



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined fifth and sixth periodic reports submitted by China under article 44 of the Convention, due in 2019^{*}, ^{**}, ^{***}

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* The present document is being issued without formal editing.

** The reports of Hong Kong, China (CRC/C/CHN-HKG/3-6) and of Macao, China (CRC/C/CHN-MAC/3-6) form part of the present State party report.

*** The annexes to the present document may be accessed from the web page of the Committee.



Introduction

1. Pursuant to article 44 (1) of the Convention on the Rights of the Child, article 12 (2) of the Optional Protocol on the sale of children, child prostitution and child pornography and article 8 (2) of the Optional Protocol on the involvement of children in armed conflict, the People's Republic of China hereby submits to the Secretary-General of the United Nations its combined fifth and sixth periodic reports on the implementation of the Convention and its two Optional Protocols.
2. The present report consists of three parts. The first part describes the progress made by China in implementing the Convention and its two Optional Protocols from 2010 to 2022 and was prepared by the central Government of the People's Republic of China. The second part addresses the implementation of the Convention and the Optional Protocol on the involvement of children in armed conflict in the Hong Kong Special Administrative Region (SAR) of the People's Republic of China and was prepared by the Government of the Hong Kong SAR. The third part addresses the implementation of the Convention and its two Optional Protocols in the Macao SAR of the People's Republic of China and was prepared by the Government of the Macao SAR.
3. The report has been prepared in accordance with the relevant guidelines of the Committee on the Rights of the Child. Information on laws, regulations, policies and mechanisms that were addressed in the previous report and have not been revised or updated is not repeated herein. The Government of China attaches great importance to the consideration of its reports and to the Committee's concluding observations. The present report provides information on measures taken in response to the recommendations contained in the Committee's previous concluding observations.
4. The information contained in this report was provided by government departments, non-governmental organizations and academic institutions engaged in work relating to children. During the drafting and finalization process, extensive consultations were held with a broad range of stakeholders, including legislative, administrative and judicial bodies, non-governmental organizations and experts in relevant fields. In addition, the views of children were taken into consideration in the drafting of certain sections of the report.

I. General measures of implementation

5. China has consistently upheld the principle of the best interests of the child and implemented a "children first" development approach. Building on the progress achieved during the previous reporting period and in line with the Convention and its two Optional Protocols, China has continued to take all appropriate legislative, administrative, judicial and other measures to optimize the environment for children's development; safeguard children's rights to survival, development, protection and participation; enhance children's well-being; reduce disparities in child development between urban and rural areas and among regions; improve children's overall capacities; and promote their health and holistic development.
6. China has further strengthened its legal framework for the protection of the rights of the child. The Law on the Protection of Minors and the Law on the Prevention of Juvenile Delinquency have been revised. A number of laws, regulations and judicial interpretations have been enacted or amended, including the Civil Code, the Criminal Law, the Criminal Procedure Law, the Anti-Domestic Violence Law and the Law on the Promotion of Family Education. On 26 December 2009, China acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
7. China has continued to formulate and implement programmes for children's development. The National Programme for Child Development 2011–2020, launched in July 2011, established major objectives and strategic measures for child development in the areas of health, education, welfare, social environment and legal protection. The National Programme for Child Development 2021–2030, launched in September 2021, sets out 70 objectives and 89 strategic measures across seven areas: health, safety, education, welfare, family, environment and legal protection.

8. China has continued to promote awareness and understanding of the Convention and its Optional Protocols among adults and children. The measures undertaken include:

- (a) publishing information handbooks for primary and secondary school students and manuals for teachers on human rights;
- (b) organizing summer camps on themes related to the Convention in cooperation with the United Nations Children's Fund (UNICEF);
- (c) integrating the protection of children's rights into teaching and research activities in higher education and academic institutions; and
- (d) supporting non-governmental organizations in conducting training programmes to raise awareness of child protection and the rights of the child.

9. With regard to paragraph 9 of the concluding observations, China has taken the following measures to achieve the objectives of the National Programme for Child Development:

- (a) integrating the National Programme into the twelfth, thirteenth and fourteenth Five-Year Plans for National Economic and Social Development;
- (b) designating the entities responsible for implementation of the major objectives and measures under the National Programme;
- (c) requiring each responsible entity to formulate implementation plans to advance the objectives of the National Programme;
- (d) ensuring that all provinces, autonomous regions and municipalities directly under the authority of the central Government formulate local child development plans, objectives and measures in line with the National Programme; and
- (e) monitoring and evaluating the implementation of the National Programme by the national authorities on child affairs, national statistical authorities, independent experts and non-governmental organizations.

10. China attaches importance to overall planning, coordination and cooperation among relevant government departments. The State Council's Working Committee on Women and Children serves as the central decision-making and coordinating body for child affairs and is composed of representatives of 35 ministries, commissions and people's organizations. Governments at the provincial, municipal and county levels have all established corresponding specialized bodies for child affairs. In recent years, the Working Committee has focused on strengthening the rule of law and policy safeguards as a solid foundation for the protection of children's rights and the promotion of child development; integrating child development objectives and tasks into the twelfth, thirteenth and fourteenth Five-Year Plans and sectoral plans; convening the Sixth National Working Conference on Women and Children; conducting midterm evaluations of the National Programme and publishing annual statistical monitoring reports, including the most recent monitoring report for 2020; and formulating the National Programme for Child Development 2021–2030.

11. With regard to paragraph 8 of the concluding observations, China encourages domestic and international non-governmental organizations and independent experts to contribute to the promotion and protection of the rights of the child through the following measures:

- (a) Engaging non-governmental organizations and independent experts in national human rights programmes. All four National Human Rights Action Plans adopted to date were prepared and evaluated jointly by competent government departments, research institutions, non-governmental organizations and independent experts. In cooperation with UNICEF, the Office of the Working Committee on Women and Children has engaged experts to provide advisory support for the implementation of the National Programme for Child Development and to participate in its monitoring and evaluation. The Supreme People's Procuratorate, in cooperation with UNICEF, has provided training on comprehensive judicial protection of minors for procuratorates in economically disadvantaged and remote areas. The China Philanthropy Research Institute of Beijing Normal University, also in cooperation with

UNICEF, developed the “Children’s Policy Provincial Innovation Index 2019”, which evaluates and ranks provincial-level children’s policy (excluding Hong Kong, Macao and Taiwan) in terms of innovation;

(b) Supporting non-governmental organizations in implementing community-based child protection pilot projects in Yunnan, Guizhou and Guangxi and promoting the formulation of targeted child protection action plans in pilot areas.

12. China attaches importance to the Committee’s recommendation regarding withdrawal of its reservation to article 6 of the Convention and will give careful consideration to the matter in the light of its national circumstances.

13. As a developing country, China continues to face many difficulties and challenges in fully implementing the Convention and its Optional Protocols and in promoting the full realization of the rights of the child. Further efforts are required in the areas of awareness-raising, capacity-building, institutional coordination, financial support and social mobilization. Levels of child protection within China remain uneven, with disparities between urban and rural areas and among different regions. In the future, China will continue to take all appropriate legislative, administrative and judicial measures to advance children’s development, strengthen protection of the rights of the child and ensure the realization of all the rights enshrined in the Convention and its Optional Protocols.

II. Definition of the child

14. The legal definition of the child in China is consistent with the one set out in the Convention. According to the seventh national population census, conducted in 2020, there were 297,655,944 children aged 0–17 nationwide, accounting for 21.11% of the total population and representing an increase of 0.19 percentage points compared to the level recorded in 2010.

15. In China, the statutory minimum age for marriage is 22 years for men and 20 years for women.

III. General principles

A. Non-discrimination (art. 2)

16. The principle of equality before the law is enshrined in the Constitution of China. The revised Law on the Protection of Minors (2020) introduced new provisions explicitly prohibiting discrimination against children on the grounds of education level, physical or mental health status or the circumstances of their parents or other guardians. The Civil Code affirms that children born out of wedlock enjoy the same rights as those born in wedlock and expands the prohibition of discrimination and harm by providing that they may not be perpetrated not just by “any person”, but by “any organization or individual”.

17. China has adopted legislative, administrative, judicial and all other appropriate measures to ensure equal rights and non-discrimination for girls, children with disabilities, children of rural migrant workers living with their parents in cities, left-behind children in rural areas, children affected by HIV/AIDS, children separated from their parents and children belonging to ethnic minorities. Detailed information on these measures is provided in the relevant sections of the present report.

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

18. The principle of the best interests of the child has been incorporated into legislative, administrative and judicial processes and into all policies, institutions, plans and programmes relating to the rights of the child.

19. The principle of the best interests of the child is systematically reflected in national legislation:

(a) A newly introduced provision of the Law on the Protection of Minors explicitly affirms the importance of “upholding the principle of the best interests of minors, clarifying government responsibilities for child protection and refining the family guardianship system”;

(b) The principle of the best interests of the child is mainstreamed throughout all provisions concerning the rights of the child in the Civil Code. For example, legal protection extends to the fetal stage; the guardianship system has been refined in accordance with the best interests of the ward; and solutions consistent with the best interests of the child are prioritized in divorce and adoption proceedings;

(c) Amendment (VIII) to the Criminal Law strengthens provisions on more lenient treatment of juvenile offenders and introduces a system of sealing juvenile criminal records. Amendment (IX) to the Criminal Law stipulates that sexual intercourse with a girl under 14 years of age constitutes rape and is treated as an aggravating circumstance. It also introduces a new offence of “ill-treatment of a person under guardianship or care” and amends the offence of “purchase of trafficked women or children”, providing that all cases of purchasing trafficked women or children incur criminal liability. Furthermore, statutory penalties for the offence of “child molestation” have been increased. Amendment (XI) to the Criminal Law criminalizes sexual relations with adolescent girls aged 14 to 16 by persons in positions of trust or special responsibility, such as guardians or teachers;

(d) The Criminal Procedure Law, as amended in 2012, includes a new chapter entitled “Special procedures for criminal cases involving minors” that establishes a juvenile justice system distinct from the system applicable to adults in order to better protect minors’ procedural rights and other legitimate rights and interests.

20. The principle of the best interests of the child is applied throughout judicial proceedings. In determining child custody in divorce cases, courts are guided by the principle of the best interests of the child. In cases concerning child maintenance, courts seek to ensure the effective protection of the child’s right to maintenance. In the country’s first child custody dispute arising from surrogacy, the judge invoked the principle of the best interests of the child in determining custody. In juvenile justice proceedings, an “education first, punishment second” approach is applied, thereby strengthening special protections for minors.

21. The principle of the best interests of the child has been incorporated into the country’s successive National Programmes for Child Development (2011–2030), the four National Human Rights Action Plans (2009–2025) and the twelfth and thirteenth Five-Year Plans for National Economic and Social Development. China follows a “children first” approach, emphasizes the responsibilities of the Government and society in safeguarding children’s rights and interests and works to ensure the effective protection of the rights of the child.

C. Right to life, survival and development (art. 6)

22. China has taken all measures to ensure, to the greatest extent possible, the right to life, survival and development of the child. The country’s child health indicators have improved significantly, with infant and under-5 mortality rates declining substantially. The targets set in the National Programme for Child Development were achieved ahead of schedule in 2013 (see figures 1–3). The nationwide injury-related mortality rate among children under 18 has continued to decline, exceeding the target of a one-sixth reduction from the 2010 baseline set in the National Programme (see figure 4). The growth and development of children continue to improve. In 2019 the incidence of low birth weight nationwide was 3.24%, well within the National Programme target of below 4%, and the rates of anaemia, underweight and stunting among children under 5 were 5.38%, 1.37% and 1.12%, respectively, all well within the targets set in the National Programme.

23. With regard to paragraph 34 of the concluding observations, China firmly safeguards the right to life of all children and continues to carry out specialized campaigns to combat and investigate cases of non-medically indicated prenatal sex determination and sex-selective termination of pregnancy. Since 2013 China has progressively adjusted its family planning

policy, first introducing a policy permitting couples in which one spouse is an only child to have two children, followed by the universal two-child policy. In August 2021 the Population and Family Planning Law was amended to allow couples to have three children. Since 2009 the sex ratio at birth has steadily declined (see figure 5).

D. Respect for the views of the child (art. 12)

24. The right of the child to be heard is guaranteed in legislation:

(a) The principle that “the views of minors shall be heard in all matters affecting minors” was introduced in the general provisions of the Law on the Protection of Minors, accompanied by detailed provisions in various chapters to ensure the free and genuine expression of the views of the child. In particular, parents and other guardians are required to hear children’s views and give due consideration to their genuine wishes before making decisions affecting children’s rights and interests. Courts must respect the genuine wishes of minors aged 8 and above in divorce cases involving child custody. Juvenile courts are required to use language and expressions understandable to children and to hear children’s views in criminal proceedings involving children;

(b) The Law on the Prevention of Juvenile Delinquency provides that judicial authorities must obtain the consent of minor suspects or defendants before conducting psychological assessments in criminal cases involving minors;

(c) The Civil Code has lowered the age of limited civil capacity from 10 years to 8 years.

25. With regard to paragraph 38 of the concluding observations, in addition to the legislative and judicial measures described above, China ensures that children are able to participate and express their views freely before decisions are taken on matters affecting them. For example, children’s views were widely solicited during the revision of the Law on the Protection of Minors and the Law on the Prevention of Juvenile Delinquency (see figures 6–9). Children also participated in evaluations of the implementation of the National Programme for Child Development.

IV. Civil rights and freedoms

A. Birth registration, name and nationality (art. 7)

26. China guarantees the right of every child to be registered immediately after birth and the rights to a name and to acquire a nationality. With regard to paragraph 40 of the concluding observations, procedures for birth registration have been simplified and made more accessible. Medical birth certificates for newborns are issued free of charge by authorized institutions across the country, and a nationwide online application system for birth certificates is being progressively implemented.

27. With regard to the child’s right to a name, the Civil Code has introduced a new provision specifying that a child’s surname is no longer limited to that of the father or mother.

B. Preservation of identity (art. 8)

28. China guarantees children’s right to preserve their identity without unlawful interference. In 2015 the Opinions on the Issue of Household Registration for Unregistered Persons were issued. Public security authorities nationwide conducted outreach campaigns in communities and villages, particularly in remote, mountainous, nomadic and ethnic minority areas, to assist persons without household registration in completing registration procedures. By the end of 2017 approximately 180,000 left-behind children in rural areas without household registration had been registered, and the long-standing issue of non-registration was largely resolved.

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

29. The right of the child to freedom of religion and conscience is respected and protected by law. The principle that freedom of religion and conscience must be respected and protected is enshrined in the Constitution and in laws and regulations at all levels. In 2017 the Regulations on Religious Affairs were revised to further strengthen legal safeguards for citizens' freedom of religion and belief.

30. With regard to paragraph 42 of the concluding observations, the normal conduct of religious activities is protected by law. Distinctive religious traditions are respected, including the system of reincarnation of living Buddhas in Tibetan Buddhism and the practice of Pali Buddhism in certain areas of Yunnan where children reside in temples for a limited period for religious study. There are currently more than 1,780 Tibetan Buddhist religious sites in the Tibet Autonomous Region, with over 46,000 monks and nuns residing in temples. At the same time, China opposes the forcible placement of children in temples in the name of religion and fully guarantees their right to compulsory education in accordance with the law. In China, no citizen may be discriminated against or treated unfairly on the grounds of religious belief or non-belief.

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

31. The rights of the child to freedom of association and of peaceful assembly are guaranteed by law. The Constitution provides that all citizens, including children, enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

32. Children are encouraged to form associations based on their interests. More than 1,500 legally registered social organizations operate in areas of interest to children and adolescents, primarily in science and technology, culture, the arts and sports. More than 57.3% of primary and secondary school students participate in various school-based associations.

E. Protection of privacy (art. 16)

33. In terms of legislative protection, article 4 of the Law on the Protection of Minors establishes the principle of protecting minors' privacy and personal information, and article 110 sets out specific privacy safeguards in judicial proceedings. Under the Criminal Procedure Law, hearings involving defendants under 18 years of age are not conducted in public. Article 32 of the Personal Information Protection Law of 2021 explicitly protects minors' privacy, requiring parents' or guardians' consent for the processing of personal information of minors under 14 years of age and mandating the development of specific processing rules. The Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice jointly issued the Measures for the Sealing of Criminal Records of Minors, which detail procedures for sealing minors' criminal records.

34. In terms of judicial protection, in 2013 the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice jointly issued the Opinions on the Punishment of Sexual Offences against Minors, which strengthened the protection of minors' privacy. In 2021 the Supreme People's Court revised the Interpretation on the Application of the Criminal Procedure Law of the People's Republic of China, which contains a dedicated chapter on the protection of minors' privacy.

F. Access to appropriate information (art. 17)

35. China guarantees the right of the child to access appropriate information and materials through various channels. Articles 44 and 64 of the Law on the Protection of Minors expressly safeguard the right of minors to obtain information and materials via the Internet.

36. China ensures children's access to information and materials conducive to their social, spiritual and moral well-being and to their physical and mental health. A dedicated chapter on online protection was incorporated into the Law on the Protection of Minors to prevent and combat the dissemination via the Internet of content harmful to children's physical and mental health. China has enacted the Cybersecurity Law and related policies and regulations to create a safe online environment for children. The National Radio and Television Administration has issued regulations on programmes for minors, which set detailed content review standards for television programming to prevent the transmission of pornographic, violent or indecent content harmful to children. Special funds have been established to support the production of programmes promoting children's well-being.

V. Violence against children

A. Abuse, neglect and sexual abuse (art. 19)

37. China has adopted legislative, administrative, judicial and all other appropriate measures to protect children from all forms of violence.

38. The Law on the Protection of Minors establishes a system of mandatory reporting, pre-employment screening and employment prohibition. It strengthens the protection responsibilities of parents, schools, society and the State to prevent and promptly detect any harm to children, with a focus on addressing infringements of the rights and interests of minors, including inadequate guardianship and abuse by guardians. The Civil Code provides that guardianship may be revoked in cases where guardians seriously harm the physical or mental health of the persons in their care. It further stipulates that the limitation period for claims arising from sexual abuse of a child is calculated from the date on which the victim reaches 18 years of age. The Anti-Domestic Violence Law establishes mechanisms such as personal protection orders, mandatory reporting and police warnings to protect children to the greatest extent possible from domestic violence. Amendment (IX) to the Criminal Law introduces a new offence of "abuse of a person under guardianship or receiving care" and Amendment (XI) increases the penalties for sexual offences against minors.

39. In 2020 the Opinions on Establishing a Mandatory Reporting System for Cases of Abuse against Minors (Provisional) and the Opinions on Establishing a System of Pre-employment Inquiry into Sexual Offence Records for Prospective Faculty and Staff were issued, establishing a mandatory reporting system for child abuse and a system of pre-employment inquiry into sexual offence records for prospective faculty and staff of primary and secondary schools and kindergartens. In 2017 the Standard Operating Procedures for Women's Federations in Handling Complaints of Domestic Violence were issued, under which women's federations at all levels are required to promptly report suspected cases of domestic violence against children to public security authorities. In 2021 the Opinions on the "Order to Fulfil Guardianship Responsibilities" in Cases Involving Minors were issued, authorizing people's procuratorates at all levels to supervise guardians' performance of their legal responsibilities.

40. In 2013 the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and other departments issued the Opinions on the Punishment of Sexual Offences against Minors in Accordance with the Law with a view to combating such offences. In 2014 the Opinions on Issues concerning the Handling in Accordance with the Law of Cases of Guardians' Infringement of the Rights and Interests of Minors were issued; they provide that the people's courts may revoke guardianship in cases where parents or other guardians commit acts of sexual abuse, trafficking, abandonment, ill-treatment or violence against children. In 2015 the Opinions on Handling Criminal Cases of Domestic Violence in Accordance with the Law were issued, establishing detailed standards for conviction and sentencing in cases involving the ill-treatment or abandonment of children. Where abused minors are unable to report or to file complaints, the people's procuratorates may initiate public prosecutions and apply for injunctions in accordance with the law. In 2015 the Xuzhou municipal court rendered a judgment in a landmark case in which the civil affairs department, with support from the people's procuratorate, applied for the revocation of custody of a child.

In that case, a young girl had been sexually abused by her biological father while her biological mother had failed to intervene. The court revoked the parents' custody, and guardianship responsibilities were assumed by the local civil affairs department. By the end of 2021, a total of 2,053 one-stop service centres for evidence collection and victim assistance for minors had been established, with the aim of preventing and reducing offences against children and strengthening protection and support for child victims. In particular, in 2014 a coordinated mechanism for preventing and responding to sexual offences against minors was piloted by the Supreme People's Court, in cooperation with UNICEF, at the Qingdao Intermediate People's Court. In 2015 a coordinated mechanism for preventing and responding to offences against the rights and interests of left-behind children was piloted at the Meishan Intermediate People's Court.

41. China has taken measures to prevent and address school bullying. Between 2015 and 2017 the Ministry of Education and other departments issued a series of policy documents, including the Guidelines on the Prevention and Control of Bullying and Violence among Primary and Secondary School Students and the Enhanced Integrated Programme for Addressing Bullying among Primary and Secondary School Students, to systematically prevent and address school violence and bullying. As a result, reported cases of school violence have shown a year-on-year decline.

42. Cyberbullying is prohibited in China. The Law on the Protection of Minors provides that no organization or individual may engage in online bullying of minors, including acts of denigration, defamation, threats or malicious harm to reputation through text, images, audio or video.

B. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (arts. 37 (a) and 28, para. 2)

43. Measures are in place to protect children involved in criminal proceedings from torture. The Criminal Procedure Law requires that prior notice be given to ensure the presence of the minor defendant's legal representative during inquiry, questioning or trial. During court proceedings, judges are required to use appropriate language and expressions adapted to the intellectual development and mental state of the minor defendant. If there are signs that a minor defendant has been threatened, scolded, coerced into confessing or mocked, the presiding judge must intervene to stop such conduct.

C. Helplines for children

44. The Law on the Protection of Minors provides for the establishment of nationwide child protection hotlines by people's governments at or above the county level to promptly receive and refer complaints and reports concerning violations and abuses of children's legitimate rights and interests. People's organizations, public institutions, enterprises and social organizations are encouraged to participate in the development of child protection platforms and hotlines and to provide advice and assistance in the field of child protection.

45. The Supreme People's Procuratorate has established a dedicated section on juvenile judicial protection on its official website <https://www.12309.gov.cn/>. It is dedicated to handling petitions relating to juvenile criminal cases, complaints concerning infringements of the rights and interests of minors and applications by minors for judicial assistance.

46. The Communist Youth League of China provides legal assistance and psychological counselling to children whose rights and interests have been infringed through its "12355" youth service platform. In cooperation with civil affairs departments, the Communist Youth League has established child protection hotlines in certain cities. Women's federations across the country operate the 12338 hotline free of charge in administrative divisions at or above the county level to provide legal advice to women and children whose rights and interests have been infringed and to coordinate social assistance and other support services.

VI. Family environment and alternative care

A. Family environment and parental guidance (art. 5)

47. China has adopted legislative, administrative and other appropriate measures to ensure that children grow up in a supportive family environment and receive appropriate family education.

48. The Law on the Promotion of Family Education emphasizes the role of the Government in providing guidance, support and services for family education and in promoting, in society at large, awareness of the importance of family life, family education and family values. The revised Law on the Protection of Minors provides that parents or other guardians of minors should receive guidance on family education in order to create a positive, harmonious and civilized family environment. The Civil Code encourages the cultivation of sound family traditions.

49. The National Programme for Child Development sets the objective of “strengthening parenting capacity and improving family education for children”. The All-China Women’s Federation, the Ministry of Education and other entities have implemented measures to promote appropriate concepts and methods of family education. A number of provinces and municipalities have enacted local regulations on the promotion of family education (see figure 10). In cases involving minors, family education guidance is systematically provided; in some areas, including Sichuan Province, such guidance is provided in nearly all juvenile criminal cases.

B. Parents’ common responsibilities (art. 18, paras. 1 and 2)

50. Legislation provides that both parents share common and primary responsibility for the upbringing and development of their children. The Law on the Protection of Minors requires parents to perform guardianship responsibilities for their minor children in accordance with the law. It also specifies their duties and enumerates prohibited acts. In particular, the Law requires parents to create a safe family living environment. The Law on the Prevention of Juvenile Delinquency further provides that parents bear direct responsibility for educating minors on the prevention of delinquency and should perform their guardianship responsibilities in accordance with the law.

C. Separation from parents (art. 9)

51. The separation of a child from his or her parents is regulated by law and is subject to the principle of the best interests of the child.

(a) The Law on the Protection of Minors provides that parents or other guardians may not leave children under 8 years of age, or other children requiring special care, unattended or entrust them to persons not legally qualified to provide temporary care; children under 16 years of age may not be made to live independently; parents may not entrust the care of their children to others without justified reasons; a non-custodial parent of a minor child in cases of divorce has the right to visitation, provided that such visitation does not adversely affect the child’s study or daily life, except where visitation rights have been suspended by a people’s court in accordance with the law;

(b) The Civil Code provides that where a guardian is unwilling or unable to perform guardianship responsibilities and refuses to delegate such responsibilities, thereby placing the ward in a situation of distress, a people’s court may, upon application by a concerned person or organization, revoke the guardianship, make temporary guardianship arrangements as necessary and ultimately designate a guardian in accordance with the law, taking the best interests of the ward as a primary consideration.

52. Legislative and administrative measures have been adopted to strengthen the protection of children in vulnerable situations arising from emergencies, including the coronavirus disease (COVID-19) pandemic.

(a) The Civil Code further improves the guardianship system by providing that, in emergencies where a guardian is temporarily unable to perform guardianship responsibilities and the ward is left without care, the village committee, residents' committee or civil affairs department at the ward's place of residence must make the necessary care arrangements for the ward on a temporary basis;

(b) The Ministry of Civil Affairs has instructed local authorities to guide child welfare supervisors and officers in promptly identifying children left without guardianship due to the COVID-19 pandemic and to report such cases without delay to the village committee, residents' committee or township (subdistrict) authorities to ensure coordinated responses;

(c) The State Council issued a workplan on the rescue and protection of children left without guardianship due to the COVID-19 pandemic, setting out assistance and protection measures for children whose parents or other guardians were unable to fully discharge caregiving and guardianship responsibilities as a result of the pandemic;

(d) Guidance to local civil affairs departments has been strengthened, together with supervision and inspections of child welfare institutions and child protection institutions. By early 2021, all 1,217 child welfare institutions and 1,806 child protection institutions nationwide had recorded zero COVID-19 infections among resident children. No infections were reported among orphans nationwide, including those in community-based care.

53. With regard to paragraph 49 of the concluding observations, China has adopted legislative and administrative measures to strengthen care and protection for left-behind children in rural areas. The Law on the Protection of Minors provides that schools must cooperate with relevant government departments in compiling files on left-behind children and in carrying out care and assistance activities. Between 2016 and 2020 the Central Committee of the Communist Party of China, the State Council and relevant ministries issued a series of policy documents, including the Opinions on Strengthening the Care and Protection of Left-Behind Children in Rural Areas, the Opinions on Strengthening the Protection of Children in Difficult Circumstances, the Opinions on Further Improving the Care and Support System for Left-Behind Children in Rural Areas and Children in Difficult Circumstances, and the Opinions on Further Strengthening the Protection of Children Deprived of Parental Care, to guide migrant-worker parents in fulfilling their primary guardianship responsibilities and to reduce the incidence of children being left behind, through initiatives such as supporting entrepreneurship and employment in their home towns, implementing poverty alleviation programmes and facilitating school enrolment for children of migrant workers at their place of residence. A system of interministerial joint meetings on the care and protection of left-behind children in rural areas and the protection of children in vulnerable situations was established, led by the Ministry of Civil Affairs, to conduct surveys and mapping exercises, introduce records management and enhance targeted care measures. By the end of November 2017, 780,000 left-behind children in rural areas who had previously lacked guardianship had been granted effective guardianship, and 17,000 left-behind children in rural areas had returned to school.

D. Family reunification (art. 10)

54. China guarantees that a child with Chinese nationality has the right to obtain a passport of the People's Republic of China in accordance with the law, subject to the consent of his or her legal guardians, for the purpose of leaving or entering China for family reunification. China also facilitates the granting of visa, stay and residence permits for eligible foreign parents and children seeking to enter China for the purpose of family visits or reunification.

55. In accordance with the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and relevant domestic laws and regulations, provincial civil affairs departments process intercountry adoption registrations for the parties concerned,

public security authorities issue passports to adopted children and notarial institutions conduct notarization procedures for intercountry adoptions where required.

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

56. Legislation provides that parents or other guardians have the primary responsibility to secure the conditions of living necessary for the child's development.

(a) The Law on the Protection of Minors was amended to replace the previous provision stating that "parents whose custody of a child has been revoked shall continue to bear child maintenance expenses in accordance with the law" with a new provision stating that "parents or other guardians whose custody of a child has been revoked shall continue to bear child maintenance expenses in accordance with the law", thereby bringing the provision into closer alignment with the Convention;

(b) The Civil Code provides that claims for maintenance are not subject to statutory limitation periods. It also amends the provision in the former Marriage Law under which the non-custodial parent in cases of divorce was required to bear "necessary living and education expenses", replacing it with a requirement to bear "part or all of the child's maintenance expenses", thereby fully guaranteeing the maintenance of children's living conditions following their parents' divorce.

F. Children deprived of a family environment (art. 20)

57. China has adopted legislative and administrative measures to ensure that children who are temporarily or permanently deprived of their family environment receive special protection and assistance. The number of orphans has declined in recent years (see figure 11).

58. Chinese legislation establishes systems of temporary and long-term guardianship. The Law on the Protection of Minors provides that civil affairs departments, on behalf of the State, are to assume temporary or long-term guardianship of children deprived of a family environment. Other departments, including those responsible for finance, education, health and public security, cooperate with civil affairs departments in fulfilling temporary or long-term guardianship responsibilities.

59. The Measures for the Administration of Child Welfare Institutions, which entered into force on 1 January 2019, set out detailed regulations for child welfare institutions, including the implementation of 24-hour duty and inspection systems and the installation of comprehensive video surveillance systems, with recordings retained for no less than three months. In 2019 the Ministry of Civil Affairs and 11 other departments jointly issued the Opinions on Further Strengthening the Protection of Children Deprived of Parental Care, setting out the following measures to help improve their living standards: determination of subsidy standards in accordance with the local standards applicable to orphans; alignment of methods of disbursement with those for basic living allowances for orphans; and provision by the central Government of financial support as appropriate. As of the third quarter of 2020, the average monthly living allowance was 1,140 yuan per child for orphans in family-based care and 1,567.2 yuan per child for orphans in institutional care.

G. Periodic review of placement (art. 25)

60. The number of child assistance and protection institutions and child welfare institutions has steadily increased. The Law on the Protection of Minors provides that people's governments at or above the county level, and their civil affairs departments, must establish such institutions in accordance with actual needs. These institutions are responsible for receiving and caring for children under the guardianship of the civil affairs departments. As of 2020, there were 1,217 child welfare institutions and 1,806 child assistance and protection institutions nationwide. Overall, they were able to meet the basic needs of orphans in institutional care.

H. Adoption (art. 21)

61. China has further improved the adoption system through legislation based on the principle of the best interests of the child.

(a) The Law on the Protection of Minors prohibits the illegal adoption of minors;

(b) The Civil Code has expanded the eligibility criteria for adoptive parents from “having no children” to “having no children or only one child”, thereby broadening the pool of prospective adoptive parents. It also introduces the requirement that adoptive parents must have no record of criminal conduct that would be detrimental to the healthy development of the adoptee. The former provision of the Adoption Law referring to the adoption of a female child by an unmarried man has been revised to refer to the adoption of a child of the opposite sex, thereby ensuring gender-neutral protection in adoption. In addition, the Code stipulates that civil affairs departments of people’s governments at or above the county level are to conduct adoption assessments in accordance with the law, thereby facilitating the establishment of lawful adoptive relationships between eligible adoptees and adoptive parents;

(c) Amendment (IX) to the Criminal Law provides that the purchase of trafficked children is a criminal offence in all circumstances.

VII. Disability, basic health and welfare

A. Children with disabilities (art. 23)

62. With reference to paragraph 61 of the concluding observations, China guarantees equal rights and opportunities for all children and ensures that children are not discriminated against on the basis of physical conditions. Both the Law on the Protection of Minors and the Law on the Protection of Persons with Disabilities explicitly prohibit discrimination against children with disabilities. Building on the reaffirmation of the prohibition of discrimination, the National Programme for Child Development sets out corresponding goals, strategies and measures aimed at safeguarding the rights of children with disabilities.

63. Legislative measures have been adopted to protect children with disabilities from domestic violence and abuse. The Anti-Domestic Violence Law explicitly prohibits all forms of domestic violence and provides for special protection for persons with disabilities who are victims of domestic violence. The Law on the Protection of Persons with Disabilities clearly stipulates that domestic violence against persons with disabilities is prohibited, as is the ill-treatment or abandonment of persons with disabilities. Guardians of persons with disabilities must fulfil their duties of guardianship and must respect the wishes and safeguard the lawful rights and interests of the persons in their care. Amendment (IX) to the Criminal Law provides that if persons who are responsible as guardians or caregivers to persons with disabilities abuse them and the circumstances are serious, such persons will be held criminally liable.

64. Efforts have been made to strengthen disability prevention and early rehabilitation for children with disabilities. During the twelfth and thirteenth Five-Year Plan periods, pilot programmes were launched on timely reporting and early rehabilitation for children with disabilities. The Guidelines for Disability Screening of Children Aged 0–6 (Provisional) were disseminated, with a view to incorporating disability screening for children aged 0–6 into the national basic public health service programme.

65. A rehabilitation assistance system for children with disabilities has been fully implemented, with the number of rehabilitation institutions increasing year by year and the capacity to provide professional rehabilitation services for children with disabilities steadily improving. In 2018 the Opinions on Establishing a Rehabilitation Assistance System for Children with Disabilities were issued, identifying children with disabilities aged 0–6 from economically disadvantaged families and child welfare institutions as the primary beneficiaries. From 2018 to 2020 a total of 676,000 children with disabilities received relevant assistance, and surgical corrective treatment and rehabilitation were provided to

nearly 125,000 orphans with disabilities and abandoned infants. Eleven provinces, autonomous regions and municipalities, including Beijing and Jiangsu, have established subsidy schemes for assistive devices for persons with disabilities, under which support has been provided for the fitting of assistive devices for children with disabilities (see figure 12).

66. Steps have been taken to comprehensively improve access to compulsory education for children with disabilities. The Compulsory Education Law, the Law on the Protection of Minors, the Law on the Protection of Persons with Disabilities and the Regulations on Education for Individuals with Disabilities stipulate that people's governments at all levels, as well as parents or other guardians of children with disabilities, must ensure that school-age children with disabilities are enrolled in school and that they receive and complete compulsory education in accordance with the law. Three consecutive action plans for the development of special education have been implemented, requiring local authorities to effectively guarantee the equal right of children with disabilities to education by adopting diversified approaches based on the type and degree of disability, such as inclusive education in regular schools, enrolment in special education schools and home-based teaching. In 2021 over 95% of school-age children with disabilities were enrolled in compulsory education in China.

67. Inclusive education for children with disabilities has been advanced. The above-mentioned laws and regulations contain explicit provisions on inclusive education for children with disabilities. In 2020 the Ministry of Education issued the Guiding Opinions on Strengthening Inclusive Education for Children and Adolescents with Disabilities at the Compulsory Education Stage. A special education system has gradually taken shape, with inclusive education in regular schools and additional special education classes as the main formats, special education schools as the backbone and home-based teaching and distance education as supplementary measures (see figure 13). The Administrative Measures for the Participation of Persons with Disabilities in the National Unified Entrance Examination for Regular Institutions of Higher Education were issued in 2017. From 2012 to 2020 a total of 104,500 candidates with disabilities across the country were admitted to institutions of higher learning.

68. The support system for the families of children with disabilities has been improved. The Law on the Promotion of Family Education strengthens family education support services for children in especially difficult circumstances. The Opinions on Strengthening the Protection of Children in Difficult Circumstances call for accelerating the formation of a protection framework characterized by family responsibility, government leadership and social participation.

(a) The National Population and Development Plan (2016–2030) calls for increased support for the families of persons with disabilities. The Plan for the Protection and Development of Persons with Disabilities during the fourteenth Five-Year Plan period calls for the development of social work and support services for persons with disabilities and their families, including respite care, psychological counselling, education and rehabilitation services;

(b) Measures have been introduced to reduce the burden of medical and rehabilitation costs on the families of children with disabilities. In 2010 the Notice on Incorporating Certain Medical Rehabilitation Items into Basic Medical Insurance Coverage was issued, followed in 2016 by the Notice on Incorporating Additional Medical Rehabilitation Items into Basic Medical Insurance Coverage, resulting in the inclusion of a total of 29 medical rehabilitation items in basic medical insurance coverage;

(c) Educational assistance has been provided to children with disabilities. A financial assistance system for the education of children with disabilities from kindergarten through university has been established, under which 12-year free education from primary to upper secondary school is provided to students with disabilities from economically disadvantaged families. Since 2014 the State has separately determined public expenditure standards for students with disabilities in special education schools and those receiving inclusive education in regular schools during the compulsory education stage. The standards currently amount to no less than 6,000 yuan per student per year and will be increased to more than 7,000 yuan per student per year by 2025.

B. Survival and development (art. 6, para. 2)

The relevant information is provided in the section of the report on the right to life, survival and development.

C. Health and health services, in particular primary healthcare (art. 24)

69. Government financial support has been strengthened to effectively promote capacity-building in child healthcare services and to guarantee the right of all children to health and access to healthcare (see figures 14 and 15). During the reporting period, the maternal mortality ratio declined steadily, child mortality rates decreased significantly, the growth and development of children continued to improve and significant progress was made in preventing and treating birth defects (see figure 16).

70. Obstetric service capacity has been enhanced, and access to antenatal check-ups and hospital childbirth has been made universal. Five free antenatal check-ups per pregnancy are provided nationwide. Since 2009 the subsidy programme for rural maternity hospital deliveries has been fully implemented, providing fixed subsidies; in some areas, hospital deliveries are free of charge, while in others, subsidies are provided to cover living and transportation expenses (see figures 17 and 18).

71. Free postnatal visits, postnatal check-ups, newborn visits and systematic child health management services have been implemented. Free postnatal home visits within one week after delivery and postnatal check-ups 42 days after delivery are made available to all mothers nationwide, who receive guidance on breastfeeding and postnatal care. Free health check-ups are provided to children under 1 year of age four times per year, to children aged 2–3 twice per year and to children aged 4–6 once per year (see figures 19–21).

72. The National Immunization Programme has been implemented and its scope has been expanded from 6 to 15 preventable diseases. In 2019 the vaccination coverage rate among age-appropriate children for vaccines included in the national immunization programme exceeded 97%. Smallpox has been eradicated, and the goal of eliminating poliomyelitis has been achieved. In 2018 there were fewer than 4,000 cases of measles and only 104 cases of meningococcal meningitis. The hepatitis B surface antigen carrier rate among children under 5 years of age declined from 9.7% in 1992 to 0.3% in 2014.

73. With reference to paragraph 66 of the concluding observations, concerning food safety and hygiene, measures have been taken to ensure food safety and hygiene for children, improve relevant national food safety standards and actively promote and encourage breastfeeding across society (see figure 22).

74. With reference to paragraph 66 of the concluding observations, concerning children infected with HIV/AIDS, since 2015 an annual sum of 1.4 billion yuan has been invested in the provision of free HIV, syphilis and hepatitis B screening to pregnant women nationwide. Comprehensive interventions to prevent mother-to-child transmission have been provided free of charge to infected pregnant women and their children. During the reporting period, the rate of mother-to-child transmission of HIV steadily declined (see figure 23). The State provides antiretroviral medication free of charge to children living with HIV/AIDS.

75. With reference to paragraph 70 of the concluding observations:

(a) The Law on the Protection of Minors stipulates that administrative departments of education are to enhance the mental health education of minors and establish mechanisms for early detection and timely intervention in cases involving mental health problems among minors. Health departments are to provide psychological treatment, psychological crisis intervention and early identification, diagnosis and treatment of mental disorders;

(b) Early screening for psychological and behavioural development problems in children has been incorporated into the national basic public health service programme;

(c) The Ministry of Education has issued the Guidelines on Health Education in Primary and Secondary Schools and the Guidelines on Mental Health Education in Primary and Secondary Schools (revised in 2012), establishing relevant curricula and providing adolescents with preventive mental health services and support.

D. Childcare services and facilities (art. 18, para. 3)

76. Measures have been taken to ensure that children enjoy access to childcare services and facilities. The Law on the Protection of Minors provides that people's governments at all levels are to promote nurseries and preschool education, ensure the sound operation of infant care institutions and kindergartens, and support initiatives by social organizations to set up maternal and infant rooms, infant care institutions and kindergartens in accordance with the law. Local people's governments above the county level and relevant departments are to train the caregiving and teaching personnel of infant care institutions and kindergartens to improve their professional ethics and capacities. In 2019 and 2020 the General Office of the State Council issued the Guiding Opinions on Promoting the Development of Childcare Services for Children under 3 Years of Age and the Opinions on Promoting the Healthy Development of Eldercare and Childcare Services, thus promoting the establishment of a diversified childcare system covering both urban and rural areas. In 2021 the Central Committee of the Communist Party of China and the State Council jointly issued a decision on improving the birth policy to promote long-term balanced population development, which clearly calls for the development of an inclusive childcare system. The newly revised Law on Population and Family Planning explicitly promotes the establishment of an inclusive childcare system to improve the accessibility and equity of services for families with infants and young children. The Law on the Promotion of Family Education, promulgated and implemented in 2021, stipulates that infant and early childhood care institutions are to provide parents and other guardians of minors with guidance services such as science-based parenting guidance, with a view to improving the quality of family caregiving (see figures 24–26).

E. Social security (art. 26)

77. Relevant legislation has been adopted to ensure that every child benefits from social security. The Law on the Protection of Minors provides that people's governments at all levels and relevant departments are to provide special coverage for children in difficult circumstances and take measures to meet their basic needs in terms of living expenses, education, safety, medical rehabilitation, housing and other aspects.

78. Assistance and support for children from families in difficult circumstances have been strengthened. Eligible children are promptly included in the minimum social security benefit scheme, the system of support for persons in especially difficult circumstances, temporary assistance programmes, the system for meeting the living expenses of persons with disabilities, and care subsidies for persons with severe disabilities, thereby ensuring that they enjoy a basic standard of living (see figures 27 and 28).

79. Efforts have been made to guarantee children's access to medical services. Through a combination of government subsidies and individual contributions, children are assisted in enrolling in the urban and rural basic medical insurance schemes; for children included in the minimum social security benefit scheme or the system of support for persons in especially difficult circumstances, or who live in registered poor households, subsidies are provided to cover their individual contributions (see figure 29). Since 2016 the integration of the urban and rural medical insurance schemes has been promoted to address disparities in benefits arising from the fragmentation of medical insurance systems. By the end of 2019, all provinces, autonomous regions and municipalities had established unified urban-rural medical insurance systems, ensuring equitable access to basic medical insurance benefits for urban and rural residents alike.

80. Access to medical services for patients, including children, with serious and catastrophic diseases has been comprehensively improved. Since 2015 serious illness insurance for urban and rural residents and medical assistance for critical and severe diseases

have been fully implemented. In 2018 medical insurance policies for poverty alleviation were further integrated and improved with the establishment of a three-tier protection system consisting of basic medical insurance, serious illness insurance and medical assistance, resulting in a progressive reduction of the financial burden. Eligible children living in poverty are promptly included in the basic medical insurance and serious illness insurance schemes, with preferential payment arrangements under serious illness insurance applied to children in poverty suffering from critical illness; this strengthens the basic guarantee of medical assistance and alleviates the financial burden on their families. In 2018 the National Health Commission and five other ministries and commissions jointly issued a notice on managing the treatment of childhood leukaemia, thereby strengthening medical treatment and protection for children with leukaemia.

F. Standard of living (art. 27, paras. 1–3)

81. Measures have been taken to ensure that all children enjoy a standard of living adequate for their physical, mental, spiritual, moral and social development. By November 2020, China had eliminated absolute poverty nationwide, comprehensively improving the overall living standards of the population.

82. The nutritional status of children in impoverished areas has been improved. In 2012 the Nutrition Improvement Programme for Children in Impoverished Areas was launched, providing one free packet of complementary food supplements per day to infants aged 6–24 months in areas where households in especially difficult circumstances are concentrated. By the end of 2021, the Programme had covered 832 counties formerly designated as impoverished at the national level, benefiting a total of 13.65 million children. In 2021 the average prevalence of anaemia and stunting among children aged 6–24 months in monitored areas had decreased by 66.6% and 70.3%, respectively, compared to the levels recorded in 2012.

VIII. Education, leisure and cultural activities

A. Right to education (art. 28)

83. Equal access to the right to education for all children has been ensured. During the reporting period, total investment in education at all levels increased rapidly. Between 2009 and 2020, total education expenditure at all levels grew at an average annual rate of 11.2%, while government education expenditure increased at an average annual rate of 12.1%, outpacing the overall growth rate of total education expenditure and further increasing its share of total education spending. Universal access to preschool education has basically been achieved, while access to nine-year compulsory education has been made fully universal. Upper secondary education has continued to expand, and special education has developed at an accelerated pace (see figures 30–33 and 40–42).

84. The policy framework for poverty alleviation through education has been steadily improved. In 2018 the Guiding Opinions on the Three-Year Action Plan for Poverty Elimination were issued to ensure that school-age children from poor families receive nine-year compulsory education. By 2021 dropouts among registered poor students at the compulsory education stage had been effectively eliminated nationwide.

85. Equitable access to quality preschool education has been provided to children in the relevant age group. The National Medium- and Long-Term Education Reform and Development Plan (2010–2020) explicitly set the goal of making preschool education basically universal. The State Council issued the Several Opinions on the Current Development of Preschool Education, in which specific measures were proposed for expanding resources, increasing investment, strengthening the teaching workforce, enforcing access standards and improving safety supervision. In 2018 the Central Committee of the Communist Party of China and the State Council jointly issued the Several Opinions on Deepening Reform and Regulating the Development of Preschool Education, further establishing public welfare and inclusive access as the basic orientation of preschool

education and setting a national target of achieving a gross enrolment rate of 85% in three-year preschool education by 2020, as well as an inclusive preschool coverage rate of 80%. As preschool education is an important means of improving and safeguarding people's well-being, local governments have implemented a number of kindergarten construction projects, actively supported the provision of inclusive services by private kindergartens and established financial assistance schemes for the preschool enrolment of children from economically disadvantaged families, thereby promoting the rapid development of preschool education (see figures 31, 33 and 34).

86. Legislation has ensured that all school-age children receive compulsory education. On the basis of existing legislation, the Law on the Protection of Minors provides that people's governments at all levels must guarantee the right of minors to education and take measures to ensure that left-behind minors, those in difficult circumstances and those with disabilities receive compulsory education. The administrative department of education must require the parents or other guardians of minors who drop out of compulsory education to send them to school to complete such education (see figures 35–38).

87. Efforts have been made to reduce dropout rates at the compulsory education stage. In 2017 the Notice on Further Strengthening Dropout Prevention and Student Retention to Improve the Consolidation of Compulsory Education was issued, followed in 2022 by the Several Opinions on Further Strengthening Dropout Prevention and Student Retention and Improving the Long-Term Mechanism for Ensuring Compulsory Education; a verification mechanism was established under which data from the Student Registration Information System are cross-checked against the national database of basic population information; a dynamic, individual-level monitoring mechanism for dropout prevention and student retention was put in place; and a comprehensive financial assistance policy framework covering preschool, primary, secondary and higher education was established to ensure that no student drops out due to poverty (see figures 32, 39 and 40).

88. The children of migrant workers have been guaranteed the right to enrol in local schools. In 2014 the Opinions on Further Improving Services for Migrant Workers were issued, followed in 2016 by the Several Opinions on Coordinating Reform and Development of Urban-Rural Integrated Compulsory Education, under which the compulsory education of migrant children was incorporated into urban development planning and fiscal safeguards, and enrolment based primarily on place of residence was introduced to facilitate their enrolment; in addition, a unified national primary and secondary school student registration system was established, enabling the entire process of cross-provincial school transfers for migrant children to be handled online. All migrant children enrolled in their new place of residence benefit fully from the "two exemptions and one subsidy" policy (exemption from fees for tuition and for textbooks and school supplies and a subsidy for boarding students), and the benchmark fixed amount of public funding per student can be transferred along with the student (see figure 40).

89. Priority has been given to improving conditions in schools located in central and western regions, rural areas and poverty-stricken areas.

(a) Publicly funded teacher education programmes at teacher training universities directly affiliated with the Ministry of Education have been implemented, with a focus on supplementing teaching staff in central and western regions. These programmes also encourage local governments to address teacher shortages in rural areas by adopting the publicly funded teacher training model;

(b) A targeted training programme to place outstanding teachers in underdeveloped central and western regions has been launched. The aim is to train students at teacher training universities to work as teachers specifically in these areas after they obtain their university degrees;

(c) A national training programme for primary and secondary school and kindergarten teachers has been implemented, under which priority support is provided to rural teachers in central and western provinces;

(d) The construction and management of living and sanitation facilities in rural boarding schools have been strengthened and basic operating conditions in under-resourced

compulsory education schools in impoverished areas have been comprehensively improved, with particular emphasis on the construction and management of facilities for drinking water, dormitories, canteens, bathrooms, toilets, waste disposal and wastewater treatment;

(e) In cooperation with public welfare foundations, the “Spring Sprouts Nutrition Programme” was launched to donate kitchen equipment to rural compulsory education schools with large numbers of left-behind children in areas where impoverished households are concentrated and to provide voluntary training to canteen management staff, thereby improving the nutritional quality and hygiene of meals for rural students (see figures 39 and 40).

90. Equal access to quality education for children in ethnic minority areas has been guaranteed. The law establishes the national common spoken and written language as the basic language of instruction in schools and other educational institutions, while fully respecting and safeguarding the freedom of ethnic minority children to learn and use the spoken and written languages of their ethnic groups. The central Government has steadily increased the scale of general transfer payments and special transfer payments for education, supporting ethnic minority areas in improving schools’ operating conditions and enhancing the quality of education (see figures 40 and 42).

91. Poverty alleviation through vocational skills training has been carried out. The East-West Collaboration Action Plan for Vocational Education (2016–2020) was carried out to strengthen financial support for vocational training, step up skills-based poverty alleviation efforts for children from poor families and raise standards for training subsidies; more than 360,000 students from registered poor families have been enrolled. The “Thousand Schools Skills-Based Poverty Alleviation Initiative” was launched to ensure that all minors from registered poor families who graduate from lower and upper secondary schools and wish to enrol in technical schools can receive free technical education. By the end of 2020, 1,410 technical schools nationwide had participated in the initiative.

92. With reference to paragraph 76 of the concluding observations, in 2018 the Ministry of Education issued the Measures for the Management of Education Statistics, which concern overall principles, institutions and personnel, surveys and analysis, data management and publication, as well as supervision and accountability; the Provisions on Accountability for Preventing and Punishing Fraud and Falsification in Education Statistics (Provisional) were formulated to provide institutional safeguards for data quality; and a working model was established, combining data verification with field research and national random reviews with interprovincial peer reviews. On-site verification was conducted in 31 provinces to ensure data quality at the source. Statistics communiqués, bulletins and overviews have been released in a timely manner through press conferences, online platforms and print media to disclose basic education statistics from previous years, and statistical publications such as the Educational Statistics Yearbook of China and the Education Finance Statistics Yearbook of China have been published to meet the public demand for data.

B. Aims of education (art. 29)

93. The aims of education are recognized as being the development of the child’s personality, talents and mental and physical abilities to their fullest potential. In 2019 the Opinions on Deepening Reform of Education and Teaching to Comprehensively Improve the Quality of Compulsory Education were issued. They call for intensifying efforts to establish a holistic education system integrating moral, intellectual, physical, aesthetic and labour education, enhancing students’ overall capacities, upholding the principles of inclusive education and differentiated instruction, and promoting diversified school development.

94. Emphasis has been placed on fostering children’s awareness of the rule of law. The course “Morality and the Rule of Law” is offered in compulsory education. At the primary level, it covers more than 30 laws and regulations, including the Law on the Protection of Minors. At the lower secondary level, it covers more than 50 laws and regulations, including the Compulsory Education Law, the Law on the Prevention of Juvenile Delinquency, the Anti-Domestic Violence Law and the Cybersecurity Law. One dedicated semester of rule-of-law education is delivered at both the primary and lower secondary levels, while

relevant content is integrated into the curriculum in other semesters. At the upper secondary level, a compulsory module on “Politics and the Rule of Law” is delivered.

C. Rest, play, leisure, recreation and cultural and artistic activities (art. 31)

95. Legislative, administrative and other appropriate measures have been adopted to safeguard children’s rights to rest, leisure, play and participation in cultural and artistic activities.

96. The Law on the Protection of Minors provides that parents and other guardians of minors are to “ensure that minors are given time for rest, recreation and physical exercise and that they are encouraged to engage in activities beneficial to their physical and mental health”. The law also provides that schools may not organize collective remedial classes for minors in compulsory education during national statutory holidays, rest days or winter or summer vacations, as this would increase their academic burden. Kindergartens and extramural tutoring centres are not allowed to provide primary school curriculum courses to preschool children. The Tourism Law provides that minors are to enjoy facilities and preferential treatment during tourism activities. The Public Cultural Services Guarantee Law stipulates that people’s governments at all levels must provide appropriate public cultural services based on the characteristics and needs of minors. The Public Library Law requires publicly established libraries to set up reading areas for children and adolescents, employ qualified professionals to meet the specific needs of young readers, carry out reading guidance and social education activities for children and support schools in organizing extracurricular activities. Regions in a position to do so may establish dedicated children’s libraries.

97. Cultural products and venues have become more diverse. The National Children’s Library Reading Promotion Programme has been listed as a key project in the National Public Library Development Plan for the thirteenth Five-Year Plan; it has involved the organization of a series of activities under the National Children’s Reading Year, the compilation of recommended reading lists for children and the publication of children’s reading survey reports. In 2019 44,000 children’s books at the lower secondary level and below were published nationwide, totalling 950 million copies, along with 206 children’s periodicals totalling 380 million copies. Among the 3,196 public libraries nationwide, there were 130 million volumes of children’s publications available (see figures 43 and 44).

98. Cultural and sports facilities have been expanded to guide children and adolescents in participating in various sports activities and to facilitate a wide range of cultural and artistic activities (see figures 45 and 46).

IX. Special protection measures

A. Children seeking refugee protection (art. 22)

99. As a State party to the Convention relating to the Status of Refugees and the Protocol thereto, China has consistently fulfilled its treaty obligations.

100. The Exit and Entry Administration Law, implemented in 2013, applies the principle of the best interests of the child and provides that detention for investigation does not apply to foreign nationals under the age of 16 and that refugee children are to be afforded special protection.

101. The lawful rights and interests of children entering China for the purpose of family reunification are fully respected and safeguarded. Foreign children who acquire refugee status together with their parents are recognized as refugees, and the lawful custody rights of refugee children’s parents and relatives are protected. Unaccompanied foreign children who enter China illegally are not detained or forcibly returned, in line with humanitarian principles, and their lawful rights and interests are protected to the greatest extent possible. There are currently around 140 unaccompanied refugee children and asylum-seeking children in China.

102. With reference to paragraph 81 of the concluding observations, the children “from the Democratic People’s Republic of Korea” referred to by the Committee entered China illegally for economic reasons and do not qualify as refugees. The Chinese Government has consistently handled such cases appropriately and in accordance with domestic law, international law and humanitarian principles, while fully taking into account the actual circumstances of the persons concerned.

B. Economic exploitation, including child labour (art. 32)

103. On the basis of existing legal provisions, legislation has been further improved to protect children from economic exploitation and from performing any work that is likely to interfere with their education or to be harmful to their physical or mental health. The Law on the Protection of Minors contains detailed provisions on child labour: it is prohibited to recruit minors under the age of 16; to recruit minors over the age of 16 to perform activities that are not appropriate for children; or to organize minors to participate in performances or other activities that endanger their physical or mental health.

104. Labour inspection and enforcement have been strictly implemented through the promotion of digitalized and grid-based labour inspection mechanisms, the enhancement of routine supervision and inspection and special campaigns to regulate the human resources market. Illegal acts involving the recruitment and use of child labour are severely punished in accordance with the law.

105. Reports and complaints from workers, including those concerning special labour protection for minors and the introduction or employment of child labour, are received and handled through the 12333 labour consultation hotline, online platforms and reporting and complaint windows, which facilitate the protection of lawful rights and interests.

C. Use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances (art. 33)

106. Further judicial and administrative measures have been adopted on the basis of existing legal provisions to protect children from drugs.

107. Drug-related offences against children are severely punished in accordance with the law. The Interpretation on Several Issues concerning the Application of Law in the Trial of Drug-Related Criminal Cases, issued by the Supreme People’s Court in 2016, provides for the special protection of children.

108. Drug prevention education and awareness-raising activities have been carried out. The nationwide “6·27 Project” on youth drug prevention education was launched, and the Narcotics Control Law, the National Plan for Youth Drug Prevention Education (2016–2018) and the Guiding Opinions on Strengthening Drug Prevention Awareness-Raising and Education in the New Era have been implemented. Ongoing initiatives include the “Five-One” drug prevention education activities for students at the beginning of the academic year, the Youth Drug and HIV/AIDS Prevention Awareness-Raising and Education Project Funding Scheme and special volunteer-based awareness-raising activities on drug and HIV/AIDS prevention for youth. A National Digital Platform for Youth Drug Prevention Education has been established, and the National Youth Drug Knowledge Competition has been held on a continuous basis (see figure 47). By the end of 2020, the proportion of minors among identified drug users had decreased by 75% compared to the level recorded in 2016.

D. Juvenile justice (art. 40)

109. Legislative, administrative and judicial measures have been adopted to ensure that the rights of children in conflict with the criminal law are fully protected.

110. Special procedures for juvenile criminal cases have been established. The Criminal Procedure Law contains a dedicated chapter on special procedures for criminal cases involving minors, applying the policy of education, rehabilitation and reintegration,

upholding the “education first, punishment second” principle and establishing systems such as conditional waiving of prosecution and sealing of criminal records. The Procedural Rules for Public Security Organs in Handling Criminal Cases issued by the Ministry of Public Security in 2012 provide for specific procedures for handling juvenile criminal cases. In 2017 the Supreme People’s Procuratorate issued the Guidelines on Juvenile Criminal Prosecution (Provisional), which set out detailed provisions on the handling of juvenile criminal cases. In 2020 the Supreme People’s Procuratorate revised the Rules of Criminal Procedure of the People’s Procuratorates to include additional special provisions on procedures for cases involving juveniles. China has developed a workforce of social affairs professionals specializing in youth affairs to assist judicial authorities in implementing special procedures for juvenile criminal cases. These professionals provide pretrial social investigation services, organize suitable adults to provide assistance during proceedings, establish supervision and support centres for minors in conflict with the law and provide social support services.

111. The establishment of specialized juvenile justice institutions has been promoted. The Law on the Protection of Minors provides that judicial organs must designate specialized agencies and personnel to handle cases involving minors; personnel handling such cases must receive special training and be familiar with the physical and mental characteristics of minors; and such specialized agencies and personnel must include female staff.

112. The juvenile prosecution system has been continuously strengthened. In 2015 the Supreme People’s Procuratorate established an independent Office for Juvenile Prosecution; a juvenile prosecution system spanning four levels of procuratorial organs has thus begun to take shape. In 2018 the Supreme People’s Procuratorate established the Ninth Prosecutorial Department, which is responsible for the work of juvenile prosecution and is the first department-level internal agency within central judicial and procuratorial organs with an independent mandate and dedicated staffing for the protection of minors. By the end of 2021, a total of 2,207 procuratorates at various levels across the country had established juvenile procuratorial departments with independent mandates and specialized prosecutorial teams handling juvenile cases. Among these, juvenile procuratorial departments with independent mandates were set up in 31 provincial-level procuratorates, 255 municipal-level procuratorates and 536 county-level procuratorates, while 1,385 procuratorates had designated specialized juvenile procurators. In principle, all criminal, civil, administrative and public interest cases involving minors are handled in a centralized and unified manner by juvenile procuratorial departments.

113. The mechanisms and institutional development of juvenile adjudication have been continuously strengthened. At the end of 2020, the Supreme People’s Court issued the Opinions on Strengthening Juvenile Adjudication in the New Era, requiring courts at all levels to establish juvenile tribunals to hear criminal, civil and administrative cases involving minors, in order to fully implement the newly revised Law on the Protection of Minors and the Law on the Prevention of Juvenile Delinquency. In March 2021 the Supreme People’s Court established an Office for Juvenile Tribunals and set up circuit juvenile tribunals in six circuit courts.

114. The Ministry of Public Security and provincial-level public security organs have established corresponding agencies responsible for guiding the handling of juvenile criminal cases. In Beijing, Shanghai and other localities, specialized personnel have been designated to handle juvenile criminal cases, while district- and county-level public security organs in a position to do so have established specialized teams for juvenile criminal cases. Other grass-roots public security organs have largely implemented a system of assigning specific personnel to specific juvenile cases.

115. Access to legal aid for minors has been ensured. The Criminal Procedure Law provides that judicial authorities handling juvenile criminal cases must ensure that minors have access to legal aid and that, where a juvenile criminal suspect or defendant fails to engage a defence lawyer, the judicial organ must direct a legal aid agency to designate a lawyer. The Law on the Protection of Minors and the Provisions on Legal Aid in Criminal Proceedings stipulate that legal aid agencies must designate lawyers who are familiar with children’s physical and psychological characteristics. The National Service Standards for Legal Aid in Criminal Cases, issued in 2019, set out service standards for lawyers providing legal aid in juvenile criminal cases. The Measures for Legal Aid Duty Lawyers, issued in

2020, ensure effective legal aid at all stages of criminal proceedings for minors receiving assistance. The Guidelines on Legal Aid Services for Minors (Provisional), issued in 2020, specify service standards for three categories of cases, including sexual assault against children, abuse of children's rights by guardians and student injury incidents. By 2020, more than 3,200 legal aid agencies and over 74,000 legal aid service centres had been established nationwide, including more than 2,100 service centres set up in collaboration with the Communist Youth League. Between 2015 and 2020, legal aid was provided to more than 805,000 minors nationwide.

116. With reference to paragraph 92 of the concluding observations, China abolished the re-education through labour programme with the adoption in 2013 of the Decision on the Abolition of Relevant Legal Provisions on Re-education through Labour, and all persons in the re-education through labour programme were released by the end of that year.

E. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)–(d))

117. Legislation safeguards the rights of children deprived of their liberty for having committed criminal offences. The Criminal Procedure Law provides that juveniles who are under arrest or in detention or who are serving sentences must be held, managed and educated separately from adults. When a female juvenile criminal suspect is interviewed, female staff members must be present. Where deemed necessary, courts may urge the parents or other guardians of juvenile offenders serving prison sentences to conduct timely visits.

118. Prisons strictly implement the Prison Law and the Law on the Protection of Minors and protect the lawful rights and interests of juvenile offenders in accordance with the law. Juvenile offenders benefit from cultural and educational programmes and vocational skills training tailored to their individual circumstances, such as the length of their sentence and their level of education. The curriculum design and teaching standards are aligned with those of regular schools, thereby facilitating juveniles' smooth reintegration into society upon release.

119. Community correction programmes for minors have been enhanced. Nationwide training courses for community corrections personnel have been organized, and youth affairs social workers have been assigned to county- and district-level community correction centres, significantly enhancing the professional capacity of the community corrections workforce. Online courses have been developed, and information platforms are used to promote the open sharing of educational resources.

120. On measures to ensure the right of children deprived of their liberty to have prompt access to legal aid, see paragraph 115 above.

F. Sentencing of children, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

121. Deprivation of liberty is imposed on juvenile offenders only as a last resort. The Criminal Procedure Law strictly limits the application of arrest measures to juvenile criminal suspects and defendants and establishes a system of conditionally waiving prosecution. In criminal justice proceedings, while serious crimes committed by minors are punished in accordance with the law, a policy of "fewer arrests, prudent prosecution and reduced incarceration" is applied to children who commit minor offences, leaving sufficient space for their rehabilitation and reintegration into society (see figures 48–51).

122. With regard to the prohibition of capital punishment and life imprisonment for children, the information provided in paragraphs 49, 205 and 206 of the previous report remains valid.

123. Measures have been taken to ensure that children involved in legal proceedings are rehabilitated in an environment conducive to their physical and mental well-being, thereby facilitating their reintegration into society.

124. Amendment (VIII) to the Criminal Law exempts minors from the obligation to report previous convictions; the Criminal Procedure Law provides for the sealing of juvenile criminal records; and the Community Corrections Law contains a dedicated chapter on special provisions for juvenile community corrections, requiring measures separate from those for adults, the adoption of targeted corrective measures, supervision of guardians' fulfilment of their responsibilities, confidentiality of identity and case records, and the provision of employment guidance and assistance to minors over the age of 16 who are in juvenile community correction programmes.

125. The newly revised Interpretation on the Application of the Criminal Procedure Law provides that courts may establish contact with juvenile correctional institutions to assist in juveniles' education and rehabilitation, and may conduct follow-up visits to juveniles serving sentences. For juveniles sentenced to non-custodial penalties, courts may assist community correction institutions in formulating rehabilitation measures. Court personnel may conduct visits to juvenile offenders and their families as appropriate, in order to ascertain the conditions of their management and education and create a favourable environment for rehabilitation. Where schooling or employment is possible, courts may submit recommendations to relevant departments, together with the necessary materials. The Opinions on the Punishment of Sexual Offences against Minors, issued in 2013, require judicial organs, when handling such cases, to fully consider the physical and psychological characteristics of minor victims, protect their honour and privacy, safeguard their dignity and prevent revictimization.

126. In 2018 the Supreme People's Procuratorate issued the Opinions on the Comprehensive Strengthening of National Judicial Assistance for Minors, under which State judicial assistance, including legal aid, psychological assistance and financial assistance, must be provided to minors or their caregivers who fall into difficulty as a result of unlawful infringement.

X. Further information on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

A. Sexual exploitation and pornography (art. 34)

127. Legislative, administrative and judicial measures have been adopted to vigorously combat the sexual exploitation of children and child pornography.

128. With reference to paragraph 88 of the concluding observations, Amendment (IX) to the Criminal Law abolished the offence of "engaging in sexual relations with underage girls", providing instead that such acts are punishable as rape, with heavier penalties.

129. In 2017 the Supreme People's Court and the Supreme People's Procuratorate jointly issued the Interpretation on Several Issues concerning the Application of Law in the Handling of Criminal Cases involving the Organization, Coercion, Inducement, Harboring or Procuring of Prostitution, under which penalties were increased for offences involving the use of children, especially young girls, in prostitution. The Supreme People's Procuratorate issued information on reference cases to clarify standards for the detection of online sexual offences against minors and the collection and preservation of evidence.

130. The Ministry of Public Security has continuously deployed special operations to crack down on the organization, harbouring, coercion or procuring of child prostitution through entertainment and leisure facilities and online platforms. Through oversight of the handling of cases involving the online dissemination of child pornography and cooperation with other countries and regions in investigating major cross-border cases, action has been taken to address the dissemination of sexual and pornographic material involving children through livestreaming, online games, social media and online content platforms and to vigorously combat online sexual offences against children (see figure 52).

131. Legal and moral education have been strengthened. The “Legal Education Reader for Youth” has been compiled to ensure full coverage of constitutional education from the primary to upper secondary levels. The Measures for the Appointment and Management of Vice Principals for Legal Education in Primary and Secondary Schools have been issued to further improve the framework for children’s legal education, which involves government bodies, judicial organs, schools, society and families. Moral education for children has been widely implemented to enhance children’s ability to identify and resist harmful influences from society and to guide them in resisting the adverse impacts of materialism and overconsumption.

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

132. Legislation has been adopted to prevent the abduction, sale and trafficking of children. On the basis of existing legal provisions, the Law on the Protection of Minors stipulates that large public venues must set up security alarm systems to search for lost children and that accommodation operators must verify children’s identities; it also establishes a mandatory reporting system.

133. The National Action Plans to Combat Human Trafficking for 2013–2020 and 2021–2030 have been issued and implemented. A State Council system of interministerial joint meetings on efforts to combat human trafficking has been established, led by the Ministry of Public Security and comprising 32 members. It forms a long-term mechanism against human trafficking that integrates prevention, suppression, assistance and rehabilitation.

134. The Ministry of Public Security has organized special operations to combat child trafficking and focus on resolving long-standing cases. Through the national DNA database for combating trafficking, more than 7,500 abducted and missing children have been located, including over 780 children in the first half of 2021. Special campaigns have been carried out against street-based organized child begging and the coercion of children with hearing or speech impairments into criminal activities. In cases where guardians cannot be immediately located, DNA information is collected and children are escorted to assistance and protection centres. Furthermore, the Ministry has overseen the investigation of major cross-border cases, taking rigorous action against these offences (see figure 53).

135. The Supreme People’s Court issued the Interpretation on Several Issues concerning the Application of Law in the Trial of Criminal Cases involving the Abduction and Trafficking of Women and Children, whereby it raised the minimum sentence for abducting and trafficking a child under the age of 6 by means such as stealing, abduction or deception from 5 years’ imprisonment to 10 years’ imprisonment.

136. The Ministry of Public Security has widely carried out awareness-raising and education activities to enhance public awareness, especially among children, with a view to preventing trafficking in persons. In response to the features of the “Internet Plus” era, online platforms have been developed and utilized for the purposes of anti-trafficking awareness and trafficking prevention (see figure 54).

137. With reference to paragraph 88 of the concluding observations, Amendment (IX) to the Criminal Law amended the original article 241 (6) to impose criminal liability on persons who purchase children; this has contributed to the prevention of trafficking. In December 2009 China acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

XI. Further information on the Optional Protocol on the involvement of children in armed conflict

138. Since the Committee considered the initial report of China on the implementation of the Protocol, China has continued to fulfil its obligations under the Protocol and has made further progress.

A. Minimum age for military conscription

139. The Military Service Law, revised in 2021, explicitly provides that the minimum age for military conscription is 18 years.

B. Minimum age for voluntary enlistment

140. The Military Service Law, revised in 2021, provides that citizens who have reached the age of 17 but have not yet turned 18 may be recruited to perform active service on a voluntary basis.

141. With reference to paragraph 10 of the concluding observations, China has continuously strengthened training on the Protocol and related content for members of the armed forces, judges, prosecutors, police officers, lawyers, medical personnel, social workers and journalists. Law schools generally offer courses on international humanitarian law and international criminal law, and moot court competitions on international humanitarian law and on the International Criminal Court are held annually, in collaboration with the International Committee of the Red Cross (ICRC) and the International Criminal Court. Domestic institutions often organize training courses and seminars on international humanitarian law, in cooperation with ICRC.

142. With reference to paragraph 18 of the concluding observations, the Military Service Law introduced a provision requiring the State to implement a system of military service registration. In application of this provision, strict screening of candidates for recruitment is carried out through public disclosure of eligibility criteria, transparent recruitment procedures, household and workplace visits, verification of candidates' ages and public announcement of approved recruitment lists, thereby preventing the recruitment of persons under the age of 17.

143. With reference to paragraph 23 of the concluding observations, China currently has 44 military academies. The Regulations on Education in Military Academies set out provisions on teaching, administrative management and disciplinary measures. Each academy sets its own curriculum and training content based on its educational mission and specialized features.

144. With reference to paragraph 23 of the concluding observations, the right to lodge complaints and appeals is guaranteed for members of the armed forces. The Disciplinary Regulations of the Chinese People's Liberation Army provide that military personnel have the right to file complaints against those who violate laws and regulations and may lodge appeals where they consider disciplinary measures to be inappropriate or where their lawful rights and interests have been infringed upon. Complaints and appeals may be submitted through the chain of command or through higher channels.

145. With reference to paragraph 17 of the concluding observations, since the signing of the Protocol, China has not been involved in hostilities or armed conflicts with other States, and there are no children involved in hostilities or armed conflicts.

146. With reference to paragraph 28 of the concluding observations, in line with the relevant provisions of the Defence Law, "armed groups that are distinct from the armed forces of the State", as referred to in the Protocol, do not exist in China.
