

CRC 26 – 27 September 2013

Committee on the Rights of the Child: [18 independent experts](#)

Day 1 – 26 September

Chairperson Ms. Kirsten Sandberg (Norway): welcoming statement

- Presented China's Third and Fourth Combined Report on the Implementation of the CRC + 6-person task force of the Committee, which asked questions to the Chinese representatives

Jia Guide – Head of PRC's Delegation: introductory remarks

- China National Program for Child Development (2011 – 2020): five basic principles for the promotion of child development and rights protection
 - Protection of children according to law
 - Putting children first
 - Best interests of children
 - Development of children on an equal footing
 - Participation of children
- Improvement of children-related legislation e.g. special criminal procedures for juvenile offenders
- Improvement of medical treatment and health care services for children
- Every child enjoys the right to education (better compulsory education in rural areas; subsidies for minority children to facilitate their compulsory education)
- Improvement of the child welfare system
- Improvement of the protection of children with special needs (migrant children, left-behind children in rural areas, street children, children with disabilities)
- More severe punishments for crimes against children's rights
- Improvement of judicial procedures for juveniles

(Additional statements by the HKSAR delegate + Macao SAR delegate)

QUESTIONS OF THE COMMITTEE'S TASK FORCE on the 1st part of the CRC:

Rapporteur Mr. Hatem Kotrane (Tunisia):

- Praised some of the new legal provisions in China's criminal code e.g. review of law on protection of minors and law on preventing juvenile delinquency
- Noticed an improvement in accessing international instruments
- What measures were taken to ratify further international instruments to which China is not yet a party?
- Concern: place of the Convention in China – it is not directly applicable domestically. What measures are taken to ensure it is directly applicable?
- Concern: There is still a reservation regarding article 6 of the CRC (right to life)
- National development plan: coordination is still fragmented, it is not implemented uniformly in all areas of China – e.g. in Macao there is no global action plan for children – will China strengthen its bodies to improve coordination in the whole country?
- General principles of the convention: main issue is right to life in combination with the ongoing forced abortions → critical issue: persistence of practice of infanticide, forced sterilization and forced abortions; practices exacerbated by one child's policy – what steps are envisaged in order to combat these practices?

- **Self-immolations: alarming escalation of self-immolations in Tibet, many of whom are children; China has so far failed to prevent this sort of loss of life; the government should address the underlying causes of self-immolations as well as the issue of imprisonment of Tibetan children and criminalization measures of family and friends of self-immolators**
- Persecution of children of political opponents: what steps have been taken to prevent this?

Chairperson Ms. Kirsten Sandberg (Norway):

- Do you have any budgetary lines for children in vulnerable situation e.g. minorities, indigenous people?
- Data collection: gaps in data collection, shortage of data or disaggregated data; law on state secrets hampers the collection of data on cases involving the killing of children, kidnapping of girls belonging to minorities etc. Are you improving this law on state secrets?
- No independent national human rights observers. You said you are willing to discuss this issue. Is it possible to set up an independent human rights institution?
- Has the Convention been translated into minority languages?
- **Cooperation with civil society: cases of enforced disappearances of human rights defenders, especially Tibetans**
- Child rights and business sector: Lead poisoning is a critical issue. What measures have you undertaken to improve the situation and to ensure that poisoned children get proper treatment and compensation, and are not threatened when asking for it?
- **Non-discrimination: ongoing discrimination of children in Tibet, Uyghurs and Falun gong practitioners. What measures do you take to combat these forms of discrimination? Do you have any complaint mechanisms?**
- Children of parents sentenced to death: Is the children's best interest taken into account when sentencing a parent to death?

Vice-Chairperson Ms. Sara Oviedo Fierro (Ecuador):

- No information and statistics on divorce
- **Freedom of thought, conscience and religion: Concerned about religious persecution of children: what specific measures to ensure freedom of religion, especially of Falun gongs?**
- How do you ensure the issue of privacy of children?
- Equal access to information of children in all provinces of country?
- Prohibition of corporal punishment: not punished as an act against children; what does it involve and are there any statistics about this?

Answers by Head of China's Delegation Jia Guide:

- Withdrawal of reservation concerning article 6: law on population and family planning is not contradictory with the right to life, as the definition of children is a person from birth to 18 years old, not including the foetus
- Legal status of the CRC: comprehensive law on protection of children → if domestic law is in line with international instruments, it can be applied; if in conflict, unless we have a reservation, we can also invoke international treaties
- Children born not in line with family planning should be given registration → in most areas in China the implementation of such policies is quite good; yet, in some parts of the country the implementation is weak; we will give more publicity to law and regulations so that all children can be registered after birth

- We have taken 3 measures in order to better register children, especially girls: units in charge of it improved regulations concerning birth registration; Ministries of health and public security are carrying out monitoring activities, especially concerning abandoned and trafficked children;

Rapporteur Mr. Hatem Kotrane (Tunisia):

- Question regarding the reservation on article 6 didn't get an answer: it was not posed with regard to family planning but to forced sterilizations, which are indeed in contradiction to CRC
- According to what you just said, if there is a conflict between domestic and international law and there is no reservation from your side, international law can be applied. This is completely new information: if in conflict with domestic law, judges can directly implement the CRC? Can we get definitive answer on this?

Answers by Head of China's Delegation Jia Guide:

- Conflict between domestic and international law: general question, not only regarding CRC. If conflict and no reservation, the international convention can be applicable in principle
- Question on reservation article 6: will answer tomorrow

QUESTIONS OF THE COMMITTEE'S TASK FORCE on the 2nd part of the CRC:

Ms. Maria Herczog (Hungary):

- Corporal punishment abuse: what plans to prevent this and provide more support to families?
- Maternity leave only 92 days in China: plans to extend it at least to the 18 weeks recommended by ILO?
- Uyghur minority children separated from their parents: what steps to avoid this?
- Over 60 million children are left behind when their parents have to go away for work and can't take their children with them because they can't receive education and health services in other areas which are not the ones of residence
- Migrant and refugee children are often separated from their parents and have to go to boarding school
- Shortage of early childhood education: overcrowded kindergartens, discipline is often harsh and use of corporal punishment; education should be free but there are still many additional costs and parents are often not able to pay; as a matter of fact, education is not free. How can you ensure that parents don't have to pay hidden costs and that education is free?
- Bullying in schools is very common: what kinds of anti-violence programs are in place in schools?
- Sexual abuse in some schools against very young children by teachers and headmasters; mostly against left-behind children
- Dropout is very high, much higher than official data
- **Shortage of schools in Tibet, many Tibetan children have to go to India to receive education, also because the language of education in Tibet is Chinese and not Tibetan; in many rural areas of Tibet there are no schools at all**

Ms. Hiranthi Wijemanne (Sri Lanka):

- Disabilities: many don't attend schools → both the issue of access to education + issue of inclusive education; many teacher don't have proper training; discrimination and stigmatization in many schools

- Do you have a database on disabilities?
- Health and health services: reduction of maternal illness, successful anti-polio campaign but will you add further vaccines to this campaign?
- Still problems regarding nutrition of children, including breastfeeding. Problem of contamination of milk powder; maternity leave issue
- Adolescent health: sexual health and reproductive services – are there services and education programs on these issues for adolescents?
- Street children: 150.000 according to our figures – is there an idea of the extent of the problem? Problem also related to migrant children: what action is taken to provide them with training, assistance and vocational training?
- Migrant children: 2 groups we are interested in: a) migrants from rural to urban areas → at risk of exploitation and malnutrition; b) migrants who are in urban areas and lack household registration: are there policies or programs that help these children, either for the ones migrated with parents or for the ones who migrated alone?

Rapporteur Mr. Hatem Kotrane (Tunisia):

- Refugee and asylum seeker children: commitment in 2011 to settle the situation of refugees especially the Indo-Chinese and the ones from DPRK; failed to recognize Kosheen asylum seekers and sent back to Burma where there is a real risk of exposing them to harm; issue of concern is also the detention of unaccompanied children in HK; what measures did you take to provide principle of non-refoulement of children, especially with regard to situation of Kosheen children?
- Economic exploitation of child labor: absence of disaggregated data regarding child labor, especially for the ones working in mines; we noticed a mismatch between the age of admission to labor and the end of compulsory schooling; What measure do you intend to take to ratify the ILO Convention 189?
- Administration of justice for minors: concerned by use of RTL for children and no access to legal guarantees, detention can go on for 18 months, many are detained in secret in black jails; allegation of torture; excessive practice of solitary confinement: what measures to remedy on this? What measure do you intend to take in the future?
- Measures for children victims/witness of crime: What measure do you intend to take in the future? Especially with regard to children victims of economic or sexual exploitation, or victims of trafficking. No answers on specific legal questions we have posed on what steps to provide legislation; where do you stand with regard to extraterritoriality on this issue e.g. Chinese children trafficked abroad or Chinese traffickers operating abroad?
- Measures on child prostitution/pornography?

Day 2 – 27 September

Answers by Head of China's Delegation Jia Guide:

- Coordination of departments for implementation of CRC: division of responsibilities → over 30 bodies are responsible for the implementation of CRC; formulated 3 programs since 1992, strengthened bodies responsible; reporting system for implementation; established system for monitoring and evaluation of the programs carried out annually + mid-term evaluation + at the end of each 10-year program there is a final evaluation; established indicators for evaluation: at present 34 items, statistics and a data bank

- We are enhancing capabilities of parents: amended law on protection of minors; in our 2011-2020 program, the issue of family education is seen as an important objective as well as the need to strengthen parents education to improve the family education; therefore, we established 4000 guiding bodies for family education

Chairperson Ms. Kirsten Sandberg (Norway):

- Do you have programs teaching how to raise children without corporal punishment or any alternative to physical violence?
- Do you provide training for social workers? Cultural sensitization of social workers?

Chinese representative:

- Some parents are still influenced by traditions and use corporal punishment because they don't want to spoil children; we try to eradicate this erroneous view
- We are strengthening the construction of public service systems; we train the trainers so that children and families can be provided with services
- We have very few cases of corporal punishment
- Questions concerning education:
 - Left-behind children of migrant workers: many policies and documents on this; every year we have around 200 million migrant workers, therefore, also many left-behind children; at present more than 60 million of them are in rural areas; we place high attention to this issue and devoted huge efforts to this: we have elaborated many policies → policy on improving situation of left-behind children in 2003 regarding compulsory education of these children; emphasis on local governments of in-flow places (places where migrant parents move to work); devoted more resources to education; 13 million of children accompanying migrant workers received education last year; also children left-behind in rural areas: compulsory education and vocational trainings organized for them; after compulsory education we have issue of progressing their education → they should return to their area of origin to seek employment or try enter university
 - **All provinces apart from Tibet have resolved problem of accompanying children after the compulsory education period**

Chairperson Ms. Kirsten Sandberg (Norway):

- Please provide information on the problem of Falun Gongs who are not allowed into university, as they are "joining evil culture organization"

Head of China's Delegation Jia Guide:

- 2 aspects: nature of Falun Gong and children of practitioners → Falun Gong is an evil practice banned in China but there is no impact on practitioners' children, they are treated equally

Chairperson Ms. Kirsten Sandberg (Norway):

- But what if the children are practitioners themselves, would there be any discrimination?

No answer

Chinese representative:

- Pre-school education: area of deficit for long time with lacking facilities and expensive costs due to lack of awareness on it and lack of investment; during the

last 3 years there have been radical changes in this area; insisted on this issue and efforts in improving facilities; set out 10 policies and 8 major programs and elaborated an action plan for 3 years; made unprecedented efforts → devoted more than 10 billion yuan to this issue, set up 9000 kindergartens and edited 10 million kindergartens; made evaluation of these facilities and organized staff trainings

- Questions regarding awareness raising on CRC, including use of internet and whether it has been translated into minority languages: high attention on this issue; key element of implementation of CRC; legal pamphlet on children's rights was written + trainings on children's rights were organized; many activities with participation of children to listen to voices of those concerned; especially in ethnic areas we held summer camps for protection of children's rights e.g. forum for children where we disseminated knowledge of CRC to children and collected views from them; in order to enable more and more people to be aware of basic principles of CRC governments at different level through different means such as radio, newspapers, books and internet widely introduced and spread the knowledge about the CRC so that whole society understands the content of the CRC and supports it; **so far has been translated into 7 minority languages, including Tibetan**
- Children views in cases of divorce: specific data on this; place high importance to mediation where we listen to children's views
- How to eliminate domestic violence against children: how to effectively prevent it → legal level: increase scope of protection in marriage law, women protection law; set up relevant judicial explanations; penalty concerning public security; regulations on management of kindergartens and schools in order to deal with the issue of violence against children; law enforcement: took measures to ensure that children who have suffered from violence can be taken care of and given relief; in the field we carry out projects to assist children who suffer from violence: intend to enact a nationwide law against the violence concerning abandonment or ill-treatment

Vice-Chairperson Ms Sara Oviedo Fierro (Ecuador):

- Questions regarding violence against children of politically persecuted people/political opponents should be answered now. Read through several documents that children of persecuted people are placed in situation where most basic rights are infringed (education, detention, need to change province or even leave country) and lack of freedoms of children of political opponents. They may also come across difficulties in practicing the religion of their parents.

Chinese representative:

- Falun Gong and religion: no relationship between FG and religion → not an issue of freedom of religion; it's an organization of evil cult, we have banned it; practitioners have influence on their children, they have no time to take care of their children as they are so manipulated by FG practice; here we are not talking about religion, there is no problem regarding freedom of religion for children

Chairperson Ms. Kirsten Sandberg (Norway):

- It is not only a matter of freedom of religion but also of freedom of conscience. Children practicing FG are not persecuted?

Head of China's Delegation Jia Guide:

- Don't have data on matter of children practicing FG
- Right of freedom of religion and belief is respected for all children – FG is not a religion; **there has never been discrimination against any religion; we have the**

principle of separation between religion and education: no one should force children to adopt monastic life or study religious scriptures; whether to believe or not should be decided by child himself

Chairperson Ms. Kirsten Sandberg (Norway):

- **This is not an answer. You are simply stating that there are no problems. The one you are providing is not a sufficient answer; you are not talking about the facts in China. We have so many reports on infringement of freedom of religion in Tibet and Xinjiang.**

Head of China's Delegation Jia Guide:

- In ethnic Tibetan areas after obtaining compulsory education children are allowed to go into monastery and receive monastic education if they wish

Chairperson Ms. Kirsten Sandberg (Norway):

- **What about the whereabouts of the Panchen Lama?**

Head of China's Delegation Jia Guide:

- **He is an ordinary citizen and has received compulsory and also higher education; he and his family don't want to be disturbed; they are happy living their life right now**

Chairperson Ms. Kirsten Sandberg (Norway):

- **Has this been confirmed by an independent expert as asked by the Committee in 2005?**

No answer

Chairperson Ms. Kirsten Sandberg (Norway):

- **Issue of the use of minority language in schools, especially for Tibetans and Uyghurs?**

Chinese representative:

- Minorities in China have the right to use and get education in their ethnic languages; we have 14 laws and regulations providing for ethnic languages of minorities; their languages are widely used in schools; there are more than 10.000 schools that use ethnic languages
- Systematic discrimination of ethnic minorities: it is known to all that China is a unified ethnic country, 55 nationalities with relatively small population, therefore we call them ethnic minorities; always paid high attention to development of ethnic groups, including right to education of children; pursues policy of solidarity and equality; we have the Regional Autonomy law and big framework + Constitution which provides for equality of all ethnic groups; law guarantees that 55 ethnic groups have their own representative in the NPC however small the group may be...

Chairperson Ms. Kirsten Sandberg (Norway):

- **You are not answering my question. Is there the possibility for children to use their minority language in Tibetan schools? This is a very specific question!**

Mr. Bernard Gastaud (Monaco):

- **Are teachers trained properly to teach in Tibetan or Uyghur language?**

Chinese representative:

- **We will provide an answer on these specific issues at a later stage**
- **Our Education law states that they have equal rights in the field of education: also in ethnic minority areas and Tibet there is 9-year compulsory education, enrolment rate exceeded 90%**