



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Consideration of reports submitted by States parties under article 44 of the Convention

Third and fourth periodic reports of States parties due  
in 2009

**China**<sup>\*, \*\*</sup>

[16 July 2010]

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\*\* Annexes can be consulted in the files of the secretariat.

**People's Republic of China**  
**Third and fourth combined report on the implementation of**  
**the Convention on the Rights of the Child**

May 2010

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## Foreword

1. The People's Republic of China hereby submits to the Secretary-General of the United Nations its third and fourth combined report on the implementation of the Convention on the Rights of the Child (hereafter, "the Convention"), and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (hereafter, "the Protocol"), in accordance with article 44, paragraph 1, of the Convention and article 12, paragraph 2, of the Protocol.

2. This report comprises three parts. Part 1 principally covers the progress made in implementing the Convention from 2002 to 2009 and in implementing the Protocol from 2005 to 2009, and is written by the Central Government of the People's Republic of China. Part 2 covers the implementation of the Convention in the Hong Kong Special Administrative Region (SAR) of the People's Republic of China, and is written by the Government of the Hong Kong SAR. Part 3 covers the implementation of the Convention and the Protocol in the Macao Special Administrative Region of the People's Republic of China, and is written by the Government of the Macao SAR.

3. This report follows the general guidelines adopted by the Committee on the Rights of the Child regarding the form and contents of periodic reports to be submitted by States parties to the Convention. The Chinese Government attaches great importance to the considerations and conclusive opinions of the Committee, and relevant parts of this report provide feedback on the opinions and recommendations of the Committee in regard to China's second report and its first report on the Protocol.

4. The basic data for this report has been provided by various departments of the Chinese Government, NGOs and academic institutions involved in child-related work. In the course of drafting and revising the report, opinions have been sought from a wide range of sources, including legislative, administrative and judicial bodies, relevant NGOs and specialists in related fields, whilst for some parts of the report, the opinions of children have also been taken into consideration.

## **I. General measures of implementation of the Convention (arts. 4 and 42, and art. 44, para. 6)**

5. China has consistently upheld the principle of "children first", and has implemented a "children first" development strategy in order to fully safeguard the rights of children to survival, development, protection and participation. The State and all levels of government regard child development as an important duty in the management of public affairs, and to this end have incorporated child development into the general plan for national economic and social development, into the government work agenda, into the functions and performance appraisal of each department, and into the national fiscal budget.

6. With regard to paragraph 11 of the Committee's concluding observations on the previous report, China pays great attention to the safeguarding of children's rights through legislation. Since 2002, China has continued to consult the principles and provisions of the Convention and the Protocol, continually strengthening and perfecting legislation to protect the rights of children, and enacting or revising a large number of laws and regulations relating to such rights. A relatively complete legal system for the protection of children's rights has thus been formed. On 29 December 2006, the 25th Session of the Standing Committee of the Tenth National People's Congress passed the revised Law on the Protection of Minors (Annex I). This further clarifies the rights of minors and the principle of protecting minors, emphasizes the government's role as the leading body of law

enforcement, augments the provisions of the law in respect of family protection, school protection, social protection and judicial protection, and strengthens legal responsibility.

7. China has also revised other laws and regulations relating to children. In its Constitution, it has added the constitutional principle that “the state respects and preserves human rights”. It has revised the Law on Prevention and Cure of Infectious Diseases, the Law on the Protection of the Rights and Interests of Women, the Compulsory Education Law (Annex II), the Law on the Protection of Disabled Persons, and the Narcotics Control Law. It has revised or issued a range of legal regulations and judicial interpretations including Several Provisions of the State Council on the Implementation of the Law of the People’s Republic of China on Regional Autonomy by Ethnic Minorities, the Regulations Prohibiting Child Labour, the Regulations on Legal Aid, the Measures for the Administration of Relief for Vagrants and Beggars without Assured Living Sources in Cities, the Regulations on Management of the Circulation of Vaccine and Preventive Inoculation, the Regulations on the Prevention and Treatment of AIDS, the Regulations on the Management of Entertainment Venues, the Regulations on the Supervision and Management of the Quality and Safety of Dairy Products, the Regulations on the Management of Business Premises for Internet Access Services, the Regulations on Public Cultural and Sports Facilities, the Regulations on Management of For-Profit Performances, the Interpretations of the Supreme People’s Court on Questions Regarding the Specific Application of the Law when Hearing Criminal Cases Involving Minors, and the Regulations on the Handling of Criminal Cases Involving Minors by People’s Procuratorates.

8. From 2002 to 2009, China ratified the following international treaties pertaining to children: the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (no. 182) (8 August 2002), the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (27 April 2005), the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (29 December 2007), and the Convention on the Rights of Persons with Disabilities (26 June 2008).

9. China has steadily continued to advance the cause of children in accordance with the China Children’s Development Programme (2001–2010) (for details, see para. 9 of the previous report). In accordance with this national programme, each province, autonomous region and municipality has drawn up a child development plan for its own area, proposing child development targets, formulating concrete measures for the realisation of these targets, and implementing these measures accordingly.

10. The Outline for the Eleventh Five-Year Plan for National Economic and Social Development, drawn up in 2006, makes clear that the government will “implement the Children’s Development Programme, safeguarding children’s rights to survival, development, protection and participation in accordance with the law, improving the environment in which children grow up, and promoting their healthy mental and physical development”. Each province, autonomous region and municipality has incorporated the major targets and related content of the children’s development plan into the plan for their own respective area.

11. Government departments including education, health and culture departments, together with social organizations such as the All-China Youth Federation and China Disabled Persons’ Federation, have enacted a whole series of programmes, such as the National Education Reform and Development Programme, the Programme for Persons with Disabilities During the Period of the Eleventh Five-Year Plan, the People’s Republic of China Programme for the Control of Diarrhoeal Diseases, the National Programme for the Prevention of Acute Respiratory Ailments in Children, and the National Plan for

Improvement in Nutrition, so as to integrate the targets of the Children's Development Programme into the work objectives of these various departments.

12. With regard to paragraph 14 of the Committee's concluding observations on the previous report, in the process of implementing the Children's Development Programme, China has given attention to various aspects of overall planning and coordination. At the Central Government level, the body responsible for coordinating children's issues is the State Council Working Committee on Women and Children, which is composed of 33 member agencies, including 27 government departments and six social organizations. Its functions are as follows: coordinating and promoting the work of government departments to safeguard the rights and interests of women and children; coordinating and promoting the formulation and implementation of women's and children's development programmes by government departments, and providing the necessary human, financial and material resources for carrying out work relating to women and children; directing, supervising and inspecting the work of working committees on women and children in people's governments at the provincial, autonomous regional and municipal levels. Provinces, autonomous regions and municipalities nationwide, along with all government departments at prefectural and county levels, have established specialized agencies responsible for work relating to women and children. Through the coordination and promotion undertaken by working committees on women and children at all levels, China has formed a cross-departmental work mechanism for child development that is government-led, with participation from various departments, and general support from all sectors of society. Functional departments at the various levels of government have each undertaken the target tasks for children's development, and have implemented a target management responsibility system, in which they report annually to the working committee on women and children at the same governmental level on the implementation of the child development targets, thus pushing forward the realisation of the development targets for women and children in their own area.

13. The State and 31 provinces, autonomous regions and municipalities nationwide have established monitoring and appraisal bodies for the Children's Development Programme, and the national and provincial governments annually carry out dynamic monitoring, compilation of statistical data, and analytical appraisal of a range of indicators. In 2006, the national government and the various levels of local government carried out an interim appraisal of the implementation status of the China Children's Development Programme (2001–2010). The Programme comprised 18 major targets and 53 supporting targets across four areas, with 50 quantifiable indicators being used to measure whether these targets had been reached. The results showed that by the end of 2005, when judged in accordance with the target values for 2010, 30 indicators had been met ahead of time, two were expected to be met, 11 had not been met, and for seven no data was available. This appraisal provided a policy basis for formulating subsequent strategies for action. For details of the progress on certain of the targets, see Annex V.

14. In 2008, the Standing Committee of the National People's Congress launched an investigation into the enforcement of the Law on the Protection of Minors, focusing on the following areas. First, study and promotion of the Law on the Protection of Minors and formulation of an accompanying set of rules and regulations. Second, free or preferential entry for minors to public cultural facilities, to prevent minors becoming obsessed with the internet. Third, protection and education of minors without assured living sources, such as orphans and vagrant beggars, as well as rural children left behind by their parents. Fourth, education, sensitization and rescue of minors who have broken the law and committed crimes. The report of the working party responsible for the investigation expressed the view that the overall implementation status of this law was good.



15. With regard to paragraph 25 of the Committee's concluding observations on the previous report, China has taken measures to promote understanding of the Convention throughout the population. Firstly, it has included the Convention in public legal education, making education of the general public in regard to laws protecting children's rights an important part of the fourth and fifth five-year public legal education programmes started in 2001 and 2006 respectively. Secondly, it has printed and distributed copies of the text of the Convention. From 2007 to 2009, the State Council Working Committee on Women and Children and the Ministry of Foreign Affairs respectively printed off and distributed *Children's Rights* and a booklet containing the Convention and its Protocols. This was intended to promote awareness of the Convention's contents among children, and among teachers and others involved in child-related work. In addition, academic institutions including the Chinese Academy of Social Sciences, China University of Political Science and Law and Peking University likewise actively launched publicity activities to raise awareness of the Convention. In 2005, China Children's Publishing House brought out a book titled *Equal Rights: A Collection of Example Cases for Participatory Training on the 'Convention on the Rights of the Child'*. This book was the result of China's initial phase of participatory training in the field of children's rights.

16. With regard to paragraph 17 of the Committee's concluding observations on the previous report, China has still not yet established a national human rights institution as defined by the Paris Principles, but numerous departments bear similar responsibilities. For example, the Standing Committee of the National People's Congress and government departments at various levels have all established correspondence and visitation offices, to receive, investigate and handle complaints; supervision departments are responsible for supervising the behaviour of government bodies and officials; and so on. China is willing to study this issue further.

17. The Chinese Government and international organizations including UNICEF, UNFPA, WHO and the World Bank have launched a series of international cooperation projects. For instance, China and UNICEF have been engaged in cooperation for over 30 years since 1979. In the 2006–2010 cooperation plan, the two have initiated cooperation in a range of fields including child-related knowledge advocacy and policy development, hygiene and nutrition, basic education and child development, prevention and treatment of AIDS, water and environmental hygiene, child protection, child policy research and child-related knowledge advocacy, and child rights plans and their promotion.

18. With regard to paragraph 27 of the Committee's concluding observations on the previous report, the Chinese Government encourages domestic and foreign NGOs to play a part in promoting the protection of children's rights. The Beijing Children's Legal Aid and Research Centre is a not-for-profit organization engaged specifically in legal aid and research relating to minors. The centre's director, Mr. Tong Lihua, in his capacity as a pro bono lawyer, was appraised by the Ministry of Justice in 2005 as "one of the top ten legal people of the year".

19. The Chinese Government values the recommendation of the Committee in paragraph 9 of its concluding observations on the previous report to withdraw reservations to the Convention, and is willing to give the matter its earnest consideration, in accordance with the actual situation in China.

20. With regard to paragraphs 97 and 98 of the Committee's concluding observations on the previous report and paragraphs 20 and 21 of its concluding observations to the report on the Protocol, the Ministry of Foreign Affairs has passed the Committee's conclusions to the competent departments of the State Council responsible for child-related work. Starting in 2006, the Ministry of Foreign Affairs followed up the concluding observations of the Committee on the previous report by initiating cooperation with UNICEF. In the last few years, it has on average held three to four cross-departmental symposia each year to

discuss how government departments can best follow up the recommendations of the Committee and to push the various functional departments to take their work forward in a clearly targeted way, so as to further the implementation of the Convention and the Protocol in China.

21. With regard to paragraph 23 of the Committee's concluding observations on the previous report and paragraph 9 of its concluding observations to the report on the Protocol, since China is a vast country with a large population, the competent departments engaged in child-related work are very numerous, whilst the compilation of statistics involves huge amounts of data and is technically complex. Moreover, there exists a discrepancy between China's statistical system and scopes and the criteria for writing reports on the convention. China has already done its utmost to provide the relevant data in its reports.

22. The Chinese Government realizes that as a developing country, China still has much to do in order to fully implement the stipulations of the Convention and to promote and realize children's rights. There still exist difficulties and challenges in a whole series of processes from legislation to policy decisions and adoption of concrete measures for effective implementation, whilst continual improvements are needed in respect of factors such as raising of awareness, capacity building, coordination between organizations, financial support and social mobilization.

23. Regional discrepancies in China's social and economic development are similarly reflected in the child population. For example, there are imbalances in the level of compulsory education development between different regions and between urban and rural areas. Nationwide, counties that have still not yet implemented universal access to nine-year compulsory education are basically concentrated in poor regions; in China's western region, the infant mortality rate and mortality rate for children under 5 are more than twice that in the eastern region; the capacity of paediatric medical services as a whole is insufficient, and by the end of 2007 there were only 69 children's hospitals of various types and levels in the whole country; there were 6,273 general hospitals with paediatric departments, amounting to only 46.9 per cent of the total number of general hospitals. Other difficulties include the problem of the social security system still not covering all children, the numerous child problems created through population movement, and so on.

24. To this end, the Chinese Government will continue to expand its efforts to foster a "children first" mentality and to publicize the Law on the Protection of Minors. It will strengthen the mechanisms of child-protection work, including government guidance, inter-departmental cooperation, supervision by the National People's Congress and the Chinese People's Political Consultative Congress, and the common participation of all sectors of society, with the emphasis placed on rural and poor areas. This will resolve key problems and establish a society-wide system and network for the protection of children's rights.

## **II. Definition of the child (art. 1)**

25. By the end of 2008, China had a total of 308.96 million children under the age of 18, constituting 23.3 per cent of the total population. Of these, 148.74 were girls, constituting 48.1 per cent of the total children, whilst 160.02 million were boys, constituting 51.9 per cent. For the relevant data, see Annex VI.

26. According to the Law on the Protection of Minors, a "minor" is "a citizen who has not yet reached the age of 18". The concept of the minor in Chinese law is completely consistent with the definition of the child in the Convention. The definition of the minor in China makes no distinction between males and females. In practice, because childhood covers different stages of a child's development, the State emphasizes that a child must be

treated appropriately and properly in accordance with his or her particular stage of physical and mental development, so as to safeguard the fundamental rights of the child.

### **III. General principles (arts. 2, 3, 6 and 12)**

#### **A. Non-discrimination (art. 2)**

27. It is a legal principle of China's Constitution that everyone is equal before the law. In 2006, the revised Law on the Protection of Minors added content relating to non-discrimination in article 3, paragraph 3. With regard to paragraph 32 of the Committee's concluding observations on the previous report, China has adopted realistic measures to ensure that disadvantaged children enjoy equal opportunities and conditions to other children, thus securing their right to equality.

28. China is committed to ensuring equal rights for girls. The Law on the Protection of the Rights and Interests of Women states explicitly that men and women are equal, whilst the Compulsory Education Law stresses the safeguarding of the equal right of girls to education. The State has included the situation of girls' education in its targets for monitoring social development and its system of indicators for checking on the implementation of universal access to nine years of compulsory education. It has established a statistical system for monitoring the situation of girls' compulsory education and has increased the level of financial assistance for impoverished girls. In 2009, the net intake rate for girls in primary school had reached 99.44 per cent, thus basically eliminating the discrepancy between the intake rates of boys and girls.

29. The action taken by China to aid girls is not only limited to girls' education in impoverished areas and concern over discrimination against girls, but has also gradually expanded to include the whole process of birth, hygiene and healthcare, nutrition, early education, and social security, relating to girls' survival, protection and development. The Caring for Girls Action Plan, initiated in 2003, constructed a social environment beneficial to the survival and development of girls through public legal education, providing high-quality services and information to girls and families with girls. The All-China Women's Federation has launched a succession of programmes, including the Spring Buds Programme, the China-UK Skills Training and Capacity Building Programme for older girls, and the Girls First Programme, providing educational opportunities for girls who have had to drop out of school, and training in cultural knowledge and vocational skills for older girls who have discontinued their studies.

30. China has rolled out a series of policy measures to protect the rights and interests of children in the floating population. In 2008, there were more than 27 million children who had migrated with their parents. The Circular on the Management and Services for Migrant Farmers Seeking Employment in Cities, Opinions on Improving Education of Children of Migrant Farmers, and Opinions on Solving the Problem of Rural Migrant Workers, issued successively by the State Council in 2003 and 2006, placed issues of rural migrant workers and their children's healthcare and education within the management responsibilities of various departments and communities, ensuring that the children of migrant workers could have equal access to compulsory education. In 2008, the Third Plenary Session of the Seventeenth Central Committee of the Communist Party of China passed the Decisions on Key Problems in Pushing Forward Rural Reform and Development, requiring that children of rural migrant workers be gradually given equal treatment in education to those of urban residents.

31. Starting in 2001, the State Council Working Committee on Women and Children launched a "Survey of the Situation of Migrant Children in Nine Chinese Cities" and pilot

projects on the protection of migrant children's rights, exploring new models for the protection of migrant children's rights. These included the implementation of a management system for the registration of migrant children under the age of 16, establishing communication and linkups between the hometown localities and destination cities of the migrant children, launching a comprehensive and multilayered information and training programme for new city residents, and establishing a community-based management and service network targeting migrant families.

32. With regard to paragraphs 69 and 70 of the Committee's concluding observations on the previous report, China has taken measures to eradicate discrimination against children infected with or affected by AIDS. According to statistics from the national web-based direct reporting system for AIDS cases, by the end of 2009, the total of reported cases of children with HIV/AIDS was 5,577, of which 2,806 cases were children with AIDS.

33. The Regulations on the Prevention and Treatment of Aids, enforced on 1 March 2006, stipulate that no unit or individual may discriminate against those infected with HIV, AIDS patients or their families. Those infected with HIV, AIDS patients and their families enjoy legitimate rights and interests in such respects as medical treatment and school attendance. In 2009, the Ministry of Civil Affairs issued its Opinions on Further Strengthening Welfare Security for Children Affected by AIDS. This demanded the adoption of an approach combining earmarked funding with services, so as to fulfill the basic requirements of children affected by AIDS in terms of their daily life, education, medical treatment and technical training, and the introduction of a specialized social worker system and contact person system.

34. In 2009, China established a data system for children affected by AIDS. Currently, the design and installation of the system and the training work have already been completed, and collection and entry of data is underway in each region. The system will provide a comprehensive and objective account of the basic situation and dynamic changes among children affected by AIDS, and will enable quantitative statistical analysis of the status of rescue and assistance of children orphaned by AIDS nationwide.

35. China has launched a widespread publicity drive for the correct understanding of AIDS and to counter discrimination. Leading cadres at county level and above have undergone relevant training to strengthen the implementation of anti-discrimination policies.

36. China places great importance on the rescue and medical treatment of children affected by AIDS, including physical and psychological help. In 2004, it enacted a policy of AIDS prevention and treatment entitled "Four Free Things, One Care". The "four free things" referred to in the name of this policy are: free provision of anti-viral drugs to AIDS patients who have not participated in the basic healthcare security system, free provision of advice and initial screening tests, free provision to pregnant women infected with HIV of blocking drugs for the prevention of mother-to-child transmission and infant testing kits, and exemption of all school fees for orphans of AIDS patients. The term "one care" refers to the care provided by the State through rescue and cure to those infected with HIV and AIDS patients, with both central and local governments increasing year on year expenditure on AIDS prevention and treatment. In 2005, work was initiated on free anti-viral treatment of children, and now covers 276 counties (districts) in 27 provinces, autonomous regions and municipalities. The number of children treated increased from 159 in 2005 to 1,793 in 2009. Pilot projects on the prevention of mother-to-child transmission have already been extended into 31 provinces, autonomous regions and municipalities. Around 70 per cent of infected pregnant mothers have used anti-HIV drugs, and about 80 per cent of infants born of those mothers have been administered anti-HIV drugs, whilst about 90 per cent of them are raised by way of artificial feeding.

37. China has adopted various approaches to assist and settle children orphaned by AIDS, including adoption, placement in foster families, placement in foster institutions and raising in simulated families. Ninety per cent of children orphaned by AIDS have received assistance and schooling support. The provinces of Henan and Yunnan and the Xinjiang Autonomous Region, which are key areas for AIDS prevention and treatment, have enacted and perfected rescue and settlement policies for AIDS orphans, establishing AIDS orphan rescue and settlement advisory centres and developing basic rescue and settlement services.

38. Henan province gives 200 RMB of aid per person per month to children orphaned by AIDS, 65 RMB of living support expenses per person per month to minors in one-parent families where the other parent has been lost through AIDS, and not less than 30 RMB of living support per person per month to rural families suffering hardship because of AIDS. It has established a preliminary system of categorized aid with a stable source of funds. Henan province has also enacted numerous preferential measures to encourage fostering and adoption, and has established “Sunshine Homes” in areas where there is a concentration of the AIDS cases, so ensuring that AIDS orphans are settled in a timely and appropriate manner.

39. Specific information regarding the safeguarding of equal rights of children with disabilities, migrant children, children separated from their parents and children from ethnic minorities will be presented in detail in the relevant sections of this report.

40. With regard to paragraph 34 of the Committee’s concluding observations on the previous report, the Chinese Government has actively promoted the Durban Declaration and Programme of Action (hereafter the “Durban Declaration”) in China and has launched an extensive programme of education to counter racism and racial discrimination. It has incorporated the requirements of the Durban Declaration into its various development plans, and has earnestly enforced a policy of “zero tolerance” of racism, so as to ensure that dignity and justice are enjoyed by all. The Chinese Government has consistently supported and participated in the efforts of the international community to combat racism, and is committed to furthering the international community’s effective implementation of the Durban Declaration. On numerous occasions at the United Nations General Assembly, it has promoted the adoption of a resolution on the full implementation of the Durban Declaration and its follow-up mechanisms. It has supported the establishment by the former United Nations Commission on Human Rights of an independent specialist working group to supervise the implementation of the Durban Declaration, and has actively participated in all the meetings of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

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

41. With regard to paragraph 36 of the Committee’s concluding observations on the previous report, China stresses the implementation of the principle of the best interests of the child.

42. In terms of policy, the China Children’s Development Programme (2001–2010) and the Outline for the Eleventh Five-Year Plan for National Economic and Social Development both clearly stipulate the principle of “children first”. This principle is provided for in the child development programmes of each province, autonomous region and municipality.

43. In terms of legislation, article 3, paragraph 1 of the Law on the Protection of Minors stipulates that minors be given special and preferential protection. Article 39 of the Marriage Law stipulates that in a divorce case, if no agreement has been reached as to the

division of the couple's property, the court shall "rule in accordance with the principle of caring for the rights and interests of the child or children and the wife". The same principle is also embodied in the Criminal Law, the Criminal Procedure Law and the judicial interpretations of the Supreme People's Court and the Supreme People's Procuratorate. For instance, public security organs, people's procuratorates and people's courts shall care for the physical and mental characteristics of minors, and establish special bodies or appoint specialists to handle cases involving offenders who are minors; they shall be held in detention or incarcerated separately from adult offenders, both before trial and when serving their sentences.

44. In the area of civil trials, when a young offenders' court is hearing a civil case involving a minor, it should be guided by the actual needs in respect of protecting the minor's rights, and should uphold the judicial concepts of "a positive approach, preferential treatment, approachability and loving care". In giving judgment, it should adopt a different approach to ordinary civil cases. For example, through such means as the active exercising of interpretation rights and the collection and obtaining of evidence in accordance with the law, insufficiencies in such aspects as a minor's understanding of the case and the presentation of evidence can be rectified, thus safeguarding a balance of rights and obligations between the two litigant parties in the case. A "green channel" for civil cases involving minors is set up to ease out disconnections of the processes of case registration, court hearing and execution of the verdict thus enabling the minor to be free of the legal dispute as soon as possible, so that he or she may return to normal life. In the litigation process, guidance of the litigation process should be increased, to educate and instruct the two litigant parties, so that adults in the case will have a correct view of the importance of issues involving the protection of minors. And so on.

45. In the criminal judicial field, when people's procuratorates and people's courts are handling cases involving juvenile offenders, they implement a policy of education, positive persuasion and rescue, and uphold the principle of putting education first and using punishment as a supplementary measure, so as to realize the juvenile's greatest rights and interests. First, a special body is established or special staff appointed to handle juvenile offenders' cases. Second, the principle of exercising care when making arrests and initiating litigation is adhered to, such that where there is a choice as to whether an arrest can be made, they will choose not to make an arrest; and where there is a choice as to whether to initiate litigation, they will choose not to do so. In this way, a channel is left open for juveniles involved in crime to return to society. Third, procedures and systems suitable for handling cases involving juveniles are being perfected, so as to create a relatively gentle environment for legal proceedings, in which the methods used in interrogation and trial proceedings are different from those for adults, with education incorporated into the trial. Fourth, in the course of handling a case, the legitimate rights and interests of juveniles who have committed illegal acts are guaranteed in accordance with the law. For instance, actively helping them to apply for legal aid; keeping juveniles and adults in separate custody; not conducting trials in public, so as to protect the privacy and reputation of the juvenile; and reducing, mitigating or waiving a sentence in accordance with the law. Fifth, proper correction of juveniles who are serving sentences is undertaken.

### **C. The right to life, survival and development (art. 6)**

46. Article 3 of the Law on the Protection of Minors provides that children enjoy the right to survival and the right to development. China places importance on improving the health of the newborn population, and is continually increasing its investment in hygiene and healthcare for infants and young children, thus steadily raising the standard of child health. The infant mortality rate fell from 32.2 per mille in 2000 to 14.9 per mille in 2008,

whilst the mortality rate for children under 5 years of age fell from 39.7 per mille in 2000 to 18.5 per mille in 2008.

47. With regard to paragraph 29 of the Committee's concluding observations on the previous report, the Law on Maternal and Infant Healthcare, the Law on Population and Family Planning, and the Regulations on the Management of Technical Services for Family Planning, among others, strictly prohibit the identification of foetal gender and gender-selective pregnancy termination for non-medical purposes. Actions involving the identification of foetal gender for non-medical purposes and the artificial termination of pregnancy on gender-selective grounds are rigorously investigated and dealt with.

48. In order to solve the problem of the relatively high gender ratio among the newborn population, China has launched publicity and advocacy campaigns and has established an integrated control mechanism involving inter-departmental cooperation and the participation of society as a whole. Such measures are a means to safeguard the legitimate rights and interests of girls and their families, and to change the mindset of preferring boys over girls and the behaviour that accompanies it. They are Part of a strenuous effort to curb the tendency towards a higher gender ratio in the newborn population. From 2002, an accountability system has been implemented in regions where the government failed to take action and the gender ratio among the newborn population continued to be relatively high. Currently, the tendency towards a higher gender ratio has been effectively curbed in 14 key provinces including Anhui, Hunan and Jiangxi.

49. Article 49 of China's Criminal Law provides that the death penalty shall not be applied to offenders under the age of 18.

50. Starting from 2003, in the cities of Beijing, Shanghai and Guangzhou, the Office of the State Council Working Committee on Women and Children and the Ministry of Health launched a special survey of accidental harm of children, and set up a nationwide hospital harm monitoring system and a school harm monitoring system in some cities. Based on the information gained through this monitoring, a series of child harm intervention projects and public education activities were initiated on different themes including pedestrian safety, prevention of drowning and stumbling/falling, animals bites and fire disasters. Popular science reading materials such as a guidance manual on prevention of accidental harm to children were produced.

51. In August 2002, the Ministry of Education promulgated the Guiding Outline for Mental Health Education in Secondary and Primary Schools, which demanded an enhancement of students' mental health and fostering of an optimistic and forward-looking mindset in students, so as to promote the all-round development of students' character.

52. For details of the gender-differentiated mortality rate in the under-20 age group in China, see Annex IX.

#### **D. Respect of the view of the child (art. 12)**

53. Article 3 of the revised Law on the Protection of Minors stipulates for the first time at the legal level the "right of participation" as a basic right of the child. Article 14 makes clear that the views of minors should be listened to and respected. Provinces including Hunan, Guangzhou and Jiangsu have incorporated such stipulations into the revised regulations on the protection of minors for their own areas.

54. With regard to paragraph 39 of the Committee's concluding observations on the previous report, China is continually increasing the weight given to the opinions of children in the formulation and implementation of policies and in school and family affairs.

55. In respect of legislation and policy formulation, in March and April 2006, during the process of revising the Law on the Protection of Minors, the All-China Women's Federation held children's forums in Harbin and Xi'an to listen to the views of children. During the process of revising the Regulations on Protection of Minors of Shanghai Municipality in 2004, formulating the Regulations on Prevention of Crime among Minors in Anhui Province in 2005, and formulating the Regulations on Prevention of Crime among Minors in Guangdong Province in 2007, minors were in all cases invited to participate in the discussions of the draft regulations.

56. In 2006, the State Council Working Committee on Women and Children carried out an interim appraisal of the implementation status of the China Children's Development Programme (2001–2010), and organized an activity titled: "I have a say in my life: Children participating in the appraisal of the China Children's Development Programme (2001–2010)". Twenty child delegates representing different groups from places including Beijing, Henan province, Anhui province and Hebei province participated in the activity, which lasted one and a half months. The child delegates engaged in observation and appraisal of the situation in regard to aspects such as children's health, education, legal protection and the environment. They proposed solutions for problems in the protection of children's rights such as the mental health of children left behind, the role of the community, the discrepancy between urban and rural children in respect of living standards and available educational resources, school violence, online games, and smoking.

57. In the course of drafting this report, from 3 to 4 April 2010, the Ministry of Foreign Affairs and UNICEF jointly held an activity in Chengde, Hebei province, with the theme of "children participating in reporting on the implementation of the Convention". Thirty children aged 11–14 and eight parents took part in discussing the contents of the first draft of the report, including issues of children's participation, the family environment, education, and culture and entertainment, and proposed recommendations.

58. In respect of public affairs management, opportunities for children's participation have been continually expanding. Every year since 2003, the children's media have invited children to participate directly in conducting interviews at people's congresses at national, provincial and municipal levels, with some of the media airing special programmes for young reporters. At all levels of Young Pioneers conferences, children may submit "red scarf motions" expressing their wishes and demands.

59. In respect of school matters, the local regulations on the protection of minors enacted by provinces, autonomous regions and municipalities including Shanghai, Tianjin, Guangdong and Ningxia clearly stipulate that in school activities or when schools are disciplining students, they should allow minors an opportunity to express themselves, and should listen to and respect their opinions. Students put forward their opinions and suggestions on a school's educational and teaching activities and management through the student union and committee of the Communist Youth League. Some places, such as schools in the Qingyang district of Chengdu, Sichuan province, have established democratic management committees made up of students and parents. Some places have also established school education assemblies, in which student representatives participate and express their views and suggestions on school matters.

60. In respect of family matters, article 52 of the Law on the Protection of Minors provides that where people's courts are handling divorce cases involving the custody of minors, they shall listen to the opinions of minors who have the capacity to express their wishes. Article 9 of the Measures for Implementation of the Law on the Protection of Minors in Hunan Province stipulates that before parents appoint a guardian, the opinions of minors who have the capacity to express their wishes shall be listened to.



61. In 2007, the Committee on the Protection of Minors of the All-China Law Association sponsored *Yellow Ribbon*, a monthly publication by the Research Centre for Crime Prevention of the Ministry of Justice, which launched an essay-writing competition for young offenders entitled “The Yellow Ribbon Cup: New Beginnings and Personal Growth”. This encouraged minors serving sentences to express their own voice.

62. With regard to paragraph 40 of the Committee’s concluding observations on the previous report, China ensures that in judicial proceedings affecting them, children have the opportunity to express their opinions. Firstly, minors’ capacity for participation has been raised through a system in which an appropriate adult is authorized to be present to assist them in exercising their rights. Secondly, in order to prevent the violation of a child’s rights and interests by his or her guardian such that the child is unable to receive judicial protection, regulations such as article 66 of the Regulations on the Protection of Minors in Beijing Municipality and article 45 of the Regulations on Prevention of Crime among Minors in Guangdong Province give minors the right to independently request aid.

#### **IV. Citizens’ rights and freedoms (arts. 7, 8 and 13–17, art. 37, para. 1)**

##### **A. Name and nationality (art. 7)**

63. With regard to paragraph 43 of the Committee’s concluding observations on the previous report, the public security organs carry out registration of permanent household residence for newborn babies in accordance with the legal provisions concerning management of household registration. The Ministry of Public Security has adopted the following measures to tackle the problem of weak management of household registration in certain areas, in particular rural areas, where the phenomenon of children, particularly girls and those with disabilities, being born without an application being made for household registration is relatively pronounced. Firstly, perfecting the management system for rural household registration, establishing for every citizen a permanent resident registration file and issuing a resident’s household registration book for each family. Secondly, putting forward numerous policies to ensure that persons without a household registration are put in the books. Thirdly, stepping up construction of community rural police offices as a means to enhance management of household registration. In addition to these measures, publicity and public education have been enhanced through community-level people’s police undertaking door-to-door visits, increasing citizens’ awareness of the legal system and of the need for registration of newborn children. In the last few years, the scope and timeliness of registration of China’s rural children have been raised very considerably, with complete coverage basically realized.

64. China has been continually deepening its reforms of the management system for household registration, and will further relax policy restrictions on geographical transfer of household registration, strictly subject to the condition of having a legal and stable place of abode, thus facilitating the integration of the floating population into the local community as quickly as possible.

65. China guarantees the right of a child to a name. Children themselves have the right to decide on and use their own name, and to change their name by applying through their parents or guardian to the Household Registration Office in accordance with the provisions of the law. They may take the family name of their father, or of their mother. The Circular regarding Opinions on Handling Problems relating to Change of Name of Minors where One Parent has Died and the Other has Remarried, issued by the Ministry of Public

Security in 2006, makes provision for the specific circumstances relating to children changing names.

66. The child's right to a name is guaranteed in judicial practice. In 2007, the Beijing Changping District People's Court ruled that the issue of whether a child changed its name must be decided by the child, and that the child's father must not take the decision into his own hands. In the case in question, a Mr. Wang found that his ex-wife had changed the child's name, and requested the court to rule that the child revert to its original name. The court opined that the right to a name was a right of identity of every citizen, and that Mr. Wang's child had the right to change its own name. Moreover, Mr. Wang had not provided relevant evidence that his child disagreed with changing its name. It thus ruled that Mr. Wang's case be dismissed.

## **B. Preservation of identity (art. 8)**

67. China's public security organs handle household registration of citizens in accordance with the law, and handle requests that conform to government stipulations in the shortest possible time and in the most procedurally straightforward way. They resolutely put a stop to such actions as the malicious changing of time of birth and birth identity. In China, there exist no circumstances in which citizens are illegally deprived of their identity.

## **C. Freedom of expression (art. 13)**

68. From January to July 2007, the All-China Women's Federation, together with UNICEF, the ILO and others bodies, jointly held a series of children's forums in Anhui, Henan, Hunan, Jiangsu, Guangdong and Beijing with a focus on the prevention of child abduction and trafficking and listening to the voice of children. The child delegates who participated in the forums were either victims of abduction and trafficking or anti-trafficking volunteers, and some came from communities with a high risk of trafficking occurrence. At the forums, the child delegates engaged in dialogue with officials from government departments, expressing their reflections and thoughts on the problem of child abduction and trafficking, and stating their views on the actions taken by the government and NGOs to prevent child abduction and trafficking and to help the victims of such crimes. At the end of each forum, an initiative was formulated, and at the national child forum against child abduction and trafficking held in July, a general initiative entitled "Changing the World: Why Wait until We're Grown Up?" was passed. This expression of the children's aspirations was submitted to the Greater Mekong Sub-Region second Inter-Ministerial Meeting and fifth Senior Officials Meeting held in Beijing that year. For more details, see Chapter III, section E.

## **D. Freedom of thought, conscience and religion (art. 14)**

69. In order to implement the basic principles established in the Constitution and relevant laws so as to safeguard citizens' freedom of religious belief, in 2004 the State Council promulgated the Regulations on Religious Affairs.

70. With regard to paragraph 45 of the Committee's concluding observations on the previous report, the Constitution and the Compulsory Education Law provide that China implements the principle of separation between religion and education, and that no organization or individual may use religion as a means to interfere in school education or social public education, or use religious activities as a means to obstruct the implementation

of compulsory education. In the Chinese national education system, religious education is not provided. However, Chinese law has never prohibited parents or guardians from providing religious education to their children, and the government does not interfere in such actions. Nor has the government ever interfered when parents who hold religious beliefs take their children to participate in religious activities at places where such activities are held. Catechism classes and Sunday schools, organized by the Catholic and Protestant communities respectively, undertake religious education of their followers' children, whilst some religions provide special religious education to a minority of young people, in accordance with particular religious traditions of succession. The government neither encourages this nor prevents it.

71. In order to publicize the principle of freedom of religious belief, in Chinese schools, subjects such as legal education, national unity education, and ideological and moral education all include content relating to the implementation of the policy of freedom of religious belief.

72. China is a country with many ethnic groups and religions, and the Chinese Government guarantees the thorough implementation of the Regional Ethnic Autonomy Law. China pays full attention to the fact that in some ethnic minority groups there is widespread practice of religious belief, and respects the custom of parents and guardians transmitting religious knowledge to minors and participating in religious activities with them. In a place with ethnic autonomy such as Xinjiang, there are no stipulations prohibiting children of any age from going to worship at mosques or receiving religious education. In a place such as Tibet, where Tibetans are concentrated together, there are no stipulations prohibiting children of any age from participating in Tibetan Buddhist festivals or receiving religious education. In addition, the Chinese Government respects the unique belief customs of some religions, for instance the child as the reincarnation of Buddha in Tibetan Buddhism, and the Pali Buddhist custom in Yunnan province that requires children to spend a period of time outside their families practicing as a monk in a monastery.

#### **E. Freedom of peaceful assembly and of association (art. 15)**

73. China encourages children to establish clubs and societies according to their interests. All integrated high schools, general senior high schools and middle-level vocational schools have student committees. All primary schools, general junior high schools and integrated high schools have large, medium and small detachments of the Young Pioneers. Many schools have also set up a wide variety of student societies. The various positions of responsibility within student unions and extra-curricular student clubs are all decided through a democratic election process run by the students. There has also been a flourishing of groups organized by young people voluntarily such as cultural salons.

74. Currently, China's main youth organizations include: the All-China Youth Federation, which has 1,645 committee members, 16 national level group members and 36 local level group members; the Communist Youth League of China, with 78.588 million members; the All-China Students Federation, with almost 100,000 group members; the Chinese Young Volunteers Association, with 29.46 million registered volunteers; the Young Pioneers of China, currently with 130 million members in 350,000 major detachments; the China National Youth Palace Association, currently with 496 group members; and the China Youth Internet Association, currently with 316 members, to name some of the examples.

**F. Protection of privacy (art. 16)**

75. Article 39 of the Law on the Protection of Minors provides for protection of a child's right to privacy. Article 45 of the Law on the Prevention of Juvenile Delinquency provides that: "No cases involving criminal offenses committed by juveniles who have reached the age of 14 but are under the age of 16 shall be heard in public. Generally, no cases involving criminal offenses committed by juveniles who have reached the age of 16 but are under the age of 18 shall be heard in public either. For cases involving criminal offenses committed by juveniles, no names, dwelling places, photos, or materials from which people can tell who the juveniles are may be disclosed in news reports, films and television programmes or publications." These provisions apply to both individual and joint offenses. In accordance with the Provisions for the Hearing of Criminal Cases Involving Minors, should it necessary to hear in public a case involving criminal offenses committed by a juvenile who has reached the age of 16 but is under the age of 18, approval must be granted by the chief judge of the people's court, and the number and scope of members of the public allowed in to watch must be restricted.

76. The procuratorial organs pay close attention to the protection of the name and reputation of the minor involved in the case, and to respecting his or her personal dignity. The Regulations on the Handling of Criminal Cases Involving Minors by People's Procuratorates, issued on 1 January 2007, prohibit the public disclosure or dissemination of names, dwelling places, photos, pictures of minors involved in any cases, and any other materials from which the identity of such minors can be inferred. They also stipulate that police going to the school or dwelling of a minor involved in the case shall not wear uniform or drive police vehicles, in order to reduce the negative impact. Procuratorial organs in places such as Shanghai have been exploring a system of limited disclosure of criminal records of minors, by which litigation records are sealed in confidential archives, subject to certain conditions, and criminal records are not noted in personal history files, so as to avoid causing a negative impact on the minor's continuation of his or her schooling, progression through the education system, and employment prospects. This has proved to be educational for minors and helpful in restoring them back on the right track.

**G. Children's access to appropriate information (art. 17)**

77. The provisions in article 32 of the Law on the Protection of Minors are beneficial to the realization of children's right to access information. The Chinese Government is committed to creating the conditions to provide children with all sorts of information of benefit to their healthy growth, through such channels as radio, television, film, books and periodicals, and the internet.

78. By the end of 2008, children's books published in China totalled 11,310 titles, and 254.2 million volumes, an increase of 8.13 per cent on the number of titles for the previous year and an increase of 3.99 per cent in terms of total number of volumes printed. Children's periodicals totalled 98 titles, with 230.83 million copies printed, constituting 1.03 per cent of the total number of journal titles published and 7.43 per cent of the total number of copies printed. More than 1,760 audiovisual titles were produced, totalling 38.55 million boxes/discs. Sales of children's books totalled 459 million volumes, constituting 2.76 per cent of total sales volume; imported children's books totalled 40,840 titles, or 580,890 volumes, constituting 6.29 per cent of imported titles and 13.46 per cent of the total of copies. In 2,820 public libraries at county level or above there were around 550 million volumes of printed resources available for borrowing. APart from specialist children's libraries, public libraries at county level or above had basically all provided children's reading rooms.

79. China actively promotes free admission for children to public cultural facilities. By 2008, 1,581 museums, memorial halls, art galleries, etc., in the national cultural and heritage system, had implemented free admission for children's group visits. See Annex VI for relevant data.

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

80. As a State party to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, China has consistently opposed and prohibited torture and other cruel, inhuman or degrading treatment or punishment. China has taken measures to prevent the occurrence of such actions, and rigorously investigates and deals with such criminal behaviour.

81. From 2002 to 2008, courts nationwide convicted a total of 72,527 people for crimes involving violent interference in marital freedom, illegal detention, extortion of confessions through torture, violent extraction of evidence, maltreatment of detainees, organising disabled and child beggars, and employing child labourers to engage in dangerous or heavy labour. The above data include circumstances in which adults are the victims of such crimes.

82. In order to prevent and combat the use of torture against juvenile suspects and offenders, in March 2002 the Supreme People's Procuratorate issued its Regulations of the Supreme People's Procuratorate on the Handling of Criminal Cases involving Minors. These required that when people's procuratorates discover that a law enforcement body has used violence upon a juvenile suspect or offender, such as corporal punishment and abuse, degrading treatment, extortion of confessions through torture, forced labour, illegal use of weapons, or inappropriate confinement, they must redress them in accordance with the law; where such actions constitute a crime, criminal responsibility must be investigated and determined. In 2007, the Supreme People's Procuratorate issued its new Regulations on People's Procuratorates Handling Criminal Cases involving Minors. These stipulated that inspections must be made to ascertain whether a juvenile suspect has been subjected to violent behaviour such as corporal punishment and extortion of confessions through torture, and that if such behaviour is found to have occurred, it must be handled in accordance with the law, and responsibility must be investigated and determined.

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

### **A. Parental guidance (art. 5)**

83. China has a fine tradition of placing importance on family education. The Law on the Protection of Minors provides that parents or other guardians shall learn about family education and properly carry out their duties of guardianship when raising and educating minors. The China Children's Development Programme (2001–2010) stipulates placing importance on and improving family education, enhancing the publicising of and theoretical research into family education knowledge, organizing various types of parent schools, and helping parents establish correct views on child care and education and gain a scientifically-based grasp of educational principles and methods.

84. The All-China Women's Federation and women's federations at county level and above in the 31 provinces, autonomous regions and municipalities have all set up departments for child-related work. Neighbourhoods (townships) have established family education guidance groups and instruction bodies, whilst villages (residents' committees) have opened family education information stations. These various bodies, with teams of full- and part-time staff and volunteers, form a family education guidance network that covers the whole country.

85. The China Family Education Society is a national-level public academic organization. Currently, it has a total of 37 group members and more than 300 members. The 31 provincial, autonomous regional and municipal women's federations and over 70 per cent of county-level women's federations have all established family education societies and research groups, and have inaugurated over 30 periodicals and magazines on family education. Nationally, there are over 430,000 parent schools of different types, and over 110,000 community-based family education guidance centres.

86. In May 2007, the Ministry of Education, Ministry of Civil Affairs, ACWF and other bodies issued The All-China Family Education Work Plan for the Eleventh Five-Year Plan. This called for the publicising and popularizing of knowledge about family education and scientific methods of child-rearing, with the aim of achieving a general awareness rate of more than 95 per cent in regard to parents' knowledge of family education and scientific child-rearing. It also called for a massive development of parent schools of different types to cater for the needs of different groups, to promote instruction in family education within the community. The Plan further called for a greater emphasis on and enhancement of family education for rural children left behind by migrant parents and migrant children, and the establishment of a batch of schools for the parents or guardians of such children. Provincial governments and women's federations subsequently passed their own family education work plans for the Eleventh Five-Year Plan, so enhancing the work of family education.

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

87. The Chinese Government recognises that the survival, development and growth of children is dependent on the level of love and care given by parents, good family living conditions and a good policy environment.

88. Articles 21 and 23 of the Law on the Protection of Minors stipulate the duty of parents to bring up, protect and education their children. Article 23 provides that where parents do not carry out their responsibilities of guardianship or where they violate the legitimate rights and interests of minors under their charge, the people's court may, in accordance with applications made by relevant persons or institutions, revoke their status as guardian; those parents whose status as guardian has been so revoked must still continue to bear the costs of child-rearing, in accordance with the law. This provision is one of the highlights of the revised Law on the Protection of Minors; in comparison to the previous provision of "changing the child-rearing relationship", the new provisions of "revoking status of guardian" and "continuing to bear the costs of child-rearing" legally ensure against negligent parents shirking their child-rearing responsibilities.

89. In order to increase dissemination of knowledge about family education, the ACWF has named a set of model schools for parents of rural children left behind and migrant children, with each area disseminating and popularising scientific knowledge about family education through these model parent schools, as well as through parent schools established in townships (towns), schools for parents of children of the floating population, and schools for parents who are new to the cities. Areas such as Shandong have set up rural parents'

classrooms, to assist and guide the parents of children left behind in earnestly shouldering their child-rearing responsibilities and duties.

### **C. Separation from parents (arts. 9, 21 and 25)**

90. Article 16 of the Law on the Protection of Minors provides that when parents cannot perform their duty of guardianship with respect to minors because they work elsewhere or for other reasons, they shall entrust such duty to others.

91. China has worked hard to explore a work model for the care of children left behind. Firstly, it has developed the role of the main channels of school education: schools have established personal history files and contact card systems for children left behind, carrying out dynamic management of students' and parents' circumstances. It has enhanced the functions of boarding schools, ensuring care of children left behind in respect of both schooling and everyday life. Schools have launched courses in mental health education, and established psychiatric advice clinics and mental health advice mailboxes, so as to help children left behind with their psychological and emotional problems. It has launched themed educational activities, so that children left behind can learn how to learn and to do things, learn how to love and be loved, and learn how to manage and look after themselves. It has mobilized and encouraged teaching staff, where appropriate, to make regular home visits to those children left behind who are not boarders, and to give timely feedback on the children's situation to their guardians.

92. In addition, China has developed the function of community services, constructing integrated grass-roots support networks involving the joint participation of government, schools, families and communities. For instance, making use of village committees, schools and cultural centres to provide activity venues for children left behind; establishing "children's homes", so as to provide children left behind and their families with facilities that integrate play, leisure, education, health and psychological support; initiating guidance and training in family education for children left behind, so as to strengthen guardians' awareness of their responsibilities; organizing partnership groups of volunteers with children left behind to offer support, and so on.

93. From 2004 to 2007, the State has invested 11.3 billion RMB in implementing rural boarding school construction projects in the central and western regions, with a total of 8,300 schools constructed under the projects. From 2008 to 2009, a further 1.34 billion RMB was invested in these projects, thus effectively solving the problems of study and daily life for children left behind.

### **D. Family reunification (art. 10)**

94. China is proactive in creating conditions that promote family reunification. For instance, after rescuing and giving temporary assistance to vagrant minors, the relevant departments will explore ways to send them back to their native place to be reunited with their relatives. To give another example, in 2008, Jiangsu province launched an activity entitled "Happiness Express", which made use of the summer period to organize trips for children left behind to go to the city to be reunited with their parents.

95. The Measures for the Administration of Examination and Approval of Foreigners' Permanent Residence in China, promulgated in August 2004, marked the formal implementation of China's "green card" system, and persons seeking family reunification are one of the target categories for the issuing of green cards. According to statistics, from 2004 to the end of 2008, a total of 179 minors were approved for and issued with green cards for reasons of reunification with relatives; of these, 87 were male and 92 were female.

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

96. Article 23 of the Law on the Protection of Minors provides that parents whose status as guardians has been revoked must still bear the cost of child-rearing, in accordance with the law. Articles 21, 37 and 48 of the Marriage Law also make provision as to the right of minors to child-rearing costs.

97. As early as 1991, China's juvenile courts began exploring the use of special trials for civil cases involving the rights and interests of minors, chiefly handling cases involving minors as one party or both parties in civil litigation, recovery of child-rearing costs, and change of custody. From 2002 to 2008, the people's courts concluded 174,852 cases involving disputes over child-rearing costs.

98. In May 2007, the Guangzhou court used for the first time a "social ombudsman" system in hearing a case involving recovery of child-rearing costs by a minor. The duties of these officers are to investigate the child-rearing situation before the trial by interviewing the child and the parents, to make school visits and talk to teachers as Part of the investigation, and to write an investigation report. They are to read out the report in court, urge and monitor the execution of the court's ruling after trial, observe and take care that the minors are not abused or abandoned, observe whether the rights and interests of the minors have deteriorated after the trial, and provide necessary assistance to minors whose rights and interests are violated.

**F. Children deprived of their family environment (art. 20)**

99. With regard to paragraph 49 of the Committee's concluding observations on the previous report, in December 2007, the National Information System for Orphaned and Handicapped Children was initiated, and relevant information is being steadily updated and input. According to the statistics, by the end of December 2009, there were a total of 712,000 orphans, of which 90,000 were in institutional care and 622,000 were living in individual households in the community.

100. Children's welfare agencies are the main bodies responsible for Chinese children's welfare services, and include children's welfare homes, the children's departments of social welfare institutes, SOS Children's Villages, orphan schools, rehabilitation centres for children with disabilities, and community-level special education classes. Currently, nationwide there are a total of 290 specialized children's welfare agencies and 800 general welfare agencies with children's departments, which have taken in a total of 90,000 orphans and abandoned infants.

101. With regard to paragraph 51 of the Committee's concluding observations on the previous report, China has adopted the following measures. Firstly, to strengthen the institutional framework, a series of compulsory industry standards have been rolled out, such as the Provisional Measures for the Management of Social Welfare Agencies, and the Basic Standards for Children's Social Welfare Agencies. The Measures for Management of Family Foster Care (2003) make provision regarding aspects such as the choice of foster families, the fostering process, and standards of care. The Opinions on Strengthening Orphan Rescue Work (2006) require that departments put in place preferential policies in regard to nine aspects including orphans' daily lives, medical treatment, rehabilitation and education. The Circular on Formulating the Minimum Subsistence Standard for Raising orphans, rolled out in February 2009 by the Ministry of Civil Affairs, determines that the minimum subsistence standard for the raising of those orphans in individual households should be 600 RMB per person per month. It requires that each locality decide its own local standard for the raising of orphans on the basis of this standard, and that they establish a



mechanism by which the standard is automatically adjusted against the average standard of living and the price inflation index. In June of the same year, the Ministry of Civil Affairs issued its Guiding Opinions on Formulating the Minimum Subsistence Standard for Raising Children in Welfare Agencies, which recommends that the minimum subsistence standard for raising children in social welfare agencies should be 1000 RMB per month.

102. Secondly, over 80 per cent of children provided for by children's welfare agencies have disabilities and are difficult to place for adoption by families. China is continually perfecting the functions of its children's welfare agencies, and has been transforming from a simple child-raising model to a multi-functional model that includes child-raising, medical care, special education and rehabilitation, as well as aspects such as skills training. The "Blue-sky Plan", which was started in 2006 and incorporated into the State's Eleventh Five-Year Plan in 2007, involves a Central Government investment of 1.5 billion RMB from 2006 to 2010 to improve the conditions of children's welfare agencies. By 2008, this plan had already invested 980 million RMB in subsidizing the building, upgrading and expansion of children's welfare agencies in 276 cities.

103. Thirdly, adopting innovative substitute care models. First, actively choosing for orphans and abandoned infants families who wish to adopt, who are caring and whose conditions are right. Second, placing children who are under the care of civil administrative departments in foster families. Third, forming relatively independent and stable small family units within children's welfare organizations, with hired "parents" looking after the orphans and abandoned infants.

104. Fourthly, laying on training for those in the profession and for children's social workers, including diversified child-raising models, theoretical knowledge and practical skills, and psychological counselling and support for children.

105. After the Wenchuan earthquake in Sichuan on 12 May 2008, the Chinese Government put forward the following requirements regarding the rescue and settling of orphans. First, protection of children's rights; second, active initiation of medical care and rehabilitation of disabled orphans; third, earnest safeguarding of orphaned children's right to receive a good education; and fourth, taking care of the housing and employment needs of orphans after they have reached adulthood. It was also required that orphans' identity be confirmed as quickly as possible, and that various methods for long-term settlement of orphans be adopted, such as supervision by relatives, adoption by families, placement in foster families, and raising in simulated families or foster institutions.

## **G. Adoption (art. 21)**

106. With regard to paragraph 52 of the Committee's concluding observations on the previous report, on 27 April 2005, China ratified the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The functions of the Central Authority as stipulated in Articles 15 to 21 of the Convention are carried out by the China Centre of Adoption Affairs. In accordance with the requirements of the Hague Convention, in January 2008, the General Affairs Office of the Ministry of Civil Affairs issued a Circular on the Issuing of 'Intercountry Adoption Qualification Certificates' to Adopters in Cases Involving Registration for Foreign Adoption, with an accompanying sample of the said certificate.

107. China is continually enhancing institutional safeguards in respect of adoption work. In August 2008, the Ministry of Civil Affairs formulated the Standards for Adoption Registration Work, which provide concrete operational standards for the thorough implementation of such laws and legal regulations as the Adoption Law, the Measures for Registration of Adoption of Children by Foreigners in the People's Republic of China, the

Measures for Registration of Adoption of Children by Chinese Citizens, and the Regulations on the Jurisdiction of Overseas Chinese and Chinese Residents of Hong Kong, Macao and Taiwan Undertaking Adoption Registration and on the Necessary Documents and Supporting Evidence to be Produced. In September 2008, departments including the Ministry of Civil Affairs and the Ministry of Public Security jointly issued a Circular on Solving the Problem of Unauthorized Adoption of Children by Domestic Citizens, which required that all departments properly publicize the importance of legal adoption and adoption registration, and carry out related work.

108. China has signed adoption agreements with 17 countries including Ireland, Australia, Belgium, the US and Singapore. In order to facilitate adoptees in tracing their roots and making return visits, the Ministry of Civil Affairs in April 2006 issued a Circular on Handling the Admission of Foreign Adopters and Adopted Children Making Return Visits to China to Retrace their Roots. To date, a total of 1,690 people from 486 adoptive families from 10 countries including the US, Canada and the Netherlands have been admitted for return visits to China to retrace their roots.

109. With regard to paragraph 53 of the Committee's concluding observations on the previous report, adoption registration fees in China are implemented in accordance with a fiscal policy whereby income and expenditure are kept separate, with adoption registration fees for each level of registration agency directly contributing to local fiscal revenues. Civil administration departments at all levels in China implement rigorous management and are subject to inspection by auditing departments, in accordance with management measures regarding the use of donations and relevant financial regulations.

110. China ensures that the greatest rights and interests of the child are taken into account in cases involving foreign adoption. Firstly, work procedures have been unified and standardized. The Stipulations on the Work of Social Welfare Agencies Sending Children for Overseas Adoption, enacted by the Ministry of Civil Affairs in 2003, detail the process, criteria and requirements at each stage, from acceptance of an abandoned infant into an institution, to examination and approval of eligibility for foreign adoption, through to handling of adoption registration. Secondly, to regulate the operations of foreign adoption agencies launching cooperative initiatives on intercountry adoption in China, from 2003, the China Centre of Adoption Affairs implemented an appraisal system for foreign adoption agencies seeking cooperation, in accordance with the Basic Conditions to be Met by Foreign Adoption Agencies Cooperating with the China Centre of Adoption Affairs, and the Temporary Provisions and Requirements of the China Centre of Adoption Affairs in Respect of Foreign Adoption Agencies Engaging in Intercountry Adoption in China. Thirdly, strengthening verification checks on foreign families coming to China to adopt, in aspects such as marriage, age, health condition, occupation, income and whether the applicant has any criminal record.

## **H. Elicit transfer and non-return of children abroad (art. 11)**

111. To target criminal groups enticing children and organizing them to participate in illegal cross-border activities, China has stepped up its investigation and combating of such cases, and promptly takes back children of Chinese nationality who, after verification, are confirmed as being from the Chinese mainland and who have been detained abroad. On 30 July 2006, the Belgian immigration authorities, during a border entry inspection, found eight children on a flight from Beijing to Brussels without papers. After verification, China promptly repatriated these children. For other instances, see Chapter VIII.

## **I. Maltreatment and neglect (art. 19), and physical and psychological recovery and social reintegration (art. 39)**

112. China has adopted measures to prevent and combat violence against children, and has placed great importance on the suggestions of the Committee in paragraphs 48 and 57 of its concluding observations on the previous report, strengthening research into the problem of violent harm of children.

113. The Law on the Protection of Minors has enhanced safeguards to ensure that children are not subjected to violence. It has added provisions prohibiting domestic violence, abduction and trafficking, kidnapping, maltreatment, and sexual aggression against minors. It makes provisions regarding the duties that must legally be carried out by rescue agencies, child welfare agencies, schools and public security organs. It also guarantees litigation mechanisms for children who have been harmed. Article 21 of this law and article 29 of the Compulsory Education Law both provide that teachers are prohibited from using corporal punishment or humiliating behaviour against students. Articles 38, 39, 40 and 46 of the Law on the Protection of the Rights and Interests of Women prohibit the drowning, abandoning or harming of female infants and the use of domestic violence, and determine the duties of relevant departments in respect of preventing and curbing domestic violence and rescuing victims.

114. In 2004, the Supreme People's Court stipulated in its Interpretation of Certain Problems Regarding the Application of the Law in the Hearing of Compensation Cases Involving Bodily Harm, that if an educational institution such as a school has not fulfilled its obligations within the scope of its duties such that a minor suffers bodily harm, it shall bear liability for the corresponding compensation. Where individuals or groups are engaged in business or other social activities, if they have not, within reasonable bounds, fulfilled their duty to ensure safety, such that others have suffered harm, they shall compensate the victims according to their requests within their rights.

115. In 2008, the Ministry of Public Security and the All-China Women's Federation issued Certain Opinions Regarding the Preventing and Curbing of Domestic Violence, which made clear the concept of domestic violence, the methods and principles for preventing, curbing and dealing with such violence, and other points deserving of special attention, and which determined the duties and division of labour between various departments: public security organs would include domestic violence within the scope of 110 police emergency callouts, and establish complaint centres for reporting cases of domestic violence; procuratorial organs would handle issues relating to case reviews, arrests and litigation; judicial and administrative organs would be responsible for providing legal aid; public health departments would provide medical care, keep evidence safe, and assist public security authorities in their investigations; civil affairs departments would develop rescue and other temporary shelter; women's associations would be in charge of establishing anti-violence hotlines and initiating activities to prevent and curb domestic violence; and publicity departments would be responsible for enhancing awareness among the general public so as to create a climate in which domestic violence would not be tolerated.

116. In September 2002, the Ministry of Education promulgated and implemented Measures for the Handling of Accidents Involving Injury to Students. These stipulate the circumstances in which a school should bear responsibility, including the use of such violent acts as corporal punishment by teachers or other personnel, failure on the Part of a teacher to stop a student promptly where the student's behaviour may be dangerous, and so on.

117. The Eight Measures for the Protection of Security and Order on and around School Premises, issued by the Ministry of Public Security in June 2005, the Six Measures for the Further Improvement of Security in Junior High Schools, Primary Schools and Kindergartens, issued by the Ministry of Education, and the Measures for Management of Security in Junior High Schools, Primary Schools and Kindergartens, rolled out in September 2006 by ten departments including the Ministry of Education and the Ministry of Public Security, all protect the personal safety of school students.

118. The regulations governing the protection of minors in provinces and municipalities including Beijing, Shanghai, Tianjin and Jiangsu, and local legal regulations and policies enacted by 27 provinces and municipalities such as Hunan and Hainan to curb domestic violence, make clear provision regarding the responsibilities of relevant departments and the rescue of victims.

119. China guarantees the right of the child to obtain legal aid. The Regulations on Legal Aid passed by the State Council in July 2003 provide that legal aid is the government's responsibility. At the local level, provinces and municipalities have enacted corresponding regulations. Twelve provinces, autonomous regions and municipalities including Henan, Inner Mongolia and Beijing have incorporated disputes involving "domestic violence, abuse and abandonment" relating to children within the scope of legal aid; areas including Heilongjiang, Guizhou and Fujian have incorporated matters such as compensation for violations of the rights of minors within the scope of legal aid; Hebei province has incorporated "advocating compulsory education for children of appropriate age" and "inheritance by minors" within the scope of legal aid; and so on.

120. By the end of 2008, different provinces, municipalities and counties had established a total of 3,268 legal aid agencies. For the relevant data see Annex VIII. The legal aid agencies for each area have jointly set up legal aid workstations with local branches of the Communist Youth League and schools; they have established a liaison system, providing full and part-time personnel and launching an advice hotline. A legal aid work network has thus been formed, in which the government legal aid agencies take the leading role, supplemented by social organizations such as community groups and colleges and universities.

121. China makes active use of judicial intervention in regard to acts of school or domestic violence. Many local police stations have set up "domestic violence reporting points" which, when they receive a request for help, respond as quickly as possible in order to put a timely stop to the violence taking place. In April 2008, the Supreme People's Court determined 10 pilot basic-level courts to prevent and treat domestic violence through such judicial methods as the issuing of "personal safety protection orders".

122. From 2008 to 2010, China passed sentences on 901 cases of crimes involving abuse and abandonment, convicting 915 offenders. It should be made clear that the victims in the above cases included adult victims.

123. In 2006, China, in cooperation with UNICEF, launched a Child Protection System and Network development project, which ran for the 2006–2010 cycle. In pilot communities in six cities including Nanjing and Shijiazhuang, training and publicity activities were launched, and complaints hotlines were set up for reporting violence against children. Community-based shelters were established to provide temporary protection to abused and abandoned children.

124. With regard to paragraph 56 of the Committee's concluding observations on the previous report, the relevant departments or organizations in China have established rights-protection or complaints hotlines for the purpose of safeguarding the rights and interests of child victims. In 2006, the Central Committee of the Communist Youth League established a nationwide youth counselling and legal advice hotline with a single telephone

number: 12355. To date, a total of 188 cities have opened up this hotline. In 2005, the All-China Women's Federation opened a nationwide "12388 public service hotline for protection of women's rights". The 148 legal hotline established by the judicial administrative system has continued to provide prompt legal advice and guidance regarding cases of violence against children.

125. In May 2003, the All-China Law Association set up a Special Committee for the Protection of Minors, and by 2008 had set up 25 such committees at provincial level, with another 73 at local and municipal level, whilst 16 provinces had appointed staff lawyers to handle advice hotline calls and cases involving minors. From 2007, this committee, together with the Beijing Youth Legal Aid and Research Centre, jointly launched a "Training Programme for Capacity Building of Volunteer Lawyers in 100 Cities and 1000 Counties" across 26 provinces nationwide, covering 80 per cent of counties in each province, so raising awareness in county-level areas of the need to fight violence against children and helping victims have timely access to aid.

126. China has initiated medical relief and appraisal work in regard to victims of violence. Numerous provinces and municipalities such as Hubei and Wuxi have established centres for appraisal of injuries from domestic violence, and many hospitals have become interventional hospitals against domestic violence, where victims' case histories can directly be used as evidence. In January 2006, the Xi'an Abuse Prevention and Treatment Centre for Children was established, with a comprehensive rescue and assistance system. This included treatment and care for children who have suffered physical abuse, sexual abuse and harm to their health as a result of negligence of care, psychological counselling of children and parents by a psychiatrist, following the child's physical treatment and rehabilitation; and follow-up monitoring by a social worker by telephone calls and family visits after the child has recovered and been discharged from hospital.

127. China places emphasis on providing children with safety education in how to respond to domestic violence, so as to raise their capacity to save and protect themselves. In addition to the requirements of the Measures for Handling Accidents and Injuries Involving Students and the Measures for Management of Security in Junior High Schools, Primary Schools and Kindergartens that safety education be incorporated into education, in 2007 the Ministry of Education promulgated the Guiding Framework for Public Safety Education in Junior High Schools and Primary Schools, which required that students be taught to understand and study ways of responding to safety events. Numerous places have established education centres for training young people in self-protection, providing students with training outside school. From 2007 to 2009, during the summer and winter vacations, the Central Committee of the Communist Youth League, in collaboration with the Ministry of Public Security and others, issued to the public *Tips on Personal Protection for Young People*.

128. With regard to paragraph 59 of the Committee's concluding observations on the previous report, the public security organs have rigorously combated sexual crimes against children, and have issued such documents as Standards for Law Enforcement and Inspection Work in Key Leisure Services Areas, the Measures of Public Security Organs for Rectifying Disorderly Spots by Labeling them as such for Public Safety (Trial) and the Provisional Regulations on Accountability of Heads of Public Security Organs and Officers in Charge in Cases of Abuse of Power or Negligence of Duty in Operations to Eradicate Prostitution, Gambling and Drugs, initiating a strong offensive on all fronts.

## **J. Periodic review of treatment (art. 25)**

129. China periodically reviews the settlement of disadvantaged children such as orphans and those with disabilities. In 2005, the Ministry of Civil Affairs conducted a general

survey of the circumstances of orphans nationwide. The results of the survey demonstrated that: (1) the total number of children whose parents were both dead and who in practice had no-one to bring them up was 573,000, of whom 363,000 orphans received different degrees of relief through government institutions, and nearly 10,000 orphans received relief through non-governmental charitable organizations. (2) In regard to the protection of orphans in cities, 53,000 received basic guaranteed subsistence assistance, accounting for 67.5 per cent of the total number of orphans with household registrations in cities or towns. On average, each person in practice received RMB 1,826 per year. (3) In the countryside, 125,000 orphans enjoyed rural “five guarantees” treatment, accounting for 25.17 per cent of the total number of rural orphans. On average, each person received RMB 1,191.1 in subsidies per year; 116,000 orphans were identified as qualifying for rural special hardship relief, accounting for 23.41 per cent of the total number of rural orphans. (4) The total number of orphans who had not received any relief at all from the government and community was 202,000, approximately accounting for 35.2 per cent of the total number of orphans.

130. Local governments have established legal aid centres, details of which are provided in Annex I. For instance, in 2002 and 2003, Tianjin municipality established respectively the Tianjin Municipal Vagrant Children’s Protection Centre and the Tianjin Municipal Women’s Relief Centre, providing children who had suffered violent harm or abuse with an integrated protection mechanism that included medical and health services, psychological advice and guidance, legal aid services and protection of privacy. For other relevant circumstances, see Chapter VIII, section E.

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

### **A. Right to survival and right to development (art. 6, para. 2)**

131. For details on status of implementation, see the relevant parts of “Right to life, survival and development”.

### **B. Children with disabilities (art. 23)**

132. China safeguards the rights of children with disabilities in accordance with the law. More than 50 laws, including the Constitution, the Criminal Law, the General Principles of Civil Law, the Law on the Protection of Minors, the Law on the Protection of the Rights and Interests of Women, the Law on Maternal and Infant Healthcare, the Adoption Law, the Compulsory Education Law, the Education Law, the Vocational Education Law and the Law on Population and Family Planning, make provision for the legitimate rights and interests of persons with disabilities, including children. The Law on the Protection of Persons with Disabilities, revised in 2008, makes special provision on aspects such as maternal and infant healthcare and prevention of disability, preferential initiation of rescue treatment and rehabilitation of children with disabilities, safeguarding the right of children with disabilities to equal education, and prohibiting the practice of domestic violence or abandonment in regard to such children.

133. China has continued to implement the Outline of the Work for Persons with Disabilities during the Tenth Five-Year Plan (2001–2005), and the Outline of the Work for Persons with Disabilities during the Eleventh Five-Year Plan (2006–2010), comprehensively engaging in work related to children with disabilities, including rehabilitation, education, culture, sports, rights protection, construction of a barrier-free

environment, and disability prevention. In 2008, the State Council rolled out its Opinions on Promoting the Cause of Persons with Disabilities, which provided an overall framework for the acceleration of work relating to persons with disabilities, and which particularly stressed such concrete measures as launching rehabilitation for children with disabilities and developing education for such children.

134. In 2007, eight departments including the Ministry of Education jointly published the National Programme for the Prevention and Rehabilitation of Hearing Impairment (2007–2015). This is the first national-level programme of its kind in this field, and is a proactive response to the Beijing Declaration passed by the World Health Organization's First International Conference on Prevention and Rehabilitation of Hearing Impairment in 2007.

135. With regard to paragraph 61 of the Committee's concluding observations on the previous report, in 2006, China launched the Second China National Sample Survey on Disability. This amassed a large amount of data and materials on children with disabilities, including the number of such children, their gender ratio, regional distribution, cause of disability, distribution across different levels of disability, everyday life, social security, education and rehabilitation. It clarified the basic circumstances and needs of children with disabilities, and provided a basis for the formulation of legal policies and development programmes to develop the cause of children with disabilities and to safeguard their rights and interests. At the same time, China has also established a national system for monitoring the situation of persons with disabilities, and has started yearly monitoring work in order to track and understand the situation of persons with disabilities in regard to such aspects as their daily life, rehabilitation, education, employment, social security, community service, the barrier-free environment and legal services.

136. According to the 2006 National Sample Survey on Disability, China has 5.043 million children with disabilities, constituting 6.08 per cent of the disabled population as a whole. Of these, 241,000 have visual disabilities, constituting 4.8 per cent of the total number of children with disabilities; 205,000 have hearing disabilities, constituting 4.1 per cent of the total; 369,000 have speech disabilities, constituting 7.3 per cent of the total; 899,000 have physical disabilities, constituting 17.8 per cent of the total; 1.749 million have intellectual disabilities, constituting 34.7 per cent of the total; 145,000 have psychiatric disabilities, constituting 2.9 per cent of the total; 1.435 million have multiple disabilities, constituting 34.7 per cent of the total. Among children with disabilities, males account for 59.04 per cent, whilst females account for 40.96 per cent, the gender ratio of male to female being 144.17:100. Children with disabilities in towns and cities account for 19.20 per cent, whilst those in the countryside account for 80.80 per cent. For related data, see Annex X.

137. The definition of disability in the Law on the Protection of Persons with Disabilities takes into account and draws on the formulations provided in such international instruments as the World Programme of Action Concerning Disabled Persons and the Convention on the Rights of Persons with Disabilities. The definitions and appraisal criteria for the various types of disability used in the Second National Sample Survey on Disability apply the criteria of the WHO's International Classification of Functioning, Disability and Health (ICF). They give full consideration to functional impediments that affect daily life and social participation, and are in accordance with current internationally accepted concepts.

138. According to the monitoring data for 2004, the incidence rate of birth defects is 128.38 per 10,000. China has actively adopted measures to prevent birth defects and disabilities, including pre-marital healthcare, pregnancy healthcare, newborn healthcare, monitoring of birth defects, and screening for disease in newborns. This has been effective in controlling diseases that lead to disabilities, and in decreasing and preventing the occurrence of disability.

139. In July 2002, the China Disabled Persons' Federation and the Ministry of Health formulated the China Action Plan to Raise the Quality of the Newborn Population and Reduce Birth Deficiencies and Disability (2002–2010). In 2004, departments including the State Council Working Committee on Women and Children and the Ministry of Health launched a national campaign titled “Respect Life, Respect Love: An Initiative to Promote Pre-Marital Medical Checks”. In 2006, the Ministry of Health, the China Disabled Persons' Federation and other bodies launched a series of publicity activities titled “Healthy Babies, Happy Families: Preventing Birth Defects”.

140. Each year on national “Love-Your-Ears Day” (3 March), relevant departments publicize and disseminate knowledge about the prevention and rehabilitation of hearing impairments, through such channels as the internet, radio, television and the news media. They also organize activities such as volunteer medical consultations, advice sessions, donations and grass-roots visits by hearing-impairment prevention and rehabilitation teams.

141. China has formed a preliminary system for offering early rehabilitation training and services to children with disabilities. The system is centred on institutions for the rehabilitation training of children with disabilities, whilst relying on the support of communities and families. By the end of 2009, a total of 1,578 rehabilitation institutions for hearing-impaired children had been established and had provided rehabilitation training in hearing and language for hearing-impaired children. The Lottery Public Welfare Fund Programme for Hearing-impaired Children in Poverty, a special project under the work-plan for persons with disabilities during the Eleventh Five-Year Plan, has equipped 12,000 hearing-impaired children in poverty with free hearing aids and has subsidized the costs of rehabilitation training. The “Hearing Rebuilding and Restoration Plan” has provided 1,054 hearing-impaired children in poverty with artificial cochlea implants; it has undertaken rehabilitation training of 333,000 persons with intellectual disabilities and 180,000 persons with cerebral palsy and physical disabilities; and it has provided corrective surgery to 8,000 children with physical disabilities living in poverty. The “Tomorrow Plan: Operations and Rehabilitation for orphans with Disabilities”, launched in May 2004, invested a total of RMB 450 million within four years in providing corrective surgery and rehabilitation to children with disabilities in welfare institutions who had indications for surgery. A total of 41,000 such operations were completed. In 2008, 47 demonstration centres for post-operative rehabilitation training of children with cerebral palsy were established. In April 2008, the Ministry of Civil Affairs and the Li Ka-Shing Foundation launched “Project New Life: A Nationwide Cleft Lip and Palate Programme”, which subsidized corrective surgery and rehabilitative treatment for children in impoverished families who were suffering from cleft lip, cleft palate and related deformities. Already by March 2009, more than 6,200 such children had been provided with rehabilitative surgery and treatment, as well as language training services.

142. With regard to the education of children with disabilities, according to the Second National Sample Survey on Disability, there were 2.46 million school-age children between the ages of six and 14 with disabilities, of whom 63.19 per cent were receiving compulsory education, either in ordinary schools or in special education schools. By the end of 2009, there were a total of 1,672 special education schools, with 428,100 children with various disabilities attending school. There were a total of 257 special education institutions at the senior high-school level, 95 of which were ordinary high schools with 5,464 students attending school, 162 middle-level vocational education institutions, with 9,932 persons attending school, and 14 tertiary special education colleges (departments, majors), which in 2008 enrolled 1,032 students with disabilities; ordinary higher-level colleges in 2008 enrolled 6,273 students with disabilities.

143. In 2007, the Ministry of Education and the National Development and Reform Commission issued a “Programme for the Construction of Special Education Schools in the



Central and Western Regions during the Eleventh Five-Year Plan". The Central Government and local governments jointly invested in the construction and renovation or expansion of 1,160 special education schools in China's central and western regions, and have basically succeeded in setting up one independently established special education school for each prefectural-level city and for counties with a population of over 300,000 or where the number of children with disabilities is relatively large. The Central Government has provided earmarked funding of RMB 3.8 million for each newly-constructed school and RMB 2.8 million for each renovated school, to be used for construction of school buildings and provision of facilities for education and rehabilitation training. It is anticipated that through the implementation of this project, all the schools in the project will meet or basically meet the standards for the construction of special education schools and the requirements on provision of facilities as promulgated by the State, thus basically ensuring that the requirements for children with disabilities to receive nine years of compulsory education are fulfilled.

144. In February 2007, the Ministry of Education issued an Experimental Plan for Establishing a Compulsory Education Curriculum in Schools for the Blind, an Experimental Plan for Establishing a Compulsory Education Curriculum in Schools for the Deaf, and an Experimental Plan for Establishing a Compulsory Education Curriculum in Schools for Students with Intellectual Disabilities. Taking these plans as a basis, the Ministry of Education organized efforts to develop standards for curricula in schools for the blind, deaf and those with intellectual disabilities, and compiled new teaching materials on the basis of these new standards.

145. China has increased the level of financial assistance for children with disabilities living in poverty. In 2007, the State Council issued Opinions on Establishing and Perfecting a Policy System for Provision of Financial Assistance to Students from Families Suffering Economic Hardship Attending Regular Undergraduate-level Colleges, Higher-level Vocational Schools and Middle-level Vocational Schools. This required that students with disabilities be given priority status for financial assistance, so that they could enjoy fair opportunities to education. Many places, on the basis of the national policy, have actually raised the amount of money for subsidies to students with disabilities and have expanded the scope of these subsidies. Beijing's Interim Measures for the Subsidizing of Students with Disabilities and Students with Disabled Parents Living in Hardship stipulate that the studies of such students whose household registration is in Beijing municipality are to be subsidized at the rate of RMB 1,000 per student per year for regular junior and senior high-school students, and at RMB 2000 per student per year for middle-level vocational schools.

146. Since 2002, the China Disabled Persons' Federation has implemented various projects including the "Central and Western Schooling Initiative for Blind Children", "Educational Help for the Disabled", "Lottery Welfare Fund Educational Aid" and "Towards Tomorrow: the Bank of Communications Educational Aid Plan for Young People with Disabilities". These have given financial assistance to a total of 200,000 impoverished students with disabilities. The China Disabled Persons' Federation has also organized symposia to promote the participation of children with disabilities in social and cultural life, and has made four promotional advertisements titled "Apart from Hearing, Deaf People Can do Anything!" to strengthen the self-confidence of persons with disabilities.

147. In 2006, the China Disabled Persons' Federation and UNICEF jointly formulated the Publicity and Initiative Plan for the Creation of a Barrier-free, Discrimination-free Environment for Children with Disabilities (2006–2010). Through publicity and cultural activities, it aimed to promote participation in social life by children with disabilities and their families, mobilize society to pay more attention to such children, and actively provide them with more opportunities for cognition and exercise.

148. In 2008, while China was hosting the Twenty-ninth summer Olympic Games and Paralympic Games, a programme titled “Little Messengers from the 56 Ethnic Minorities go to the Beijing Olympics” was launched, with 56 children from the ethnic minorities—half of them able-bodied, the other half with disabilities—visiting Beijing to take part in a week-long activity with the theme of “friendship, integration and happiness”. This allowed children from the various ethnic minorities to experience the Olympic spirit in an atmosphere of equality.

149. China safeguards the rights and interests of children with autism. The Second National Sample Survey on Disability, conducted in 2006, shows that the prevalence rate of psychiatric disability in the 0–6 age-group is 0.110 per cent, whilst the number of children with psychiatric disabilities in the 0–17 age-group is 145,000. Autism is one of the major factors leading to psychiatric disability in children. For this reason, China has compiled a set of teaching materials titled *Education and Rehabilitation Training of Autistic Children*, and has formulated the Standards for the Appraisal of Autism Rehabilitation Training Institutions and the Tools for the Appraisal of Autistic Children’s Education. It has also formed a specialist technical guidance group, and established 31 provincial-level institutions for the rehabilitation training of autistic children. Beijing, Shanghai and other places have adopted an integrative educational model that integrates persons with disabilities and non-disabled persons, in order to encourage the return of autistic children into society.

### C. Health and healthcare services (art. 24)

150. The health of China’s children is continually improving. The infant mortality rate dropped from 29.2 per mille in 2002 to 14.9 per mille in 2008, whilst the incidence rate for serious malnutrition in children under 5 dropped from 2.83 per cent in 2002 to 1.92 per cent in 2008. For the relevant data, see Annex XII.

151. With regard to paragraph 63 of the Committee’s concluding observations on the previous report, China has been making efforts to increase fairness and accessibility in regard to children’s medical treatment and healthcare. It has been piloting and promoting a basic medical treatment and healthcare system for urban residents, and perfecting the new rural cooperative medical care system and medical aid system; it has been establishing through multiple channels illness relief funds for impoverished families, helping families in particular hardship to obtain essential medical help, raising the level of child medical treatment and healthcare, and raising children’s capacity to resist the risk of illness. At the same time, it has stepped up its investment, strengthening the system of rural medical and hygiene services, with county hospitals playing a leading role, and the construction of an urban community hygiene service system, raising the capacity and level of child medical and healthcare services organized by medical and healthcare organizations at the grass roots.

152. China has made great efforts to encourage breast feeding. Instruments such as the Measures for the Administration of Marketing of Breast-milk Substitutes, Baby-Friendly Municipal (County) Standards, the Guide to the Management and Supervision of Baby-Friendly Hospitals, and the Strategies for Breast-Feeding of Infants and Young Children require that each area should promote and support breast-feeding, put in place measures to improve nutrition in infants and young children, and make use of World Breastfeeding Week (1–7 August) to launch publicity and advice activities.

153. China places considerable importance on the implementation of the targets in the United Nations Millennium Development Goals relating to reduction of the child mortality rate and the promotion of maternal health. The China Children’s Development Programme (2001–2010) and the China Women’s Development Programme (2001–2010) incorporate

the key indices of women and children's health into plans for social and economic development. In 2004 and 2006 respectively, the Ministry of Health issued the Technical Guidelines for the Screening of Diseases in Newborns, and the Measures for the Management of Healthcare Institutions for Women and Children, strengthening standardized management of such institutions. Through advocating a philosophy of "mother's safety—children's priority", pregnancy healthcare services have also been strengthened.

154. The revised Law on the Prevention and Treatment of Infectious Diseases, enacted in August 2004, and the Regulations on Management of the Circulation of Vaccine and Preventive Inoculation, promulgated by the State Council in March 2005, have helped to perfect China's system of planned immunization services. Since 2002, when hepatitis B vaccine for children was included within the scope of the national immunization programme, the number of free vaccines included in the programme has reached 14. In 2008, the State Council decided to launch a free hepatitis B booster vaccination programme for all children under the age of 15, to run from 2009 to 2011, involving nearly 70 million children.

155. In 2000, the State Council Working Committee on Women and Children, the Ministry of Finance and the Ministry of Health began a project titled "Lowering the Maternal Mortality Rate, Eradicating Tetanus in Newborns". By 2008, the project had already expanded to cover 1,200 counties across 22 provinces, autonomous regions and municipalities in the central and western regions, covering a population of as many as 460 million. The incidence rate for tetanus among newborns in provinces involved in the project dropped from 0.3 per mille in 2001 to 0.05 per mille in 2008.

156. In 2006, the Ministry of Education launched a systemic healthcare project for mothers and children in 46 counties across 12 provinces in the central and western regions. This aimed to promote scientific advice on the feeding of infants and preschool children, monitoring of children's growth and development, guidance on children's early development, integrated management of child diseases, and other such technical services.

157. With regard to paragraph 65 of the Committee's concluding observations on the previous report, China places importance on healthcare education for young people during puberty, and has launched educational activities to popularize knowledge about such aspects as sexual and reproductive health and AIDS prevention for young people. Since 2002, a total of 10,800 training classes on sexual and reproductive health and AIDS prevention for young people have been held, with over 90 million people receiving such education. In more than 100 cities and some 200 districts and counties, youth health activities have been launched, whilst young people's own advocacy organization—the China Youth Network—received support to conduct education and advice sessions on young people's sexual and reproductive health. Nationwide, 5.85 million young people benefitted from these rich and varied activities.

158. With regard to paragraph 67 of the Committee's concluding observations on the previous report, China places importance on providing psychological healthcare services, and uses a range of publicity and engaging activities to prevent young people from being harmed by tobacco and alcohol. In 1996, the State Tobacco Monopoly Administration, the China Soong Ching Ling Foundation and other such bodies started up the Sunflower Cup, a programme to educate young people about growing up healthily in a tobacco-free environment. This programme has already been continuing for ten years, and has achieved positive results in preventing young people from smoking.

159. After the 2008 Wenchuan earthquake in Sichuan, places throughout the country organized activities to eliminate the psychological trauma which the disaster caused for young people in the disaster zone. The office of the State Council Working Committee on

Women and Children set up 40 “Child Friendly Spaces” in 21 counties (districts) in the more severely affected areas of the region, providing psychological and social support services to children. The “12355” youth services desk of the Central Committee of the Communist Youth League organized 31 “12355” specialist volunteer groups providing psychological rehabilitation, aid and guidance for young people in the disaster zone.

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

160. China is committed to solving the problem of medical security for children. In 2007, the State Council issued its Guiding Opinions on the Piloting of Urban Residents’ Basic Medical Insurance, which called for a nationwide gradual incorporation of unemployed urban residents, including children, within the scope of medical insurance. Since 2008, the government has subsidized children’s participation in insurance schemes at a standard rate of not less than RMB 80 per child per year, with further subsidies provided for children who belong to the minimum subsistence guarantee group or who are severely disabled. By the end of September 2009, there were 70.7 million urban children participating in insurance, with the financial subsidies given to children in different places averaging RMB 82 per person per year.

161. Since 2002, the Chinese Red Cross Foundation has successively established mutual aid systems for children’s hospital treatment in Beijing, Chengdu and Hebei. Children with local household registrations (including those already suffering from illnesses) pay RMB 50 or 60 per person per school year and can enjoy a maximum total of between 100,000 and RMB 170,000 in insurance cover for hospital treatment fees. In Beijing, for the 2005 school year, 752,000 people participated in the mutual aid scheme, amounting to 53.35 per cent of the total number of children in the whole city.

162. In recent years, with the comprehensive expansion of access to compulsory education, the development of pre-school education has become an important Part in the implementation of an education priority development strategy, with each region making substantial efforts to develop public kindergartens, to support private kindergartens, and to expand pre-school education resources on the basis of a general distribution of benefits.

163. In 2008, there were 130,350 kindergartens nationwide, with a total of 24.7496 million children attending; the gross intake rate for pre-school education reached 47.3 per cent. In 2009, there were 138,200 kindergartens nationwide, with a total of 26.58 million children attending; the gross intake rate for pre-school education reached 50.86 per cent. For the relevant data, see Annex XIII.

164. All areas have been fully developing rural kindergartens, implementing the “Rural Qualified Kindergartens Construction Project” and the “Rapid Development Plan for Rural Pre-School Education”, so as to ensure that rural children of an appropriate age, in particular children left behind, are able to attend kindergarten.

165. In 2003, 10 ministries and commissions, including the Ministry of Education, issued the Guiding Opinions on Reform and Development of Preschool Children’s Education, which made clear the overall targets for the development of preschool education, and required that kindergartens must work in close cooperation with families and the community, offering information and guidance services relating to early education. Different areas have developed different forms of services as appropriate to the local situation, such as playgroups, family guidance centres, “wagon-style” mobile activity centres, and travelling grassland kindergartens.

## **E. Standard of living (art. 27, paras. 1–3)**

166. Since 2002, China has increased its investment in the fields of education and health year on year, and in consideration of the recommendations in paragraphs 20 and 73 of the Committee's conclusions to the previous report, is making efforts to ensure that vulnerable children's groups are able to receive priority benefits from funds invested in the relevant areas.

167. In regard to investment in education, state fiscal education expenditure for 2008 was RMB 1,045 billion. This was an increase of 26.2 per cent on 2007's RMB 828 billion and accounted for 3.48 per cent of GNP. In the 2008 national fiscal budget, education expenditure was RMB 968.6 billion, of which expenditure on compulsory education amounted to RMB 523.4 billion. This was an increase of RMB 414.5 billion on the previous year and accounted for 54 per cent of total education expenditure in the national fiscal budget.

168. In order to reduce the discrepancies between areas in regard to their level of development of compulsory education, in 2003, the State Council held a national work conference on rural education, deciding to further increase education expenditure, mainly for use in strengthening rural compulsory education. In 2005, the State Council implemented a policy of further reforming the mechanism for ensuring funding for rural compulsory education, establishing a mechanism whereby the central and local governments would co-fund projects proportionately, so as to raise the level of assurance of funding for compulsory education in primary and high schools, and to completely incorporate rural compulsory education within the scope of state fiscal allocations. For details of the stages by which this rural compulsory education funding assurance was implemented, see Annex IV.

169. China has implemented a series of major projects including the National Programme for Compulsory Education in Rural Areas, the Programme for Retrofitting Dangerous Buildings in Rural High and Primary Schools, the "Two Basics" Plan for the Western Region (the "two basics" indicating basic access to nine-year compulsory education and basic elimination of illiteracy in the young and young adults), and the Central and Western Regions Rural Junior High School Buildings Retrofitting Project. From 2007 to 2008, RMB 26.8 billion of dedicated funding was used for the building, retrofitting and expansion of rural high school and primary school buildings, with conditions of schooling in impoverished areas showing a clear improvement.

170. In regard to issues of healthcare, state fiscal budget expenditure increased from 90.851 RMB billion in 2002 to RMB 177.886 billion in 2006, of which that used for children's health showed a clear increase.

## **VII. Education, leisure and cultural activities (arts. 28, 29 and 31)**

### **A. Education and vocational training and guidance (art. 28)**

171. The Compulsory Education Law makes clear the right and duty of suitably-aged children to receive compulsory education, and that the State shall incorporate the necessary expenditure for the implementation of compulsory education within the scope of fiscal allocations; it also makes specific provision in regard to special groups receiving compulsory education and to preventing students from dropping out of school.

172. In 2008, China began drafting and formulating the Outline of the National Plan for Medium and Long-term Education Reform and Development (2010–2020). This outline

will provide a comprehensive plan for pre-school education, secondary education, higher education, and vocational training, to continually raise educational quality and standards.

173. With regard to the Committee's concluding observations on the previous report, in 2008, China fully implemented free compulsory education in both urban and rural areas, eliminating fees and sundry charges for students in compulsory education, providing free textbooks to all students in rural compulsory education, and subsidizing living expenses for boarding students from families suffering economic hardship. A total of 140 million rural students and 7.8 million boarding students from families suffering economic hardship received benefits.

174. In order to solve the problems of a lack of educational resources and of teachers of generally lower standard in certain economically under-developed and educationally weaker rural areas, in 2003 the State allocated dedicated funding to implement a modern distance learning project for rural high and primary schools, with the State issuing educational CDs free of charge to such schools, covering subjects at all grades. Some rural primary schools and education centres used CD playing equipment to start up courses in subjects such as English, music and fine art, which they were previously not in a position to offer.

175. In 2003, the State Council endorsed and distributed Opinions on Further Improving Compulsory Education for Children of Rural Workers who have Migrated to Cities for Employment. This established the principle that work to improve compulsory education for such children should be principally managed by the government of the locality to which such workers have migrated, and should focus principally on full-day public-run primary and high schools. Departments including the Ministry of Finance issued a Circular on Issues Relating to Integrating Expenditure on Management of Rural Workers in the Scope of Fiscal Budgetary Expenses, which stipulated that when promoting a "single fee system" for primary and high schools nationwide, children of rural workers who had migrated to the cities for employment would pay the same fees as local students for compulsory education.

176. China has made efforts to reduce the compulsory education drop-out rate. Firstly, it has established a responsibilities system for control of the drop-out rate, placing the task of controlling dropping out with the different levels of government and with schools. Secondly, it has set aside earmarked funding for implementing a series of projects to develop compulsory education in rural areas, impoverished areas and ethnic minority areas. Thirdly, it has comprehensively implemented free compulsory education, done away with textbook fees for rural students in compulsory education, and provided subsidies for boarding students from families suffering economic hardship. Fourthly, it has introduced curricular reforms to raise educational quality. Fifthly, it has strengthened technical and vocational training. Students of middle-level vocational schools are exempt from paying fees if they are from rural families in economic hardship, or if they study agriculture-related majors. For data on education, see Annex V.

## **B. The goals of education (art. 29)**

177. Since the implementation of curricular reforms for basic education in 2001, China has continually been perfecting new curricular standards for compulsory education and subjects in regular senior high schools. At the core of this has been an emphasis on fostering students' creativity and practical abilities. The new curriculum has reduced by an appropriate degree the number of subjects and the class hours for academic subjects and has established more general skills courses, increasing the class hours for subjects such as moral education, integrated practical activities, sports and art. Practical content has been increased in all disciplines, with laboratory experiments in chemistry and physics increasing by 50 to 100 per cent. Integrated practical activities are set up as a compulsory

course from grade three of primary school to senior high school, accounting for 8 per cent of class hours of compulsory education and 20 per cent of all credits of senior high school respectively. Junior high school students are required to complete 20 days of work experience and productive labour every academic year and senior high school students are required, during their three-year study period, to complete three weeks of work experience and no less than 10 days of community service and 15 credits of research studies. Optional courses are offered at regular senior high schools to cater to the different development needs of students. The weekly physical education course has been augmented by one additional hour, to make sure students have enough exercise hours. The new curriculum system has also adopted a stratified administration system comprising the national, provincial and school levels. At the compulsory education stage, the national curriculum makes up 80–84 per cent of all class hours and that of the provinces and schools make up 20–16 per cent respectively. Such a system emphasizes the national requirements while at the same time giving local governments and schools greater autonomy.

178. By the end of 2009, students in compulsory education at primary and junior high schools nationwide had all used the new curriculum, with 25 provinces having introduced the new curriculum in regular senior high schools. Nationwide, a total of over 10 million primary and high school teachers had received training in the new curriculum.

179. Through nine years of reform efforts, the initiative, creativity and practical abilities of students have been clearly enhanced. There have been clear changes in the educational approach of schools, with widespread use by primary and high school teachers of such methods as heuristics, inquiry-based learning, collaborative learning, laboratory work and social surveys. Teaching pedagogy has turned from an emphasis on uniformity and standardization towards plurality and creativity, and from the stressing of book-learned knowledge to the fostering of students' innovative spirit and practical abilities. A new teacher-student relationship is being formed, in which teaching and learning mutually promote each other and there is equal exchange. Surveys show that the majority of primary and high school students approve of the teaching of the current curriculum, including the contents taught, the teaching methods, the degree of student participation and the results of the teaching.

180. China places importance on educating children about the law. In accordance with the Guiding Outline for Legal Education in Primary and High Schools, issued in 2007, all areas regard raising of students' awareness and understanding of the law as an important Part of education for personal growth, and have incorporated legal education classes in the teaching plans for primary and high schools. By setting up parent schools and participating in law-related public activities, schools have been able to extend legal education to families and the wider society. Knowledge competitions, mock trials and legal education centres for the young have been used to boost student participation and the ability of students to safeguard their own rights and interests.

### **C. Rest, leisure, recreation and cultural activities (art. 31)**

181. China has been actively creating the conditions for safeguarding the right of children to enjoy leisure, recreation and healthy development. Through government investment or encouragement of social financing to build more children's recreation areas, it has promoted forms of children's recreation that are both beneficial and fun, and has increased awareness of children's recreation.

182. China supports the healthy development of domestically produced children's films and cartoons. In 2004, departments including the State Administration of Radio, Film and Television, and the Ministry of Culture issued a Circular on Further Work to be Undertaken Relating to Films for Children and Young People. This required that relevant departments

support the establishment of children's cinemas and push forward implementation of the "Excellent Films for Schools Project"; it also required the arrangement of earmarked funds to establish an appraisal mechanism for children's film scripts, and to give priority support to the creation of a certain number of films featuring children and young people. China has formulated preferential policies to support the development of the national cartoon industry, and domestically-produced cartoons have made striking progress in a number of respects, including the amount produced, artistic quality, the system for screening and televising, basic infrastructure, trading platforms, market environment, and industry efficacy. In 2008, the output of domestic cartoons reached 130,000 minutes, a record high level.

183. Media such as radio and television have also played an active role. China National Radio's well-known programme, "Little Trumpet", broadcasts daily a large amount of programmes such as children's tales, stories, radio plays and special children's programmes. China Central Television (CCTV) regularly broadcasts its children's programme, "Big Pinwheel", during prime time, with high audience ratings. On 28 December 2003, CCTV Children's Channel formally started broadcasting, providing a total of 18 hours of children's programmes per day. Currently, the channel is fully available nationwide in areas at prefectural level and above, whilst in administrative areas at county level and below, the level of coverage is 96.22 per cent. By the end of 2008, a total of 34 provincial and municipal television stations nationwide had opened up children's channels.

184. From 2005, the "China Children's Song-Writing and Promotion Programme" launched a series of activities to promote the writing and popularization of children's songs. A "National Children's Song Collecting Competition" and a "National Children's Song TV Performance Competition" were organized. A total of over 7,340 newly-created children's songs were collected, of which the best 30 were chosen to be recommended for children. A total of 15 training workshops for over 620 children's song-writers were organized. Almost 100,000 music CDs of children's songs were published, and distributed free where appropriate. Three Chinese children's choral festivals were arranged successively in Nanjing, Xiamen and Hohhot, with over 4,000 primary and high school students from a total of nearly 90 children's choirs participating.

## **VIII. Special protective measures (arts. 22, 30, 32–36, art. 37 paras. 2–4, arts. 38–40)**

### **A. Children in emergency situations (arts. 22, 38 and 39)**

#### **1. Refugees (art. 22)**

185. With regard to paragraph 82 of the Committee's concluding observations on the previous report, China has consistently and conscientiously carried out its obligations as a State party to the Convention Relating to the Status of Refugees and its protocols. Currently, within the borders of the Chinese mainland there are some 20 refugee children from Pakistan and Iraq. The Chinese Government respects the principle of family reunification, acknowledges the refugee status gained by refugee children through their parents' identity as refugees, and protects the legitimate rights and interests of refugee children's parents and relatives in respect of their refugee children.

186. Starting in the 1970s, China took in nearly 300,000 Indochinese refugees from countries such as Vietnam. In the course of 30 years of resettlement work, the Chinese Government has given Indochinese refugees in China the same treatment as nationals, whilst their children in China enjoy the same rights to education and social security as Chinese citizens.



187. The “children from the Democratic People’s Republic of Korea”, referred to in the Committee’s concluding remarks, have illegally entered China’s borders for economic reasons, and are not refugees. The Chinese Government has always dealt properly with cases concerning illegal entrants from the DPRK, in accordance with domestic law, international law and a humanitarian spirit, and giving full consideration to the actual circumstances of the persons involved.

## **2. Children in armed conflict (arts. 38 and 39)**

188. In December 2007, China ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. Details regarding the status of its implementation will be given in the first report.

## **B. Children involved in legal cases**

### **1. Juvenile justice (art. 40)**

189. The Law on the Protection of Minors devotes a whole chapter to the judicial protection of minors.

190. Courts, procuratorates, and public security and judicial organs at all levels, guided by their respective functions, conscientiously implement policies of education, reform and rescue in respect of minors. In 2007, the Supreme People’s Procuratorate successively promulgated the Regulations on the Handling of Criminal Cases Involving Minors by People’s Procuratorates, and issued Some Opinions on Implementing the Criminal Judicial Policy of Combining Leniency with Severity in Procuratorial Work, to strengthen the procuratorial system in criminal cases involving minors.

191. First, in the process of handling cases, the policy of combining leniency with severity will be implemented and the principle of “arrest and prosecution with due caution” adhered to. In accordance with the conditions of the crime of which a juvenile criminal suspect is suspected, including the facts of the case, the extent of malicious intent, and whether or not there are supervision or community assistance and education measures in place, an overall assessment will be reached regarding the suspect’s danger to society and a determination made as to whether arrest is necessary, with measures of arrest being used with care. Where the crime is relatively light and effective supervision conditions or community assistance and education measures are in place, if there is no danger to society or if such danger is relatively small, and if the juvenile suspect is one who will not disturb the normal process of the prosecution, then arrest will in general not be approved. Where the crime is relatively serious, but the criminal intention is not malicious, there is an expression of remorse, and effective supervision conditions or community assistance and education measures are in place, if the juvenile suspect does not constitute a danger to society, and if he or she is one who will not disturb the normal process of the prosecution, then arrest will not be approved, in accordance with the law. Where the nature of the crime is slight and where the circumstances are such as to allow reduction or mitigation of punishment, including being coerced to commit the crime, being prepared for the crime, discontinuance of the crime or being an accessory to the crime, and where according to the provisions of the criminal law, the minor need not be sentenced to criminal punishment or may be exempted from such punishment, then in general it will be decided not to prosecute, in accordance with the law.

192. Next, when handling cases of juvenile crime, the procuratorial organs not only investigate the facts of the crime, but also take care to listen to the views of the juvenile criminal suspect’s family and school, the local neighbourhood police, his community or residents’ committee and village committee, to gain information about such circumstances

as his experience of growing up, his general behaviour, and whether or not the family or school has the conditions for providing bail, and for help and education. Combining all this with the facts of the crime, an assessment is then made as to the necessity of arrest and prosecution. In cases where prosecution must be pursued, a recommendation can be submitted to the people's court that a reduced or mitigated punishment be handed down, based on the results of the social investigation.

193. Procuratorial and public security organs in places such as Henan have jointly established a system for the investigation and transfer of evidence relating to necessity of arrest, and have implemented social investigation of juvenile criminal suspects. Procuratorial organs in places such as Shanghai are currently exploring a "system for the participation of an appropriate adult in interrogations", so that in cases where the legally appointed representative of a juvenile criminal suspect is unable to attend proceedings, an appropriate adult who fulfills the conditions, such as a teacher, social worker or legal aid volunteer, may be appointed to go to the place of questioning as the "temporary guardian" of the juvenile criminal suspect, to calm the anxiety of the juvenile and to see that the questioning is carried out in a legitimate manner.

194. The Supreme People's Court is actively researching and perfecting the judicial assistance system for juvenile defendants and juvenile victims, the juvenile criminal reconciliation system, "roundtable trials" and other systems including those for psychological appraisal, guidance and correction. It has continued to promote the establishment and development of youth courts, and to standardize and unify the judicial behaviour of such courts. It has been researching and evaluating the necessity and feasibility of establishing exclusive juvenile courts and has promoted the establishment of such courts. It has promoted the establishment and perfection of special judicial organs and systems for juveniles, for handling criminal prosecution and other aspects.

195. In 2006, the Supreme People's Court established independent young offenders' courts in 17 middle-level people's courts, and launched pilot work to give an impetus to raise the overall level of work of youth courts in basic-level people's courts within their area of jurisdiction, as well as exploring the establishment of a trials system for civil cases involving minors. By the end of 2008, pilot young offenders' courts had tried a total of 2,731 juvenile criminal cases at first and second instance, and 2,959 juvenile civil cases at first and second instance. By the end of 2008, 2,219 youth courts of various types had been set up nationwide, with 419 independent young offenders' courts and over 7,000 full-time or part-time youth court judges.

196. Youth courts have made progress in exploring new approaches in the trials system. In places such as Shanghai, Chongqing, Guangdong, Jiangsu and Yunnan, youth courts have explored a system for the participation of an appropriate adult in trials, so as to protect the procedural rights of juvenile criminal defendants whose legally appointed representatives have not been able appear in court. In places including Jiangsu and Shanghai, youth courts have explored a system in which the social investigation and reporting work are undertaken by community correctional institutions, so that community correctional staff become involved earlier in juvenile criminal cases, thus providing better conditions for later correctional work. In such places as Beijing, Shandong, Henan and Fujian, youth courts provide judicial assistance for juvenile criminal defendants and victims, giving a certain amount of financial aid to expedite their smooth reintegration into normal life. In places including Shandong, Guangdong and Hebei, youth courts have been working with mental health departments in order to bring the functions of psychological evaluation, guidance and correction within the work of trying juvenile cases.

197. Youth court judges' awareness of the need to protect minors is continually increasing. Attention is paid not only to the protection of juvenile criminal defendants but also to the protection of juvenile victims and witnesses of crimes. Again, attention is paid

not only to the protection of juveniles' substantive rights, but also to the protection of their procedural rights. Not only is attention paid to the protection of juveniles in the trial of juvenile criminal cases, but also a special civil trials system is being studied and explored, so as to ensure that in trying cases involving protection of juveniles' civil rights, the greatest interests of the child are fully realized.

198. With regard to paragraph 92 of the Committee's concluding observations on the previous report, between 2002 and 2008, the Supreme People's Court held three nationwide training workshops, providing training to around 600 youth court judges. The judges in charge of youth courts in high-level courts from the various different provinces underwent training and then in their turn returned to their own provinces to conduct training of local youth court judges. International treaties relating to juvenile justice, including the Convention and its protocols, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the United Nations Guidelines for the Prevention of Juvenile Delinquency, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty formed a key Part of the content of such training.

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

199. With regard to paragraph 93 of the Committee's concluding observations on the previous report, China guarantees that children deprived of liberty shall have access to legal and other forms of aid. Article 12 of the Regulations on Legal Aid provides that people's courts shall provide legal aid or legal relief to juvenile defendants in criminal cases in accordance with the law, without the need for investigation of their economic means.

200. In order to ensure that deprivation of a juvenile's liberty is only used as a last resort, China has promoted pilot work in community-based correction of juveniles. In July 2003, in accordance with the Criminal Law, the Criminal Procedure Law, the Prison Law and others, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice jointly promulgated and implemented the Circular on Launching Pilot Work for Community-based Correction. By June 2009, the pilot areas had received and corrected a total of 171,000 people. Jiangsu was among the first pilot provinces, and received and corrected a total of 93,223 people, with a reoffending rate of only 0.1 per cent. In October 2009, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice jointly issued Opinions on Nationwide Piloting of Community-based Correction Work, which clearly proposed the comprehensive piloting of the philosophy, basic principles, applicable scope and main tasks of community-based correction.

201. Between 2002 and 2008, people's courts sentenced a total of 520,000 juvenile offenders, of whom over 170,000 were sentenced to punishments other than deprivation of liberty, constituting around 32 per cent. Juvenile re-offenders constituted 1.74 per cent.

202. China's provinces have all established reformatories for juvenile offenders, which are responsible for the solitary confinement of juveniles. In Yunnan Juvenile Offenders Reformatory, the management of juvenile inmates is different from that of adults, with relatives' visiting hours being relaxed from the stipulated one hour to two hours. Where there are major misfortunes or serious matters arising in the family, inmates are permitted to request home leave in accordance with the regulations. In labour and production work, the stress is placed on acquisition of knowledge and skills.

203. Re-education through labour is a form of mandatory measure for education and rectification that is administered to persons who have repeatedly violated public security rules or who have committed minor offences. It is examined and approved by re-education-through-labour management committees made up of persons responsible from civil affairs,

public security, labour, judicial and other departments, in accordance with such laws and regulations as the Law on the Protection of Minors, and the Decisions of the State Council on Issues Concerning Re-education through Labour. Re-education through labour is only applicable to those who have engaged in illegal criminal behaviour and who had reached their sixteenth birthday when they engaged in such behaviour. Where a person who has engaged in illegal criminal behaviour had not yet reached their sixteenth birthday when they engaged in such behaviour, then re-education through labour should not be decided upon, even if the offender has reached their sixteenth birthday when the case is submitted for re-education through labour. The Regulations for the Handling of Cases Involving Re-education through Labour by Public Security Organs, enacted by the Ministry of Public Security in 2002, stipulate that the decision to administer re-education through labour in the case of juveniles should be rigorously controlled. For juveniles who have engaged in illegal criminal behaviour, where it is their first offence or where they are still attending school, and where their parents or guardians have the capacity for rectification and education, re-education through labour should not be decided on. For those for whom re-education through labour is a clear necessity, the limit is usually one year or one year and three months, with the longest period not exceeding one year and six months.

204. Where it is intended to submit juveniles for re-education through labour, the department handling the case will conduct investigations and collect evidence from parents or other guardians, neighbours, schools, and the relevant residents' (village) committee or local police station, in accordance with the relevant regulations, in order to gain an understanding as to whether or not the family has the capacity to carry out rectification and education. In addition, a juvenile who has engaged in illegal criminal behaviour and who has been sentenced to re-education through labour, or his or her guardian, has the right by law to apply for a hearing. In order to protect the juvenile's privacy, cases involving re-education through labour of juveniles are not heard openly.

**3. Trial of children, especially the prohibition of sentencing to capital punishment or life imprisonment (art. 37, para. 1)**

205. With regard to paragraph 93 of the Committee's concluding observations on the previous report, China's criminal law provides that where a juvenile had not reached the age of 18 at the time the offence was committed, the death penalty shall not apply. In accordance with the principle of a legally prescribed punishment for a legally prescribed crime, in an extremely small minority of cases, where juveniles have committed a crime which should be punishable by death, the possibility of life imprisonment does exist. However, life imprisonment in China is not the same as imprisonment for the rest of one's natural life. Firstly, as stipulated in the Supreme People's Court's Regulations on Certain Issues Concerning the Application of the Law in the Handling of Cases Involving Commutation and Parole, when an offender is serving a life sentence, if there is clear an expression of repentance, or if there is evidence of meritorious performance, then the sentence may in general be commuted to a term above 18 years and below 20 years. In cases where there has been a major merit in performance, the sentence may be commuted to a term above 13 years and below 18 years.

206. Next, in accordance with the Interpretations of the Supreme People's Court on Questions Regarding the Specific Application of the Law when Hearing Criminal Cases Involving Minors, promulgated by the Supreme People's Court in January 2006, only in cases where a juvenile has committed an extremely serious crime may life imprisonment be applied, and where the offender has reached the age of 14 but has not yet reached the age of 16, a life sentence will generally not be handed down. Commutation and parole in cases involving juvenile offenders is relaxed as appropriate as compared with that for adult offenders, in accordance with the law. Background information such as the juvenile's personal history, together with his motives and aims in committing the crime, will influence

the measurement of penalty. It must be explained that provision is also made as to the conditions for the use of probation and exemption from criminal punishment, so as to encourage the greater use of probation and exemption from criminal punishment in the practice of trying cases involving juvenile offenders. Therefore, sentencing of juveniles to life imprisonment in no way implies incarceration for the rest of one's life without the possibility of release.

#### **4. Physical and psychological recovery and social reintegration of children (art. 39)**

207. The Chinese Government ensures that children who have been involved in legal cases are able to recover in a healthy and dignified environment, and adopts measures to promote their social reintegration.

208. Juvenile reformatories arrange classroom education and vocational skills training for juveniles, and hold a wide variety of cultural activities and tutorial-based educational activities, so enhancing their ability to adapt to society. Juvenile reformatories also carry out psychological tests and offer psychological counselling to juvenile offenders who are just entering puberty, carrying out psychological correction of juvenile offenders with bad psychological tendencies, and strengthening the pertinence of education and reform in respect of juvenile offenders.

209. Among juvenile offenders in Guangdong, 51.8 per cent are people from other provinces, with a relatively high proportion of internet-addicted or drug-taking youngsters. Starting from 2005, Guangdong University students launched the "Sweet Dew Programme", which aimed at showing care and compassion and providing help through educational activities. The programme organized university student volunteers to visit juvenile reformatories to take part in transferring legal knowledge and in educational activities; more than 3,000 juvenile offenders have received such education.

### **C. Children subjected to exploitation, their physical and psychological health, and their social reintegration**

#### **1. Economic exploitation of children, including child labour (art. 32)**

210. China has actively launched special programmes such as clearing up of and restoring order to the labour market, and rectifying the illegal use of labour to combat illegal and criminal acts. Penalties or criminal charges are brought against forced labour and the abduction and trafficking of children under the pretext of job placement.

211. With regard to paragraph 84 of the Committee's concluding observations on the previous report, in order to strengthen its implementation of ILO Conventions Nos. 138 and 182, in 2004, China enacted the Regulations on Labour Security Supervision, providing a legal basis for the investigation and handling of illegal acts relating to labour security including illegal use of child labour. In 2007, China promulgated the Labour Contract Law, the Employment Promotion Law and the Provisions on Employment Services and Employment Management, which standardized the hiring practices of employers and prohibited employment mediation agencies from introducing juveniles for employment. In addition, the revised Law on the Protection of Minors prohibits the hiring of juveniles who have not yet reached the age of 16, and provides that juveniles who have reached the age of 16 but have not yet reached 18 shall not engage in work that is excessively heavy, poisonous or hazardous. In December 2012, the Standing Committee of the National People's Congress passed a new amendment to the criminal law, adding the crime of employing child labour.

212. In order to combat the illegal use of child labour, in 2003, the then Ministry of Labour and Social Security issued a circular detailing specific requirements for improving supervision and investigation work; various localities and departments have all enacted corresponding provisions and launched implementation activities. Labour security departments have strengthened dynamic supervision of employers' employment practices, and established and perfected such long-term management mechanisms as the labour employment recording system, identity verification system, and incentive system for the reporting of practices involving use of child labour. Education departments have adopted measures to ensure that children of school age in compulsory education attend school, and to prevent students from running off or dropping out, thus curbing the occurrence of child labour at source.

213. When hiring, employers must verify the identity of the person being hired, and must carry out recruitment registration. Recruitment registration chiefly includes such basic details as the name of the person hired, their gender, their place and date of birth, and citizen's ID number. Employers should take appropriate measures to keep these details safe, as well as materials relating to verification, and are subject to supervision and inspection by competent government departments.

214. China is strengthening inspection and law enforcement work in regard to labour security, with actions that violate labour security laws and legal regulations being investigated and handled in accordance with the law through such investigation and law enforcement activities as specific investigations following reports of violations and grievances, regular patrol inspections, labour security written investigations and special investigations. In 2002, labour security departments established a system of labour security law inspectors, under which such inspectors were hired by organizations such as unions, women's federations and Communist Youth League branches, to enhance protection of the rights and interests of juveniles through inspection of employers.

215. In 2008, the Ministry of Human Resources and Social Security established a Labour Inspection Bureau to direct labour inspection work nationwide. At present, a three-level labour security inspection organization network, operating at provincial, municipal and county levels, has already taken shape, with 3,271 labour security inspection bodies having been established, comprising a total of 22,000 inspectors.

216. In 2007, nine departments including the then Ministry of Labour and Social Security and the Ministry of Public Security formulated the Special Action Plan for Initiating Correction of Illegal Employment and Combating Illegal and Criminal Acts, which determined that there would be a concentrated crackdown on illegal employment from July to August 2007, to combat legal violations and criminal acts such as coercing children to undertake labour. In the course of this action, a total of 10.954 million publicity handouts were printed and distributed; 113,591 legal information and advice sessions were held; and 621,000 employers were investigated, involving a total of 19.308 million labourers.

217. In June 2007, 21 child labourers in Shanxi were rescued in a special operation to combat illegal brickyards. Some of them were sent back to their hometowns under the protection of the public security organs, or taken back by their relatives, whilst some were temporarily settled by the local government.

218. Labour security departments at different levels, through such methods as using the news media to enhance knowledge of the legal system, issuing publicity booklets, and organizing lectures on labour security law, publicize the laws and policies relating to juvenile labour protection, in order to raise the legal awareness of employers and labourers, to press employers to employ workers in accordance with the law, and to prohibit the use and introduction of child labourers.

219. In accordance with the relevant provisions of China's related laws and legal regulations, re-education through labour is only applicable to persons who have reached the age of 16 and who have engaged in legally prescribed crimes or violations of the law. Consequently, the use of re-education through labour in regard to juveniles who have reached the age of 16 does not violate ILO Conventions Nos. 138 and 182. In addition, re-education through labour of juveniles must respect such legal provisions as the Labour Contract Law and the Law on the Protection of Minors.

## 2. Drug abuse (art. 33)

220. China rigorously combats drug crime, and takes active measures to prevent juveniles from being harmed by drugs. The Criminal Law provides that whoever makes use of minors or aids and abets them to smuggle, traffic in, transport or manufacture narcotic drugs, or who sells narcotic drugs to minors, shall be given a heavier punishment. The Reply of the Supreme People's Court to the Question of How the Law Should be Applied where Persons Aged 14 but Below 16 have Smuggled, Trafficked in, Transported or Manufactured Narcotic Drugs makes clear that for minors who have been used, aided and abetted, coerced or tricked into participating in activities involving drug crime, it is generally permissible not to determine their criminal responsibility.

221. The Anti-Drug Law, which went into effect on 1 June 2008, makes provision regarding aspects such as the policy guidelines and work mechanisms for anti-drug work, anti-drug public education, drug control, detoxification measures, anti-drug international cooperation and legal responsibility. Article 13 of this law provides that educational departments and schools shall carry out anti-drug education of students. Article 18 provides that the parents or other guardians of minors shall educate minors with regard to the dangers of drugs, and shall prevent them from ingesting or injecting drugs or engaging in other drug-related criminal activities in violation of the law.

222. The Outline for Special Education in Drug Prevention for Primary and High-school Students, issued in 2003 by the Ministry of Education, the Opinions on Implementation of Anti-Drug Publicity and Education for the Whole Populace, issued in 2005 by departments including the National Narcotics Control Commission, and the Circular on Further Standardizing School Anti-Drug Publicity and Education Materials, issued in 2006 by the National Narcotics Control Commission and the Ministry of Education, have all standardized and promoted anti-drug publicity and education work for children and young people.

223. In 2002, the National Narcotics Control Commission, the Ministry of Education and other departments jointly held an activity titled "Drug-free Students, Drug-Free Schools", which aimed to "keep drugs out of school". Starting in 2003, special education in drug prevention has been held for students in the fifth grade of primary school to the second grade of senior high school; furthermore, 100 "model schools for educational activities relating to drug prevention among high school students" and 100 "community youth law schools" have been established. In 2005, the National Narcotics Control Commission and the Central Committee of the Communist Youth League jointly held an activity titled "For Tomorrow: All-China Youth Anti-Drug Publicity Month", which launched an online anti-drugs knowledge competition through a "Young People Don't Touch Drugs Website". More than 100,000 young people took part. In 2008, anti-drugs education was incorporated within the scope of educational guidance. Beijing Drug Control Education Base and Kunming Compulsory Detoxification Centre were designated as off-campus drug education facilities for nationwide drug prevention education of primary and high school students.

224. China implements effective drug rehabilitation treatment for minors who take drugs. The public security organs, in accordance with the Anti-Drug Law, carry out targeted drug rehabilitation treatment for minors with drug addictions who meet the conditions. Those

who have not been previously found taking drugs and whose addiction is relatively light are ordered to undergo community-based drug rehabilitation. In the case of minors who refuse to undergo community-based drug rehabilitation, or who during the course of such rehabilitation continue to take drugs, or who have a serious addiction that is difficult to cure through community-based rehabilitation, the public security organs will implement compulsory drug rehabilitation in isolation. From the time the Anti-Drug Law came into effect until the end of 2009, public security organs nationwide had, in accordance with the law, ordered 832 juvenile drug addicts to receive community-based rehabilitation treatment, and had imposed compulsory rehabilitation treatment in isolation in respect of 792 child addicts.

225. The Ministry of Education places importance on the care, education and guidance of minors undergoing drug rehabilitation. Schools in each locality coordinate with the parents or other guardians of minors undergoing drug rehabilitation, jointly providing education and guidance, and adopting measures to solve problems of school attendance among such minors. In the case of minors who, before drug rehabilitation, were students in school or had not yet completed compulsory education, active steps are taken to liaise with the school which they were attending, with a view to the school accepting them for continuation of their studies. In cases where the original school cannot accept them back, they are sent, as far as possible, to special schools (originally reform schools), so that they may continue to receive an education.

**3. Sexual exploitation, sexual abuse and sexual transactions (art. 34)**

226. For details of status of implementation, see Chapter IX.

**4. Sale, trafficking and abduction (art. 35)**

227. For details of status of implementation, see Chapter IX.

**D. Children of minorities or indigenous groups (art. 30)**

228. In China, children of ethnic minorities not only enjoy the same rights in law as Han children, but in addition, all levels of government have adopted a series of special policies and measures to better safeguard the rights of ethnic minority children in such aspects as education, healthcare and the use of ethnic minority languages and scripts. In China's existing 229 laws, in addition to special nationalities-related laws, the number of laws which involve aspects of ethnic minorities and which have corresponding regulations is around one fifth. In addition, 155 ethnically autonomous localities nationwide have rolled out 139 autonomous regulations and 510 exclusively local regulations, as well as making 74 amendments or additional provisions to related laws. The content of these laws and standards is wide-ranging, and includes such aspects as ethnic minority politics, economics, culture and education, providing forceful protection of the various different rights and interests of citizens from ethnic minorities, including children.

229. Articles 19 and 20 of the Law on Regional Autonomy of Ethnic Groups in the People's Republic of China, implemented on 31 May 2005, provides that the state shall help ethnic autonomous areas to extend access to nine-year compulsory education; Government at all levels shall incorporate compulsory education in ethnic autonomous areas within the scope of guaranteed public finance, with the central financial administration establishing a special educational subsidies fund for ethnic minority education, and local financial administrations arranging corresponding funds at the local level.



230. China has continued to establish and develop various types of ethnic school, holding preparatory and regular classes for ethnic minority students in institutions of higher learning, providing bilingual education in the ethnic language and Chinese, giving appropriate care to university entrance candidates from ethnic minorities, promoting boarding school education in agricultural and pastoral areas, holding senior high-school classes in the hinterland for students from Tibet and Xinjiang, and so on. These efforts have led to a striking rise in the educational level of ethnic minority children, with the school intake rate of school-age children in ethnic areas reaching 98 per cent, basically equal to that of the country as a whole. In 2002, there were 369 counties in ethnic areas nationwide which had achieved nine-year compulsory education for all eligible children and had basically eradicated illiteracy among young adults. By the end of 2008, this figure had increased to 674, amounting to 96.5 per cent of the total number of 699 ethnic areas. By the end of 2009, there were a total of 22.8042 million students from ethnic minorities attending various different schools nationwide. Among these, 1.4105 million students were in regular undergraduate or professional training college programmes, amounting to 6.58 per cent of the total of students; 10.5912 million students were in regular high schools, amounting to 10.52 per cent of the total of students. There were a total of 1.1355 specially appointed ethnic minority teachers in different schools throughout the country.

231. In Tibet, the primary school intake rate for school-aged children in 2002 was 88.3 per cent. By the end of 2009, this had risen to 98.77 per cent. By the end of 2009, the Tibet region as a whole had a total of 1,014 schools of different types, of which 884 were primary schools, 118 were regular high schools, six were middle-level vocational schools, and six higher educational institutions. In 2008, the population coverage for six-year compulsory education in the region as a whole had reached 100 per cent, whilst the coverage for nine-year compulsory education had reached 93 per cent.

232. With regard to paragraph 77(d) of the Committee's concluding observations on the previous report, China ensures the freedom of all ethnic groups to use and develop their ethnic languages and scripts, so that ethnic minority children are able both to use the script of their own ethnic group and to master and use the national lingua franca. China has 53 ethnic minorities with their own languages, with a total of over 80 different language varieties, whilst 22 ethnic minorities have their own written language in current use. Many minority areas broadcast and publish radio programmes, films and TV programmes, books, newspapers and magazines in ethnic languages and scripts. Children living in ethnic regions all use the ethnic language of the region in their daily life.

233. China encourages and supports the implementation of bilingual education (the ethnic minority language and Chinese) in ethnic areas, and its policy of bilingual education in these areas has seen widespread implementation, with the rate of coverage increasing year on year. By the end of 2009, in Xinjiang, there were a total of 2.3201 million ethnic minority students, among whom 798,000 were receiving bilingual education and schooling; there were a total of 26,000 ethnic minority bilingual teachers in pre-schools, regular primary and high schools, and vocational senior high schools, amounting to 18.18 per cent of the total of ethnic minority teachers. In 2008, Tibet completed the compiling and editing work for converting the new curriculum to Tibetan language textbook materials and supplementary teaching and tutorial books, along with the translation of 22 new curriculum textbooks, teaching guides and educational support guides.

234. In order to ensure that children of all ethnicities live in mutual respect and harmony, the State Ethnic Affairs Commission and the Ministry of Education have stipulated that each area must write a textbook on *Basic Knowledge about the Nationalities*, and have set up ethnic general knowledge courses in primary and high schools nationwide, in order to disseminate basic knowledge about China's ethnic minorities.

## E. Vagrant children

235. Article 17 of Amendment (VI) to the Criminal Law, passed in 2006, provides for the addition of an article after article 262 of the Criminal Law, reading as follows: “Whoever, by means of violence or coercion, organizes disabled persons or minors under the age of 14 to go begging shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall, in addition, be fined; and if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall, in addition, be fined.”

236. With regard to paragraph 86 of the Committee’s concluding observations on the previous report, China has stepped up its investment in providing relief to vagrant children. In May 2004, the Ministry of Civil Affairs allocated RMB 30 million to fund the construction of 84 institutions for the relief and protection of vagrant children. From 2006 to 2010, China will invest a total of RMB 1.12 billion for use in constructing and renovating facilities for the relief and protection of vagrant children, of which RMB 700 million will be provided by the Central Government, with local governments matching it with RMB 420 million. By 2010, nationwide, over 90 per cent of prefectural-level cities, and county-level cities with relatively heavy task-loads, will be equipped with facilities for the relief and protection of vagrant children.

237. China adopts measures for the relief and settlement of vagrant children. The Measures for the Administration of Relief for Vagrants and Beggars without Assured Living Sources in Cities, promulgated in 2003, provides that the State shall encourage and support social organizations and individuals in the relief of vagrants and beggars. The Standards for the Construction of Relief and Protection Centres for Vagrant Minors, which came into force on 1 December 2008, provide that rooms for use by vagrant minors in such facilities, including those for education, cultural and sports activities, and medical services, shall not occupy less than 70 per cent of the total floor area of the building; in order to help minors who have been long-term inmates of such centres to master a skill, educational rooms must include special skills training rooms; to provide psychological support and correction for minors receiving assistance, centres must also be equipped with rooms for offering psychological guidance, including counselling and cathartic treatment.

238. From August 2003 to the end of 2009, the Ministry of Civil Affairs and various help stations and relief and protection centres for minors provided relief for a total of 875,486 vagrant minors and juvenile beggars.

239. From 2003, the Ministry of Civil Affairs and UNICEF have jointly organized relief programmes for vagrant children in Zhengzhou. Zhengzhou Centre for the Relief and Protection of Vagrant Children and Young People has achieved several “firsts” for China: it has organized “simulated families” and “fostering by families”; it has sent mobile relief vehicles to search proactively for vagrant children; social workers have become involved in the relief work for vagrant children; it has opened all-day relief and assistance centres and primary schools that take in vagrant children on a voluntary basis for vocational skills training; vagrant children who have been escorted home receive joint follow-up visits by the centres and community organizations to prevent them from relapsing back into vagrancy. From 2005 to 2006, more than 2,000 vagrant children have been given relief and assistance and 84 per cent of them have returned to their homes.

240. Non-governmental organizations and individuals have also actively engaged in a wide variety of relief activities for vagrants and beggars. Initiatives such as the Shanghai “Charity Service Centre”, the volunteer service of China Youth University for Political Sciences, and the public service staff posts for relief and assistance at Benxi in Liaoning province, have all achieved positive results.

241. China rigorously combats illegal and criminal acts involving enticing of children into vagrancy and begging. Since 2005, departments including the Ministry of Public Security and the Ministry of Civil Affairs have jointly issued such standardizing documents as the Opinions on Strengthening Efforts in Respect of Vagrant Children, and the Circular on Further Enhancing Management of Relief of Urban Street Vagrants and Beggars, and on Relief and Protection of Vagrant Minors. They have arranged and implemented many special initiatives, concentrating on combating the use of such means as violence, coercion and deceit to detain and manipulate minors into carrying out such illegal and criminal acts as burglary, theft, robbery and drug-taking. From December 2006 to August 2007, public security organs nationwide launched a special correction drive to combat criminal acts including the coercion and enticing of children into vagrancy, begging and the coercion, trafficking and abduction of deaf-mute children. The police made callouts totalling over 260,000 person-times, sorted out over 110,000 key areas, investigated and handled over 3,600 cases of various kinds, rooted out over 320 criminal gangs, and saved over 8,000 children.

## **IX. Sexual exploitation and sexual abuse (art. 34, and status of implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography)**

242. Since the Committee's consideration in September 2005 of China's first report on its implementation of the Protocol, China has continued earnestly to carry out its duties under the Protocol. In regard to laws and legal regulations, paragraphs 66–82 of the first report on the implementation of the protocol are still valid. The Chinese Government recognizes that work to combat abduction and trafficking needs to be organized in an integrated way, and in its policies and programmes, China has adopted effective measures to actively raise public awareness of and prevent the root causes of abduction and trafficking. It has rigorously combated and punished criminal acts involving child abduction and trafficking, as well as actively launching relief, rehabilitation and settlement work in regard to children who have been saved. In these, it has achieved clear results.

### **A. Active adoption of measures to prevent the occurrence of child abduction and trafficking**

243. With regard to paragraphs 5 and 7 of the Committee's concluding observations on the report on the Protocol, in order to realize the Stockholm Agenda for Action and the Yokohama Global Commitment, in December 2007, China rolled out its first anti-trafficking action plan, the National Plan of Action against Trafficking in Women and Children (2008–12) (Annex III). An inter-agency joint meeting system was established to coordinate action to combat abduction and trafficking of women and children, made up of 31 departments including the Ministry of Public Security, forming a framework for anti-abduction and trafficking efforts in which the government takes overall responsibility, the public security organs take the lead, and the various other departments make concerted efforts to implement comprehensive measures. The said plan of action determined the guiding philosophy, target tasks and concrete measures of the counter-abduction and trafficking efforts, comprehensively regulating the concrete measures and division of responsibilities for the implementation of the plan, which covered different areas of counter-trafficking work including prevention, combating, rescue, return and rehabilitation of victims, and international cooperation. Provinces including Fujian, Hainan,

Heilongjiang, Yunnan and Gansu variously formulated action plans to combat abduction and trafficking of women and children, in accordance with the local situation.

244. In 2007, the Ministry of Public Security established an office for combating the crimes of abduction and trafficking of women and children. The functions of the office were: to research and formulate policy measures to prevent and combat crimes that violate the rights of women and children, such as abduction and trafficking of women and children; to organize, direct, coordinate and oversee the investigation and rescue work of public security organs in all areas in cases involving crimes such as the abduction and trafficking of women and children; to be responsible for international cooperation by public security organs nationwide in being vigilant against and combating the abduction and trafficking of women and children, and to organize investigation and relief work in foreign-related cases of abduction and trafficking of women and children; to lead the implementation of national action plans to combat abduction and trafficking, and coordinate other departments in their work to prevent and raise public awareness of abduction and trafficking of women and children, and in the rescue and rehabilitation of such women and children.

245. In 2008, the Central Committee for the Comprehensive Management of Social Order proposed the establishment of a surveillance system for the comprehensive management of social order, under which prevention, countering and timely curbing of human abduction and trafficking would be included.

246. The Ministry of Public Security has established mechanisms for cooperation in regard to routine policing with the police departments of the Hong Kong SAR and Macao SAR respectively, and both sides communicate and coordinate together effectively in the process of handling cases that involve violation of children's rights and interests.

247. With regard to paragraph 17 of the Committee's concluding observations to the report on the Protocol, China's recognizes that the abduction and trafficking of children have social and economic root causes, and has thus actively initiated information and training campaigns to enhance capacity building in respect of the prevention and combating of child abduction and trafficking.

248. First, training has been provided for children and parents so as to raise anti-abduction readiness and to enhance people's ability to distinguish crimes and to protect themselves. To target the problem of migrant workers' children becoming an easy target for abduction and trafficking, women's federations everywhere have organized parent schools for the floating population, opened up training classes, laid on events such as lectures on legal knowledge, and called for the incoming migrant population to pay careful attention to the management and education of their children, and to send their children to regular educational institutions, so as to reduce the probability of children being abducted. In 2005, the All-China Women's Federation, the Ministry of Public Security and other bodies launched an activity to promote "Safe Families", in order to raise the legal awareness of families and an awareness of the need to be vigilant regarding safety. Non-governmental bodies established kindergartens and preschool educational institutions to accept migrant children. Examples include the Loving Hearts Kindergarten, established in Kunming in 2005, which charges low fees, and the Migrant Children's Activity Centre, established in Nanning in 2006.

249. Second, the staff of relevant institutions have received training and information. With the support of the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region, China has held numerous training classes, for instance: the "Training Workshop on the Prevention of Trafficking of Women and Children for Key Staff in Charge of Petitions of Provincial-level Women's Federation Organizations" and the "Training Workshop on the Prevention of Trafficking of Women and Children for Key Staff of Employment Centres and Agencies of Guangxi Autonomous Region", held in 2005

in Kunming and Nanning respectively, the first China Anti-Trafficking Training of Trainers Workshop, held in Beijing in 2007, and so on. In February 2007, the All-China Women's Federation and Ministry of Railways jointly launched the "Anti-Abduction Spring Rains Programme", which publicized the prevention of abduction and trafficking in 22 areas in Guangdong, Henan, Hunan, Anhui and Jiangsu.

250. Third, the media have received training, in order to strengthen anti-abduction reporting and educate the general public so as to raise awareness of the law and of the need for vigilance. For example, in September 2007 a "Training Workshop on Media Reporting of Prevention of Abduction and Trafficking" was held in Changzhou. Between September and December 2006, "Chinese Media Anti-Abduction Training" was held successively in Beijing, Nanning and Kunming, the training focusing on "taking the victims of abduction and trafficking as central" in media reporting.

251. With regard to paragraph 11 of the Committee's concluding observations to the report on the Protocol, China's Adoption Law provides that the trafficking and sale of children or trafficking and sale of children under the pretext of adoption are strictly prohibited. The Standards for Adoption Registration Work have strengthened supervision and management of adoption registration bodies and adoption registration officials, preventing at a systemic level the occurrence of child trafficking for purposes of adoption. For other related details, see Chapter V, section G.

252. With regard to paragraph 12 of the Committee's concluding observations to the report on the Protocol, China until now has still had no extradition cases involving crimes addressed in the Protocol.

## **B. Rigorous combating and punishment of criminal acts involving the abduction, trafficking and sexual exploitation of children**

253. China has taken the following measures. First, it has enhanced the investigation work for filing of abduction and trafficking cases, changing the previous provision that no case shall be put on file for investigation within 24 hours of a child being reported missing; upon receiving a claim from the public that a child has gone missing and/or been abducted, the case will immediately be put on file as a criminal case, without exception, and investigative work will commence quickly. Second, China has carried out numerous special operations to combat the abduction and trafficking of children, ensuring that a batch of serious and especially large cases constituting a bad influence on society have been cracked. From June to December 2006, the Ministry of Public Security organized and carried out four large-scale special anti-abduction and trafficking operations in key areas. Third, it has put strong emphasis on the verification of case leads, urging continuous follow-up of leads given by the public or provided on the internet, and in each case informing local authorities that they should verify such leads. Fourth, it has continued to enhance the construction and application of the anti-abduction DNA information bank. Fifth, it has deployed operations to rescue vagrant street children and child street beggars. Sixth, it has held seminars with anti-trafficking volunteers and the parents of children who have been abducted, and has listened carefully to the opinions of the public. Seventh, it has initiated publicity campaigns to ensure the creation of favourable public opinion.

254. In May 2009, the Ministry of Public Security established a nationwide networked anti-abduction and trafficking DNA database, which provides technological support for parents searching for their abducted children, and for rescued abducted children seeking to find their parents. Currently, DNA laboratories in 32 provincial-level and 11 prefectural and municipal-level public security organs have been connected to the network, allowing the checking and comparison of DNA data at any time and in any place.

255. People's courts place serious emphasis on the trial of cases involving the abduction and trafficking of children, strictly imposing the criminal judicial policy of combining leniency with severity. They particularly emphasize key areas for anti-trafficking and adopt differing approaches accordingly. On one hand, severe sentences or even the death penalty shall be handed down to ringleaders, repeated offenders, habitual offenders, principal offenders and others who exhibit a high level of malicious intent, child-traffickers who pose a serious risk or have caused serious harm, as well as child-traffickers who are in possession of a number of trafficked children for the purpose of selling them, who kidnap and steal infants and young children for trafficking abroad, who coerce trafficked children to engage in begging and illegal activities such as theft and robbery, or who cause serious injury or death to trafficked children or their parents. In cases involving traffickers where an application is made for endorsement of the death penalty, the Supreme People's Court will in all cases give endorsement in accordance with the law, provided that the case meets the criteria for the death penalty stipulated in the relevant legal provisions. On the other hand, for those who have been involved in a group crime and whose criminal actions are relatively slight, or whose malicious intent or danger to others is not particularly great, shall be shown leniency or severity of an appropriate degree, such that the punishment shall fit the crime.

256. In 2009, the Ministry of Public Security solved 976 cases of organizing, coercing, enticing, taking in or introducing children to engage in prostitution, and arrested 175 criminal suspects suspected of whoring with underage girls; 704 minors were rescued. For data on cases involving abduction and trafficking of children solved by Chinese public security organs between 2002 and 2008, see Annex XVIII.

257. With regard to paragraph 19 of the Committee's concluding observations to the report on the Protocol, China has actively engaged in related international cooperation. In October 2004, the First Inter-Ministerial Meeting of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) was held, and the ministers of six countries from the Mekong region—China, Cambodia, Laos, Myanmar, Thailand and Vietnam—signed the Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region. In 2005, the governments of the six countries passed the first Sub-regional Plan of Action against trafficking (2005–2007). In December 2007, the Second COMMIT Inter-Ministerial Meeting and fifth Senior Officials Meeting were held in Beijing, at which the ministers of the six countries signed the Joint Declaration of the Coordinated Mekong Ministerial Initiative against Human Trafficking, and rolled out the second Sub-regional Plan of Action against trafficking (2008–2010). The contents of this plan included such aspects as training and capacity building, formulation of national plans of action, development of bilateral and multilateral cooperation, perfecting of the legal framework, strengthening of law enforcement and the judiciary, strengthening of preventive measures, and identification, protection and rehabilitation of victims, as well as their reintegration into society.

258. China's Ministry of Public Security has signed a succession of bilateral police cooperative agreements with Vietnam, Cambodia, Thailand, the Philippines, Laos, Myanmar and Indonesia, affirming the combating of crimes involving abduction and trafficking of women and children as an important area of cooperation, and launching a series of activities. For instance, for two successive years in 2005 and 2006, the Chinese and Vietnamese police forces launched cross-border anti-trafficking campaigns to combat criminal activities involving abduction and human trafficking in the region along the China-Vietnam border. In November 2006, a Sino-Myanmar Seminar against Cross-border Trafficking was held in Yunnan, which concluded a cooperation plan for 2007–2010, laying the basis for effective combating of crimes involving cross-border abduction and human trafficking and for protecting the victims of such trafficking.

259. China has actively sought to engage in cooperation with international organizations. In 2003, the Ministry of Labour and Social Security, in cooperation with the International Labour Organization, launched a “Project to Combat Forced Labour and Human Trafficking” with the aim of strengthening policies and legal frameworks relating to enforced labour and human trafficking, and developing concrete training and capacity building for labour departments in respect of prevention and combating of enforced labour and human trafficking.

260. In 2005, China and the International Labour Organization jointly launched a “Project to Prevent Abduction and Trafficking of Girls and Young Women for Purposes of Labour Exploitation”. The project ran for four years, and was implemented in five selected provinces: Jiangsu, Guangdong, Hunan, Henan and Anhui. Through publicity, training and other such measures, it aimed to prevent migrant girls and young women from being trafficked, forced into labour, prostitution and organized begging.

261. On 26 December 2009, the Standing Committee of the National People’s congress made the decision to accede to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.

262. China takes rigorous action to combat all forms of sexual exploitation and sexual abuse of children. In 2006, the Ministry of Public Security published a *Guidance Manual for Public Security Organs Handling Criminal Cases Involving Sexual Abuse*, requiring that public security departments adopt special protection measures when handling cases of sexual abuse including the forcing of minors into prostitution, such as conducting psychological analysis, assigning dedicated staff to each case and focusing on issues requiring attention in investigation and obtaining of evidence. The manual also stipulated a model for multi-agency cooperative rescue of victims, in respect of areas such as provision of treatment, personal protection, psychological and legal aid, and media relations.

263. In May 2003, the second phase of the Project on Human Trafficking in the Greater Mekong Sub-Region was launched in 10 counties under the city of Kunming and the prefectures of Simao and Honghe, focusing on “solving the problem of abduction and trafficking within the framework of organized labour exports”. The “Yunnan experience” was successfully applied by other related countries and by provinces including Guangdong, Jiangsu, Anhui, Henan and Hunan.

264. Non-governmental societies and groups have also played an active role. In 2008, the Beijing Children’s Legal Aid and Research Centre brought out a *Handbook for Lawyers Handling Cases Involving Sexual Abuse of Minors*, and held training for relevant professionals. The “April Skies” psychological helpline for girls who have been sexually harmed, the Beijing Red Maple Psychological Counselling Service Centre and others provide professional services such as psychological help and counselling to child victims of enforced prostitution.

### **C. Active launching of pilot schemes, exploration of models, and proper relief and rehabilitation of victims of abduction and trafficking**

265. In July 2009, the Ministry of Civil Affairs, the Ministry of Public Security and other bodies issued a Circular on Further Enhancing Administration of Relief for Street Vagrants and Beggars and Rescue and Protection of Vagrant Minors. This required that relief of victims of abduction and trafficking be properly carried out, and that in order to assist children who had been rescued and returned home in ridding themselves of the mental trauma and reintegrating into society again, experts in fields such as law, psychology and health be brought in to provide rehabilitation treatment and psychological counselling; it

required also that children who had been rescued from abduction but who subsequently remained unclaimed should be settled appropriately in welfare institutions, and that rescued children should be helped to return to school so that they could continue their education.

266. In 2005, the Ministry of Public Security established an interim transfer centre in Dongxing city in Guangxi for rescued women and children of foreign nationality. The centre provides physical and psychological rehabilitation treatment for rescued women and children, as well as legal training and advice and basic training in work and life skills. The centre is able to house 100 people, and to date has successfully settled and returned home 161 women and children. Similar centres include the Women and Children's Rescue Centre set up 2006 in Ningming county, under the municipality of Chongzuo in Guangxi, and the Kunming Transfer Centre for Victims of Abduction and Trafficking, established in 2008.

#### **D. Protecting children from pornographic abuse, and prevention and stopping of pornography**

267. In February 2004, the State Council rolled out Opinions on Enhancing and Improving the Ideological and Moral Infrastructure for Minors, which required that efforts to investigate and deal with toys and accessories that propagate pornography be strengthened; it required also that management of commercial internet and electronic games venues be strengthened by taking corrective measures against the dissemination of harmful material and against acts harmful to the health of minors.

268. In order to curb the provision of obscene pornographic material to children through the internet, China has adopted the following measures. First, it has pushed forward fundamental work such as research and formulation of related policies, legal regulations and technology standards, and administration of website registration. In December 2007, the State Administration of Radio, Film and Television and the then Ministry of Information Industry issued the Administrative Provisions on Internet Audio-Visual Programme Services, which stipulated the legal liabilities of internet media that disseminate offensive content such as violence and pornography through the internet. The Ministry of Industry and Information Technology has also enacted, promulgated and rolled out over 10 other legal regulations relating to internet management, formulating technical standards for the industry. By the end of 2008, there were a total of 2.49 million websites in China, of which 91 per cent had been registered, representing a first step in the realization of a real-name system for the administration of websites, and providing technical support for the positioning and combating of illegal obscene and pornographic websites.

269. Second, China has continued to launch special campaigns to combat internet obscenity and pornography and to clean up the online environment. Starting in 2004, the public security organs have consistently sustained efforts to combat illegal and criminal activities involving internet obscenity and pornography, and will continue to launch special campaigns with other relevant departments. In 2009, public security organs nationwide cleared up over four million instances of obscene and pornographic material online, and cracked more than 3,800 cases of online obscenity and pornography.

270. Third, cleaning up of the online environment. In September 2004, the Ministry of Education launched a special campaign in the education system to combat obscene and pornographic websites, strengthen supervision of internet management in schools, guide children in the safe use of the internet, and provide legal education and training in internet information safety for school internet administrators.

271. Fourth, promoting an online games addiction prevention system to prevent children becoming addicted to online games. In 2007, the General Administration of Press and Publication and others required that domestically-run online games must develop an online



games addiction prevention system, and that new online games must install such a system before applying for approval, otherwise they would not be approved.

272. Fifth, guiding industry self-regulation of the internet, and mobilizing the whole of society to participate in putting the internet environment in order. The Internet Society of China (ISC) has promulgated a series of industry standards for self-regulation, including Self-Regulation Standards for Prohibiting the Dissemination of Obscene, Pornographic and Other Offensive Material on Websites, and the Self-Regulation Standards for Internet Search Engine Service Providers to Combat Obscene, Pornographic and Other Offensive Material. The ISC's 12321 Unsolicited Electronic Messages Complaint and Reporting Centre has become a platform for society to supervise the internet, and by the end of 2009, the Centre has received a total of 39,286 reports relating to obscene, pornographic and vulgar material, and had transferred these to departments with the relevant authority for handling.

273. China has strengthened its prevention and curbs on pornographic audio-visual materials and publications. In January 2005, the General Administration of Press and Publication issued the Tentative Regulations on Defining Obscene and Pornographic Radio Services, which gave concrete definitions of obscene and pornographic material and explicitly stated for the first time that the depiction of child-related acts could constitute obscene sound-information.

274. Documents including the Circular on Further Strengthening Efforts to Combat Obscene and Pornographic "Pocket Publications", Harmful Comic Books and Games Software, and the Circular on the Initiation of Special Measures to Curb Harmful Publications Aimed at Minors, both issued by the General Administration of Press and Publication in 2004 and 2005, together with the State Administration of Radio, Film and Television's Circular on Reaffirming Prohibition of the Production and Dissemination of Pornographic Films (2007), and the Ministry of Culture's Opinions on Supporting the Development of China's Cartoon Industry (2008), all require the prevention and combating of pornography in their relevant fields, so as to create a healthy cultural environment for the healthy development of children.

275. China places importance on regulating the content of radio and television programmes, and rigorously prevents harm of the child population by offensive material such as pornography. China's laws and legal regulations prohibit content such as pornographic depictions, obscene images and foul language in radio and television programmes, and prohibit language, images and plotlines involving such aspects as sexual acts involving children. With regard to audiovisual pieces showing material relating to criminal cases, and television documentary programmes that use realistic reconstructions to illustrate cases, strict limitations are enforced as to the time and manner of broadcasting.

276. China has strengthened its supervision and control of internet cafes and has taken far-ranging corrective measures in regard to such establishments. Since 2004, the Ministry of Public Security, together with other relevant departments, has continually taken corrective measures against internet cafes that violate the law, combating the phenomenon of internet cafes illegally allowing in minors. In 2009, more than 5,900 illegally operated internet cafes were investigated and dealt with, and 3,400 underground internet cafes were shut down.

277. Between 2002 and 2008, courts nationwide heard a total of 6,466 cases involving the production, copying, publication, sale and dissemination of obscene articles and audiovisual products. A total of 7,081 offenders were sentenced.