively develop child care, shall strive to run nurseries and kindergartens well, shall encourage and support State organs, social organizations, enterprises, institutions and other social forces in the establishment of nursing rooms, nurseries and kindergartens, and shall advocate and support the establishment of household nurseries." China has also enacted provisions governing kindergarten management and related statutes.

Status of implementation

216. In recent years, the Government has put a great deal of effort into the establishment of a sound social security system. A socialized social security system with a variety of funding channels and services, centred principally around social insurance, social relief, social benefits, special care and settlement and social mutual assistance, is now taking shape.

217. In 1997, the Government began to implement a unified basic pension insurance scheme for urban and township commercial employees. By the end of 2001, some 108.02 million people were enrolled in basic pension schemes, and 33.81 million were receiving monthly pensions of an average of RMB 556. In order to ensure that basic pension schemes have sufficient funds at their disposal for their regular payments, the Government is continually increasing its contributions to pension insurance funds. Between 1998 and 2001, subsidies by the central financial administration to pension insurance schemes amounted to RMB 87 billion. In addition, the employees and retired personnel of various agencies, institutions and work units still operate

under the original retirement pension system whereby the Government pays retirees' pensions. In 1991, China began to operate a rural old-age insurance scheme in rural communities in which "the premiums are paid mainly by individuals themselves, supplemented by collectively pooled subsidies and supported by government policies." Under this scheme, based on individual account management, the contributions by the individual and the subsidies granted by the collective are recorded under the individual's name and managed by financial agencies above the county level. The funds involved grow in value in line with State policy, and when the insured person reaches the official retirement age, he or she draws a pension based on the amount in the account and the prevailing pension standards. By the end of 2001, 2045 counties in 31 provinces, autonomous regions and municipalities directly under the Central Government had implemented this rural pension scheme and some 59,950,500 people were participating, while 1.08 million had begun to draw a pension. This basic old-age insurance scheme has resolved the concerns of workers in cities and townships and of rural residents with regard to their later years, and eased their degree of dependence on their children, while also going some distance towards overcoming the traditional but undesirable Chinese preference for male children over females. In 1999, the Government issued provisions governing unemployment insurance which, on the foundation of the existing regimen, expanded the range of coverage and enhanced the function of the unemployment insurance scheme. At the end of 2001, some 103.55 million city and township workers were contributing to the unemployment insurance scheme, which that year paid benefits for varying periods, and provided a variety of employment services, to some 4.69 million unemployed workers.

218. The Government has adopted a number of concrete measures to raise the basic subsistence guarantee for people laid off from state-owned enterprises, and the minimum subsistence guarantee for urban residents. When formulating the Ninth 5-Year Plan for economic and social development, it laid particular emphasis on the gradual establishment of a minimum subsistence guarantee for urban residents. Such a system has now been put in place nationwide. In July 1997, the State Council issued a circular on the nationwide establishment of a minimum subsistence guarantee system for urban residents, and by the end of 2000, some 3,818,000 urban residents had received some form of relief to enable them to meet this minimum standard; 15 provinces, autonomous regions and municipalities directly under the Central Government had set up minimum subsistence relief programmes for rural residents, which had distributed some RMB 730 million. In 2001, the central financial administration contributed RMB 2.3 billion to support the minimum subsistence guarantee for urban residents. In 2000, the Government significantly increased its social security outlay, the central financial administration alone allocating some RMB 47.8 billion to pensions, the basic subsistence guarantee scheme for laid-off workers from state-owned enterprises and the minimum subsistence guarantee system for urban residents, an increase of 86 per cent over 1999. In addition, starting in 1999, the central financial administration arranged special payments to raise the minimum subsistence guarantee for urban residents in central and western regions, while Beijing, Shanghai, Jiangsu and 4 other jurisdictions also allocated funds to raise the minimum guarantee by 30 per cent. The establishment and refinement of the minimum subsistence guarantee systems for urban and rural residents have raised basic standards of living for children and their families and thereby safeguarded children's rights to survival and development.

219. With regard to child-care services and facilities, the efforts of the Government and various sectors of society have brought much progress in preschool education. At the end of 2001, there were some 111,700 kindergartens nationwide taking care of some 20,218,400 children (including those in preschool classes). In urban areas, demand for preschool classes is basically satisfied. The allocation of teachers has also been improved; the pupil-teacher ratio in kindergartens in 2000 was 23.7:1, a significant improvement over the 28.7:1 of 1995. The basic situation in preschool education is discussed in detail in Part 7, Chapter 1, 'Education and vocational training and guidance'.

(4) Standard of living (art. 27, paras. 1-3)

220. In recent years, the economic situation of the Chinese people has developed rapidly and the country has grown stronger in all areas. China's GDP in 2000 amounted to RMB 8,944.22 billion, a per capita GDP of RMB 7084, representing (inflation-adjusted) increases of 160 per cent and 140 per cent respectively over 1990. China vaulted in those years from the low-income country it was on the world stage during the Eighth 5-Year Plan to a lower-middle income country. Steady growth in urban incomes saw the average per capita disposable income of urban families grow 6.8 per cent annually after 1990, to reach RMB 6280 in 2000. Average net income for rural residents reached RMB 2253, after average annual growth of 4.5 per cent. Consumption patterns also improved, with the proportion of spending going on clothing, food and basic goods dropping significantly, and demand for and spending on transport, communications, medical and health care, education and entertainment growing rapidly. These trends represent a rise in the quality of life. Average residential living space is constantly increasing and the living environment has clearly improved. With increases in residential construction and further reforms in the housing system, the per capita average living space for urban residents grew from 8.1 square meters in 1995 to 10.3 square meters in 2000, and that for rural residents from 21 square meters to 24.8 square meters over the same period. In short, accommodation is constantly improving in quality and structure (for details see Table 9).

221. Progress has been steady in China's social institutions, in which reforms have been gradually implemented. Education in China is based on two primary areas of emphasis, nine years of universal compulsory education and the eradication of illiteracy among the young. Great resources are devoted to the development of higher education, optimizing educational structures, raising the quality of education and improving conditions in schools. While accelerating the availability of compulsory education, this also increases the capacity for adjustment of educational structures. The national coverage rate of compulsory education rose from 50 per cent during the Ninth 5-Year Plan to 85 per cent in 2000. Broadcasting, television, cultural and artistic institutions have also shown vigorous development, with the reach of radio broadcasting extending to 92.9 per cent of the national population by 2001 and that of television to 94.18 per cent. The national cultural system boasts some 2,622 performing groups and 1,924 performance venues; in 1999 alone, these groups produced some 4,579 new shows. Some 65,000 performances were held and total audience numbers exceeded 35.34 million. While the State was establishing the basic medical insurance system for urban workers during the Ninth 5-Year Plan, it carried out reforms to the drugs and health care system in cities, spurred healthy development of health-care institutions and the pharmaceutical industry, and created

health care services in urban neighborhoods. At the same time, rural health work yielded outstanding results. By 2000, 95 per cent of rural counties nationwide had reached the targets set out for rural areas in the “Universal Health Care in the Year 2000” plan, and the rural health care network reached the great majority of rural communities. A physical fitness movement has been embraced by the entire population, and fitness demonstrations, exhibitions and group exercise activities are continually promoted. The promulgation of a skills grading system for instructors in public physical education and national adult physical fitness standards testifies to the development of national fitness plans along formal normative lines. At the same time, environmental and ecological protection and construction have advanced significantly. Governance of China’s major waterways has become very effective, and the country’s capacity for environmental monitoring continues to grow.

222. The general rise in standards of living and the constant improvement in social conditions provide strong safeguards for children’s enjoyment of physical, spiritual, ethical and social development, and further the development of children’s institutions. In order to promote the sound growth of children, the China Children’s Plan for Safe and Healthy Growth was formally launched in October 2000. Its basic objective is to create, through a series of publicity, training and service initiatives, a favourable social environment for children that will preserve them from illness, harm, crime and dropping out of school, and thoroughly protect their rights.

7. Education, leisure and cultural activities (arts. 28, 29, 31)

(1) Education and vocational training and guidance (art. 28)

223. The right and the duty to receive an education are enshrined in China’s Constitution as basic attributes of citizenship. On the basis of the Convention on the Rights of the Child, the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children, China has, with reference to the country’s actual situation, enacted the Children’s Programme, the National Education Reform and Development Programme and a series of other laws and regulations that guarantee children’s right to receive education, and ensure equality of opportunity in this regard. Article 9 of the Education Act states: “Citizens of the People’s Republic of China have the right and the duty to receive education. Citizens shall have equal opportunities to receive an education irrespective of their nationality, race, gender, occupation, property, religion or other factors.” This stipulation guarantees the right of every child to an equal opportunity to receive education. In addition, the Protection of Minors Act, the Compulsory Education Act, the Vocational Education Act, the Teachers Act, the Rights and Interests of Women Act, the regulations on the implementation of the Compulsory Education Act and the regulations on the education of the disabled provide further comprehensive legal guarantees of this right, and set out the responsibilities of schools, the family, the government and society. Some specific information on these points has been provided in China’s previous report and will not be repeated here.

224. The (Interim) Guiding Programme for Kindergarten Education, issued by the Ministry of Education in 2001, stresses that “Kindergarten education is an important component of basic education and a fundamental stage in the school-based and lifetime education systems of our

country.” “Kindergartens should provide a healthy and abundant environment for life and activity that satisfies children’s many developmental needs and ensures that children enjoy experiences during their happy childhood years that are beneficial to their physical and psychological development.” “(Kindergartens) shall respect children’s human dignity and rights, respect the rhythms of their physical and mental development and the particular ways in which they learn, and, using games as a basic activity, ... favour the distinctive development of every child.”

225. In order to guarantee that all children have an equal opportunity to receive an education, the Education Act stipulates, “The State Council and all levels of government above the county level shall establish special education funds, and attach particular importance to supporting the provision of compulsory education in remote, impoverished and minority areas, supporting the development of educational institutions for the disabled and protecting the equal rights of girls in the area of education.” In March 1996, the Government issued the Ninth 5-Year Plan National Programme for Educational Institutions and Development Plan for 2010, which set out specific targets for development in education and clearly stated the objective of diminishing the differences in school enrolment rates between boys and girls, between cities and the country, between poor and developed areas, and between areas inhabited primarily by ethnic minorities and other areas. In July of the same year, the Ministry of Education issued a paper entitled ‘10 Suggestions for Improving Educational Work with Girls in Impoverished and Minority Areas,’ which required the various levels of government and educational administration agencies to improve their understanding and guidance in this area and to bring the education of girls into the forefront of their planning for compulsory education. Additional specific requirements included creating conditions enabling girls to attend schools, conducting programs to combat illiteracy among girls, conducting research into education for girls and developing international cooperation in the field of girls’ education. The Ministry’s interim provisions governing compulsory education assessment and approval procedures stipulate that “school enrolment rates and drop-out rates among school-age girls should meet the standards set out by the provincial government, and should be included among the assessment and approval criteria for universal compulsory education.” The Education Act, the Protection of Minors Act, the Compulsory Education Act, the Programme for the Development of Chinese Women and other instruments set out corresponding provisions for the education of girls. In 1998, the State Education Commission and the Ministry of Public Security jointly issued interim provisions to govern the schooling of children in the floating population, and certain provinces, autonomous regions and municipalities directly under the Central Government, particularly those where the floating population concentrates, determined on concrete measures for their enforcement in accordance with local conditions.

226. The Education Act does not only confirm children’s right to receive an education, it also clearly sets out for the first time the basic rights that children enjoy during the educational process. These are the rights to:

- (1) Participate in all activities provided for in education plans, and use the facilities, equipment and documentary materials available;
- (2) Receive scholarships, bursaries and loans in accordance with regulations;

- (3) Be fairly assessed on their scholastic performance and personal behaviour and, upon completion of schooling, receive due certificates of achievement and rank;
- (4) Appeal to a higher authority in case of a punishment meted out by the school that a student does not accept, and similarly to appeal for redress or bring charges against a school or teacher for violations of a student's physical integrity, property or legitimate rights and interests;
- (5) Enjoy all other rights granted by laws and regulations.

227. In order to guarantee the conditions of and investment in education, the Education Act clearly stipulates the responsibilities of all levels of government in developing educational institutions: "The State shall establish a system for the financing of education based primarily on allocations by financial authorities and secondarily on other measures for collecting funds through various channels, and shall gradually increase investment in education so as to ensure a stable source of funding for the educational expenses of the schools that the State establishes" (art. 53). "The proportion of GDP allocated to education by the State shall increase in step with growth in GDP and government revenues" (art. 54). "The share of total financial allocations by the various levels of financial administration that is destined for education shall, in keeping with the principle of consistency between the administrative and financial domains, be listed separately in budgets." "Increases in allocations to education by the financial authorities of the various levels of government should be higher than the increase in general revenue of those authorities, and should permit an increase in average expenditure per student, thus allowing teachers' salaries and per-student expenditures gradually to rise" (art. 55).

228. The Education Act also stipulates that the Government must, in order to improve the conditions of schooling and guarantee that children may fully enjoy their rights to receive an education, provide a variety of priority and preferential measures. Besides the responsibilities of the Government with regard to protecting children's rights to education, it sets out those of schools, teachers, social organizations and citizens, and establishes a system of legal redress for cases where these rights are infringed. In addition, the Act sets out the liabilities incurred by infringing a child's right to education and contains provisions covering guarantees of educational funding, equality of opportunity in education, a favourable environment for education and children's rights to enrol in schools, addressing the problem of educational drop-outs and defining the responsibilities of teachers.

229. Article 37 of the Protection of Minors Act states: "The relevant government departments, social organizations, enterprises and institutions shall, in the light of actual conditions, provide minors who have completed the prescribed period of compulsory education and will not go on to higher education with vocational training and enable them to find employment."

Status of implementation

230. Since 1993, China has kept separate accounts of allocations to education, and has increased these every year. During the Ninth 5-Year Plan, education spending increased by 15.43 per cent annually, faster than the national economy. Total spending on education by

financial administrations throughout the country as a proportion of GDP has grown constantly, increasing from 2.41 per cent in 1995 to 2.87 per cent in 2000. Total spending on education in 2000 was double that of 1995.

231. Compulsory education is the focus of China's education efforts. According to the Compulsory Education Act, the lowest age at which a child may enrol in school is 6 years. The regulations on the implementation of the Act say that the maximum age at which a student may be enrolled in compulsory education shall be set by the people's governments of the various provinces, autonomous regions and municipalities directly under the Central Government. In 2000, some 85 per cent of the population was covered by the nine-year compulsory education scheme. The number of students nationwide in compulsory education was 192,695,000, an increase of 13,469,000, or 7.52 per cent, over 1995. The net enrolment rate for children in primary school was 99.10 per cent, and the gender differential was progressively decreasing, reaching 0.07 per cent in 2000. The primary school dropout rate in 2000 was 0.55 per cent, while the graduation rate to junior middle school was 94.90 per cent. There are some 62,700 ordinary junior middle schools in China with a new recruitment of 22,633,000 students and total enrolment of 61,676,500. The junior middle school to high school graduation rate is 51.1 per cent, and the junior middle school dropout rate is 3.22 per cent (see Tables 10, 11, 12, 13 for details).

232. To help children from poor families to enrol in school, in July 1995 the Ministry of Education and the Ministry of Finance jointly issued a circular enjoining the various regions to establish sound student-assistance schemes for primary and middle school students. It was decided at the same time that for the Ninth 5-Year Plan, some RMB 130 million would be allocated from the central financial administration's Compulsory Education Subsidy Fund and Nationalities' Education Subsidy Fund to establish a national student assistance scheme for impoverished areas, which would provide financial assistance every year to more than 600,000 students from disadvantaged families who risked missing or dropping out of school. Between 1995 and 2000, the State ran a national compulsory education project for impoverished areas, to which central and regional authorities contributed some RMB 11.6 billion in order to constitute a special fund supporting universal compulsory education in impoverished areas. The National Development and Reform Commission also arranged an allocation of RMB 1 billion to the National Assistance to Impoverished Areas Project to help the most disadvantaged areas build primary schools in rural villages. The various levels of government made supplementary funds available to meet the targets of the illiteracy eradication campaign. At the same time, the State opened up a number of new channels to increase spending on compulsory education, and issued (trial) regulations governing the administration of national student loans and (trial) operational regulations on national student loans by the Industrial and Commercial Bank of China so as to have in place a complete system of student loans, guaranteeing students in economic hardship the right to an education.

233. Under State Council leadership, compulsory education is managed under a system which attributes responsibility to regional governments but programmes are run at separate local levels: this encourages involvement by the provinces, regions, counties and townships. It also encourages commercial and non-commercial institutions, social groups and individuals to

operate schools in accordance with the law, and attention is also paid to developing schools (or classes) for ethnic minorities in the areas they inhabit. To ensure that children receive a comparatively full education, every advantage is taken of community influence to tighten checks on school enrolment, drop-out and withdrawal. For example: a township government is responsible for investigating why school-age children are not enrolled in school; under the Compulsory Education Act it will criticize and educate parents or guardians who fail to send their children to school, and will order them to comply with the law. Education departments at various levels utilize a number of means to get children into school and to control dropping out. This safeguards the right of school-age children to attend school and receive an education. In recent years, the number of students attending schools of all types and levels has exceeded 300 million -- a quarter of the national population.

234. In order to ensure that children benefit from a high quality of teaching, China began during the Ninth 5-Year Plan to implement a system of teacher qualifications, spurring great progress in the academic qualification rate of teachers in compulsory education: the number of primary school teachers with the appropriate academic qualifications rose from 88.85 per cent in 1995 to 96.84 per cent in 2000; the academic qualification rate of teachers in junior middle school rose 18 percentage points, from 69.13 per cent in 1995 to 87.09 per cent in 2000. The nation's various education departments have established teacher education and training programmes with a view to increasing the numbers of teachers available and generally raising professional standards. Continuing education is important for primary and middle-school teachers, and the 'Gardeners' Project', a continuing education initiative for these teachers that was launched nationwide with the new millennium, is already half-way to its goal of providing national-level training to 10,000 core teachers. The academic background teachers bring to their duties is also continually improving; the number of primary school teachers nationwide with a college degree or higher qualification rose to 20.04 per cent in 2000 from 5.62 per cent in 1995, while the number of teachers in ordinary middle schools with a bachelor's degree or above rose from 9.43 per cent to 14.18 per cent over the same period. Meanwhile, through the concerted efforts of the various levels of government, the proportion of appointed, though not formally qualified, teachers among the total number of teachers in primary and junior middle schools dropped from 28.81 per cent and 5.96 per cent respectively in 1995 to 4.73 per cent and 0.76 per cent in 2000 (for details, see Tables 14 and 15).

235. The Government has taken action, increased direct funding and actively marshalled supplementary funds to improve conditions in primary and junior middle schools. Great progress has been made in constructing schools to established standards. The average school space per primary student grew from 3.74 square meters in 1995 to 4.55 square meters in 2000, while for ordinary middle school students this figure grew from 6.22 square meters in 1995 to 6.55 square meters in 2000. The standards of available laboratory equipment and library facilities have also risen, with some 72.74 per cent of ordinary junior middle schools nationwide meeting the standards for provision of scientific instruments in 2000, a rise of 27 percentage points over 1995. Some 70 per cent of junior middle schools nationwide in 2000 met the standards for conducting group experiments, a rise of 28 per cent over 1995, while some 75.15 per cent of these schools met the standards for library facilities and collections, a very significant rise over the 41.23 per cent registered in 1995 (for details, see Table 16). In order to

even out the differences in facilities and conditions that exist among compulsory education schools and adhere to the principle of equality of opportunity in education, education departments nationwide are striving to raise overall standards in more deprived schools through such measures as preferential funding allocations, strengthened school leadership and better teaching staff, improved school administration and reforms in teaching methods.

236. China attaches great importance to the development of early education, particularly in the three years prior to school entry, and many efforts are made to ensure that children in cities and rural communities alike have access to preschool education in a number of formats. The State's guiding principles with regard to early education are: joint organization by the Government, collectives and individuals; development of a number of education formats; and early education opportunities for ever more children. The Government set forth its objectives with regard to early education in the Children's Programme and the National Education Reform and Development Programme, and by 1997, the school enrolment rate for children aged 3 to 6 was 43 per cent (the target figure was 30 per cent) while in rural communities, the rate of kindergarten attendance in the year before primary school exceeded 60 per cent. Programmes of education in kindergartens vary considerably in China due to regional economic and cultural differences, ranging from three years of full-day kindergarten to half-day kindergarten and to one-year preschool classes. In addition, there are flexible and informal programmes suited to local conditions, including seasonal classes, weekend classes, play groups, itinerant coaching units, in-home guidance and parental assistance schemes.

237. In order to ensure that children receive a high-quality education adapted to their specific ages, China is currently reforming its traditional teacher-centred, group-dominant teaching model for kindergarten curricula, and is conducting trials of many optional models. Educational activity formats that include free play, small-group learning and collective learning provide goals and planning that encourage children's self-motivated development. The academic qualifications of kindergarten principals and teachers alike have also risen considerably, with, in 2000, some 72.99 per cent being graduates of secondary-teacher training schools or of pre-school education programmes in vocational colleges or above, and 11.8 per cent being college graduates. These figures represent rises of 24 and 9 percentage points respectively since 1995 (for details, see Table 17). Further progress has been made in transforming the educational concepts of the majority of preschool teachers, and in most early education institutions, the following concepts are gradually gaining widespread acceptance:

- (1) Playing games is the children's principal activity and a basic method of learning;
- (2) The main role of teachers is to create a favorable learning environment that is adapted to the particularities of children's physical and mental development, and to provide children with the opportunities and conditions for discovery, interaction, development and self-expression;
- (3) The links between children and their families and community should be strengthened, and the combined resources of families, parents and neighborhoods mobilized so as together to promote children's sound growth.

238. An important focus of the universal nine years of compulsory education and the campaign to eradicate illiteracy is better education for girls. The State has stepped up information efforts in this regard and mobilized all sectors of society. For many years, every possible medium has been used to promote girls' education and change traditional attitudes, prevalent in certain areas, that favour male over female children and encourage early marriage and child-bearing. The Government of China requires all levels of local government to address lingering problems with the education of female children, and to set up systems to assess progress in doing so. It also actively cooperates with NGOs and international organizations in vigorously promoting educational undertakings for girls. To encourage further improvements in the situation, the All-China Women's Federation and the Ministry of Education have run a number of information-exchange events and international seminars to pool experiences with girls' education and to address both the hurdles girls must overcome to attend school, and the problems they face in economically disadvantaged areas. Meanwhile, the nationwide activities of Project Hope spur hopes of returning to school among the many children, including girls, who do not attend at present. The Spring Buds Programme, campaign by ACWF to help girls in disadvantaged areas who have dropped out or withdrawn from school to return to their studies, now covers 30 provinces, autonomous regions and municipalities directly under the Central Government nationwide, and has provided assistance to some 1.15 million girls with the RMB 400 million it has collected. In conjunction with the media and relevant institutions, ACWF has mounted a fund-raising campaign to provide training in useful skills to older girls with good scholastic records who, because of hardship, are unable to continue their education into middle school; possession of these skills allows the young women to participate more fully in their communities' economic and social development. The Federation and relevant departments have also conducted surveys of girls not attending school, with a view to registering them for assistance in overcoming their difficulties. As for girls who are unable to attend school because of customs that favour boys, efforts are made to educate parents, urging them to change their attitudes and allow their daughters to be educated. Families too poor to send their daughters to school are registered for direct-help schemes whereby the wealthier help the less well-off so the girls can return to school. On the basis of its work on girls' education in impoverished areas, ACWF has extended its Spring Buds Programme to orphaned, disabled and otherwise disadvantaged girls, and organized tens of thousands of 'Social Mums' and 'Surrogate Mums' in urban and rural areas to help these girls overcome their difficulties and go to school.

239. As regards curriculum, emphasis is placed on training in practical, technical skills relevant to girls' everyday lives. Flexible and varied teaching models make study more accessible to girls, and each locality has sought to provide such flexibility by combining formal and informal educational approaches -- half-day primary school classes, farm-and-study schools, morning, afternoon and evening study sessions, allowing girls to bring younger siblings to class and to arrive or leave early, and extra work at home during busy farming periods - all of which afford additional opportunities for girls to attend school. Some localities also offer primary schools or classes specifically for girls, and in grazing regions where girls have herding duties, families are organized into mutual assistance groups so as to ensure that girls can follow their studies. In 1996, ACWF launched a practical skills training fund for the Spring Buds Programme, dedicated to upgrading vocational education for girls. The fund has

established 12 training schools in disadvantaged parts of western China that have enabled young women to transform their own lives and improve the local economies through their own skills. Some girls graduate from these schools trained in animal husbandry, others in such skills as weaving and embroidery, and all derive economic benefit from their efforts. In recent years, training in practical skills for girls has been widely introduced, particularly in areas where UNICEF is running special girls' education projects. Courses offered include sewing, tailoring, planting, breeding, computer technology, embroidery and other specialized skills that can provide young women with the ability to fend for themselves. In addition, the various regions have published series of technical and local-resources instructional material that teach girls simple but necessary technical skills. At the same time, particular emphasis is being brought to train female teachers, school principals and educational administrators whose personal influence and understanding of the physical and psychological particularities of growing girls can be beneficial to their studies and personal development.

240. The proportion of female students at all levels of education, except in vocational secondary schools, is rising (for specific details, see Table 18). The proportion of female students in specialized secondary schools has been consistently above 50 per cent since 1995, and has been increasing every year. In 2000, the proportion of female students in high schools exceeded 40 per cent for the first time. The ratio formed by the numbers of female students across all school levels in 2000 was, with female primary school students representing 100, 100 in primary schools, 47 in ordinary junior middle schools, 8 in higher middle schools and 4 in high schools. As the comparable figures for these four levels in 1995 represented a ratio of 100:34:5:2, real growth in the numbers of female students attending schools can be seen.

241. The Government of China has dedicated considerable resources to the development of educational institutions for the children of ethnic minorities, striving to improve conditions in schools and raise standards of education. The pertinent government departments have taken the particular features of the various minority areas into account in executing a series of special policies and measures to develop education for minority children. These initiatives include establishing specialized agencies to oversee the work that is done in minority education, establishing primary and junior middle boarding schools in minority, mountain and pastoral areas, setting up subsidy programmes for minority educational institutions, establishing ethnic colleges, classes and preparatory courses specifically for minorities, promoting bilingual education so as to guarantee the rights of minority children to learn and use their own national languages, operating illiteracy-eradication programmes (including night schools), affording special treatment to minority children in school enrolment (for example, lowering the required minimum grades, targeting enrolment and placement), and establishing special scholarship and assistance programmes for minority university students. These various measures have greatly advanced the development of educational opportunities for minority children. The Government has also taken steps to address and resolve lingering problems in minority education, such as non-attendance and dropping-out. The Ningxia Hui Autonomous Region, for example, has stepped up auxiliary single-teacher-school construction to make it easier for girls in remote areas to attend a nearby school. Gansu Province has set up a peripatetic teachers programme that 'brings education to the door' for girls in remote areas who live far from a school and cannot

afford to attend boarding school. For more detailed information regarding the enjoyment by minority children of their right to receive an education, refer to Part 8, “Children of Minority or Indigenous groups’.

242. Thanks to the introduction of universal compulsory education, campaigns to eradicate illiteracy among adults and other, natural factors, the incidence of illiteracy among China’s population is clearly declining. Figures from the fifth National Census showed that by 2000, the number of illiterates over the age of 15 had dropped by 94.96 million from 1990 levels, and the gross illiteracy rate had dropped to approximately 6.72 per cent from 15.88 per cent over the same period. In 2000, the under-40 illiteracy rate was below 5 per cent. The gender gap in illiteracy rates has also narrowed, from 19 per cent in 1990 to 9 per cent ten years later. The number of persons with a university-level education grew from 1,422 per 100,000 in 1990 to 3,611 in 2000; the number with a higher middle school education rose from 8,039 to 11,146 per 100,000 over the same period; those with a junior middle school qualification rose from 23,344 to 33,961 per 100,000, and the number of people per 100,000 with no more than a primary education dropped from 37,057 to 35,701 (for details, see Tables 19 and 20).

243. In order to resolve the schooling problems of school-age children among the floating population in urban areas, the Ministry of Education, with financial backing from UNICEF, has launched programmes to survey and study the situation of such children in the cities of Beijing, Tianjin, Shanghai, Langfang in Hebei Province, Yiwu in Zhejiang Province and Shenzhen. In 2001, the National Working Committee for Women and Children, which reports to the State Council, launched a programme to protect the rights of children in the floating population in the cities of Wuxi and Shijiazhuang, training personnel from a number of agencies and surveying the children’s situation; an inter-agency action plan was developed to promote the advancement of such children. In 1998, the Ministry of Education and related departments approved interim schooling arrangements for children in the floating population, which provided a framework for the enrolment of floating-population children in school. At present, the problem falls under the purview of the authorities in the areas into which the migrants have moved and the great majority of floating-population children are enrolled in local public schools, some of which offer them reductions in or exemption from the related fees and run auxiliary classes for them. In some areas with a high floating population, schools specifically to accommodate these children have been set up.

244. Building on the basis of the nine years of compulsory education, the Government is actively developing educational opportunities at the senior secondary level, which in China encompasses ordinary high schools, vocational high schools, adult high schools, ordinary and adult middle vocational colleges, skilled worker schools, etcetera. By 2000, there were a total of 36,800 such high schools, with an intake of 9,143,100 students and a total enrolment of 25,176,800. Among these schools, those offering a mid-level vocational education were growing most rapidly, their objective being to provide minors with the appropriate skills and training for employment. By 2000, there were some 20,250 middle vocational schools operating nationwide (including middle vocational colleges, adult vocational colleges, vocational high schools and skilled worker schools), with an intake of 4.11 million students and a total enrolment of 13.07 million. The intake and total enrolment figures of middle vocational schools represent 45 per cent and 51 per cent respectively of the totals for all schools at the senior secondary level.

245. The Government has devoted considerable attention in recent years to the development of higher education and has extended the scope of admissions to higher education schools. By 2000, the number of students in higher education had grown to over 12 million, from 6.5 million in 1998. The gross admission rate in higher education reached 13 per cent and over 50 per cent of applicants were accepted.

246. The Education Act stipulates that the State shall establish a system to inspect and oversee educational activities. China has a nationwide network linking the central, provincial, regional and county-level education inspectorates. The basic duties of education inspectors are to ensure compliance with education law and regulations at the lower levels of government, in the related administrative departments, and in schools, and to offer supervision, inspection, assessment and guidance on education policy and the performance of educational functions so as to ensure that educational targets are met. The emphasis at present is on supervision, inspection, assessment and homologation of nine-year compulsory education. In order to guarantee that school-age children do indeed attend compulsory education, many areas practice a target responsibility system linking higher and lower levels of government with higher and lower-level education authorities, and using economic, administrative and legal means to keep student drop-out rates under control. In areas where the drop-out rate exceeds stipulated standards, the education inspectorate will require the local government and education authorities to rectify matters within a set period.

247. As the law and regulations require, education inspectors at all levels make education for girls an important focus of their work, and treat school enrolment and drop-out rates as important criteria in their homologation of compulsory education. They also regard school enrolment rates among disabled children as important indicators in their assessment of regional education authorities and schools. The Standing Committee of the National People's Congress has conducted several checks on the status of disabled children in compulsory education, and has taken timely action to resolve such problems or cases as have been identified.

248. As regards international cooperation in helping particularly badly-off children to receive an education, China has actively solicited World Bank loans and aid from UNICEF and has put them to use in providing primary education or early middle school education in impoverished areas. The Government and UNICEF have jointly conducted a special programme for girls' education in 102 poor counties within 12 provinces and autonomous regions. Over the past few years, this programme has trained many female teachers and administrators, produced the related training material, promoted education for girls and improved the compulsory education coverage rate in the target counties. In conjunction with the United Nations Development Programme (UNDP), the Government has also conducted a programme with a particular focus on girls, promoting the nine years of compulsory education in poor areas; together with UNESCO, it has conducted an innovative new programme in disadvantaged areas of Gansu Province and elsewhere to improve education for girls. With UNICEF, meanwhile, the Government has run 18 training courses and provided relief, protection and special education for some 1,332 homeless children in Shanghai, Hefei, Siping and Jiamusi, while also running, in certain poor areas, a trial project circulating teaching materials free of charge to address the problems of girls prevented from attending school by extreme economic hardship.

249. Chinese NGOs also demonstrate considerable capabilities, furthering the cause of children's education in a variety of ways. The 'Project Hope' initiative of the All-China Youth Federation, for example, has been active for more than ten years in helping the children of disadvantaged families in impoverished areas to receive an education. Over this period, the Project has collected donations in excess of RMB 1.8 billion and provided assistance to some 2.3 million persons, while establishing 7,812 'Project Hope Primary Schools'. The ACWF Spring Buds Programme has also been very successful with its subsidies allowing girls in poor areas who have been unable to continue their education to re-enrol in schools. Since 1996, the Song Qingling Foundation has focused supporting educational institutions in impoverished areas, particularly those inhabited by minority groups. Collecting funds through a number of channels, it has established student-assistance schemes in Ningxia, Hebei and Shanxi provinces that, in addition to helping construct new schools, also manufacture desks and chairs, distribute teaching materials and donate stationery and library materials, equipment and instruments for the classroom and for physical education, in order to improve conditions in schools and carry out its girls' education plans. The Foundation has also set up ten scholarship funds for training female teachers from minority groups and so forth. From 1996 to 2000, the Foundation collected RMB 6,072,755 for its student-assistance funds, to the benefit of some 50,000 students.

250. The Government has devoted considerable resources to bridging the development gap that separates urban from rural areas. Since 1995 it has been operating a national project on compulsory education in impoverished areas to which, by the end of 2001, the central and various regional governments had contributed some RMB 11.6 billion for the purpose of extending universal compulsory education to impoverished rural communities. In 2001, the State Council issued a resolution on "fundamental reforms and development in education" which made adjustments to the systems governing compulsory education in rural areas, putting in place a county-based multi-tier system of responsibilities under State Council leadership. The central financial authorities also made available RMB 5 billion to subsidize salaries for primary and middle-school teachers in poor rural areas of China's central and western provinces. Between 2000 and 2001, the central financial administration allocated RMB 3 billion for the refurbishment of dangerous rural school buildings. RMB 100 million was made available to help children from poor families to attend compulsory education, and a further RMB 100 million was used to provide textbooks free of charge. Under its Contemporary Distance Education Project, the Government has set up 10,000 receiving stations in the country's poor central and western regions for material distributed over China's satellite broadband network, supplying educational and technical information and news round-ups tailored to each region's need. China also actively promotes inter-school support networks that link schools in the east and the west and in cities and rural communities. These networks provide assistance not only in the form of expert teachers and administrators, who are sent to target regions to help improve the quality of the education and administration in local schools, but also in the form of considerable material resources.

251. Despite significant progress in children's education in China, some problems do remain. Varying conditions among the different regions and long-term imbalances in development mean that in regions where some 15 per cent of the nation's population live,

universal education is only available at the most basic level or for 3 to 4 years of primary school. Some 200 million people live in areas, predominantly poor ones, where nine-year compulsory education has not yet been fully implemented. The most urgent problems requiring resolution at the beginning of the new century, when the junior middle school population is at its height, are how to boost funding, expand school and boarding facilities, deal with the problem of teacher qualifications and meet demand for education at the junior middle school level. In certain provinces and municipalities, the problems of teacher qualifications and an extreme shortage of educational resources are most apparent in rural communities, where student-teacher ratios are excessively high. In addition, with the increases in the mobile population that have followed structural reforms and the rapid development of a market economy, the education of children in this floating population is an ever-greater challenge requiring further attention from the Government and society at large. In the late 1990's, moreover, China began to focus on the problems of an educational system that was based essentially on success in examinations, and began vigorously to promote high-quality education. Considerable further effort will be required, however, to effect this change in emphasis in China's educational practices.

(2) The goals of education (art. 29)

252. Article 3 of the Protection of Minors Act states: "The State, society, schools and families shall educate minors in ideals, morality, culture, discipline and the legal system and in patriotism, collectivism, internationalism and communism, [and] foster among them the social ethics of loving the motherland, the people, labour, science and socialism." Article 13 states, "Schools shall fully implement State education policy, giving minor students a moral, intellectual, physical, aesthetic and work education, guidance in social life and education about puberty."

253. Article 6 of the Education Act stipulates: "The State shall confer on those in education an education in patriotism, collectivism and socialism, and shall educate them in ideals, morality, discipline, the legal system, national defence and solidarity among nationalities." Article 7 states, "Education should pass on and extol the outstanding history, culture and traditions of the peoples of China and assimilate the outstanding achievements of human civilization and development."

254. Article 3 of the Compulsory Education Act states: "Compulsory education must follow State education policy, strive to improve the quality of instruction and permit children's all-round moral, intellectual and physical development, thereby laying the foundations for improving the qualities of the nation and training well-educated, self-disciplined builders of socialism with high ideals and moral integrity."

255. Article 4 of the Vocational Training Act states: "Schools conducting vocational training must follow State education policy, confer on those in training an ideological and political education and education in professional ethics, impart vocational knowledge, foster vocational skills, provide vocational guidance and raise overall the qualities of those being trained."

256. In June 1999, the State Council issued a resolution on ‘promoting high-quality education by pursuing educational reform’ and in May 2001, a resolution on fundamental reforms and development in education. These two resolutions make detailed stipulations about the goals of education, among them:

1. “High-quality education shall be comprehensively promoted and shall be addressed to all students, creating conditions in which they can develop in all respects, upholding the basic right of school-age children and adolescents to an education in accordance with the law, respecting the particular characteristics of students’ mental and physical development and learning patterns, and enabling students to develop actively and enthusiastically”;
2. “High-quality education must organically combine moral, intellectual, physical and aesthetic education in every aspect of activity. Education in schools must not only impart knowledge but also emphasize moral education and pursue the acquisition of physical, aesthetic and labour skills and their exercise in society, enabling all aspects of education to interweave and develop in a coordinated fashion and thereby promoting students’ all-round development and sound growth.”

257. In 2001, the Ministry of Education issued a programme of curricular reform in basic education, setting out its objectives in this area:

1. To remedy the tendency for curricula to over-emphasize the transfer of knowledge and encourage the development of an active, enthusiastic attitude towards learning;
2. To remedy overly subject-centred curricular structures featuring a surfeit of subjects and a lack of integration, establishing consistency between the subjects studied and the amounts of time allotted to each over the nine years of education, and establishing integrated curricula to accommodate the differing developmental requirements of different students and regions;
3. To remedy curricular content that is complex, difficult, unsystematic or outdated and places too great an emphasis on book-learning, emphasizing content that is related to students’ everyday lives and the scientific development of contemporary society;
4. To remedy evaluation which over-stresses screening and selection, and ensure that it favours students’ personal development and teachers’ enhancement and improvement of the teaching profession;
5. To remedy the over-centralization of curriculum management and implement a 3-tier model based on national, regional and school-level management.

Status of implementation

258. Education in the importance of love is a noble tradition among the peoples of China, one which has always been treated with great importance: it encompasses love for life, for one's parents, for others, for oneself, for one's school, for the collective, for society, for the motherland, etcetera, cultivating in children a regard for others, for society and for the motherland. All regions of China have evolved distinctive educational activities for this purpose that reflect local conditions and characteristics. The 'A Place in the Heart for the Homeland, A Place in the Heart for Others' campaign organized jointly by ACWF, the All-China Youth Federation, the Ministry of Education and the China National Children's Centre has, since its launch in 14 cities in 1988, extended to more than 100 cities and involved millions of people every year. The campaign, which closely integrates education in patriotism and collectivism, has run for 12 years without interruption. Every year, it introduces new activities for children to participate in, through which, starting from their love for their parents, teachers, elders and hometown, the children are gradually inspired with feelings of love for the homeland. Meanwhile, the 'everyday behavioural standards for middle school students' and the 'everyday behavioural standards for primary school students' serve to shape good ideological qualities and have played a major role in fostering a forward-looking, self-respecting and self-motivated spirit of enterprise.

259. The curricula for compulsory education, for both academic subjects and practical activities, provide children with a thoroughgoing basic education while showing concern for and promoting the development of their personalities, skills and mental and physical abilities. In order to cultivate respect for human rights, basic freedoms and the principles embodied in the United Nations Charter, schools in China run classes in law and history that teach the meaning of, and thereby safeguard, the rights and freedoms of citizens, and that introduce the struggles of the revolutionary elders in their efforts to win these rights and freedoms. With a view to ensuring that children have a firm grasp of the language of their own ethnic groups and of the country's history, geography and related matters, schools conduct classes in these subjects. The content of such classes has been discussed in China's first report and shall not be repeated here.

260. Having come to recognize the restrictive effect on student individuality of examination-based studies and neglecting personal qualities, China has initiated a shift towards a system oriented towards high-quality education, attaching greater importance to fostering character and moral qualities. Many schools have instituted student-as-own-master systems that encourage student involvement in their own education and in decisions regarding school spirit, the classroom atmosphere and school songs, course evaluations and various other aspects of school life. These foster a democratic consciousness and encourage schools to listen to students when undertaking reforms. To allow students to develop their personalities, skills and mental and physical abilities to the maximum, schools function openly and democratically, with administrative systems conducive to the development of student individuality. Students can design all manner of educational activities for themselves, create classroom environments for the discussion of problems, and receive in the classroom an education imbued with love and beauty. There is a wide variety of extracurricular activities, and special-interest clubs exist to develop students' many and various abilities.

261. Since 1994, the Chinese Teenagers Century Eagle Campaign has been running in Young Pioneers groups around the country. This is an educational project that aims to improve children's all-round personal qualities, helping and encouraging them to learn about life, self-improvement and self-discipline; to learn how to serve and to take pleasure in helping others; to learn how to create, and to pursue real knowledge. There are four major components:

1. 'Technology Stars', a programme that stimulates children's interest in learning about science through completion of small technical projects and inventions, and encourages their mental and physical engagement in scientific pursuits to draw out their potential and foster creativity;
2. The 'Five Selves' (self-motivated study, self-regard, self-protection, self-improvement, self-discipline), a practical activity that, through training in life and work skills, boosts children's understanding and abilities to take care of themselves and imbues them with enthusiasm for work;
3. 'Hand-in-Hand Cooperation', activities in which, through mutual assistance and appreciation, children learn the value of participation, solidarity, equality, friendship, and helping others; they improve their practical skills and abilities, and develop positive attitudes towards life and living;
4. 'A Hundred Flowers of Art and Culture', a range of artistic and cultural activities in which, through viewing patriotic films, reading books and periodicals and participating in games, performances, song and dance activities, literary composition, poetry readings, etc., an ethical education is obtained from pleasurable pursuits which enliven children's lives outside the school and enhance their ideological and cultural qualities.

262. China attaches great importance to educating children in the rule of law. The Ministry of Justice and the National Office for Propagating Knowledge of the Law have done much to inform children of the law and improve their knowledge of the legal system. Since its inception in 1986, the Campaign to Propagate Knowledge of the Law has been conducted through three 5-Year Plans, and planning for a fourth such Plan is currently in process. Adolescents and children, particularly those still in school, have always been an important focus of these efforts in legal awareness education. In December 1995, the State Education Commission, the Office of the Central Committee for Comprehensive Management of Public Security and the Ministry of Justice jointly issued an opinion on the strengthening of education in the rule of law in schools, which stipulated that schools should offer basic legal instruction during ideology and moral character classes.

263. In order to improve the effectiveness of the legal awareness education that is given to children, the Ministry of Justice, the National Office for Propagating Knowledge of the Law, the Office of the Central Committee for Comprehensive Management of Public Security, the Ministry of Education, the All-China Youth Federation and the Next Generation Committee have jointly conducted a variety of activities. In October 1999, for example, they staged an

exhibition, “For Tomorrow -- combating juvenile delinquency”; in 2001 they produced a legal reader for adolescents, and they have also established centres for education in the rule of law in various parts of the country. In cooperation with the central television and broadcasting services, a number of periodical publishers and other media, special programmes have been developed to educate children in the law and prevent young people from engaging in criminal activity. These initiatives have engaged the interest of society at large in protecting children’s legitimate rights and interests, and have been very effective in raising children’s awareness of the law, enhancing their ability to protect their own rights and interests and deterring them from criminal activity.

264. China has made it a major policy objective to improve environmental education and to encourage public participation in achieving this goal. Material on environmental protection has been introduced in primary and junior middle school classes, and some 10,000 schools are now taking part in a ‘green schools’ campaign to enhance children’s environmental awareness and to foster, from an early age, proper concern and care for the environment around them. International cooperation in the realm of environmental education is also actively encouraged, and the Ministry of Education has conducted, in conjunction with the World Wildlife Fund and British Petroleum, a ‘Green Education’ campaign in primary and junior middle schools, while also establishing environmental education centres at 12 universities to train researchers and teachers. Since 1999, the State Environmental Protection Administration, the Ministry of Education, the State Forestry Administration, the State Administration of Radio, Film and Television, ACWF, the All-China Youth Federation, the Next Generation Committee and other agencies and NGOs have jointly run a ‘Green Commitment Campaign’ on the themes of ‘progress towards sustainable development, protecting the Earth and protecting mankind’s common home.’

265. In order to raise the standards and capabilities of teachers involved in education for all-round development, since 1999 a comprehensive programme addressing all teachers has been in place nationwide that provides training in professional ethics and information technology skills. The ‘10,000 National Core Teachers Project’ component of this programme has to date successfully trained nearly 7,000 teachers.

266. The Government of China encourages commercial and non-commercial institutions, social groups and other social organizations and individuals to found schools and other educational institutions, and supports such undertakings. It has issued regulations on the running of educational institutions with social resources which state its policies of “active encouragement, strong support, correct guidance and strong administration,” and is promoting the rapid, healthy development of such institutions under the guidance of the pertinent laws and regulations.

(3) Leisure, recreation and cultural activities (art. 31)

267. The Government of China fully acknowledges that children enjoy the same rights as adults to leisure, recreational and cultural activities and to participation in artistic and cultural activities suited to their particular physical and psychological characteristics. China actively protects these rights, and strives to enable children to live happy, fortunate lives.

268. Parents and teachers encourage children to engage in a variety of leisure and recreational pursuits, which may include such traditional sports as skipping-rope, tug-of-war, kite-flying, playing on swings, kicking the shuttlecock, throwing tops and all types of board and ball games, besides computer games and other more modern pastimes. The State encourages the production of children's toys and the market is abundantly supplied with a vast variety of such articles in the most modern models. The State also encourages the development of art forms that are intellectually stimulating to children. Creative pursuits in the fine arts, music, song, dance, theatre, cinema and television have enjoyed unprecedented development in China and greatly enrich children's leisure time.

269. In order to ensure the development of children's leisure, recreational and cultural institutions and to ensure ample space is available for recreational activities, a great many children's recreation centres have been constructed, including Youth Palaces, children's activity centres, community youth service centres and amusement parks of all types. By 2000, some 1,217 Youth Palaces had been established in cities across China, most of them equipped with excellent basic facilities and guidance resources, including technology and culture rooms, physical training rooms, conference rooms, auditoriums and other up-to-date facilities, as well as instructional equipment such as multimedia computers, pianos and woodwind and stringed instruments. In these venues, children are able to receive extra-curricular training in computer skills, music, board games, etc., and to join in competitions, performances and the like. By 2000, ACWF was operating more than 2,000 children's activity centres. The various children's centres constitute a new type of integrated educational institution, a place outside the school and the home where children can exercise their own initiative and develop interests and hobbies, learning as they play in activities that combine instruction, activity, enquiry and fun. Through such varied activities as technology, art, physical education, handicrafts and games, children receive education in ideology and morality, scientific knowledge, aesthetics and physical fitness. These activities serve to elevate children's moral character, while developing their intellectual, interpersonal, physical and artistic skills. The provision of venues for scientific experimentation and social interaction stimulates children's interest in exploring the world around them and cultivates in them a creative spirit and practical abilities. The China National Children's Centre is the only national-level educational institution outside the school system. Its scientific research department focuses specifically on problems in the physical and psychological development of children, and issues guiding recommendations on extracurricular activities nationwide. The Centre is also a window on the outside world for China's children's institutions, promoting friendship and interaction by inviting children and guests from the international community to participate in various activities. In addition to the above, a great variety of mid-sized and smaller cultural, sporting and entertainment venues for youth are developing nationwide, as are local youth activity centres in townships and villages across China.

270. The neighbourhood where they live, study and work is an important place for young people. The All-China Youth Federation and the Ministry of Civil Affairs, the Ministry of Construction and the State Administration for Industry and Commerce have, since 1996, jointly operated a campaign nationwide known as 'Youth Cultural Neighbourhoods' which provides a number of services for young people as they grow up and seek a healthy and civilized cultural life as well as labour and employment opportunities. Neighbourhood services agencies are

expected to reflect the wishes and voices of local youth, represent and uphold their legitimate rights and interests and strive to elevate the personal qualities and cultural level of young people. As the matrices and motivators of local cultural life, they sponsor cultural and social activities for young persons that encourage singing, performance, dance, fitness, painting, writing, reading, public speaking and other shared pastimes. They seek to ensure harmonious relations in the community, promoting mutual assistance programmes such as the 'mutual aid cards' and 'mutual aid bells' and other campaigns to help people get to know each other. They also work to optimize social order through such initiatives as 'youth rights protection stations', monitoring children's safe return home from school and providing instruction in the law for adolescents. In addition, the agencies work to beautify the local environment, encouraging youth nature protection activities, planting campaigns and similar events which promote the healthy growth of their young participants.

271. Many social organizations actively support cultural and sporting activities. Between 1996 and 2000, the Song Qingling Foundation organized three national invitational competitions for young keyboard players, five national football tournaments for children and youth, five national basic calisthenics performance competitions for young children, and exhibitions of children's postcard art. The Foundation has also established the Song Qingling Children's Literature Prize. Almost 10,000 children from around the country have participated in these various programmes.

8. Special protective measures (arts. 22, 38, 39, 40, art. 37, paras. 2-4, arts. 32-36)

(1) Children in emergency situations (arts. 38 and 39)

Children in armed conflicts (art. 38), physical and psychological recovery and social reintegration (art. 39)

272. China believes that armed conflict is enormously detrimental to children's rights. Accordingly, the Government advocates the peaceful resolution of international disputes, and is extremely concerned about armed conflicts in certain areas of the world which lead to the deaths of children or to their dispersal from their homes. China also prizes, and attaches great importance to, the maintenance of social stability, and promotes economic development so as to provide children with a favourable living environment.

273. China ratified the 1949 Geneva Conventions on 5 November 1956, and the two additional protocols accepting an international obligation to provide humanitarian treatment to victims, including children, of domestic and international armed conflicts, on 2 September 1983. Beginning in 1995, the Government participated actively in the drafting of the Optional Protocol on the Involvement of Children in Armed Conflict to the Convention on the Rights of the Child and made its own contributions to the final version. It signed the Protocol in March 2001, and is at present actively considering it with a view to ratification. All these various commitments serve to demonstrate China's resolve in the cause of protecting children's rights and interests.

274. Thanks to the country's social stability and economic development, no armed conflict has occurred in China for many years. Accordingly, there are no problems of armed conflict from which children may need protection under international humanitarian law. To prevent children from becoming caught up in armed conflict, nevertheless, the Government has taken various precautions. Article 12 of the Military Service Act, for example, clearly stipulates that only persons of 18 years of age or older may be conscripted into military service. It also stipulates that no one in China under the age of 15 may voluntarily enlist in any armed force.

(2) Children and the administration of juvenile justice

(i) The administration of juvenile justice (art. 40)

275. The Criminal Code, as amended in 1997, establishes the principle that there must be a legally prescribed punishment for a legally prescribed crime. Article 3 stipulates that "For acts that are explicitly defined as criminal acts in law, the culprits shall be convicted and punished in accordance with law; otherwise, they shall not be convicted or punished." This is consistent with article 40, paragraph 2 (a), of the Convention. In convicting offenders, China's courts act in strict compliance with this provision.

276. In March 1996 China amended its Code of Criminal Procedure, with the amended version entering into force on 11 January 1997. The revised Code contains the following major changes:

277. (a) It establishes the principle that "there is no guilt without a judgment by a people's court according to law". Article 12 of the Code as amended stipulates: "No one shall be considered guilty without being judged so by a people's court according to law." The establishment of this principle means that no one suspected or accused of a crime in any criminal proceedings may be regarded as a criminal. This provision helps to promote the guarantees of children's rights in criminal proceedings and is consistent with article 40, paragraph 2 (b) (i), of the Convention. In its concluding observations on China's initial report, the Committee expressed interest in the principle of the presumption of innocence, which has now been reflected in the revised Code;

278. (b) The moment where counsel enters the criminal proceedings has been moved forward to the investigation phase. A lawyer may be invited to provide a suspect with legal advice and represent him in his appeal or complaint on the day the investigating authorities take coercive measures against him or the first time the suspect is interrogated. An appointed lawyer has the right to an explanation from the investigating authorities of the crime the suspect is charged with, and may meet a detained suspect and explain to him the relevant facts of the case. In the case of juvenile suspects, the fact that the time when a lawyer may enter the case has been moved forward can help him learn the nature of the suspected offence and also enables him to become familiar with the case so that he can argue the juvenile's defence in court;

279. (c) The method of criminal trials has been changed: trials based on interrogation by an investigating judge have been replaced by trials in which the prosecution and defence argue the case. Formerly, China followed the method of trial by judicial interrogation, but with the revision of the Code of Criminal Procedure this type of trial has been replaced by an adversarial

system so that judges can listen to the arguments put forward by the prosecution and the defence, a process that is more conducive to the exercise by the defendant of his or her legitimate procedural rights. The main elements of an adversarial-style trial are: the setting out of criminal charges in the bill of indictment and the annexed list of evidence, the list of witnesses and important written evidence or photographs. A people's court hears the case in an open session; during the open proceedings, the parties and their counsel may, with the permission of the presiding judge, question witnesses and experts, express opinions regarding the evidence and the facts of the case, and debate. When the debate has ended, the defendant may make a concluding statement. This type of trial is also suitable for juvenile courts: the procedural rights of juvenile criminal suspects are upheld in court and the juvenile defendants may be entitled to speak in their own defence, question witnesses and make a final statement. This is consistent with the provisions of article 40, paragraph 2 (b) (iv), of the Convention;

280. (d) In order to ensure the rights of juvenile criminal suspects, article 14 of the Code of Criminal Procedure stipulates: "In cases where a minor under the age of 18 commits a crime, the criminal suspect and the defendant's legal representative may be notified to be present at the time of interrogation and trial." Article 34 stipulates: "If the defendant is ... a minor, and thus has not appointed defence counsel, the People's Court shall designate a lawyer obliged to provide legal aid to conduct the defence."

281. Given the rise in juvenile delinquency in recent years, China's judicial organs have established special regulations for handling cases with a view to ensuring the legitimate rights and interests of juvenile criminal suspects and defendants during criminal proceedings. In October 1995 the Ministry of Public Security issued regulations setting out in detail the specific procedures to be followed by the public security authorities in handling cases involving crimes committed by juvenile offenders. These include special emphasis on the need to respect and protect the legitimate rights and interests of juvenile criminal suspects and juvenile offenders. For example, the general principles include the following: "Cases involving juvenile offenders must be based on facts, take the law as their criterion, have an educational, reform and preventive orientation, take into account the particular physical and mental characteristics of minors, respect their human dignity and safeguard their legitimate rights and interests. Special legal awareness education should be provided to juvenile offenders, who must be given legal advice and assistance and clearly informed of their rights and responsibilities under the law. In handling cases involving juvenile offenders the use of threats, intimidation, enticement or deceit to obtain evidence is strictly prohibited. Obtaining confessions under duress is strictly prohibited. In handling cases involving juvenile offenders the minors' reputations should be protected and information such as their names, addresses or descriptions of their appearance should not be divulged."

282. In May 1998, the Ministry of Public Security issued newly revised regulations on procedures for the handling of criminal cases. Regulation 182, paragraph 1, states: "When interrogating juvenile suspects, the particular physical and mental characteristics of minors should be borne in mind and different methods used from those used with adults. Unless it would be detrimental to the investigation or there is no means of doing so, the juvenile suspect's parent, guardian or teacher should be given notice to attend. Interrogation may take place on the premises of the public security organs or at the minor's home, work unit, school or other suitable location."

283. In March 2003, the Supreme People's Procuratorate issued regulations on the handling of juvenile criminal cases by people's procuratorates. Regulation 13 stipulates that in handling investigations in cases involving the examination and approval of arrest of a juvenile criminal suspect, a people's procuratorate shall take strict charge of the examination and approval process. If the offence is relatively minor, provision shall be made for effective supervision or for social assistance and education. The procuratorate may decide not to approve arrest if normal legal proceedings can be guaranteed and the defendant falls into one of the following categories: the defendant was criminally negligent; the defendant was preparing to commit a crime but stopped, or the offence was not carried to completion; the offence was committed in self-defence or while attempting to avoid danger; the defendant was an accomplice or an accessory; the defendant voluntarily surrendered or demonstrated meritorious service following the crime; the defendant has shown clear signs of remorse, making a full confession, acknowledging the harm or illegality of the offence, surrendering the proceeds of the crime and, to the extent possible, minimizing and making amends for the injury caused; or if there are other circumstances that make arrest unnecessary. Regulation 14 stipulates that before a procuratorate decides not to approve arrest it must ascertain who is the juvenile's legal guardian and seek the views of the juvenile's legal representative, school, work unit, police station and local residents' committee or villagers' committee. Regulation 24 stipulates that the people's procuratorate shall decide not to prosecute juvenile suspects in any of the situations covered by article 15 of the Code of Criminal Procedure. Insofar as mitigating circumstances are concerned, the Criminal Code stipulates that in the case of minor offences for which no punishment need be imposed or criminal penalties may be waived, the decision may be taken not to prosecute a juvenile. In juvenile criminal cases in which supplementary investigations have been conducted, if the people's procuratorate considers that the evidence is still insufficient or not suitable for use in proceedings, it may decide not to prosecute. Regulation 25 states that a decision not to prosecute must be publicly communicated to the juvenile concerned and his or her legal representative, and the grounds and legal merits of the decision must be explained to them. The decision shall be transmitted to the minor in respect of whom it has been taken and to his or her legal representative in writing, and both of them shall be informed of the minor's rights, including the right to lodge an appeal. Regulation 37 stipulates that if a people's procuratorate re-examines a juvenile criminal appeal, it shall hear statements or a defence directly from the minor and his or her legal representative and shall conscientiously verify or check any evidence or clues and ascertain the facts. Regulation 38 stipulates that in any juvenile criminal case that has been re-examined and rectified, the work done by the various authorities concerned shall be coordinated.

284. In January 1991 the Supreme People's Court issued provisional regulations on the handling of criminal cases involving minors, which set out specific operational norms for the courts to use to ensure that the legitimate rights and interests of juvenile defendants are protected in court proceedings. In April 2001 the Court revised the regulations in the light of the revised Code of Criminal Procedure. The new regulations (no longer provisional) strictly implement the principle set out in the Code of Criminal Procedure that "no one shall be considered guilty without being judged so by a people's court according to law" and take full account of the exploration of the juvenile courts that has been taking place in China since 1991 with a view to standardizing their work and making them more effective. Regulation 6 provides that

grass-roots level and intermediate people's courts may establish juvenile criminal courts. Where this is not possible, juvenile criminal benches must be established within criminal courts or juvenile criminal cases must be heard by a person specially designated to do so. Higher people's courts may establish collegial benches within criminal chambers to hear juvenile criminal cases. Thus it is an established principle that all juvenile criminal cases are to be heard in a juvenile court.

285. The Protection of Minors Act and the related Prevention of Juvenile Delinquency Act contain clear provisions on the protection of a minor's right to privacy. Regulation 11 on the handling of juvenile criminal cases stipulates: "All trials of criminal cases involving minors under the age of 16 shall be held *in camera*. In general, all trials of criminal cases involving minors under the age of 18 shall be held *in camera*. If there is a need for open proceedings, the need shall be authorized by the presiding judge of the court and suitable restrictions shall be placed on the number and range of observers". Regulation 13 stipulates: "Before a juvenile offender is sentenced, judicial officers may not release the minor's name, address, photograph or any information from which the minor's identity could be deduced. Except for the purposes of consulting, taking excerpts or duplication in accordance with the law, records of the proceedings of a juvenile criminal case may not be examined or transcribed without the approval of the presiding judge, nor may they be divulged or disseminated." Protection of children's privacy during judicial proceedings is covered by other Chinese laws and regulations. This subject has been dealt with in section F of the report, on the right to privacy.

286. With regard to the provision of legal assistance to juvenile criminal suspects, regulation 15 on the handling of juvenile criminal cases stipulates: "People's courts shall, in accordance with the law, ensure that accused juveniles are defended. When court proceedings commence, if a juvenile defendant under the age of 18 has not appointed counsel, the people's court shall designate a lawyer with responsibility for legal assistance to conduct the defence. During the trial proceedings juvenile defendants and their legally appointed representatives may reject the defence attorney as their defender." In 1996 the Ministry of Justice issued a circular on the provision of legal assistance to minors, requesting legal aid institutions at all levels to provide all forms of legal services to minors and significantly reduce fees for legal services for families facing economic hardship or unable to pay. In 1997 the Ministry issued a further circular on the development of legal assistance in which it clearly established the scope of such assistance in civil law, stating: "Legal matters relating to efforts by disabled persons, minors and the elderly to obtain compensation for infringements of rights fall within the scope of legal assistance." Minors are thus significant recipients of legal assistance in China. China also adheres to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), which establish, *inter alia*, the principle that minors have the right to be represented and to receive assistance from a lawyer. In May 2001 the Ministry of Justice and the Ministry of Public Security issued a joint circular on the development of legal assistance in criminal proceedings; people in economic difficulties or unable to afford a lawyer may be directed by the public security organs towards local legal aid institutions for legal assistance. While in detention, criminal suspects may, through the public security organs, seek legal assistance from legal aid offices in the neighbourhood.

287. With regard to the requirement that juvenile defendants should be promptly and directly informed of the charges against them, regulation 17 on the handling of juvenile criminal cases states that “when a people’s court transmits a copy of the bill of indictment to a juvenile defendant it shall clearly inform him of the charges against him and the relevant law, and shall also inform him of the procedures involved and of his procedural rights and obligations, with a view to allaying his anxiety”.

288. As for a juvenile defendant’s parents or legal representative being present at his trial or sentencing hearing, regulations 9, 20, 30 and 32 state, respectively: “Before court proceedings commence, the juvenile defendant’s legal representative shall be given notice to attend. If the legal representative is unable or is ruled unfit to appear in court, another guardian or another close adult relative shall be notified to attend”; “Before court proceedings commence, the judge presiding at the trial of a minor in a criminal case may, if he considers it necessary, appoint a legal representative or another adult such as a close relative or teacher to meet with the juvenile defendant”; “When the court adjourns, the legal representative or other adult, such as a close relative or teacher, may be allowed to see the defendant”; “When setting the date for pronouncing judgement, the bench shall give notice to the prosecutor, the legal representative of the juvenile defendant and other persons involved in the trial to attend. If the legal representative does not or is genuinely unable to attend, the bench may also notify another close adult relative; when the judgement is announced, a copy shall be transmitted to that person.”

289. With regard to juvenile defendants’ right of appeal, juvenile courts must, when pronouncing judgement, adhere to the relevant provisions of the Code of Criminal Procedure, explaining to the minors and their legal representatives the facts, laws and reasoning on which the judgement is based and explaining to juvenile defendants their right to appeal and the time limit for appealing.

290. In order to save, educate and bring on minors on the verge of criminality, preventing them from being sent to correctional institutions (i.e. special prisons for juvenile offenders), mandatory correction is imposed. China has set up reform schools (also known as ‘work-and-study schools’) offering a special form of standard education. Reform schools are established under the regulations governing the application of the Compulsory Education Act, for the purpose of providing compulsory education. Section 4, article 30, of the Prevention of Juvenile Delinquency Act stipulates: “Reform schools shall strictly supervise and instruct minors pursuing their education”, making the regulations on reform schools an important factor in the prevention of juvenile delinquency. The Protection of Minors Act places reform schools within the scope of “school protection”. Article 18, paragraph 1, of the Act provides that: “To minors sent there for compulsory education under the relevant State regulations, reform schools shall impart ideological, cultural, labour-skills and vocational education.” Paragraph 2 of that article stipulates: “Teaching and administrative staff at reform schools shall show concern for, take good care of and respect the students and may not discriminate against or spurn them.”

291. With regard to the provision of interpreters for children who do not understand or cannot speak the language used, article 9 of the Code of Criminal Procedure stipulates: “Citizens of all nationalities shall have the right to use their native spoken and written languages in court

proceedings. People's courts, people's procuratorates and the public security organs shall provide translations for any party to court proceedings who is not familiar with the spoken or written language commonly used in the locality. In areas with a concentration of a minority nationality or where a number of nationalities live together, court hearings shall be conducted in the spoken language commonly used in the locality, and judgements, notices and other documents shall be issued in the written language commonly used in the locality." This is consistent with article 40, paragraph 2 (b) (vi), of the Convention.

Status of implementation

292. Today juvenile cases are generally heard in juvenile courts. There are two types of juvenile court: one is a special court for minors established within the criminal division of a court and comprising at least three judges who specialize in hearing criminal cases in which the defendants are minors; the other type is a juvenile court established within a court in the same manner, but this type, also known as a juvenile division, has more judges than the first type and the range of cases heard is broader. In addition to hearing criminal cases with juvenile defendants, they also hear criminal cases in which the victims are minors, including cases in which a minor has been subjected to ill-treatment, abandoned, trafficked or forced to take drugs. In addition, juvenile courts in minority areas also hear civil cases in which minors are parties, such as cases involving claims for child support costs. By the end of 1998 more than 2,500 juvenile courts of the two types described above had been established throughout China.

293. The hearing of cases in a juvenile court differs from trials in an adult court in the following ways:

294. (a) The court usually requests the minor's legal representative to attend the hearing in order to protect the minor's legitimate rights and interests. If a juvenile defendant has not appointed counsel, the court assumes responsibility for designating a lawyer. Juvenile court hearings are held *in camera*;

295. (b) A system of social investigative reports is in operation. Such reports are submitted to the juvenile court before a trial by both the prosecution and the defence or a juvenile protection agency. They cover matters such as the minor's family situation, social contacts, individual temperament and maturity so that during the trial the judges have available a body of information about the minor and can decide on the case more fairly;

296. (c) The principle of "making the trial a medium of education" is applied. Before a trial, the judges explain the proceedings to the minor in order to dispel any anxiety. During the trial judges are supposed to speak calmly and to use ordinary, easy-to-understand language. On finding a defendant guilty, they must impose reform or educational measures on him or her in the light of the social investigative report. The court will determine the punishment to be imposed with reference to the nature of the defendant's crime and the effectiveness of the trial as an educative experience. When the sentence becomes enforceable, the judges will schedule times for the sentenced juvenile to return to court for further guidance in the form of direct ideological education;

297. (d) The punishment imposed by a juvenile court shall be appropriate for a juvenile offender, on the principle that education comes first, punishment second. It is important that the penalties imposed on juvenile offenders should protect social stability and the rights of others while serving as an educational tool for offenders themselves. However, the objective of sentencing is not merely the punishment but the education, reform and correction of juvenile offenders, turning them back into useful members of society. To keep detention facilities from becoming places where bad habits spread and to promote juvenile offenders' return to society, juvenile courts try, wherever possible, to avoid custodial sentences, preferring other measures including non-punitive alternatives. From 1996 to 2000, juvenile courts passed judgement on 186,272 juvenile defendants, of whom 272 were acquitted and released, 2,997 were exempted from criminal penalties and 43,945 were put on probation or under public surveillance, or simply fined. Some 25.23 per cent of all juvenile offenders were exempted from punishment or given non-custodial penalties.

298. In recent years China's juvenile courts have undergone a number of developments. Since May 1998, province- and municipality-level people's courts and intermediate people's courts have been assigning juvenile criminal cases originally scheduled for trial in local courts to just one or a few courts, thus changing the usual practice of criminal cases being tried where the crime was committed. This is a considerable step forward in terms of juvenile court organization and has eliminated sentencing imbalances in juvenile cases while actively protecting minors' legitimate rights and interests. The feasibility of establishing juvenile courts in Shanghai and elsewhere in China is under consideration.

299. The All-China Youth Federation, the Ministry of Justice, the Ministry of Education, the Office of the Central Committee for Comprehensive Management of Public Security and the Central Committee's Leading Group on Prevention of Juvenile Delinquency have set up a "young people's law school". This will undertake a variety of activities with a view to raising young people's legal awareness and aptitudes, helping them to study, understand and observe the law and to use it to prevent and reduce juvenile delinquency. The relevant departments of the All-China Youth Federation have developed an activity known as the Outposts of Excellence in Protecting Rights, which is intended to promote awareness of law and policy functions in grass-roots youth organizations that make a contribution to protecting young people's legitimate rights and interests. Units nominated as outposts of excellence are commended for their efforts to protect the rights and interests of young people in their day-to-day work and for successfully providing misguided youth with assistance, cultivating young people's ability to look out for themselves, teaching them to use the weapon of the law, and increasing their capacity to guard against violations.

300. On the question of parental visits to children in pre-trial detention, prison regulation No. 28 stipulates that: "criminals in custody may, with the agreement of the authorities in charge of the case and the approval of the public security organs, communicate and meet with their close relatives". Minors who have secured the approval of the proper authorities may see their parents during pre-trial detention.

301. On the subject of legal assistance for minors, China now has a fairly comprehensive legal aid system at every level from the central to the provincial, local (municipal) and county levels. Legal aid systems have been set up at the provincial level throughout the country; 90 per cent of

municipalities and 67 per cent of all counties have also set up legal aid systems. In all, China has some 2,299 legal aid organizations. By the end of 2001, more than 600,000 persons in need, including children, had successfully protected their legitimate rights and interests with the help of legal aid. The legal aid institutions and lawyers who provide such assistance at every level are conscientious and actively provide legal aid to minors. As regards the criminal law, by the end of 2001 people's courts at every level had made 18,613 designations of defence counsel for juvenile defendants, who accounted for 31 per cent of all criminal cases. Civil cases in which legal aid is available for minors comprise divorce cases involving such issues as support for minor children, domestic violence and abandonment, or compensation for infringement of a minor's right to education or maintenance: the legitimate rights and interests of numerous minors have been protected thereby. The statistics available show that, in 1999 legal aid was provided to some 15,000 minors (8.2 per cent of all persons receiving such assistance). In 2000, assistance was provided to 27,439 minors and in 2001, to 37,206 (14 per cent of all those receiving aid). In order to enable minors to receive legal aid promptly, many localities have established juvenile legal aid centres or contact points. Some have also established juvenile human rights protection networks; legal aid centres designate experts to perform specific tasks within the network so that requests for legal assistance can be promptly referred to legal aid institutions, thereby ensuring that all minors in need of legal assistance can obtain it.

302. Reform schools (to prevent discrimination some reform schools are now called "boarding schools") are an indispensable type of educational institution offering the nine-year compulsory education syllabus. They provide education and assistance to "problem children" aged 12 to 17 years who have broken the law or committed a crime. Reform schools are different from juvenile correctional facilities in that they are part of the educational system rather than the justice system; reform school pupils do not have criminal records. The establishment of reform schools is consistent with article 40, paragraph 4, of the Convention. China has been running reform schools since 1955; it now has 76 such schools, which have made an important contribution to educating and saving juvenile pupils with a history of serious discipline problems or lawbreaking and petty crime, making them into useful citizens and maintaining order in normal schools and society. The guiding philosophy of reform schools is "education is the basis for saving the child, science educates people and makes them into useful citizens". All reform school pupils who require it undergo the nine-year programme of compulsory education and also receive moral and legal education and vocational and technical training. In order to give reform school pupils opportunities equal to those of normal schoolchildren and allow them to enter society on the right footing, many reform schools arrange all courses so that pupils can take the national entrance examinations for higher level schools where they can continue their studies. For students facing difficulties in applying to a higher school, reform schools in a few major cities where conditions permit offer mid-level and advanced vocational instruction to help students master a vocational skill and gain a distinct competitive advantage in society. The scope of reform schools extends beyond compulsory education, for they give their alumni a fresh opportunity to reintegrate themselves into society.

303. Psychological counselling and guidance are an important part of reform school education. Many reform schools are extending this function, offering the service to normal secondary and elementary schools, pupils and parents. Pupils with psychological problems and their parents

can obtain counselling and guidance. Some reform schools take cases of students who have gone astray through insufficient understanding of the law or an inability to distinguish right from wrong, and combine these with legal education materials to help ordinary secondary and elementary school pupils broaden their legal education. Work-study programmes are increasingly being developed as a means of preventing juvenile delinquency in the community, giving juveniles with serious behavioural problems special education and protection while studying in depth how to correct patterns of juvenile delinquency.

304. With regard to training in children's rights for judicial personnel, in late 2001 the Ministry of Public Security set up a law enforcement training course on police protection for juveniles, a training course on combating sexual predation on girls and a training course on victim counselling and intervention measures. A total of 25 courses were run, and over 1,500 police officers were trained. Since 1999 the Ministry of Justice has spent three years developing basic training for prison warders throughout the country to improve their vocational skills and level of professional ethics. From December 2000 to May 2001, the Ministry of Justice reorganized law enforcement and discipline training throughout the prison system to ensure there were no breaches of the law or discipline at any prison or juvenile correction facility, tighten monitoring of law enforcement by prison warders and improve the quality of law enforcement by prison security forces.

(ii) Children deprived of liberty, including children placed in any form of detention, imprisonment or protective custody (art. 37, subparas. (b)-(d))

305. Minors in China are chiefly deprived of their liberty in two situations: one is when a juvenile offender is briefly held at a detention facility before trial or sentencing by a people's court; the other is when a juvenile offender serves sentence at a custodial facility after being tried and sentenced by a people's court in accordance with the law.

306. With regard to the first type of detention, the Ministry of Justice has issued detailed regulations on the handling of juvenile criminal cases by public security organs, governing juvenile offenders' rights in detention facilities and the principles that must be observed by the public security organs. For example, regulation 3 stipulates: "In the handling of juvenile criminal cases, juvenile offenders shall receive legal awareness training, counselling and assistance, and shall be clearly informed of their rights and obligations under the law". Regulation 21 stipulates: "Juvenile offenders in detention shall be held and supervised separately from adults, and their living and study conditions shall take due account of their physiological and mental characteristics." Regulation 23 stipulates: "Detention facilities shall fully guarantee the right of detained juveniles and their families to communicate with and see each other. Those who are ill shall be given prompt treatment and their parents or guardians shall be notified." Regulation 24 states: "Criminal cases involving juveniles shall be promptly dispatched. Juveniles subjected to criminal coercive measures shall be detained for, and their cases dealt with in, the shortest time possible. If it has not been possible to settle the case when the time limit for detention prescribed by law expires (cf. Code of Criminal Procedure, art. 69), the coercive measures against the detained defendant shall be immediately modified or terminated." Article 29 stipulates: "Public security organs holding juvenile offenders in

detention shall conduct legal and ideological education and redemptive work, treating them in a civilized manner in accordance with the law. Beatings and verbal abuse, ill-treatment and humiliation are strictly prohibited.”

307. In China, children deprived of liberty are kept separate from adults. They may maintain contact with their parents and relatives through such methods as correspondence and visits. Regardless of whether they are placed in a detention facility or a juvenile correctional facility, the rights of children deprived of their liberty as set out in the Convention are generally respected. On 28 February 1999 the Ministry of Justice issued regulations governing the administration of juvenile correctional facilities, which regulate in detail the system for the administration, education and reform of juvenile offenders and for ensuring their health and well-being, including enjoyment of their rights.

308. (a) Under article 76 of the Prisons Act and regulation 2 of the regulations governing the administration of juvenile correctional facilities, two types of juveniles are held at such facilities: (a) offenders under the age of 18 who have been sentenced by a people’s court to serve a fixed term or life imprisonment; and (b) offenders serving sentences at a juvenile facility who have reached the age of 18 but have less than two years remaining to serve.

309. Under the regulations for the handling of juvenile criminal cases by people’s procuratorates, people’s procuratorates are by law required to inspect correctional facilities. Should these inspections reveal that adult offenders are being held at a juvenile correctional facility, or that juvenile offenders are detained at an adult facility, the situation must be rectified in accordance with the law. If it is found that any offenders over the age of 18 in a facility have more than two years remaining of their sentences to serve and have not been transferred to another prison, the situation must be rectified in accordance with the law. If a procuratorate discovers that a detention facility is not holding juvenile offenders separately from adult offenders or that juvenile offenders serving sentence are being held together in breach of the regulations, the situation must be rectified in accordance with the law.

310. From time to time the Prison Administration of the Ministry of Justice conducts random inspections of juvenile correctional facilities throughout the country. Every provincial (district, municipal) prison administration conducts regular inspections of the juvenile correctional facilities in the area under its jurisdiction. These inspections cover such aspects as the state of the institution and its facilities, the status of law enforcement and the situation with regard to education and reform.

311. (b) Under articles 47 and 48 of the Prisons Act, regulations 21 and 22 of the regulations on the administration of juvenile correctional facilities and other regulations, juvenile offenders may correspond with and receive visits from relatives or guardians or speak to them on the telephone while serving their sentences.

312. Offenders may see family members once or twice a month, with each visit not to exceed one hour; in exceptional circumstances, visits may be extended as appropriate. Visiting hours and frequency for juvenile offenders may be less restrictive than those set for adults. Juvenile offenders who demonstrate signs of reform may be allowed to eat with their families or have the duration of visits extended to a maximum of 24 hours.

313. In principle, offenders in confinement may not receive visits from family members. When, in exceptional circumstances, such a visit is necessary, it shall be subject to approval by the prison director.

314. (c) Under article 75 of the Prisons Act, the criminal penalties imposed on juvenile offenders must have education and reform as their prime objective. Labour performed by juvenile offenders must take into account the particular characteristics of juveniles and be based on the acquisition of learning and technical skills. Prisons must coordinate with national social, scientific and educational institutions to ensure that the compulsory education provided to juvenile offenders meets the necessary criteria. In accordance with article 66 of the Prisons Act and regulations 30, 33, 34, 35 and 36 of the regulations on the administration of juvenile correctional facilities, basic education and vocational and technical education for offenders must be a part of local educational planning. Juvenile correctional facilities must establish such school facilities as classrooms, laboratories, libraries and gymnasiums, and supply teaching materials, library resources and the equipment for artwork and physical education. Each administrative unit must have conversation rooms, reading rooms and activity rooms. Juvenile offenders are to receive classroom instruction in ideology, basic education and technical subjects, with no less than 20 classroom hours a week or 1,000 classroom hours a year; basic and technical education must account for no less than 70 per cent of all instruction. Basic education for juvenile offenders must be tailored to the individual's educational proficiency, with separate instruction for literacy, elementary education and secondary education. Classes are divided into different grade levels, and instruction must be based on the official curriculum, using materials approved by the State Council Department of Education. Senior secondary school education may be provided where conditions permit. Independent study may be organized to encourage juvenile offenders to complete their compulsory education and examinations for such studies shall also be arranged. Technical education for juvenile offenders shall be tailored to the length of their sentences and their level of education and post-sentence employment needs. Emphasis is placed on vocational and technical education and skills training for juvenile offenders; their curriculum may be established and their educational requirements determined in the light of those for similar schools in society. Juvenile offenders who take part in general and technical studies will be qualified on the basis of examinations and will receive diplomas or technical certificates issued by the local educational or labour authorities.

315. In accordance with regulations 39, 47, 48 and 55 of the regulations on juvenile correctional facilities, the standard of living for juvenile offenders must meet the minimum standards for healthy physical development. Juvenile correctional facilities must provide an appropriate diet and ensure that juvenile offenders have enough to eat and stay healthy. Separate kitchens must be set up to cater for the special dietary requirements of offenders belonging to ethnic minorities. Special consideration must be given to the diet of those who are ill. Health-care facilities established by juvenile correctional facilities must provide medical treatment and take preventive action under the direction of the local health authorities, and must ensure that juvenile offenders who are ill receive prompt medical treatment. Given the requirement that prevention should be the prime consideration but combined with treatment, juvenile offenders must receive preventive care and be medically examined each year. Juvenile

correctional facilities must establish psychological treatment facilities and provide young offenders with physiological and psychological health education, psychological assessment, counselling and therapy.

316. (d) Under Chinese legislation, offenders, including juvenile offenders, enjoy the following rights while serving sentence: the right to appeal against the sentence of a people's court; the right to report unlawful acts by prison personnel and lodge complaints about such acts; the right not to be humiliated; the right to physical inviolability; the right to protection of normal life and physical health; the right to correspond with and receive scheduled visits from family members; the right to inviolability of their lawful property; the right to a defence; the right to an education and to recreation; the right to work; and the right to belief and religion. While in prison offenders also enjoy such rights as the right to a reduction in sentence, to parole or other such incentives.

317. Juvenile, female, elderly and disabled offenders, offenders belonging to ethnic minorities and foreign offenders are entitled to different treatment from other offenders in terms of living conditions, handling and work, taking fully into account their physiological and psychological characteristics, physical capacities, habits and customs, and enjoy civil rights including the right to own property, the right to inherit and the right to marry and have a family. Offenders who have not been stripped of their political rights continue to enjoy political rights under the law. The rights enjoyed by offenders while serving sentence are strictly protected by law and may not be infringed. Such illegal acts as exacting a confession by torture, corporal punishment or ill-treatment, humiliating offenders or infringing their legitimate rights are strictly forbidden. Any act in violation of an offender's rights that is discovered is subject to punishment in the light of the circumstances. China has not only made legal provision for a broad range of rights for offenders, but has also in practice adopted strict measures to implement effective supervisory mechanisms with a view to ensuring that these rights are respected and preventing and punishing any infringement.

318. The prohibition of torture in juvenile correctional facilities has been taken up in the preceding chapter and will not be discussed further.

319. (e) As regards the legal counselling and assistance available to juvenile offenders in connection with appeal procedures, articles 21, 22, 23, 24 and 47 of the Prisons Act stipulate that offenders in detention have the right to appeal, the right to lodge complaints and the right to report violations of the law. An offender who contests an enforceable sentence can appeal. Appeals must be heard promptly by a people's procuratorate or a people's court. Complaints or reports of violations submitted by offenders must be acted on promptly by the prison or forwarded for action to the public security organs or a people's procuratorate, which must notify the prison of the outcome of the action taken. Prisons must forward offenders' appeals, complaints and accusations promptly, and may not suppress them. If in the course of enforcing a criminal penalty a prison comes to consider, in the light of an appeal lodged by the offender, that the judgement may be incorrect, it must request a people's procuratorate or people's court to look into the matter. The people's procuratorate or people's court must notify the prison of the outcome of its actions within six months of receiving the request. Letters from offenders to senior prison officials and senior members of the judiciary are not subject to inspection.

320. Under articles 25 and 30 of the Lawyers Act, offenders serving sentence may appoint lawyers to represent them on appeal. In practice, prisons and juvenile correctional facilities throughout the country actively facilitate the provision by lawyers and other legal personnel of legal assistance to offenders in custody.

(iii) Sentencing children, particularly the prohibition of capital punishment or life imprisonment (art. 37, para. 1)

321. In its concluding observations on China's initial report, the Committee on the Rights of the Child expressed concern at the fact that under Chinese domestic legislation children could be sentenced to capital punishment with reprieve or life imprisonment. It also considered that China's domestic legislation was not consistent with the provisions of the Convention. The Chinese Government and judicial organs take the Committee's views very seriously. In 1997 China amended its Criminal Code, taking into particular account the Committee's views and such factors as the specific nature of juveniles' physiological development and their degree of socialization and intellectual development, and from a humanitarian standpoint made the following major amendments to penal measures in respect of minors:

322. (a) The provision stipulating that, in the case of particularly serious offences committed by juveniles between the ages of 16 and 18, the death penalty could be imposed and suspended for two years, was amended. Article 49 of the Criminal Code now reads: "The death penalty shall not be imposed on persons who were under 18 at the time they committed the offence, or on women who are pregnant at the time of trial." This guarantees the principle that the death penalty shall not be applied to minors, which is consistent with the Convention.

323. (b) Under the Criminal Code, minors can be sentenced to life imprisonment. It should be noted, however, that it is only a very small number of individuals under 18 who, owing to the extreme seriousness of their crimes, are sentenced to life imprisonment. Furthermore, under China's Criminal Code, life imprisonment is not an endless sentence with no possibility of release whatsoever; if in the course of serving a sentence a convicted offender conscientiously abides by prison regulations, is reformed through education and expresses genuine remorse or performs meritorious service, his or her sentence may be commuted to a fixed term and subsequently, depending on the circumstances, further reduced to a relatively short term of imprisonment.

324. (c) It has been clearly stipulated that many of the relatively minor types of crimes for which juvenile offenders aged 14 to 16 years could be held criminally responsible under the former Criminal Code, such as "habitual theft", have been abolished. After amendment, article 17 of the Criminal Code reads: "A person aged between 14 and 16 who commits intentional homicide, deliberate assault resulting in serious injury or death, rape, robbery, drug-trafficking, arson, causing explosions or poisoning, shall be held criminally responsible." The article further stipulates: "Offenders aged between 14 and 18 shall be subject to a lesser or mitigated punishment."

325. The aforementioned provisions reflect the Chinese Government's respect for the basic principles and provisions of the Convention and the Government's constant efforts to guarantee children's rights and prevent juvenile delinquency.

(iv) Physical and psychological recovery and social reintegration (art. 39)

326. Articles 35 to 38 of the Prisons Act require offenders who have completed their sentences to be given a release certificate issued by the prison. Upon presentation to the public security authorities, the release certificate is exchanged for a residence registration. People who have been released upon completion of their sentences receive assistance from the local people's government in getting settled. By law, they have the same rights as other citizens.

327. Under article 44 of the Protection of Minors Act, minors exempted from prosecution by people's procuratorates or from criminal penalties by people's courts, minors given suspended sentences and minors released from reformatories or after serving terms of imprisonment are not to be discriminated against when resuming schooling, graduating from one school level to the next or seeking employment.

328. Article 48 of the Prevention of Juvenile Delinquency Act stipulates that minors who are exempted from criminal punishment under the law, sentenced to non-custodial penalties, given suspended sentences, paroled or have completed their sentences shall enjoy the same rights as other minors when resuming schooling, graduating from one school level to the next, seeking employment etc., and no work unit or individual may discriminate against them.

Status of implementation

329. In order to boost minors' capacity to earn a living after release from prison, besides giving juvenile offenders a systematic moral, legal and basic education, juvenile correctional facilities also offer job-oriented technical education and training. They are responsible for contacting local labour departments and obtaining support and assistance with getting established in specialized fields, making educational arrangements, extending invitations to teachers, providing certification and so forth. Juvenile correctional facilities everywhere have set up vocational and technical training courses adapted to local conditions in such areas as computer science, electrical repairs, hairdressing, art design and transfer-printing on garments. Some juvenile correctional facilities actively make use of social resources, jointly organizing courses with local labour authorities or vocational schools and running all kinds of training courses to develop skills required by society.

330. To boost juvenile offenders' capacity to adapt to society after their release, juvenile correctional facilities throughout the country have a prison-release section or team that runs a three-month "post-release education" course for juvenile offenders leaving prison on completion of their sentences. In addition, the Ministry of Justice has also prepared special post-release educational materials. The main objective of this education is to consolidate the results of reform by implementing situation-specific policies and forward-looking education for offenders while boosting their capacity to adapt and earn a living after they return to society, all with a view to reducing recidivism. The education chiefly consists in the provision of situation-specific, policy-based forward-looking instruction for offenders; instruction in observance of the law and discipline and in national programmes and policies for released convicts; and vocational guidance and training in the necessary skills. Juvenile correctional

facilities also invite local public security, labour, industrial, tax and other authorities to come to prisons to give juvenile offenders an introduction to the public security, employment, settlement, living and other situations they will face. This is intended to give offenders the ideological, psychological and intellectual preparation they need to make a successful return to society after their release. When the course is completed, juvenile correctional facilities arrange for juvenile offenders who have not obtained any vocational credentials to study a practical technical subject.

331. Judicial and administrative departments at all levels in China are also responsible for helping offenders get resettled and educated after their release. Starting in 1992, some local judicial and administrative offices began to develop a series of economic entities and bases to help released offenders, including juveniles, solve their employment and accommodation problems and play a role in reducing recidivism. To strengthen the action of each department, in February 1992 the Central Committee for Comprehensive Management of Public Security, the Ministry of Justice, the Ministry of Public Security and the Ministry of Civil Affairs issued a document setting out views on better ways of serving sentence and linking up people released after custodial sentences of various kinds; they requested prisons, including juvenile correctional facilities, and relevant departments to make a conscientious, combined effort to assist, guide and support convicts who had served their sentences overcome the problems they experienced in returning home, getting a job and finding their way in general. By the end of December 2000, some 31 provinces, autonomous regions and municipalities directly under the Central Government had established coordinated groups or offices to assist released convicts with resettlement and education in particular. According to available figures, in 2000 more than 310,000 released convicts, 54.3 per cent of the total, received assistance throughout the country.

332. To help juvenile offenders with their resettlement and education following their release, organizations associated with China's youth leagues at every level have taken active steps to help wayward minors return to society. They mobilize young volunteers to run long-term mutual assistance and education programmes aimed at helping wayward juveniles sever their ties to lawless elements and return to normal everyday life. China's youth federations have also set up small enterprises and service-sector enterprises using small credits with a view to providing released juvenile offenders with opportunities for employment and work experience. Meanwhile, the Communist Youth League and youth volunteers provide long-term services to released juveniles' families in such areas as daily existence, health care, and compulsory family education for their children. They use their leisure time to provide care, supplying them with books and everyday items in order to make them fully aware of the concern and assistance that the Government and society wish to offer them. In this way the old is replaced with the new and the released offenders become useful members of society.

(3) Children subjected to exploitation, including their physical and psychological health and return to society

(i) Economic exploitation of children, including child labour (art. 32)

333. In its concluding observations on China's first report, the Committee on the Rights of the Child encouraged China to consider adhering to the Minimum Age Convention (ILO Convention 138). China did so, ratifying the Convention in December 1998 and submitting

its first report on implementation of the Convention to the International Labour Organization in September 2001. In June 2002, China also ratified the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention 182).

334. The Government has made it a matter of national policy to safeguard children from economic exploitation and to prohibit child labour, and has put in place a system of legislation and regulations to this effect.

335. The principal elements of Chinese legislation safeguarding children from economic exploitation and prohibiting child labour include articles 15, 58, 64, 65, 94 and 95 of the Labour Act; articles 28 and 49 of the Protection of Minors Act; the regulations prohibiting child labour, and the regulations on special safeguards for juvenile workers. These clearly stipulate the minimum age for employment and working hours and conditions for juvenile workers, and prescribe severe penalties for work units or individuals who violate them.

336. On 1 October 2002, the State Council promulgated amendments to the regulations prohibiting child labour, article 2 of which now states: "State organs, social organizations, commercial and non-commercial institutions, civil non-commercial agencies and individual enterprises may not employ minors under the age of 16. It is prohibited for any agency or individual to take on a minor below the age of 16, and for any minor below the age of 16 to found a business or undertake private business activities." These regulations clearly demonstrate that the minimum age for employment permitted under the laws and regulations of China is 16. The law also prescribes penalties for the employment of child labour.

337. Article 15 of the Labour Act states, "It is forbidden for employers to employ persons under the age of 16." Article 58 stipulates, "'Juvenile workers' refers to workers between the ages of 16 and 18." The Act also prescribes safeguards for juvenile workers, and penalties and liability for compensation applicable to agencies which use child labour or violate the safeguards.

338. The regulations on special safeguards for juvenile workers are a set of special labour regulations addressing the special characteristics of juvenile workers who are still growing up, and the need for them to attend compulsory education. They set out areas in which juvenile workers may not be employed, require employers to arrange regular health checks for juvenile workers, and stipulate the specific training and/or education in work safety and hygiene that employers must give juvenile workers before they start work. To supplement the regulations prohibiting child labour, the former Ministry of Labour issued regulatory standards for assessing fines for the employment of child labour which specify the fines to be imposed for employing child labour, for introducing child labour, or, in the case of parents and guardians, for permitting children to be employed as labourers.

339. In addition to the above, some Chinese provinces and municipalities have enacted regional regulations and policies to prohibit child labour. These include the Beijing People's Government's regulatory standards for assessing fines for the unlawful employment of child

labour, Shandong Province's rules on the enforcement of the regulations prohibiting child labour, Guangdong Province's circular on problems in the implementation of the State Council regulations prohibiting child labour and Yunnan Province's rules on the enforcement of the regulations prohibiting child labour.

Status of implementation

340. The Government is resolutely opposed to the use of child labour and forcing children to work, and firmly combats any and all such activity in accordance with the law. The labour and social security departments at all levels of people's government have set up agencies specifically to oversee enforcement of labour protections and staffed these with full- and part-time supervisors who are responsible for the concrete work in this regard, including the provisions relating to child labour. At present, supervision of labour and social security is conducted at four networked levels, the national, provincial, municipal (regional) and county (district) levels. By the end of 2001, there were some 3,174 labour and social security supervisory agencies throughout the country employing over 40,000 staff, of whom some 16,000 were full-time inspectors and 24,000 worked part-time.

341. In their daily work, labour and social security supervisory agencies oversee and monitor employers' conduct, rigorously checking the name lists and contracts of workers hired. Through such approaches as extensive unscheduled inspections, regular visits, following up tip-offs, and yearly checks of labour guarantees, they can swiftly and effectively prevent or uncover illegal child labour practices. If violations of the law are discovered, the situation is rectified in accordance with the law and the culprits are severely punished.

342. Between 20 September and 20 October 2001, the Ministry of Labour and Social Security, the Legislative Affairs Office of the State Council, the State Economic and Trade Commission, the Ministry of Public Security, the State Administration for Industry and Commerce, the Ministry of Education, the All-China Federation of Trade Unions, the All-China Youth Federation and the All China Women's Federation together mounted an inspection campaign to monitor implementation of the regulations prohibiting child labour. The main points of the campaign were the action taken by regional governments and agencies to prohibit the use of child labour; establishing proper coordination of agency efforts to combat the use of child labour; the thrust of regional laws and regulations prohibiting child labour and legal liability for infringing them; and the status of mandatory measures enacted to combat child labour. The participating entities appointed joint working groups to study in depth the situation prevailing in the various regions, to analyse in detail outstanding problems with the prohibition of child labour and the reasons for them, and to propose corrective action.

343. The Government intends to refine the laws and regulations prohibiting the use of child labour, particularly those dealing with legal liability, and increase penalties with a view to strengthening the deterrent effect of the law. Supervision and inspection of employer compliance with labour and social security laws will be enhanced and unlawful employment of child labour will be investigated and punished as the law requires. At the same time, the Government intends to fortify its efforts in publicizing the Labour Act and other legislation so as to enhance public and employer understanding of labour law and ensure the law can be effectively enforced.

(ii) Drug abuse (art. 33)

344. The Government of China believes that drugs are a global scourge and a severe threat to children. For many years, China has had a basic “no drugs” policy, enacting and strictly enforcing a series of interdictory laws, regulations and measures.

345. On 28 December 1990, the Standing Committee of the National People's Congress passed a decision banning narcotic drugs which set out complete regulations for the punishment of the sale of the various types of drugs, and the punishment and mandatory treatment for addiction of drug users. The maximum penalty for extreme cases of drug-related crime was raised to capital punishment. There are other provisions specifically against using or instigating minors to participate in drug-related criminal activities, and enticing, abetting or duping minors to use drugs, establishing harsh penalties in either case (article 2, paragraph 3; article 7, paragraph 3).

346. In March 1997, on the basis of this decision, China enacted amendments to the Criminal Code as it relates to drug crime, thus refining the nation's legislation against drug use. The revised Criminal Code fully reflects the principle of rigorously repressing drug crime, and specifically states, “Anyone using or instigating minors to traffic, sell, transport or produce narcotic drugs, selling such drugs to minors or luring, aiding and abetting, duping or forcing a minor into drug ingestion or injection shall be punished severely” (article 353).

347. China pays particular attention to protecting minors from the ills of drug abuse. Both acts of legislation which specifically address the rights and interests of young persons, the Protection of Minors Act and the Prevention of Juvenile Delinquency Act, contain specific provisions to protect minors from the ills of drug abuse and stipulate severe punishment for abetting, instigating or enticing minors to engage in the trafficking, sale, ingestion or injection of illegal drugs and other related unlawful behaviour.

348. Another very important part of China's drug interdiction legislation provides for strict control of and prohibition of the abuse of narcotic and psychotropic drugs. More than 30 laws, regulations and statutes address this issue. Article 39 of the Drugs Control Act, promulgated in September 1984 by the Standing Committee of the National People's Congress, states, “The State shall adopt special methods for the control of narcotics and psychotropic drugs.” The State Council issued methods for the control of narcotic drugs and psychotropic drugs in 1987 and 1988, respectively; these texts set out clear regulations to govern the production, supply, transport, use, import and export of the two classes of drugs. In 1995, the State Council issued methods for compulsory drug detoxification, and the Ministry of Health issued methods for the control of detoxification drugs which provided a legal underpinning for work in combating drug addiction.

349. The Customs Act, the public security regulations and other statutes also contain provisions for the control and punishment of drug-related crime, and the legislative organs of certain provinces and autonomous regions, including Yunnan, Guizhou, Sichuan, Guangdong, Guangxi, Gansu, Shaanxi, Heilongjiang, Ningxia and Jiangsu, have enacted regional regulations to control illicit drugs.

350. At the same time as it has refined domestic legislation in this regard, China has actively participated in international activities to combat illicit drugs. In June 1985, it acceded to the Single Convention on Narcotic Drugs (1961) as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, and the 1971 Convention on Psychotropic Substances. In September 1989, it acceded to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, becoming the first country to ratify this Convention. Since 1984, China has regularly sent delegations to drug interdiction conferences organized by the United Nations, Interpol, the World Customs Organization and the World Health Organization. In October 1989, China hosted an Asian region anti-drug seminar in Beijing, and in November 1996, an international conference of experts on stimulants in Shanghai. In February 1990 and June 1998, Chinese delegations attended the seventeenth and the twentieth Special Sessions of the United Nations General Assembly on Drug Control, and declared to the international community China's resolute positions and policies on the interdiction of narcotics.

351. China also actively supports and promotes the sub-regional drug control campaigns initiated by the United Nations. In May 1995, China, Cambodia, Laos, Myanmar, Thailand, Vietnam and the United Nations International Drugs Control Programme convened the first ministerial-level meeting on cooperation in sub-regional drug control in Beijing. The meeting adopted the Beijing Declaration and signed a sub-regional drug control programme of action which formally established a cooperative organization for drug control in the sub-region. In 1999, the Chinese Government sent delegations to sub-regional ministerial-level meetings in Japan and Laos to continue to promote cooperation in drug control in the sub-region. On 22 August 2001, in Beijing, China, Laos, Thailand and Myanmar inaugurated a ministerial-level conference on cooperation in drug control which has significantly advanced cooperation among the four countries in this area. Since then, China has actively participated in many initiatives of the United Nations International Drugs Control Programme and has made enormous contributions to multilateral cooperation in the sub-region.

352. China is constantly stepping up bilateral and multilateral drug control cooperation with other countries. It has signed bilateral agreements on cooperation in drug control with the Governments of Russia, Mexico, India, Pakistan, Colombia, Tajikistan, Thailand, Vietnam, Laos, Myanmar and other countries, and has mutually accredited anti-drug liaison officers with the Governments of the United States and Thailand. The Chinese Government has provided vigorous assistance to bordering countries in combating drugs. Since 1990, it has been actively helping northern parts of Myanmar and Laos, where poppies were traditionally planted, to promote alternative development models by providing technological and agricultural support and developing tourism. These efforts have to a certain degree promoted economic and social development in that region, and consequently helped reduce the threats posed to China and to the international community by "Golden Triangle" drugs.

Status of implementation

353. The Chinese Government is fully aware of the enormous threat that drugs pose to children, and preventing drug use by children is the basis of its interdiction efforts. In recent years, the Government has adopted a variety of powerful measures to organize and coordinate better education and safeguards for children with State agencies and society at large, deter drug use by children and teach children to treasure life and stay away from drugs.

354. In 1996, the National Narcotics Control Commission (NNCC) and the State Education Commission published 'Drug Prevention Education', a book designed and recommended for use in extracurricular guidance by primary and middle schools nationwide.

355. In 1997, NNCC and the State Education Commission ordered drug prevention education to be made a part of civic education and formally added to the middle school ethics education programme. They instructed schools from the primary level up to and including university to develop a variety of focused drug control material, and jointly produced a collection of readers on drug control suitable for students.

356. In 1998, NNCC staged a two-month-long national drug-control exhibition in Beijing which used graphic, print and video media, physical exhibits etc to convey the message that drugs are dangerous and drug-related crime must be suppressed. The exhibition was visited by some 1,660,000 people from all walks of life, including children and young persons, upon whom it made a strong and highly instructive impression of the dangers of narcotic drugs. When it closed, NNCC had the material compiled into a series of posters that were distributed around the country for display in drug education exhibitions which attracted some 160 million visitors.

357. In 1999, as part of its drug education work addressing young people, NNCC issued a call for the various drug-control agencies to identify a number of primary and middle schools as liaison points for drug-prevention campaigns among children and young people. These schools were then used for direct guidance activities, for determining prevailing conditions, and for summarizing the experience gained to promote comprehensive drug-control education for young people. Figures show that in 1999, some 290,000 primary and middle schools nationwide conducted anti-drug education programmes that reached some 66.79 million students; 24,221 of these programmes were run under the direct responsibility of narcotics control agencies at various levels, and reached 12.12 million students.

358. Between 1999 and 2001, to systematize its work in drug-prevention education and establish it as a routine, NNCC conducted a national programme known as the "Five Ones." This involved the creation in each province, autonomous region and municipality directly under the Central Government of one narcotics-control education base, the conduct in all primary and middle schools and universities of one drug-control educational campaign every year, the compilation in every region of one set of results from research on drug-control publicity theory, the creation of one set of anti-drug artistic works and the training of one group of young anti-drug volunteers. The State has provided substantial support for the establishment of permanent drug-control education bases in the cities of Beijing, Guiyang in Guizhou Province, Dongguan in Guangzhou Province and elsewhere. Since 1998, China has also published annual drug control reports.

359. Besides working to prevent drug consumption by children, the Government has also taken action to redeem and reform child addicts, applying a combination of compulsory and voluntary detoxification methods which are administered in a strict, scientific and civilized manner in accordance with the law. Safe, scientific detoxification treatment is provided together with legal and ethical education and strict training to reform young addicts' behaviour. This

includes organizing scientific and cultural education and a wealth of recreational activities to build up their physical strength. At the same time, efforts to facilitate the reinsertion into the community of recovering addicts are actively pursued: the public security organs, social institutions, work units and families have been coordinating closely in setting up small guidance groups to provide comprehensive assistance, with very favourable results. The All-China Youth Federation and relevant government agencies run joint community campaigns to keep young people away from drugs, teaching them to treasure life and to say no to narcotics. All levels of government and grass-roots organizations actively help young recovering addicts with the concrete problems they encounter in their personal lives and studies, so as to ensure they encounter no discrimination in seeking education and employment. Many young addicts have successfully overcome their addiction and returned to society to start a new life.

(iii) Sexual exploitation and sexual abuse (art. 34)

360. The Government of China is conscious of the ill effects of obscene or pornographic activities and products on children and, to protect children from all forms of sexual exploitation and abuse, applies legislative and administrative measures strictly to combat criminal activity that infringes children's sexual rights.

361. The amended Criminal Code that came into effect in October 1997 contains new definitions of and punishments for offences involving the sexual exploitation and sexual abuse of children. These include 'indecent acts against a child' (article 237), 'enticing a minor into promiscuous group activities' (article 301), 'enticing an under-age girl into prostitution' (article 359), 'whoring with an under-age girl' (article 360), 'distributing pornographic material' (article 364), and 'arranging pornographic displays' (article 365). Article 236 of the new Criminal Code stipulates, "Sexual intercourse with a girl under the age of 14 shall be construed as rape and severely punished; sexual intercourse with a girl under the age of 14 in odious circumstances or group sexual intercourse with a girl under the age of 14 shall be punishable by not less than 10 years' imprisonment, life imprisonment or death." Under article 358, "Forcing a girl under the age of 14 to engage in prostitution, if the circumstances are especially serious, shall be punishable by life imprisonment or death and confiscation of property." Articles 359 and 360 establish that enticing a girl under the age of 14 to engage in prostitution and whoring with a girl under the age of 14 are punishable by not less than five years' imprisonment and a fine. In cases of rape of a girl under the age of 14, if the circumstances are especially serious, the offender may be sentenced to a correspondingly severe penalty punishment up to and including a sentence of death. Article 364 specifies that distributing pornographic material to a minor under the age of 18 is to be severely punished.

362. China has passed legislation and regulations strictly prohibiting the production, sale or distribution of pornographic material, so as to protect children from harm. Article 363 of the Criminal Code defines the production, sale and distribution of pornographic material as criminal offences. Other statutes also prohibit the production, sale and distribution of pornographic material and set out penalties for the related offences. For example, on 17 April 1985, the State Council issued instructions on the prohibition of pornographic materials; on 5 May 1988, the News and Publication Administration issued regulations reaffirming the prohibition of pornographic publications; on 27 December 1988, the News and Publication Administration

issued interim instructions on the definition of pornographic or sexual publications; and on 3 November 1989, the same agency issued interim instructions on the defining standards for the banning of certain publications. On 23 December 1998, the Supreme People's Court issued an explanation of certain problems in the application of the law in criminal trials for unlawful publication.

363. Articles 30, 31 and 32 of the Prevention of Juvenile Delinquency Act passed in June 1999 clearly stipulate that publications, broadcasts, films, television programmes and Internet content directed at minors may not contain material, including material of a sexual nature, liable to harm the minors' physical or psychological health, and articles 52, 53 and 54 prescribe the related penalties.

364. The Protection of Minors Act contains clear provisions to prevent and curb prostitution by minors and to prohibit the sale, rental or distribution of pornographic material to minors. These have been discussed in the first report and will not be further described here.

365. With the rapid development of the Internet in China, certain unlawful elements have made use of network resources to distribute and sell pornographic material, at great risk to minors' physical and psychological health. Accordingly, in 1998, the Ministry of Public Security conferred with the Ministry of Information Industry, the Ministry of Culture and the State Administration for Industry and Commerce and they together issued a circular on standardizing the management of the Internet and strengthening the administration of public security. In April 2001, the Ministry of Information Industry, the Ministry of Public Security, the Ministry of Culture and the State Administration for Industry and Commerce jointly issued management rules for Internet service providers which specifically stipulate that such providers "may not operate computer games with sexual, gambling, violent, superstitious or other unhealthy content." Violations are investigated and punished by cultural departments in accordance with the law. The rules also stipulate that Internet service establishments "shall be open to minors only on public days of rest and holidays from 8 a.m. to 9 p.m." Operators may not "open Internet service establishments to minors below the age of 18 outside the sanctioned hours and may not permit entry to the said establishments by minors below the age of 14 unaccompanied by an adult guardian." Violators are punished in accordance with the law by the Communications Administration of the relevant province, autonomous region, or municipality directly under the Central Government. The All-China Youth Federation is running a campaign to create 'safe Internet cafes for the young', and in November 2001 issued a 'Convention on Youth Internet Culture' that strives to create a social environment protecting children from the ills of pornography.

366. In certain entertainment venues where the setting is conducive to the provision of sexual services, activity involving the sexual exploitation or abuse of children may occur. To protect children from the ills of sexual material and behaviour, in March 1999 the State Council promulgated entertainment venue management regulations which set out clear stipulations for the establishment, management and operation of such venues and tighten controls on them.

367. On 6 September 2000, the Chinese Government signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, thus fully demonstrating its resolve to combat such ills and its desire for greater

cooperation with the international community in this area. In August 2002, the Standing Committee of the National People's Congress ratified the Protocol and the Government submitted its instrument of accession and began to comply with the obligations it has undertaken.

Status of implementation

368. In recent years, all agencies of the Government have worked together and taken action in a variety of ways to put down sexual offences involving children and to protect children's legitimate rights and interests.

369. Between 1996 and 2000, China's public security organs conducted annual campaigns to combat prostitution and step up dedicated controls on entertainment venues, cleaning up more than 10,000 illicit sexual establishments and handing down severe punishments where the illicit activity involved the sexual exploitation or abuse of children. Between July and September 2000, the State Council presided over a special campaign by the public security and other State organs to tighten controls on entertainment venues and clamp down on prostitution and related offences. This uncovered a great number of venues implicated in organizing, coercing, enticing, harbouring or otherwise involving women in prostitution, and successfully liberated dozens of girls who had been forced or enticed into the sale of sexual services. The girls were all returned to their families after receiving the necessary assistance.

370. In the first half of 2001, public security organs launched a special administrative campaign nationwide to stem the ill effects of Internet pornography on children's physical and mental health. The campaign targeted private web pages accessible free of charge that contained pornographic content, sites that encouraged children to engage in unlawful conduct and sites that used the Internet for the exchange of criminal information. Some 565 personal pornographic web sites were closed down and 105 Internet cafes were rectified and reformed. At present, few child pornography products are to be found within mainland China, but some are seeping in from abroad, in the form of comic books, optical disks or over the Internet, a development that the Government takes seriously. The news and publishing authorities have imposed special controls on the market for obscene imported comic books in order to regularize the situation. The national public security and Customs authorities have also increased their vigilance.

371. In early April 2001, the Ministry of Information Industry, the Ministry of Public Security, the Ministry of Culture and the State Administration for Industry and Commerce jointly launched a three-month campaign to clean up Internet service venues ("Internet cafes"). The principal aims of the campaign were to resolve the disorder, hidden threats to public security and various forms of illegal activity associated with Internet cafes, and effectively check the distribution of obscene materials over the Internet and the use of Internet cafes to engage in on-line criminal activity. Figures show that 94,000 Internet cafes were investigated during the campaign, of which some 17,000 were closed down in accordance with the law and another 28,000 ordered to reform within a set period. During the campaign, the State launched a national youth internet navigation project that introduced green navigation channels which young people could follow to access information from sound, reliable on-line sources. At the same time, the competent authorities initiated a "Safe Internet Cafe" campaign, and vigorously promoted among young people a "Convention on Youth Internet Culture."

372. While China's news and publication authorities provide healthy and varied reading material for children across the country, they also resolutely suppress audiovisual, electronic, graphic and printed material that is obscene or otherwise harmful to young people's physical and mental health. Since 1996, these authorities have also, in conjunction with other agencies, conducted a number of campaigns across the country to combat the illegal production and sale of pornographic audiovisual and electronic publications. These campaigns have resulted in recent years in the seizure of 29.32 million illegal books and magazines, 35,827,000 illegal audiovisual and electronic products (including 2,755,000 of a pornographic nature) and more than 20 million pirated video disks, and the suppression of more than 100 production facilities for pirated video disks. The objective of these campaigns is to create a favourable social environment for children in which they can grow up healthily and free from the pernicious influence of obscene materials.

373. Courses in hygiene and sex education for adolescents are offered in China's middle schools so that children are given correct information; this helps them defend themselves against various forms of sexual exploitation and abuse.

374. Statistics show that between 1996 and 2000, people's courts tried a total of 43,272 cases of sexual exploitation or abuse of children, resulting in 38,109 convictions.

375. With regard to international cooperation, from 1998 to the present the All-China Youth Federation and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) have been jointly implementing a plan for the elimination of sexual abuse and sexual exploitation of children in the Greater Mekong Subregion, in Yunnan Province. Two experimental schemes carried out in the context of the plan involve travelling exhibitions and training programmes based upon the fight against the sexual exploitation or abuse of children and the protection of the rights and interests of the young. A manual has been produced on the themes of safeguarding the road to adulthood and keeping sexual crimes and harassment at bay; some 200 people have benefited from the 11 training programmes offered for trainers, children and parents; and thousands have visited the exhibitions.

(iv) Sale, trafficking and abduction (art. 35)

376. Abduction of and trafficking in women and children became offences when the Criminal Code was amended in 1997. Article 240 defines the offences and sets out the criteria for punishment, which now includes confiscation of property. Article 241 defines the offence of buying an abducted woman or child and stipulates the applicable punishments; article 242 establishes the offence of violently obstructing the rescue of a sold woman or child and the punishment applicable.

377. China's judicial organs have enacted a number of statutory measures and policies to combat the abduction and trafficking of women and children. These include an opinion on problems in applying laws and policies against the abduction and trafficking of women and children issued by the Ministry of Public Security in March 2000; a circular on problems in combating the abduction and trafficking of women and children, issued jointly by the Supreme

People's Procuratorate, the Supreme People's Court, the Ministry of Public Security, the Ministry of Civil Affairs, the Ministry of Justice and ACWF in March 2000; and a circular on the involvement of people's procuratorates in the campaign to combat abduction and trafficking, issued by the Supreme People's Procuratorate in March 2000. In addition, the governments of certain provinces, cities and autonomous regions have enacted, in accordance with the amended Criminal Code, regional laws and regulations against the abduction and trafficking of women and children, providing powerful legal safeguards for these efforts.

Status of implementation

378. According to available data, between 1996 and 2000 China's public security organs unleashed the power of the law enforcement authorities in hard-hitting, sustained regional and national campaigns against the abduction and trafficking of women and children. These efforts resulted in the discovery of a large number of cases of trafficking in children, the seizure and punishment of a great many people-traffickers, the rescue and rehabilitation of a great many abducted children, and the effective suppression of this criminal enterprise.

379. In 1995, 1999 and 2000, the judicial organs mounted wide-ranging national campaigns against the abduction and trafficking of women and children, conducting rescue operations in certain regions where such activity is prominent and restoring a great many child victims to bosom of their families. During the 2000 campaign, advanced DNA technology was used for the first time, to great effect, to trace and identify lost and abducted children. The three campaigns chiefly targeted the leaders of criminal syndicates involved in the abduction and sale of children, destroying many trafficking dens and transit points. Many offenders were severely punished and a great many children were rescued.

380. The figures show that between 1996 and 2000, China's public security organs rescued a total of more than 5,000 abducted children. People's courts at various levels processed a total of 21,185 cases of abduction and trafficking of women and children and convicted 31,485 offenders.

381. In the field of international cooperation, the Government of China and certain NGOs have worked in a variety of ways with United Nations institutions and other international organizations to prevent and combat the abduction and trafficking of women and children. In 1999 and 2000, the Ministry of Public Security and UNICEF ran a cooperative project, conducting preventive public information campaigns in 10 provinces where the abduction and trafficking of women and children is a serious problem. With comprehensive coverage in a variety of formats, the campaigns reached an audience of more than 50 million and served to heighten public vigilance. In UNICEF's latest cooperation project with the Chinese Government (2001-2005), the Ministry of Public Security and ACWF are conducting a campaign against domestic and trans-border traffic in abducted women and children that focuses on prevention and suppression of these activities, and the rehabilitation and return to society of the victims. At present, ACWF and ILO are together conducting a Mekong Region project to combat trafficking in women and children in Yunnan Province. The project offers effective publicity, prevention

and rehabilitation services, and, while laying a solid foundation for an integrated system to combat trafficking, is actively exploring preventive models and policies of value for broader application.

(v) Children of minority or indigenous groups (art. 30)

382. The Government of China consistently attaches great importance to protecting the rights and interests of China's minority nationalities, and in particular of minority children. Besides the Constitution and the Regional Ethnic Autonomy Act, 88 of the 384 laws and regulations or resolutions relating to legal problems issued by the National People's Congress or its Standing Committee between 1979 and 2000 contain language specifically providing for protection for minority nationalities, and 37 bear directly on the self-government systems of the minority areas. Of the 800 administrative laws and regulations enacted by the State Council, about one fifth bear on problems of the minority nationalities.

383. In February 2001, the Standing Committee of the National People's Congress enacted amendments to the Regional Ethnic Autonomy Act which formally acknowledged in law that the system of regional ethnic autonomy is a basic element of China's political system. The amendments also increased the financial support to be made available to the autonomous regions. Further provisions of the amended Act stipulated new measures to develop educational and cultural institutions for ethnic minority groups and cultivate minority-nationality human resources. The Act stipulates that the self-government authorities in autonomous regions must set up primarily boarding-type, scholarship-funded public primary and middle schools for the minority peoples in economically disadvantaged or sparsely populated mountain regions with a view to ensuring that students in these areas can complete their compulsory education. The schooling and scholarship costs are to be met by the local financial authorities, and if this poses a problem, supplementary assistance is to be provided by the next level up. In their admissions processes, institutions of higher education and specialized secondary schools apply more lenient criteria to candidates from minority nationalities and take special care of students from particularly small ethnic groups.

384. Article 10 of the Regional Ethnic Autonomy Act states, "The organs of self-government in national autonomous areas shall guarantee the freedom of the nationalities in such areas to use and develop their own spoken and written languages and their freedom to preserve or reform their own folk traditions and customs."

385. Article 36 of the Act states, "The organs of self-government in national autonomous areas shall establish plans for the development of education in such areas and determine what kinds of schools at what levels, what educational system, what methods of schooling, what curricula, what languages of instruction and what enrolment procedures to institute in accordance with State guidelines on education and the requirements of the law." Article 37 states, "Schools (classes, grades) in which most of the pupils come from minority nationalities shall, whenever possible, use textbooks in the languages of those minorities and use those languages as the media of instruction. Classes in Chinese shall begin, depending on circumstances, in the junior or senior grades of primary schools in order to popularize Putonghua and the standard forms of written Chinese nationwide."

386. Article 38 of the Act states, “The organs of self-government in national autonomous areas shall organize and support the collection, compilation, translation and publication of ethnic history, culture and literature by the relevant work units and departments, and shall protect scenic spots and historical sites, cultural relics and other historical and cultural legacies of importance to ethnic groups so as to preserve and develop their outstanding traditional culture.”

387. On 29 August 1998, the Standing Committee of the National People's Congress promulgated the Higher Education Act. Article 8 of this Act states, “In view of the particular characteristics and needs of minority nationalities, the State shall assist and support minority regions in developing institutions of higher learning so as to cultivate within the minority group human resources of high professional quality.” Article 9 states, “Citizens have the right to higher education. The State shall take action to assist students from ethnic minorities and economically disadvantaged students to obtain a higher education.”

388. In May 1996, the Standing Committee promulgated the Vocational Education Act, article 7 of which states, “The State shall take steps to develop vocational education in rural areas and shall assist ethnic minority areas and poor peripheral regions with the development of vocational education.”

Status of implementation

389. China holds ‘indigenous peoples’ to apply in distinction to peoples arriving in an area from elsewhere. The various ethnic groups in China have lived harmoniously together in this part of the world for generations beyond number, and have shared a long period of historical development. Accordingly, the 56 distinct nationalities in China are all native peoples. There is no distinction between indigenous and exogenous groups, and the question of indigenous children does not arise.

390. There are 55 minority ethnic groups in China, which, in 2000, accounted for a population of 106 million, or 8.41 per cent of the national total. This represented an increase of 15 million since 1990, and a rise of 0.37 per cent of the national total.

391. Minority children in China not only enjoy the same rights and freedoms as do Han children, but also benefit from special care under the laws and policies of the Central Government. They have freedom of conscience and religion, and the rights to sanitation and health care, compulsory education, education in their own languages and cultures, and many other rights.

392. Infant mortality rates in minority areas have decreased markedly. In the Tibet Autonomous Region, for example, the infant mortality rate dropped from 91.81 per thousand in 1990 to 35.3 per thousand in 2000. Mortality among the under-5s dropped from 126.7 per thousand to 57.2 per thousand over the same period, and the maternal mortality rate dropped from 7.158 per thousand to roughly 4.663 per thousand (see Table 3 for detailed figures). Children’s vaccination rates have risen significantly, with the rates for the four standard vaccines among minority children approaching those among Han children by the year 2000 (see Table 5 for detailed figures).

393. The Government of China has developed educational institutions in minority areas to a considerable degree in recent years. Great efforts have gone into improving school operation, upgrading the quality of education offered and cultivating great numbers of skilled persons from among the minority communities. The achievements in this area have been remarkable.

394. The Government has increased education funding for minority peoples, established supplementary expense funds and made a variety of specific allocations to support the development of educational institutions in minority areas. It has been implementing a national programme of compulsory education in impoverished areas since 1995. Of the RMB 3.9 billion allocated for this programme, some RMB 22 billion has gone to universal nine-year compulsory education in nine provinces and autonomous regions where minority populations are concentrated and poverty is high. 1997 saw the establishment of national people's bursaries for compulsory education, which by 2001 had provided some RMB 130 million to support the education of school-age children from minority families in difficult circumstances.

395. In 2000, the Ministry of Education and the State Ethnic Affairs Commission launched an 'East-West schools partnership assistance programme' which paired schools in the east of the country with schools in impoverished areas of the west, and a 'Western urban/rural schools partnership assistance programme' which paired schools in the larger cities of the west with schools in impoverished areas of the same province or autonomous region. They also issued a statement on accelerating reform and development of vocational education in minority areas, calling for a variety of measures to establish and ensure the sound development of systems to invest in and guarantee vocational education in minority areas, thus actively promoting the training of teachers and educational administrators in such areas.

396. By 2000, China had some 10,616 independent primary schools for ethnic minorities, 1,589 middle schools of the same type and 12 ethnic universities or colleges. Altogether some 925,000 members of ethnic minorities were working as professional teachers.

397. The school admission rate of school-aged minority children has risen significantly. In the nine provinces and regions where ethnic minorities are most concentrated (Inner Mongolia, Guangxi, Tibet, Ningxia, Xinjiang, Guizhou, Yunnan, Gansu and Qinghai), average primary school attendance in 1999 reached 96.1 per cent, an increase of 8.09 per cent over the rate in 1989. In the Tibet Autonomous Region in particular, the Government of China has invested more than RMB 1 billion in education and guaranteeing the rights of Tibetan children to education since the peaceful liberation of the region in 1951. Not only have Tibetan classes been established at primary and middle schools and universities in China's interior, but four universities and more than 1,000 primary and middle schools have been built in Tibet proper, the admission rate for school-age children has risen from 2 per cent in the past to more than 85.8 per cent today, and more than 30,000 people have been trained in a wide range of skilled occupations. The Government also operates a series of preferential policies in Tibet. Since 1985, for example, food, clothing and living accommodation have been made available to some primary and middle school students, while schools in the larger agricultural and pastoral areas have established boarding arrangements. Schools of all types and at all levels operate

admissions policies that favour the local national population, while priority is given to the registration of students of Tibetan or other ethnic origin in universities, middle and technical schools.

398. The numbers of students from ethnic minorities attending school have greatly increased. In 2000, children from ethnic minorities attending primary school in China numbered 11.816 million, some 12.5 times the 943,000 who attended school in 1951. The 4,989,100 million minority students in regular middle school, meanwhile, represented 124 times the 40,300 registered in 1951. The proportions of students from minority groups in China's primary, regular middle and regular high schools in 2000 were 9.1 per cent, 6.8 per cent and 5.8 per cent respectively of total enrolment. Members of all 55 ethnic minorities in China are attending university; some have academic qualifications extending to the Master's and doctoral levels.

399. The State guarantees the freedom of ethnic minorities to use and to develop their own national languages. Nowadays 53 of China's 55 minority nationalities have their own national languages and a total of over 80 language families; 28 writing systems are extant among 22 of these groups. Many ethnic minorities produce radio and television programmes, books, newspapers and magazines in their own national languages and scripts. The State assists minority communities with the provision of education both in their particular languages and bilingually, and has boosted the production of teaching materials in minority languages.

400. Most Chinese children belonging to ethnic minorities and living in areas with sizeable minority communities use their own national languages in their everyday lives. Primary and middle schools in minority areas offer bilingual education to suit local conditions: the primary language of instruction is that of the local national minority, Chinese being introduced progressively so that students become fluent in the common language of all China. The main reason for introducing bilingual education is that, while China is a country made up of many ethnic groups, spoken and written Chinese (Putonghua) has become the standard language of inter-communal relations in the economic and cultural spheres as well as in everyday life. Giving the children of ethnic minorities a is intellectually stimulating, but also beneficial to their future development. At present, over 10,000 schools throughout the country, with a total enrolment exceeding 6 million, provide bilingual education in Putonghua and 22 minority languages.

401. In 1984, Qinghai Province issued, for trial implementation, a draft plan for education in ethnic primary and middle schools which stipulated, "Schools for ethnic minority groups shall adhere to the principle of providing education primarily in the language of the minority group. Pupils shall first master the spoken and written language of their own ethnic group then, on that foundation, learn spoken and written Chinese. By the time they graduate from middle school, they shall be able to communicate generally in both languages." In the Guangxi Zhuang Autonomous Region, the stated policy is, "Zhuang is the main language; Zhuang and Chinese shall be combined; Chinese shall stimulate Zhuang; both languages shall be in common use." In the Tibet Autonomous Region, the policy is, "Tibetan is the main language; both Tibetan and Chinese shall be used;" and "basic education shall be provided primarily in Tibetan; at the

same time, spoken and written Chinese shall be taught so that students progressively become fluent in both by high-school graduation. Where conditions permit, a foreign language may also be studied.” Primary and middle schools in Tibet currently offer education either in Tibetan or in Tibetan and Chinese combined. A total of 181 textbooks, 122 reference books and the 16 curriculum outlines for 16 courses taught from primary to high school are available in Tibetan. The world’s first Internet website in Tibetan, the Tongyuan Tibetan-language site, came into being in December 1999 at the Northwest National College of Nationalities in Lanzhou, where a Mongolian-language net was already in operation.

402. The Government attaches great importance to the protection and development of the traditional cultures of China’s minority peoples, respecting their freedom of conscience and religion and their various customs and traditions. Please refer to Part 4, chapter 4, of this Report, “Freedom of Thought, Conscience and Religion.”
