Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

China - 4th Session - 2009
Monday 9th February 2009, 9am - 12pm

National Report

67. China has developed a complete system of legislation for the protection of children’s rights, which includes the Compulsory Education Law, the Protection of Minors Law and the Law on the Prevention of Juvenile Delinquency.

68. Drawing on the global goals set by the World Summit for Children and the Convention on the Rights of the Child, China in 1992 promulgated the Outline Programme for the Development of Chinese Children in the 1990s, the country’s first national plan of action for the promotion of child development. Currently, the Outline Programme for the Development of Chinese Children (2001-2010), which identifies specific goals and policy measures in the areas of health, education, legal protection and environment, is progressing smoothly.

69. With the under-5 mortality rate falling from 61 per 1,000 in 1991 to 18.1 per 1,000 in 2007, China has attained the target set in the Millennium Development Goals of reducing by two thirds the under-5 mortality rate ahead of schedule. By the end of 2007, the child immunization programme had been further expanded and now includes 11 vaccines for children. Children’s education is at the top of China’s education development agenda. The primary school enrolment rate for children of school age has risen from 20 per cent at the beginning of the People’s Republic to 99.49 per cent at present.

UN Compilation

2. CRC recommended that the State review and withdraw all reservations to the Convention for all areas under its jurisdiction.19 The Committee on Economic, Social and Cultural Rights (CESCR) strongly urged China to consider withdrawing its declaration on article 8, paragraph 1, of ICESCR.20

5. In 2005, CRC noted with concern the lack of an independent national human rights institution and recommended that China establish, on the mainland and in the HKSAR and MSAR, such institutions.24 Similar recommendations were made by CESCR with respect to mainland China25 and by the HR Committee in 2006 with respect to HKSAR.26

15. In 2005, CRC recommended that China strengthen efforts to eliminate discrimination against girls; children infected with or affected by HIV/AIDS; children with disabilities; Tibetan, Uighur and Hui children and children belonging to other ethnic and religious minorities; internal migrant children and other vulnerable groups by, inter alia, ensuring that these children have equal access to basic services.47

25. Concerning juvenile justice, CRC recommended, inter alia, the abolition of life sentences for persons who have committed offences when under the age of 18, and that China amend legislation to ensure that all children deprived of their liberty, including in work study schools, have the rights to prompt access to legal and other assistance and to challenge the legality of their deprivation of liberty.79

42. CRC noted with appreciation the achievements made in reducing poverty, which enabled China to attain some of the key Millennium Development Goals ahead of schedule.141 The 2006-2010 UNDAF report noted huge progress made across a range of socio-development indicators such as life expectancy, child mortality and illiteracy.142

Stakeholder Compilation

5. Beijing Children’s Legal Aid and Research Center (“the BCLARC”) recommended that a scientific, effective system of data collection, management and dissemination of information be established as soon as possible.12 ITUC indicated that on a range of issues there are no official records and those that do exist are contradictory and misleading and that most central statistics are ‘secret’.13
27. Child Care and Compassion Society (CCCS) suggested that the Government pay more attention to the spiritual demand of various groups of people during the period of social transformation, and address some practical problems. For example, famous Buddhist and Taoist sacred mountains should be prevented from over exploitation; favourable conditions should be provided for religious followers to religious sites; and over interference by nonreligious factors to religious sites should be avoided.73

Final Report

7. By the end of 2000 nine-year compulsory education had been made virtually universal throughout the country. Illiteracy had been essentially eliminated among the young and middle aged. China has met ahead of schedule the targets of “universal primary education” and “eliminating gender disparity in primary and secondary education” as set in the MDGs.

44. Uzbekistan welcomed the efforts made in the area of protecting and promoting all human rights, including political, civil, social and cultural rights and also the right to development. Uzbekistan stated that the comprehensive work realized in China on a broad spectrum in the areas related to protection of human rights clearly attested to the commitment on the part of the Government to its international obligation in the area of defence of human rights. It stressed the positive results in the area of protecting the rights of women and children, education and human rights, the development of civil society, rights of disabled persons, health and social wellbeing. It noted that particular attention should be paid to the national human rights plan of actions for 2009-2010 that assists in further strengthening of the system of human rights protection in the country and ensures effectiveness of the work in this area.

47. Ghana appreciated the important contribution and commitment of China to the work of the Human Rights Council and viewed positively the Government’s efforts to further human rights within its vast country and multi-ethnic society. It praised several commendable achievements of China including the reduction of the number of persons in rural areas living in extreme poverty. It also noted the attainment, ahead of schedule, of the targets set in the Millennium Development Goals in the areas of poverty reduction, primary education, and a two-third reduction of the under-five mortality rate. It noted that the Government identified the measures it needed to take to address the challenges. Ghana requested further information regarding how the Government intends to achieve the goals of creating 24 million jobs in cities and towns each year in the light of the current global financial crisis.

79. Finland acknowledged China’s efforts to maintain a functioning justice system. It noted some improvement with regard to the “right for defence” but that implementation of these new provisions may be difficult due to persisting contradictory legislation, including the Criminal Procedure Law. Finland recommended that China (a) take effective measures to ensure that lawyers can defend their clients without fear of harassment and can participate in the management of their own professional organisations. Finland noted that, even though Chinese law prohibits the employment of children under the age of 16, substantial practice of child labour persists particularly in the private sector and that children work in abusive conditions under so-called “Work and Study programmes.” It asked for further information on measures envisaged to prevent the use of child labour, and the implementation of the respective laws and recommended that China (b) develop and adopt a comprehensive policy to combat child labour. Finland also recommended that China (c) withdraw its reservation to the article 6 of the Convention on the Rights of the Child.

81. Latvia, with reference to the concluding observations of the Committee on the Rights of the Child, welcomed China’s impressive achievements in reducing poverty, enabling it to attain some key Millennium Development Goals ahead of schedule. It appreciated China’s response to questions regarding cooperation with special procedures, noting ongoing cooperation with special rapporteurs and pending visit requests by several of them, recommending that China (a) step up cooperation with the special procedures and (b) consider extending a standing invitation to all special procedures of the Human Rights Council.

87. Qatar expressed appreciation for China’s developments and efforts, especially in protection and promotion of economic and social rights, particularly the rights to development, work and social security, housing, education and health. It welcomed information in the national report on difficulties and challenges and the future objectives and initiatives to overcome them. Appreciating accomplishments in the promotion and protection of the rights of the child and welcoming ratification of the OP-CRC-AC, it recommended (a) attaching more importance to protection of the rights of the child through national plans for economic and social development. It asked about plans and programmes proposed to promote the culture of human rights among local government officials.

91. Colombia noted that the national report reflected clearly a wide range of aspects and topics of human rights, as well as the achievements made and the challenges that still existed. Colombia praised the progress made in the area of economic and social rights, which had beneficial effect on the rights of women and children. Colombia stressed the great importance attached by China in the promotion of the rights of women and children requesting more information on the functions and actions of the National Labour Committee on women and children, including the policies dealing with migrant women workers. Colombia further requested information on the progress and results made in the Development Programme for Childhood for the period of 2001-2010.

107. Concerning children rights, China formulated the law on the protection of minors, the law on compulsory education, the regulations on the prohibition of child labour and other relevant laws and regulations. China has completely implemented entirely free compulsory education. The government has strengthened regulations on children’s enrolment, drop out and withdrawal from school and established evaluation and monitoring systems for girls’ education. The state has set up special schools for minor offenders and juveniles that provide adolescents education on laws and ethics and arrange some labour activities, commensurate with their age. Concerning female offenders, who are pregnant or breast feeding children of their own aged below 1 year, they are not detained in prisons or detention centres. China’s laws strictly prohibit the employment of minors below 16 by any employers and clearly stipulate the administrative and criminal responsibilities for using child labour. The government severely punishes those who use child labour.

Conclusions and Recommendations

13. Attach more importance to the protection of rights of the child through national plans for economic and social development (Qatar);
22. Continue to strengthen policies to promote education and to address educational imbalances between urban and rural areas and among regions (Angola);