



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-fourth session

Summary record of the 1833rd meeting*

Held at the Palais Wilson, Geneva, on Thursday, 26 September 2013, at 3 p.m.

Chairperson: Ms. Sandberg

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* No summary records were issued for the 1831st or 1832nd meetings.

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

Consideration of reports of States parties (continued)

Combined third and fourth periodic reports of China on the implementation of the Convention on the Rights of the Child (CRC/C/CHN/3-4 and Corr.1, CRC/C/CHN/Q/3-4, CRC/C/CHN/Q/3-4/Add.1)

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

Second periodic report of Hong Kong, China, on the implementation of the Convention on the Rights of the Child (CRC/C/CHN-HKG/2, CRC/C/CHN-HKG/2/Add.1)

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

1. *At the invitation of the Chairperson, the delegation of China took places at the Committee table.*
2. **Mr. Jia** Guide (China) said that on 20 November 2012, China had celebrated the twentieth anniversary of its ratification of the Convention by organizing an event entitled “Narrowing the Gaps and Promoting Equitable Development for Children”, during which it had taken stock of the implementation of the Convention.
3. The three years since the submission of China’s report had been marked, *inter alia*, by the adoption of the National Programme for Child Development 2011-2020. Child-related legislation had been expanded, notably through the adoption of special criminal procedures applicable to minors. Child health care had been improved, partly through the introduction of free medical care for children under 6 and free vaccinations for those under 3. Moreover, health insurance coverage of 100 per cent had been extended to around 20 childhood diseases. China was proud to have achieved some Millennium Development Goals sooner than expected.
4. China had the largest network of educational institutions in the world. The span of compulsory schooling was nine years and the primary-school enrolment rate was 99.79 per cent. In 2012, for the first time in its history, China had allocated 4 per cent of its budget to education. The funds had been invested primarily in areas that were rural, remote, poor or had a high ethnic-minority population, and where incentives had also been provided to attract teachers. An interministerial task force had been established with a view to building boarding schools, kindergartens and cultural and leisure facilities in rural areas. The inclusion of children with disabilities in mainstream schools was encouraged.
5. The welfare system had also received significant investment, thanks to which 600,000 orphans and children living with HIV were receiving a monthly allowance of ¥ 600. In 2012, ¥ 2 billion had been earmarked for the protection of street children.
6. Between 2009 and June 2013, 180,000 persons had been tried for child rights violations. Some trials had involved serious cases of human trafficking, which had been brought to light following a special anti-trafficking campaign. All sectors of society supported the cause. The Ministry of Public Security, for instance, had set up an anti-trafficking microblogging site, which was followed by more than 5 million people and had made it possible to collect a great deal of data. At the same time, China had worked to improve its legal procedures applicable to minors, in particular by developing alternative sentencing to deprivation of liberty and focusing on education.

7. Recruiting persons under the age of 17 for military service was prohibited. Persons between 17 and 18 years of age were eligible for military service only if they undertook to join the army subsequently. Strict screening and punishment mechanisms had been put in place.

8. China had therefore achieved significant progress. However, the weight of tradition was such that it would take time to impose the principles of children's participation and the best interests of the child. Legislation relating to child abuse and neglect needed improving, while capacity-building for law enforcement was necessary in some regions, and statistical work could be more rigorous and systematic.

9. **Mr. Lau Kong-wah** (Hong Kong, China) said that the infant mortality rate in Hong Kong was one of the lowest in the world and could fall even further thanks to the recent construction of a centre of excellence in paediatric care. The first 12 years of education had been made free of charge and the education system had been reformed to promote the integration of children with disabilities and children from ethnic minorities.

10. From April 2013 onwards, every policy had to be considered from the point of view of its impact on families. In the same vein, there were plans to strengthen collaboration between the Family Council and the Child's Rights Forum, a platform for cooperation between children and NGOs that gave children a chance to be heard.

11. **Ms. Vong Yim Mui** (Macao, China) said that the Convention and the Optional Protocol on the sale of children, child prostitution and child pornography had been in force in Macao since 1999 and 2003 respectively, and that authorities of the Special Administrative Region were working tirelessly to implement them satisfactorily. Medical services and care were free in public institutions for all children under the age of 10 and all pupils in primary and secondary education. The vaccination rate for children was in excess of 90 per cent and the neonatal mortality rate was stable, at around 0.2 per cent. Education was free for the first 15 years and various subsidies were offered to alleviate the cost of education for families. The Macao Youth Policy (2012–2020) and the Ten-year Plan for Non-tertiary Education (2011–2020) sought primarily to improve planning in the education sector and promote the right to education.

12. Corporal punishment and psychological abuse were criminal offences. For minors in conflict with the law, a specific regime was applied, tailored according to their age, and the concept of restorative justice had been introduced.

13. Social measures had been extended to all children in Macao, including non-residents, and various campaigns had been undertaken to raise awareness of and disseminate information about the Convention and its Optional Protocol among professionals and the general public, including the annual celebration of the International Day of the Child.

14. **Mr. Kotrane** (Country Task Force Coordinator) asked whether the State party planned to ratify some of the international human rights instruments to which it was not yet a party, adopt a child rights code to incorporate into domestic legislation all the rights guaranteed under the Convention, and withdraw all reservations to the Convention. He asked the delegation to state what mechanisms mainland China and the two Special Administrative Regions planned to adopt in order to improve the coordination of activities and programmes to implement the Convention.

15. Infanticide and selective and forced abortion remained recurring problems in mainland China, and it appeared that forced sterilization was a growing practice. He asked whether steps had been taken to ensure that violations of the rights to life and survival of the child would be the subject of prompt and independent investigations, and whether China would be willing to reconsider its one-child policy.

16. He was also concerned about reports of a growing number of immolations of Tibetan children. The delegation should indicate what urgent measures were planned to initiate a genuine dialogue with children and religious and community leaders in the Tibet Autonomous Region, in order to put a stop to the immolation of children and ensure that Tibetan children injured as a result of immolations had full access to free medical care.

17. Lastly, the State party was asked to elaborate on what urgent measures were planned to prevent and combat the persecution of activists' and opponents' children.

18. **The Chairperson** (Country Task Force Coordinator) asked for clarification on the distribution of financial resources for child protection, on measures to reduce disparities between rural and urban areas, and on the budgetary allocations for vulnerable children, such as migrant children, in each of the State party's three regions.

19. It would also be helpful if the delegation could indicate whether steps had been taken to improve disaggregated data collection, and whether data on infanticide and the abduction of children from ethnic minorities were still classified as State secrets in mainland China. The delegation should also indicate whether there were plans to establish, in each of the State party's three regions, independent human rights monitoring mechanisms with the authority to receive complaints from children.

20. She asked whether the Convention had been translated into minority languages and disseminated among children. She invited the delegation to comment on the repression of human rights defenders, in particular defenders of Uighurs, members of the Falun Gong movement and Tibetans, and requested information on the fate of the activist Cao Shunli, who had not been seen since 14 September 2013. She asked whether steps had been taken to address the problem of lead poisoning, which seriously harmed the health of children in some rural areas, and to require businesses to fulfil their responsibilities towards affected populations.

21. The delegation should indicate whether courts took into account the best interests of the child when imposing the death penalty on a parent. Lastly, she asked the delegation to explain what steps had been taken to improve the birth registration rate for girls and migrant children under the national household registration system (hukou) and the family planning policy.

22. **Ms. Oviedo Fierro** (Country Task Force) asked what the requirements were for joining the Young Communist League, how it was funded and whether it really gave children a say. With regard to Macao, the delegation should indicate whether children's views were consulted in all matters that affected them, particularly adoption and divorce proceedings. With regard to Hong Kong, she asked in what way children participated in the Children's Rights Forum and whether children's views had been taken into account in educational reform. She invited the delegation to elaborate on the fate of children whose parents had been subject to religious persecution, and on the measures taken by the State party to guarantee freedom of religion. She also asked whether there was a law to protect children's privacy, and whether children in each of the State party's three regions had equal access to Internet and other sources of information. She asked whether corporal punishment, which was officially prohibited in mainland China, was treated as a criminal offence, and wanted to know why domestic violence had not been criminalized in Hong Kong. Lastly, she requested further details of the numerous convictions for ill-treatment of children and of the number of child victims.

The meeting was suspended at 4.20 p.m. and resumed at 4.50 p.m.

23. **Mr. Jia** Guide (China) said that the State party's reservation to article 6 of the Convention was not inconsistent with respect for the right to life. It merely sought to clarify that China intended to fulfil its obligations under article 6, provided that they did not

contravene the country's family planning policy. The Law on the Protection of Minors defined the child as any person under the age of 18, which did not include fetuses. The Law on Population and Family Planning and the Law on Maternal and Infant Health Care protected women's right to use contraceptives in order to reduce the number of unwanted pregnancies. Abortions were strictly regulated and performed on the basis of the woman's informed consent. In the event of conflict between domestic law and international instruments, the latter could, in principle, be applied, unless a reservation stipulated otherwise.

24. **Mr. Wen Daojun** (China) said that under hukou, newborns had to be registered with local registration services within one month of the birth. The responsibility lay with the parents or, in the case of abandoned children, the guardian. Localities were required to provide the information needed to register children born out of wedlock, from early marriages or outside the population plan. It should, however, be noted that in rural areas, the birth registration of such children was not yet systematic, owing to ignorance of the relevant laws. In order to improve the registration of female newborns, more registration offices had been set up in the provinces and strict birth registration control measures had been put in place. Lastly, children under the age of 16 from mobile families were granted free temporary residence permits, which did not allow them to be registered under hukou, but did guarantee them access to education under the same conditions as other children.

25. **Mr. Kotrane** (Country Task Force Coordinator) asked for clarification on the status of the Convention in the State party in the event of conflict with national law.

26. **Mr. Jia Guide** (China) said that, in principle, international instruments could be applied, unless a declaration or reservation had been submitted stating that national law took precedence over international law.

27. **Mr. Lau Kong-wah** (Hong Kong, China) said that the system for collecting and disseminating data on children had been improved and the information consolidated on a website, which contained general data such as the infant mortality rate and the education budgets. There were plans to further enhance the site and add new information. The various stakeholders in the creation of an independent mechanism to monitor children's rights held differing views, and the matter would be further explored. In any case, the best interests of the child were taken into account in current child protection policies, which sought primarily to promote family cohesion and the well-being of the child.

28. In order to strengthen cooperation between the Government, NGOs and children, the Child's Rights Forum had been established in 2005. Since then, children had been invited to express their views on some 30 topics, including the matter of joint parental responsibility.

29. **The Chairperson** (Country Task Force Coordinator) said that the central role attributed to the institution of the family in China ran counter to the spirit of the Convention, which recognized children as rights holders, entitled to express their opinion at all times, including within the family. She understood that the Child's Rights Forum had been criticized because it was not representative of all groups of children, it offered no independent complaints mechanism and children could not freely decide agenda topics.

30. **Mr. Lau Kong-wah** (Hong Kong, China) agreed that the running of the Child's Rights Forum could be improved and that it would be useful to consult all stakeholders. Nevertheless, cooperation between the Child's Rights Forum and the Family Council remained crucial to advancing the cause of children in China.

31. **Ms. Vong Yim Mui** (Macao, China) said that the Convention had entered into force in the Macao Special Administrative Region on 27 May 1999, without any reservation. Although Macao did not have an action plan for children, it attached great importance to

children's rights, as illustrated by the numerous policies adopted to support children, particularly in the areas of education and health. In 2012, the Government of Macao had allocated around 9 per cent of its budget to the education sector.

32. The domestic violence bill, which was being prepared, provided for the strengthening of victim protection and the possibility for judges to take protective measures if a child appeared to run an increased risk of being exposed to domestic violence.

33. **Ms. Herczog** (Country Task Force) asked whether the State party planned to introduce parenting education programmes in order to prevent neglect and the use of corporal punishment. She wanted to know whether the Government of China intended to extend the period of maternity leave to 18 weeks, in accordance with ILO recommendations, and to develop a policy on integrated early childhood development. She also asked whether the State party intended to take steps to ensure that Uighur children would no longer be separated from their parents and could be raised in their families and attend schools in their place of residence.

34. She also wanted to know whether the State party planned to ensure that, in future, parents who left their region of origin for professional reasons could take their children with them, rather than leaving them in the care of relatives in their region of origin, where they were often subjected to abuse, exploitation and stigmatization. Noting that the children of immigrants, refugees and minorities were often separated from their parents and placed in boarding schools, she asked whether the State party was considering ways to enforce respect for the right of such children to be raised within their families.

35. She would be interested to know whether the authorities of the Special Administrative Region of Hong Kong planned to review the status of women whose children were entitled to live in Hong Kong because they were born of a father from that region, a status that did not allow such women to work and, by extension, to provide for their children. Representatives of the region should indicate whether the authorities intended to amend legislation to ensure that the 300,000 female domestic workers in Hong Kong were no longer forced to resign and leave the region when they fell pregnant, or send their child to their region of origin from birth. Lastly, representatives should indicate whether there were plans to provide more social housing in Hong Kong.

36. Noting that almost 700,000 children, most of whom had disabilities, were living in an alternative care facility, she asked whether in future, the State party intended to give preference to placing such children with their extended family or in foster care.

37. She wanted to know whether the State party was endeavouring to improve early childhood care in preschool facilities, given that currently, more than 60 per cent of staff in such facilities had no training and frequently resorted to corporal punishment. She drew the attention of the State party to the fact that it should make an effort to introduce free primary education by doing away with the hidden costs that prevented many parents from sending their children to school.

38. The delegation should indicate whether programmes had been implemented to combat bullying and violence in schools, and whether the mistreatment suffered by numerous pupils might not be partly explained by the fact that 300,000 teachers had been forced to accept a position in a remote region. She invited the delegation to comment on recent cases involving teachers, school administrators and civil servants, who had been accused of sexually exploiting children under the age of 10.

39. Noting the shortage of schools in Tibet, she asked how the State party planned to guarantee the right of Tibetan children to education, language and culture.

40. Turning to the education situation in Hong Kong, she wanted to know whether the region's authorities intended to make preschool education free for all, and take steps to

spare many pupils from having to commute between Hong Kong and mainland China every day in order to attend school. Noting that the lessons attended by children of immigrants in Hong Kong were taught only in English and that the lessons for Chinese as a second language were of very poor quality, she asked whether the authorities planned to introduce high-quality bilingual teaching in order to provide children of immigrants with more opportunities to succeed.

41. Lastly, she called on the State party to ensure access to inclusive education for children with disabilities, and asked whether human rights education was included in training programmes for teachers and other professionals working with children.

42. **Ms. Wijemanne** (Country Task Force) asked whether the low school enrolment rate for children with disabilities was a result of the shortage of teachers trained in the methods of inclusive education. She wanted to know whether the State party had established a database on all forms of disability, which would make it possible to undertake targeted interventions at the community level.

43. Noting with satisfaction the dramatic fall in maternal and infant mortality, which was clearly due to the success of immunization campaigns, particularly against polio, she asked whether other vaccines, such as the Rotavirus vaccines and the Haemophilus influenzae type B vaccine, could be administered under the same campaigns. She asked whether the State party intended to promote exclusive breastfeeding to improve children's nutritional status, and to conduct supplementation campaigns to combat anaemia in pregnant women and young children.

44. The delegation might indicate whether schools provided sex education lessons for adolescents, and whether the latter had confidential access to sexual and reproductive health services. It might also state whether programmes had been implemented to protect young people against HIV/AIDS and other sexually transmitted infections, and to prevent mother-to-child transmission of HIV.

45. She would be interested to know the level of coverage of programmes to combat drug and alcohol abuse, and whether psychological support services were extended to children who felt burdened by the need to succeed at school because of the one-child policy.

46. Lastly, the delegation might indicate the true extent of the phenomenon of street children, who were estimated to number between 150,000 and 300,000, and specify whether the State party had set up rehabilitation centres, psychological counselling services and vocational schools to try to curb the problem.

47. **Mr. Kotrane** (Country Task Force Coordinator) asked what measures the State party intended to take to enforce respect for the principle of non-refoulement, particularly to ensure that no unaccompanied children arriving in Hong Kong from the Democratic People's Republic of Korea or Myanmar would be returned to their country of origin. What measures were planned to ensure that refugee and asylum seeking children arriving in Hong Kong by plane were not placed in juvenile detention centres?

48. Noting with concern the lack of precise data about child labour in mainland China, he asked whether the State party intended to define and prohibit hazardous occupations and the worst forms of child labour, in addition to prohibiting all forms of forced labour. Did the Government of China plan to bring the compulsory school leaving age into line with the minimum age for admission to employment, and to ratify the ILO Domestic Workers Convention, 2011 (No. 189)?

49. Noting that, in mainland China, children could be held in re-education through labour facilities for a period of up to 18 months; that, according to some reports, children were abducted and held for prolonged periods in secret detention centres ("black jails");

that, in Hong Kong, the age of criminal responsibility was still set at 10 years; and, lastly, that Macao continued to impose solitary confinement on children in conflict with the law, he asked whether the State party intended to establish a juvenile justice system based on the principle of restorative justice, as provided for in the Convention and other international standards currently in force.

50. The delegation of China should indicate whether the State party intended to take measures to protect child victims or witnesses of crimes such as abuse, sexual or economic exploitation, abduction and trafficking.

51. Lastly, he asked whether the State party planned to amend its 1997 Criminal Code to criminalize the trafficking and sale of children, as required under article 3, paragraph 1, of the Optional Protocol, to abolish the principle of dual criminality and to enshrine the principle of universal jurisdiction.

The meeting rose at 6.10 p.m.