

## STATE PARTY EXAMINATION OF CHINA'S THIRD AND FOURTH PERIODIC REPORTS

64<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD  
16 SEPTEMBER – 4 OCTOBER

### Content

Opening Comments.....	<b>Error! Bookmark not defined.</b>
General Measures of Implementation.....	<b>Error! Bookmark not defined.</b>
Definition of the Child .....	<b>Error! Bookmark not defined.</b>
General Principles .....	<b>Error! Bookmark not defined.</b>
Civil Rights and Freedoms.....	<b>Error! Bookmark not defined.</b>
Family Environment and Alternative Care.....	<b>Error! Bookmark not defined.</b>
Basic Health and Welfare .....	<b>Error! Bookmark not defined.</b>
Education, Leisure and Cultural Activities.....	<b>Error! Bookmark not defined.</b>
Special Protection Measures .....	<b>Error! Bookmark not defined.</b>
Concluding Remarks .....	<b>Error! Bookmark not defined.</b>

*China ratified the Convention on the Rights of the Child (CRC) on 2 March 1992. On 26 and 27 September 2013, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic reports of China. It was last examined on 19 September 2005. The State party has a reservation on article 6 of the CRC. The government of Macao has a reservation on article 32 of the CRC. China ratified the Optional Protocol on the Sale of Children (OPSC) on the 3<sup>rd</sup> of December 2003.*

### Opening Comments

The delegation of China was led by Mr Jia Guide, Deputy Director-General of the Department of Treaty and Law Ministry of Foreign affairs. He was supported by a very large multi-sectorial delegation. The delegation of the Hong Kong Special Administrative Region was led by Mr Lau Kong-Wah, Under Secretary for Constitutional and Mainland Affairs, Constitutional and Mainland Affairs Bureau. He was supported by a small delegation. The delegation of the Special Administrative region of Macao was led by Ms Vong Yim Mui Deputy Director of the Social Welfare Bureau. She was also supported by a small delegation.

Mr Guide noted that the Chinese government respected and appreciated the work done by the Committee and stated that the government had made considerable effort to incorporate the previous recommendations. He noted that it had been three years since the State report was submitted in 2010 and that there had been several developments since it was submitted. He highlighted the National programme for Child Development and other key developments regarding child rights which included improvements such as special procedures for juvenile offenders, the comprehensive improvement of medical care, and the protection of the right to education through investment in 550 new educational institutions.

Mr Guide highlighted that the child welfare system had expanded and that the State had put an important protection system in place for orphans. Similarly, he noted that there was a special taskforce for left-behind children and that money from the central fiscal budget had been spent on street children which enabled 477 children to be rescued from their situations. He explained that there was increasing culpability for crimes against children and since April 2009 there had been a campaign which dealt with serious human trafficking cases. He highlighted the work done by the Ministry of Public Security which created an anti-trafficking micro blog as a public campaign against human trafficking. Mr Guide acknowledged however that there were still vicious cases concerning grave abuses of child rights and that there remained gaps in child protection in both rural and urban areas.

Mr Kong-Wah hoped to inform the Committee of the huge developments that had occurred in child rights in Hong Kong. He highlighted improvements in child health such as the drop in the mortality rate in 2010, and the Centre of excellence to enhance paediatric care. He noted that for the past 12 years education had been free in Hong Kong and that the new structure of the education system promoted lifelong learning and encouraged ethnic minority students into the community. He confirmed that there would be the creation of an independent monitoring body for Human Rights. Furthermore, there had been a focus on the importance of family networks; The Hong Kong Family Council examined the family perspective on government policies and programmes for different age groups. The Family Council worked in cohesion with other government agencies and strengthened contact with the forum for children's affairs.

Ms Yim Mui affirmed that the children's rights were protected comprehensively in Macao and that the government had paid attention to the implementation of the CRC in society. She highlighted progress that had been made in hospitals and health care services and noted that intensive care neo-natal sections of hospitals were well equipped. She highlighted that there had been free education for 15 years in Macao and that there was a separate youth policy in Macao which was used to protect children's right to education. For children that had violated the law there was a special protection regime and restorative justice procedure alongside the support that was provided by NGO's. Furthermore, she reminded the Committee that corporal punishment was prohibited in Macao and that there had been many campaigns for children's rights such as the National Children's Day.

Mr Kotrane, the Country Rapporteur welcomed the very large delegation of China and thanked the State for its last reports on the CRC and OPAC and its comprehensive written answers to the list of issues raised by the Committee. He congratulated China on its adoption of important legislative procedures such as the Law on Criminal Procedure and the Law on Juvenile Delinquency. He also noted important improvements in the Special Administrative regions such as the Ordinance on custody and adoption in Hong Kong and the law for the educational system for juvenile delinquents in Macao. Mr Kotrane noted that now children of both sexes were able to appreciate their rights. He also commended the State for the ten year programme for poverty reduction.

## **General Measures of Implementation**

### ***Legislation***

The Committee noted that the CRC is not directly applicable in China and questioned the delegation on the place of the CRC in the domestic legal order. It noted that Chinese courts judge in accordance with internal law and asked what provisions were being taken in view of adopting the CRC into domestic law. It also asked the delegation if China intended to draft a more comprehensive law. The Committee queried whether judges were entitled to implement the CRC in situations where there were no conflicts or whether they were never entitled to directly invoke the CRC.

The delegation explained that according to Chinese law the CRC can be implemented in line with domestic law. It clarified that in principle international treaties would be applicable when there is a conflict between domestic and international law. The delegation used the example of the Dangerous Species Convention and explained that this law had been directly invoked in China to punish crimes.

The Committee noted that China had intended to maintain the reservations on the article 6 of the CRC. However it explained that there was a contradiction between the right to life and the family planning policy in China. On the topic of the family planning policy the Committee asked if there had been inquiries opened against officials who carried out forced sterilisation.

The delegation of Macao confirmed that the CRC is applicable in the region without any reservations.

### ***Coordination and monitoring***

The Committee acknowledged the National Action Plan for children in China through the State's creation of a National Development Programme for children, however it recognised that co-ordination remained fragmented and was insufficient at local and regional levels.

The delegation thanked the Committee for comprehensive questions on the co-ordination and monitoring of the CRC and explained that there were over 30 bodies responsible for the implementation of the CRC. It affirmed that the responsibility of the government had been strengthened and that there had been focus of the objectives of the National Programme.

The Committee noted that in Macao there was no action plan for children however there was a youth policy plan and asked what measures had been taken to draft an action plan for all measures of the CRC. The Committee underlined that there was also an absence of a global action plan in Hong Kong and asked if there was any intention to strengthen co-ordination between different bodies and institutions in order to ensure uniform implementation.

The Committee noted that there were gaps in China's data collection, particularly the lack of statistics on kidnappings and abductions of children. It asked whether there were any methods of data collection in Hong Kong or Macao.

The Committee highlighted that there were no independent monitoring bodies in the China and asked whether the creation of such institutions would be possible. The Committee noted that Hong Kong were not content with the Human Rights forum and that children feel like they were not properly consulted on issues affecting them. The Committee asked whether it would be possible to establish monitoring Children's Commission in Hong Kong and Macao too.

The delegation explained that there was an established system of monitoring which was carried out through appraisal and evaluation bodies every year. Every 5 years there was a mid-term evaluation and after 10 years there were final evaluations.

### ***Dissemination and training***

The Committee acknowledged the booklet and printed materials that had been created by the Chinese government to disseminate the CRC but it asked if the interest was used to inform people of the CRC too. It queried whether this information had been translated into minority languages. The delegation assured that the internet had been used to disseminate the CRC and relevant materials had been translated into minority languages. It also stated that discs had been circulated with further information on the CRC, especially in ethnic minority areas.

The Committee noted the participation of children in government organised activities. It voiced concern about the amount of children who were able to participate in the events and about the continuity of these events. It asked how the children were chosen to participate in these events and whether other participatory achievements had been made. The Committee asked the delegation exactly what children learn about human rights within the curriculum. The delegation elaborated on the process of dissemination of the CRC; it explained that there had been the production of storybooks and pictorials published in order to educate children. The delegation explained that the content of the CRC had been incorporated into the general legal education. Similarly there had been drawing activities for children to enable more people to be aware of the basic principles and content of the CRC. The delegation of Macao informed the Committee that at elementary level children were taught to understand their rights, and at junior level how to exercise these rights. It stated that there are some games assigned for elementary students so that they were enabled to learn about the CRC whilst playing games.

The delegation stated that there had been special emphasis on the training and education of personnel who engage in children's work to allow them to be familiar with the content of the CRC. It stated that 1017 teachers had attended seminars about human rights and that there was recently a new children's rights curriculum that was introduced in 2012. It stated that 12% of the human rights lesson times was spent on children's rights modules.

### ***Ombudsman***

The delegation of Hong Kong highlighted its use of Ombudsman and a Children's Rights Forum which is established in 2005 which has since discussed 35 children's rights topics. The delegation explained that the region believed that the Children's Forum could have had significant impact on child rights issues.

### ***Budget***

The Committee asked about funds that were allocated for child protection, children's welfare, children in crisis and children with disabilities. The Committee asked about resources that had been allocated to children's health services. It observed that investment on health, education and child protection in China was low, it enquired as to whether the State would spend more on these areas in the future.

The Committee requested more information about the budget allocation for children and children's rights in Macao and whether the region had tracked the amount of money that had

been spent. The delegation from Macao affirmed that about 830 million US dollars had been allocated to children.

### ***Cooperation with civil society***

The Committee asked if the State report was prepared with civil society groups and NGOs. The delegation confirmed that in preparation for the State report other NGO reports were used. The delegation of Hong Kong noted that it had many available statistics about issues such as the infant mortality rate from NGO's in Hong Kong. The delegation informed the Committee that it welcomed opinions and data from civil society organisations.

The Committee was concerned that data from Hong Kong was superficial. The delegation agreed that sometimes statistics varied and that the region required an independent Children's Commission. The delegation of Macao highlighted the many NGO's in the region of Macao and noted the importance of research on children's issues.

## **Definition of the Child**

### **General Principles**

#### ***Non – Discrimination***

The Committee was concerned about discrimination against minority groups in China, particularly the Tibetans and the Uighurs. It further noted prevalent discrimination against women and girls, asylum seekers, disabled children and children from migrants within the State. It questioned whether measures had been taken to create a comprehensive approach against this discrimination. It also asked whether China had any established complaint mechanisms to deal with discrimination issues.

The delegation explained China's multi-ethnic composition and assured that all ethnic groups contributed to China's history. The State maintains that every ethnic group is equal and enjoys all rights and freedoms. The delegation drew attention to 55 representatives from different ethnic groups in the NPC as well as local governments and judiciary bodies being constituted of various ethnic groups.

#### ***Right to identity***

#### ***Best interests of the child***

The Committee was concerned about children whose parents were political opponents of the State. It stated that several parents had been persecuted for trying to uphold the rights of their children, for example Hui Tan who was sent to a work camp because he was campaigning about the rape of his 11 year old daughter.

The Committee requested more information about children whose parents had been sentenced to the death penalty. It asked if the best interests of the child were considered in these situations.

### ***Birth registration***

The Committee drew attention to the low level of birth registration in remote areas of China. It asked if families who had more than one child were allowed to register each child's birth. It queried whether there were penalties for parents who do not register their children's birth and what would be done to increase birth registration.

The delegation stated that household registration was a primary child's right and that there were clear provisions regulating this obligation. It explained that the within a month of the birth a family member should register the birth of the new born child, whether they were born in or out of wedlock. It informed the Committee that in 2001 all children that were not born in accordance with the family planning policy had to be registered. It acknowledged that in rural areas there was a weak understanding about these laws. The delegation confirmed that there would be publicity in the future to encourage more birth registrations. The delegation explained that measures had been taken to improve the network of birth registration such as large-scale monitory activities to identify erroneous registrations.

The Committee asked if it was difficult or expensive for children of migrant workers to get temporary permits in order to access education in different regions. The delegation assured that migrant children had the same rights to education local children. Furthermore the certificates were provided free of charge.

### ***Respect for the views of the child***

The Committee requested more information about the Children's forum in Hong Kong. It asked how children participate in this forum and about what mechanisms were in place for children's view to be heard. The delegation confirmed that children's views were listened to, particularly in cases of divorce where minors had been able to write letters to parents regarding their divorces which were read by judges during trials. The delegation informed the Committee that in certain cases this method of advocacy has had impact on the outcome of cases. The delegation described how children's views and opinions had been collected through new sustainable tools such as student voice forums in schools. Children were encouraged to participate and these experiences were recorded and used in their student profiles. The delegation of Macao highlighted that there had been opportunities for children to have formal and informal meetings with government officials which enabled them to express their views.

### ***Right to life, survival and development***

The Committee demonstrated concern about China's continuing reservation to article 6 and the implementation of the State's family planning policy which contradicts the CRC. The Committee highlighted that the right to life is one of the main principles of the CRC and that China's policies encourage infanticide, abortion problems and the devaluation of girls. It asked the delegation what steps were envisaged by the State to combat problems like forced abortion.

The delegation explained that there were no contradictions with the right to life and China's family planning policy. It maintained that the laws on family planning and maternity healthcare protected the right of women to make decisions about contraception and childbearing in order to reduce involuntary pregnancy.

The Committee further questioned if investigations on family planning issues had been rendered public. The Committee was concerned about the self-immolation of Tibetan children and questioned the delegation on the underlying causes of these acts.

## **Civil Rights and Freedoms**

### ***Corporal Punishment and child abuse***

The Committee observed that although a prohibition has been established against the use of corporal punishment there is still administrative use of corporal punishment. If children had been affected by corporal punishment they were entitled to compensation; the Committee asked what that consisted of. The Committee advised that there should be more accurate data collection detailing corporal punishment. The Committee asked if there were specific programmes for avoiding violence in the home. The delegation affirmed that great attention had been paid to the issue of corporal punishment. It acknowledged that some parents follow tradition of corporal punishment in the home but it had the intention of eliminating it. The delegation explained that China had amended and regulated laws in order to avoid harm to children, such as the Law on the Protection of Minors. Similarly, the Minister of Education devised regulations of the management of kindergartens and schools to further eliminate violence against children. The delegated said that the National People's Congress had conducted wide legal studies into violence against children in order to create a nationwide law against violence to children.

The Committee asked the delegation of Macao how it ensured children were involved in the eradications of corporal punishment in the region. It noted that Hong Kong stated that due to cultural considerations the region stated that it was not in the position to eradicate violence in the home.

The Committee questioned China on the provision of social workers to deal with corporal punishment. The delegation maintained that social workers played an important role and that there was a developed plan for social workers. The delegation also shared that there had been very few cases of corporal punishment as due to the family planning policy in China children were very cherished.

### ***Freedom of thought, conscience and religion***

The Committee explained its concerns regarding the persecution of religion and thought of certain groups of children in China. It asked what measures had been taken to ensure the freedom of religion. It noted that it had received several documents detailing situations where persecutions had taken place, (notably against the Falun Gong group) and asked whether children of those persecuted had had their rights infringed. It queried whether children in China were prevented from following the religious practises of their parents or ancestors.

The delegation stated that there is not relationship between the Falun Gong movement and religion. It said that Falun Gong is an evil cult which had been banned in Chinese law. It held that the practise of Falun Gong had a negative effect on children therefore it was not allowed. The Committee elucidated that the CRC did not just refer to religious practises but also the

freedom of thought and the freedom of conscience. The Committee asked if children that practise Falun Gong were affected but the Chinese government. The delegation said that there was no data on this issue. The Committee asked for clarification of the implementation of freedom of religion in China. The delegation affirmed that the right to freedom of religion was protected in the Chinese constitution. It stated that people had the right to practise any religion without interference. It stated that Falun Gong was an evil cult and not a religion.

The Committee asked about children's right to practise religion without interference in Tibetan areas. The delegation explained that children were entitled to adopt a monistic life after they had completed schooling. The Committee asked the delegation about the situation surrounding Panchen Lama. The delegation stated that the boy received education and secondary education. It said that it was known that he was wanted by some outsiders for political motives but that he is currently living a normal life. The Committee asked if an independent committee had confirmed this situation. The delegation responded that no independent committee had confirmed Panchen Lama's current situation.

## **Family Environment and Alternative Care**

### ***Family support***

The Committee highlighted that corporal punishment and neglect occurred in many families. It recommended that a 6 month breast-feeding period would be beneficial for children as well as extended maternity leave. The delegation informed the Committee that the current maternity leave provision was 10 weeks.

The Committee noted that many Uighur children were separated from their families and 60 million children had been recorded as left behind children of migrant workers. It asked the delegation what could be done to deal with this issue and to prevent family separation. The Committee noted that children of migrant workers that were separated from their parents were more likely to become street children. The Committee stated that there was an estimated 150,000- 300,000 street children in China, it asked what actions had been taken by the state to help these children. The delegation acknowledged the problem of street children explained that money from the central fiscal budget had been spent on supporting them. It also informed the Committee that there was a special task force to deal with left behind children.

The delegation described various measures to support families such as education for parents, which included a plan for the development of family education. The plan included a family education system which would be suitable for rural and urban areas. It stated that there were 4000 bodies for family education. The delegation informed the Committee of increased public housing and the production of about 79,000 flats. The delegation added that there were subsidies for vulnerable families and a range of childcare services. There were 27,000 day care centres and NGO's were also subsidised to provide day-care.

The Committee asked the Hong Kong delegation about the rights of children whose parents were not both from Hong Kong. The delegation explained that mothers that were married to Hong Kong men cannot work in Hong Kong. The Committee asked if there would be any amendment to these regulations.

### ***Institutions and family-based care***

The Committee highlighted that there were many children living in long-term residential care in China. It asked China and Macao how the State could de-institutionalise these children and whether they could live in kinship or foster care situations instead. The Committee underlined statistics of 700,000 children living in such institutions, 90% of which were disabled children. The delegation agreed that it is more beneficial for children to be in home environments instead of in residential care. The delegation informed the Committee that the Chinese government had focused on foster families for this reason.

- In other services, the number of orphans is relatively low. Macau has not set up orphanages, there are just child care services. There are now 9 such centres.

### ***Child abduction***

The Committee was concerned about the rate of children that were being abducted in China, in particular children whose parents had migrated to work elsewhere. The delegation said that there was a protection system used to support orphans.

## **Basic Health and Welfare**

### ***Children with disabilities***

The Committee stated that certain types of disabilities could be prevented with simple interventions. It also queried to the use of data and statistics to deal with children with disabilities. The delegation noted that there was a health check-up programmes that screened new born babies for diseases which had been improved since 2012.

The delegation confirmed that there was monitoring of disabled children in the form of surveys. The delegation informed the committee that there were 78,452 children that were not able to attend school due to disabilities in the central and western regions. It stated that there were subsidies and targeted assistance for these children. The delegation of Macao noted that disabled children are given more support and subsidies. It explained that for students who have difficulties a comprehensive evaluation of these children in done to ensure that their needs are addressed.

### ***Health Services***

The Committee commended the delegation on developments made to healthcare services such as the dramatic decline in many diseases and the decrease in child mortality. It noted that except for pockets of children most had been immunized against the most common diseases. The Committee asked the delegation if it was planning to add more vaccines to this campaign.

The Committee noted that some children in China had suffered permanent health troubles because of lead poisoning. The Committee asked if businesses were accountable to human rights law and child law. It asked if there was a mechanism for these children to access

compensation. It also highlighted other health cases where children had been contaminated by milk powder and blood transfusions had given children HIV.

The Committee asked the delegation about adolescent health services and reproductive services for young people. It asked if there were confidential and accessible services. It questioned the delegation on the prevention of substance abuse in China and noted that in order for them to combat substance abuse the state would need to collect more data about it. The Committee also asked about the mental health of children in China, it was concerned that the family planning policy had put pressure on young children to perform well in school. It asked whether there were provisions for counselling for this reason. The delegation stated that China had devoted attention to the mental health of children; in 2011 there were policies to improve mental health services: specialist hospitals and doctors had been provided.

The delegation explained that there had been a ban on determining the sex of babies before births; it affirmed that the ratio of boys to girls had been under control since this policy change.

### ***Nutrition***

The Committee noted that one of the prevalent issues that faced children's health was nutrition in particular breastfeeding. It highlighted that breastfeeding rates had decreased and that this had been exacerbated by the contamination of infant milk powder and anaemia in young women. It asked what action had been taken to deal with the infant formula or to support breastfeeding. It also asked about maternity leave for mothers as the regulations seemed ambiguous. The delegated said that there would be lunch subsidies which would benefit about 26 million children.

### ***HIV and AIDS***

The Committee acknowledged that HIV and AIDS were a big issue in China as there was a lot of stigmatisation surrounding the disease. The Committee asked if there had been programmes to protect against HIV. The delegation said that the National Health and Family Planning Commission support work against AIDs. It informed the Committee that in 2009 the central government implemented a project on the prevention of HIV. This programme had enabled 30 million women to be screened. The state also introduced a project to prevent the spread of syphilis which was linked to the focus on pre-marriage health care.

## **Education, Leisure and Cultural Activities**

### ***Pre-school education***

The Committee noted the shortage of early education and the problem of overcrowded pre-schools. The delegation explained that pre-school education had been an area of deficit in China. It noted that there had been lacking facilities due to a lack of awareness on pre-school education. The delegation stated that during the past three years there had been radical changes in this area and that there were new targets for pre-school education up until 2020. The delegation highlighted that 10 billion yen was spent on kindergarten facilities and that there were an additional 90,000 kindergartens in 2012. The delegation said that there had

been evaluation of facilities which included the qualifications of the staff and the training of the staff.

The Committee said that the previous lack of early childhood care in Hong Kong concerned the Committee. It enquired whether it would be possible to provide free pre-school in order to resolve this issue.

### ***Education***

The Committee noted that in principle education was free but there had been many extra costs. It asked the delegation how it would ensure that children did not have to pay these hidden costs. The Committee also highlighted the Chinese president's anti-corruption drive and asked whether it would apply to state run education systems. The delegation informed the Committee that a committee had been set up to ensure free education in China.

The Committee said that corporal punishment had been accepted in schools and discipline was harsh. Furthermore, it noted that school violence was very common and asked if there were anti-violence programmes in schools. The Committee also noted that there had been sexual abuse cases in schools and asked what kind of research or surveys had been done to improve this situation. The delegation said that there was a bureau on bullying in schools which implemented proactive measures to combat bullying.

The Committee asked how quality of the 300,000 employed teaching staff was evaluated. It highlighted that there had been a shortage of schools in, particularly in rural villages and Tibet and lessons that had been taught in Chinese not Tibetan. The Committee asked the delegation what action had been taken to improve the provision of minority languages in schools.

The delegation reminded the Committee that children of migrants had the same rights to education as local children. In order to access education they had to have house registration certificates which were free. It explained that in the 1990s the education of children of migrant workers was incorporated into public policies as there were 61 million children left by their parents in rural areas. It stated that 13 million of these children had received education in the cities.

### ***School attendance***

The delegation explained that the government had provided school buses to enhance accessibility of schools for students that lived in areas that were difficult to access and for cross boundary students. The government had introduced a policy which intended to ensure that children were not prevented from receiving education because of lack of means; in 2009 the government provided free secondary education as well as primary education. That delegation stated that public funded schools had received regulations to ensure that it did not overcharge students.

### ***Children with disabilities***

The Committee stated that the services for disabled children had not been sufficient and that a large number of these children did not attend school. The Committee noted education for disabled children must be inclusive and that maybe these children did not attend school because of the discrimination and stigmatization that faced them in these institutions. The delegation stated that no children with disabilities were deprived from education because of

the equal opportunities ensured by the disability ordinances. The delegation informed the Committee that there had been staff training on special education and also management for children with disabilities.

The Committee noted that the overwhelming majority of children with disabilities in Hong Kong were in special schools. It asked Hong Kong what financial measures had been adapted to encourage the inclusion of disabled children. It asked if teachers had been provided with special training to help deal with these issues. The delegation of Hong Kong stated that there had been improved services for disabled children, in 2013 1.5 Hong Kong dollars was spent on learning support grants for schools.

### ***Provision for Minorities in Schools***

The Committee highlighted that in certain areas schools did not teach in minority languages for children whose first language was not Chinese such as the Uighurs and the Tibetans. It asked the delegation whether teachers were properly trained to teach in other languages. The delegation explained that Chinese regulations allow these ethnic groups to receive education in these languages. It said that minority languages were taught in many schools, it stated that there were 10,000 schools that used 29 ethnic languages to conduct teaching. The delegation also highlighted that the level of enrolment in education is high in ethnic minority areas. It also explained that there had been focus on teaching Chinese as a second language, furthermore ethnic minority students were entitled to receive a grants to access university entrance exams which had helped 25 ethnic minority children receive university offers in 2013.

## **Special Protection Measures**

### ***Child labour***

The Committee asked Macao about its reservation on article 32 relevant to child labour and asked if this reservation could be lifted.

### ***Juvenile justice***

The Committee welcomed amendments that had been made to the Chinese criminal procedure. However, it noted that the State used re-education through labour, that these labour camps did not allow access to lawyers and that young people had been detained for up to 18 months at these camps. The delegation explained that Chinese prison law provided that juvenile should serve their sentences in these correctional institutions established for them and that there were 31 of these correctional facilities. The delegation said that no instruments were used against the juvenile offenders in these camps and that visiting time and frequency was relaxed. The delegation states that there were not 18 month detention periods without legal representation. The Committee noted that some juvenile defenders had been held incommunicado which contrasted to what the delegation explained about visiting times for these offenders.

The Committee asked about children that had been abducted for days or even months in black jails with their parents. In these black jails they had been deprived of food and sleep. It noted that the age of criminal responsibility is low at 14 years. The delegation stated that there were no black jails in China and assured that there is no torture of juvenile offenders and that it is forbidden to apply torture or inhuman treatment in Chinese law. Furthermore, it said that there were special procedures for juvenile offenders; they did not face public trial.

The Committee noted that in Macao there was a lack of restorative justice for children in conflict with the law and that solitary confinement was used for children. It asked what measures were taken to protect the rights of children who were victims or witnesses of crimes.

The Committee asked about OPSC related issues such as what measures had been taken to prohibit the sale of children. The Committee were concerned about the absence of data on child labour throughout the State.

### ***Protection of child witnesses and victims***

The delegation of Macao informed the Committee that it was concerned with the protection of minors who were victims. In order to combat domestic violence against children the government in Macao had drafted a new law for the prevention of domestic violence which would be sent to legislators for review and discussion. This law would allow authorities to take preventative measures to protect children.

### ***Asylum-seeking children***

The Committee highlighted the Commitment from China taken in 2007 to facilitate the protection of refugees. It noted that Indochinese children were not able to benefit from Chinese nationality. Similarly Kachin children had been sent back to Burma when there had been a risk that they would be exposed to fighting. It noted that it was a positive decision to allow asylum seeker children to access education and acknowledged that the State had practised to support unaccompanied children.

The Committee asked what provisions had been taken to respect the non-refoulement of children and to regularise the status of Indochinese children. Furthermore the Committee asked why these children had been detained. The delegation explained that under special circumstances minors could be detained and the Social Department provides proper care and guidance for these children.

The Committee also asked Hong Kong about what provisions had been taken to support children coming from North Korea. The delegation from Hong Kong said that the government screened claims and provided support for these children when necessary, it did not allow children to return to their place of origin if they were going to face torture.

## **Concluding Remarks**

Mr Kotrane expressed respect and congratulations to the multi-sectorial delegation of China and concluded that there had been a fruitful and forthright exchange. He noted that it appeared that children and adolescents had improved lifestyles and that children's health had improved.

However he highlighted that some of the answers given had not been very precise. He noted that China still had many developments to make regarding child rights such as creating a comprehensive children's code, lifting the reservations on the CRC, and strengthening co-ordination. The Committee advised that the implementation of independent human rights institutions which could receive complaints would be beneficial. It recommended that businesses should be held more accountable and that there should be more regulations to manage this issue. It insisted that the security of Tibetans, Uighurs, migrant workers and Falun Gong children must be addressed; in particular the vigorous policy of the Falun Gong

should be reviewed in order to guarantee respect for thought conscience and religion. It advised the delegation that there should be an elimination of measures which led to bad treatment of children in institutions and a strengthening of mental health services for young people. It noted that there should not be disparities in health programmes for migrant workers. Furthermore is recommended that there is a strengthening of rights for asylum seekers and refugees. The Committee called upon to State to ensure that OPSC is carefully observed as there was a lot of progress to be made in this area.

Mr Jia Guide thanked the Committee for conducting a candid discussion and dialogue. He noted that time constraints had prevent the delegation from answering every question. He noted that the delegation was aware that there were still areas where progress must be made. He reassured that the recommendations would be acted on and that that progress would be made. He noted that the Committee has stressed the importance of implementation of policies and procedures that protected children's rights and acknowledged the importance of implementation.