

Save the Children's Report

**Implementation of the United Nations
Convention on the Rights of the Child
in the People's Republic of China**

June, 2011



Save the Children

Save the Children Introduction

Save the Children is the world's leading independent organization fighting for the rights of children. We work in 120 countries around the world, seeking lifelong solutions for children threatened by poverty, disease, injustice and violence.

Save the Children has been working in China since the 1980s and since that time, has grown to become one of the largest international NGOs in terms of annual expenditure and staff. Today, Save the Children has more than 120 staff working in offices in 6 provinces across China including Beijing, Shanghai, Yunnan, Sichuan, Xinjiang, Tibet. The project also covers Anhui, Guangxi, Qinghai, Guangdong and Guizhou.

Save the Children targets the most vulnerable children; in particular children in rural parts of Western China and in China's urban centres including children with disabilities, ethnic minority children, children affected by HIV/AIDS, trafficked children, migrant and left-behind children, children in conflict with the law, and children affected by poverty. Our programmes cover health, education, protection and emergency response, promoting the development of children and improving their future.

We work together with our partners to achieve better practices and policies, building partnerships with communities, civil society, government and the private sector to deliver programmes at scale to support children. In 2010, we reached 403,969 children through our programmes.

A Report on Implementation of
the United Nations Convention
on the Rights of the Child in the
People's Republic of China

Foreword

As one of the State party to the Convention on the Rights of the Child (hereinafter “the Convention”), the Chinese government has shared its 21st century experience in child’s rights protection with the international community. In 2003, China submitted the Second Periodic Report of the People’s Republic of China on the Implementation of the Convention on the Rights of the Child to the United Nations Committee on the Rights of the Child (hereinafter “the Committee”). Concluding observations of this report were issued by the Committee in 2005. These observations recommended the Chinese government to submit a combined third and fourth periodic report in 2009. The Committee also recommended that “in mainland China, the State party facilitate and encourage the independence and expansion of activities by non-governmental organizations, in particular those working for the promotion and protection of child rights, inter alia by ensuring their free and active involvement in the implementation of the Convention, including in the preparation of reports and the implementation of the Committee’s concluding observations and recommendations.”

Given that the Chinese government has submitted its combined third and fourth periodic report, Save the Children China Programme will give an overview of the implementation of the Convention in certain parts of China, analyse achievements and areas in need of improvement, and provide constructive considerations for relevant actors to further protect child rights by taking the perspective of non-governmental organizations and drawing on its work and experience in China over the past 20 years, particularly its practice and experience of the last decade.

Save the Children, founded in 1919, is the world’s leading organization for children, working in over 120 countries around the world. It is a non-governmental, non-political, non-religious, and non-profit organization. Save the Children’s mission is to fight for the rights of children and to achieve immediate and long-lasting change in their lives.

As one of the largest children’s organizations in the world, Save the Children has participated in the complementary reporting process of the Convention in many countries¹.

¹Save the Children has actively participated in the Complementary reporting process of the Convention in many States across Europe, Africa, Latin America and Asia. For example, Save the Children Sweden submitted a complementary report on the Third Periodic Report of Sweden to the Committee in 2004; Save the Children UK took part in the production of the complementary report on Implementation of the Convention in the UK in 2002, as well as the production of the complementary report on Implementation of the Convention in Lesotho submitted in 2000. In the past three years, Save the Children has involved in drafting NGO Complementary Report on the Convention and child reports in Indonesia, Mongolia, Vietnam, the Philippines, Bangladesh and Myanmar.

Our experience in these countries has shown that the active participation of non-governmental organizations and children in the complementary reporting process provides a great opportunity for the government, civil society organizations, children, and other members of society to jointly reflect on the implementation of the Convention on a regular basis. In addition, this participation is beneficial for increasing the public understanding of child rights and improving implementation of child related laws and policies, which thus promotes a child-friendly society that respects the rights of the child and listen attentively to the voice of the child. More importantly, it creates a model for respecting child rights and boosting child participation. Direct participation of children suggests a paradigm shift – that children are no longer seen as the “beneficiary” or “target group” of adult intervention but the “rights holder” whose self-realization and social contribution is valued.

Save the Children has been working in China for 20 years. During the past 20 years, it has not only witnessed the development and progress of child affairs in China, but also worked closely with governments at all levels and civil society organizations. Save the Children has launched different programmes and undertaken a number of researches and practices in order to advocate widely for the protection of child rights, better promote the implementation of relevant laws, policies and practices among children, especially vulnerable children.

The primary target of Save the Children China Programme is the vulnerable children, who are most in need of help and care, as well as their families. Save the Children is dedicated to promoting child health, child education, and child protection, as well as emergency and disaster relief. Through a number of programmes in the mainland China, Save the Children has kept up good communications with the relevant government departments and civil organizations and establishing strong partnerships with mutual trust. In the meantime, it actively provides reference materials and information for the use of policy research, formulation and implementation in child issues.

Save the Children strictly follows its mission and values in this process. Save the Children is committed to the fundamental principle of child participation and sees children as active participants and partners in all work. In the course of implementing programmes, it has over time set up children’s committees which holds regular meetings to discuss matters of concern to children. This practice creates an unprecedented platform for relevant policy-makers and actors to listen to suggestions made by children.

Notably, Save the Children’s programmes developed and implemented in China are the result of collaborations between the organization and the relevant government

departments at different levels and institutions (including civil society organizations and academic research institutions). All work is consistent with the overall objective and direction specified in China's child policies, with the aim of enhancing the protection of child rights and promoting the resolution of practical issues relating to children. These programmes are pragmatic and reach out to many regions across China, particularly those regions and groups where living conditions for children are disadvantaged and lagging behind. All this work and consultations and interactions with children have provided the solid evidence for the formulation of this report.

The preparatory survey and drafting of this report took about one year, beginning in July 2009 and essentially ended in August 2010. To produce the report, Save the Children set up a Consulting Group formed by a number of experts from the Chinese Academy of Social Sciences, the China Youth & Children Research Centre, and Peking University, China Youth University for Political Science and the China Women's News who were all responsible for the report writing. During the writing process, the group conducted extensive literature review and field research at the Save the Children project sites. In addition, representatives of children committees and Save the Children staffs also took part in the research and report writing. We hereby would like to extend our sincere gratitude to all the individual participants, organizations and institutions for the support and assistance that they had offered to Save the Children in the course of report preparation.

China is a vast country. Socio-economic development is significantly different between regions, as does the standard of living for children of different regions and groups. Given the limited regional and demographic coverage of the Save the Children programmes in China, and since this is the first time the Save the Children has put together a report of this nature, we therefore sincerely welcome any feedback and comments for future improvement.

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Preface

1. Article 45 of the UN Convention on the Rights of the Child states that the Committee on the Rights of the Child allows “other related institutions” including “non-governmental organizations and children’s groups” to submit reports so that it can have a more thorough understanding of the situation of child rights in the State party. In 2005, the Committee produced concluding observations for the second periodic report of China, in which item 27 reads: “The Committee recommends that in mainland China, the State party facilitate and encourage the independence and expansion of activities by non-governmental organizations, inter alia by ensuring their free and active involvement in the implementation of the Convention, including in the preparation of reports and the implementation of the Committee’s concluding observations and recommendations.” Encouraged by this statement, the Save the Children China Programme decided to prepare this report.

2. The report has two parts. The first part describes progress in the protection of child rights in China, and the major problems and areas in need of further improvement. It is based on the organization’s experience in developing child-centred programmes in mainland China from 2002 to 2009. This first part was written by Save the Children staff, along with experts from the relevant fields. In the second part, children from different parts of China (Beijing, Shanghai, Sichuan, Yunnan, Tibet, and Xinjiang, where Save the Children has programmes) talk about their rights and how they feel about it. It was jointly compiled by children and Save the Children staff.

3. The report follows the general guidelines of the Committee using the format of periodic reports submitted by the State party. Where necessary, partial adjustments have been made to its structure.

4. This report is based on what Save the Children and a few of its partners have done in China. It does not cover all child rights work across mainland China. Save the Children’s work forms an integral part of nationwide efforts to protect child rights and is done in cooperation with relevant government departments and institutions in regions where it has projects.

PART I

MAJOR REPORT

Introduction: Harmonious Society and Protection of Child Rights in China

1. The Chinese government and society have seriously taken the well-being of children into account. China's reform and opening-up policy have produced sustainable economic growth and social development. As a result, children's living environments have greatly improved, along with lawful protection of child rights. This trend has become even more prominent since the beginning of the 21st century, when the Chinese government began its "harmonious society" building projects.

2. For Chinese children, building a harmonious society means a better environment for their survival and development and more effective protection of their legal rights and interests. Unfortunately, despite this overall improvement, there are specific groups of vulnerable children who are in need of special protection – orphans, children with disabilities, street children, migrant children, and left-behind children. These children account for only a small segment of the overall child population in China. But given the huge number of Chinese children in total, such vulnerable populations are also big in absolute number. While improving the general standard of children's lives, the protection of vulnerable children's rights and interests is one of the significant issues that China will inevitably face on its journey building a harmonious society.

3. Migrant children in cities and left-behind children in rural areas. Due to the accelerated pace of industrialization and urbanization, the flow of people, in particular rural labourers moving into cities, has been constantly increasing in both size and speed. China had 145 million rural migrants working in cities in 2009.² Problems arising from this phenomenon, such as the growing need for education and protection of migrant children living in cities, and protection of children left behind in rural areas by their parents working in cities, are becoming increasingly worrying.

4. The problematic education of migrant children and lack of family supervision of left-behind children are very serious problems. Statistics from the All-China Women's Federation show that there are close to 58 million left-behind children in China, more than 40 million of them under the age of 14.³ Because the parents are often absent, these children are deprived of parental love and care and an attentive and supportive family education. Therefore, the percentage of children left-behind having problems with learning, mental health, and personal safety issues are

² National Population and Family Planning Commission, http://www.chinapop.gov.cn/xwzx/rkxw/201003/t20100330_195823.html, last visited on 13 December 2010.

³ All-China Women's Federation's website, <http://www.women.org.cn/allnews/25/17675.html>, last visited on 13 December 2010.

greater. Furthermore, the lack of family supervision and a family environment increases the risks of emotional dissatisfaction, which may then further develop into mental issues, a loss of self-control, reckless or even illegal behaviour.

5. The education of migrant children in cities remains a challenge. According to Chen Xiurong, the Vice President of the All-China Women Federation and a representative of the National People's Congress, the results of the fifth national census in 2000 showed that there are approximately 19.8 million migrant children in China.⁴ A report submitted by the Education Development Research Department in China National Institute for Education Research, "Study on Children of Chinese Rural Migrant Workers" described a few problems concerning migrant children's education, high probability of dropping-out, non-access to an appropriate school, unequal treatment in school admission and education, and problems adjusting with differing education content. The Chinese government administration is struggling with poorly-equipped private schools and urgent need for the low-cost education.⁵

6. Also there are a number of problems in pre-school and post-middle-school education, as well as continuing education in different places during migration. Although the State has policies on education for migrant children, effective supporting mechanism is missing in the early childhood education for migrant children. It is harder for migrant children to receive a quality pre-school education than for their non-migrant peers. The current college entrance exam system requires that migrant children studying in cities have to go back to where their "hukou" (household registration) is registered to pass the entrance exam to university. Because schools in different regions use different textbooks, it is hard for the migrant children to adapt to schools returning their hukou registration areas. As a result, some children choose to drop out.

7. In addition, due to insufficient family supervision and parental care, these two groups of children are more susceptible to accidents and attacks. Public Security Bureau Statistics stated that among trafficked children and young people, migrant children and youths are most at risk, followed by left-behind children and youths.⁶

⁴See "education and protection for migrant children in China (9): Number and distribution of migrant children", China Youth and Children Research Center, <http://www.cycs.org/Article.asp?Category=1&Column=134&ID=13902>, last visited on 13 December 2010; See also "Migrant children in China on a rise: no longer being invisible in cities", UNICEF, http://www.unicef.org/china/zh/reallives_8038.html, last visited on 15 December 2010.

⁵Thematic group in Education Development Research Department in China National Institute for Education Research, Study on children of Chinese Rural Migrant Workers[J], Central China Normal University (Humanities and Social Sciences), Issue 2, 2007.

⁶"Millions of Left-Behind Children are Not Happy," Southern Daily, 29 June 2010, page A22.

8. Street children. In China, there are a substantial number of children separated from their families and live on the streets. A report delivered at the International Seminar on Helping Street Children held in Shijiazhuang, Hebei Province, in October 2003⁷, stated “China has between 150,000 and 300,000 street children.”⁸ A survey showed that more than half of street children had suffered harmful incidents; with the most types of incidents happen to them are verbal abuse, beating, and robbery/stealing. The percentages were respectively 61.1%, 51.6% and 43.5%.⁹ These negative experiences bring long-term physical and psychological damage to these children.

9. Orphans. According to the report “Current Situation of Orphans in China and Their Difficulties” issued by the Ministry of Civil Affairs on 29 September 2005, China has a total of 573,000 orphans, 210,000 (36.6%) of whom have no access to institutional aid.¹⁰ In 2007, China launched a census for orphans and children with disabilities. The census showed that at the end of 2009, there were 712,000 orphans in China. About 90,000 had been taken in by institutions; the remaining 622,000 were under the care of relatives.¹¹ Since the beginning of the 21st century, the Chinese government has adopted a series of policies to assist in the protection of orphans. For example, the “National Standards Guidelines (Probational) for Foster Care” was issued in 2003; the “Opinions on Strengthening Aid for Orphans” was issued in 2006; and the Ministry of Civil Affairs issued the “Notice on Setting Minimum Standard for Raising Orphans” and the “Guidelines for Setting Minimum Standards for Raising Orphans in Welfare Institutions” in 2009. All of these policies have played a positive role in improving the living standards of orphans. However, family is after all the best environment for children to grow up in. Family life is crucial to the physical and psychological health of children and their integration into society. Coherent policies regarding raising orphans and ensuring that they grow up in a caring and supporting family environment are still insufficient.

10. Children with disabilities. According to the Second China National Sample Survey on Disability (2006)¹², China has 5,043,000 children with disabilities, which is 6.08% of the total disabled population. The survey also indicated school enrolment rates and education quality for

⁷China Youth and Children Studies, <http://www.cycs.org/Article.asp?Category=1&ID=8337>, last visited on 13 December 2010.

⁸Editor-in-chief Ju Qing, deputy editor-in-chief Zhang Xiaoliang and Chen Chen: A Study Report on China's Street Children, published by People's Publishing House in 2008, page 3.

⁹Editor-in-chief Ju Xiao Qing, deputy editor-in-chief Zhang Xiaoliang and Chen Chen: A Study Report on China's Street Children, published by People's Publishing House in 2008, page 26.

¹⁰The Ministry of Civil Affairs of the People's Republic of China, <http://fss.mca.gov.cn/article/etfl/ywjs/200809/20080900019802.shtml>, last visited on 13 December 2010.

¹¹The Ministry of Foreign Affairs of the People's Republic of China, <http://www.fmprc.gov.cn/chn/pds/ziliao/tytj/tyfg/t738182.htm>, last visited on 13 December 2010.

¹²The second national sample survey of people with disabilities was carried out by the steering team consisting of representatives of 16 ministries and groups including the National Bureau of Statistics, the Ministry of Civil Affairs, the Ministry of Health and the China Disabled Persons' Federation. For details, please refer to the Second National Sample Survey of People with Disabilities Data Series, 2007 edition, Huaxia Publishing House.

disabled children need to be improved. Only 63.19% of these children aged between 6 and 14 receive compulsory education at ordinary or special schools. In contrast, statistics from the Ministry of Education stated that in 2006, the net enrolment rate of children eligible for primary education reached 99.27%, while the gross enrolment figure for junior high school was 97%.¹³

11. One of the major contributing factors for the low enrolment rate and poor education quality is the fact that education for children with disabilities is seen as special education and children with disabilities usually receive education at special education schools. However, special education schools generally locate in big and major towns. This means that children admitted to special education schools also have to leave their family and life behind. Consequently, children with disabilities in rural and remote parts of China experience extra difficulties in receiving educational opportunities. The Chinese government has ratified the UN Convention on the Rights of Persons with Disabilities, which implies that it acknowledges the concept of inclusive education and is committed to gradually allowing ordinary schools to admit children with disabilities. However, due to the scarcity of educational resources and accessible environments for people with disabilities, as well as the low levels of public awareness and social support, the nation-wide adoption of inclusive education faces challenges and it is therefore hard to ensure these children's access to quality education.

General Measures of Implementation of the Convention (Articles 4, 42, and 44(6))

12. Following the ratification of the Convention, the Chinese Government ratified its two optional protocols in 2002 and 2007 respectively¹⁴. It also acceded to the UN's "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime" in 2010. Signing up to these treaties proves China's serious commitment to comply with international standards for child protection. Such treaties also provide guidelines for domestic legislation and action. To better protect children and promote their healthy development, the Chinese Government has taken a series of measures to ensure the implementation of the Convention.

¹³The Ministry of Education of the People's Republic of China, <http://www.moe.gov.cn/publicfiles/business/htmlfiles/moe/183/200707/24207.html>, last visited on 13 December 2010.

¹⁴Two Optional Protocols to the Convention on the Rights of the Child – the "Optional Protocol on the sale of children, child prostitution and child pornography" and the "Optional Protocol on the involvement of children in armed conflict"

i. Improving Laws and Regulations related to the Child

13. Since 2002, China has been improving the laws concerning the protection of child rights, by applying principles and provisions of the Convention and other international treaties while taking into account the development of China. It has drafted and amended several laws and regulations in favour of the protection of child rights, such as the “Law of the People’s Republic of China on the Protection of Minors”, the “Law of the People’s Republic of China on the Protection of Disabled Persons”, and the “Compulsory Education Law of the People’s Republic of China”.

14. Article 7(2) of the “Law of the People’s Republic of China on the Protection of Minors” (amended in 2006) states that “the State Council, the people’s governments at various levels and departments concerned shall protect minors properly, incorporate the protection of minors into their planning for national economic and social development and annual plan, and incorporate relevant funds into their financial budget.” This is a major breakthrough because it carries child rights into mainstream society. This provision ensures that governments at various levels will protect the rights and interests of the child while carrying out the national socio-economic plans and annual plans. In addition, a budgetary guarantee is given by the law.¹⁵ In its first National Human Rights Action Plan (2009-2010), released on 13 April 2009, the Chinese government mentioned the goals set in the National Programme of Action for Child Development in China (2001-2010), which is to adhere to the principle of “the best interests of the child” and make every effort to safeguard children’s rights to survival, development, protection and participation.¹⁶

15. In its efforts to better formulating child laws and regulations, the Chinese government encourages the involvement of children and relevant parties. As an international non-governmental organization, Save the Children’s work has also drawn the attention of the government. The organization has played an active role in the drafting and amendment of several Chinese laws and regulations relating to children. During the drafting process of the “Law on the Protection of Minors”, it was invited to submit written recommendations and relevant research reports, as a representative of civil society organizations. In addition, Save the Children took part in surveys concerning the fostering of orphans and children with disabilities and the situation of street children by providing research and practical experience to the Ministry of Civil Affairs to enact regulations to protect street children and the “National Standards Guidelines (Probational) for Foster Care,” which are designed to regulate the foster care of orphans.¹⁷ Furthermore, its collaborations with multiple

¹⁵Liu Huawen: Analysis of the Amendment to the Law on the Protection of Minors, in Liu Wenhua editor-in-chief: Child Rights and Legal Protection, Shanghai People’s Publishing House, October 2009, page 49

¹⁶Liu Huawen: Analysis of the Amendment to the Law on the Protection of Minors, in Liu Wenhua editor-in-chief: Child Rights and Legal Protection, Shanghai People’s Publishing House, October 2009, page 43

¹⁷“Ministry of Civil Affairs: 130 street children protection centers established in the country”, Xinhua Net, http://news.xinhuanet.com/zhengfu/2005-03/07/content_2662705.htm, last visited on 13 December 2010.

departments in Yunnan Province to combat child trafficking offered some reference points for the formulation of China's "National Action Plan against Trafficking in Women and Children."

16. However, there are some areas in China's laws and regulations concerning children where improvement is needed. For example, when it comes to child welfare, the Ministry of Civil Affairs issues relevant rules and regulations, but they are distant from actual laws. Since the binding authority of these rules and regulations are low, they are insufficient for regulating and guiding child welfare works.

17. In light of the above concerns, the State may consider:

- *Building on the newly amended "Law of the People's Republic of China on the Protection of Minors", efforts should be made to further improve the legal system that protects children; local governments should be encouraged to provide detailed implementation guidelines based on their specific conditions; punishment and remedies for acts in violation of the "Law of the People's Republic of China on the Protection of Minors" should be further clarified by determining the responsible party and enhancing the supervision of law enforcement.*

- *Enacting a child welfare law or regulation that is in the general interest of all children. The law must make clear the service recipient, quality, responsible party, and financial support of child welfare services to guarantee that there is a law covering the implementation of such services. In doing so, a legal guarantee would be provided for China's shift from offering complementary services to offering inclusive, institutional child welfare services.*

- *The legislation process should take full account of the child's age and ability as it varies at different stages of child development; respect child evolving capacity and self-awareness; and transfer rights exercised by the adults on the child's behalf, to the child.*

ii. The Establishment of an Integrated Working Mechanism for Child Protection

18. In recent years, the Chinese government has made relentless efforts to improve and promote the protection of child rights. Its efforts include: setting up a Woman and Child Affairs Committee at each level of government (above county level) which is in charge of the development work and rights protection of women and children; prioritizing child development in the management of public affairs by incorporating it into the general plan for national economic and social development, the government agenda, functions and performance evaluation of various departments, and national financial budgets; establishing accountability for goal management by delegating specific tasks to functional departments; having various departments report on the child rights situation to the Woman and Child Affairs Committee of the same level annually so as to help realize child development goals set for each region; establishing monitoring and assessment

institutions for the Action Programme for the Development of Children of China at national and local levels with local databases from 31 provinces, autonomous regions, and municipalities so that the central government and provincial governments are able to provide dynamic supervision, statistics, analysis, and evaluation on each indicator of child development every year. ¹⁸

19. These actions are an extension of the Chinese government, in which different departments have different responsibilities. In such mechanism, based on children's needs at different age groups regarding hygiene, healthcare, education, welfare, recreation, leisure, and safety, respective mandates are set to department of health, education, civil affairs, and public security. However, this mechanism is not effective when dealing with problems such as "child trafficking," "child discrimination," "child abuse," and "child protection," able to generate collaboration a cohesive force. It often exists only in name that every department share a responsibility, and does not carry out functions with clear mandates.

20. This situation is undoubtedly affecting the child protection work to be taken place smoothly. The development of children requires continuous, thorough, and comprehensive services. To change the situation, the Chinese government has tried to establish a work mechanism featuring leadership by the government and the participation of functional departments, and support from all stakeholders in society.

21. Save the Children has implemented programmes in collaboration with relevant government institutions in a number of provinces of China, to establish a Community-based Integrated Child Protection Mechanism. As through the advocacy of Save the Children, some government departments have tried to launch child protection work through community-based child activity centres. Collaboration between relevant departments (education, Women's Federation, and civil affairs) and schools, families, and children are achieved through such centres. A community support network thus improves the environment where children grow up. Our programmes set up community-based parent's committees, child protection reporting system, and quarterly meetings of all participating institutions to make joint decisions. Such systems link all stakeholders of child rights together to create a safe protection network for children. Through the operation of the child activity centres we have learned that a special agency charged with unified leadership is of crucial importance to the establishment of an integrated child protection mechanism.

¹⁸Supra note 8.

22. In light of the concerns stated above, the State may consider:

- *A specialized administrative institution for the management of child affairs should be set up at the state level, to manage child affairs across China in a unified manner. The institution will be in charge of planning and managing all child-related work and implementing policies.*
- *Consolidating social resources at a grassroots level, such as street community committees and rural village committees, to put in place a comprehensive child protection mechanism and network built upon communities.*

iii. Actively Publicizing and Advocating for the Convention and Raise Public Awareness of Child Rights

23. In recent years, the Convention and the concept of child rights have received wider publicity and advocacy in China. In November 2009, when the Convention celebrated its 20th anniversary, China launched a series of activities to promote and strengthen the Convention. One of the most influential media in China, Xinhua News Agency, joined hands with the United Nations Children's Fund in publishing the Chinese edition of the State of the World's Children Report and launching the Global News Day for Children;¹⁹ major Internet portals such as Sina, Sohu, and Netease devoted web pages to cover the Convention.

24. Save the Children has also played an active role in the publicity and advocacy of the Convention. In 1996, it organized the first training workshop for the Convention in mainland China. By including child rights in almost all of its training sessions and programmes, Save the Children has repeatedly either taken the initiative or participated in the publicizing and research of child rights. As most of its programmes target remote areas and vulnerable populations, the message of child rights and child protection does not only spread across remote regions but also among the vulnerable communities and people. In the course of implementing its programmes, Save the Children encourages children and parents to participate in publicizing the Convention.

25. The Committee recommends that "the State party further strengthen its efforts to disseminate the Convention...through the use of child-friendly materials."²⁰ Accordingly, Save the Children has produced a Child's Guide to the United Nations Convention on the Rights of the Child for minors aged between 12 and 18. Save the Children, with the help of children's participation,

¹⁹UNICEF and Xinhua press jointly published Chinese version of 'States of World Child', Xinhua Net, http://news.xinhuanet.com/world/2009-11/20/content_12500472.htm, last visited on 13 December, 2010.

²⁰Committee on the Rights of the Child, 14th Session, Concluding Observations: China (Including Hong Kong and Macau SAR), Para 25, 24 November 2005, UN Doc. CRC/C/CHN/CO/2.

also wrote a comic book entitled *Todd's Adventure – the Law on the Protection of Minors* to help publicize the “Law of the People's Republic of China on the Protection of Minors”.²¹ It has been widely read by children across China. These efforts are another meaningful attempt to disseminate and advocate for the rights of the child.

26. In light of the concerns stated above, the State may consider:

- *Efforts should be made to strengthen the publicity and dissemination of the Convention, the “Law on the Protection of Minors”, and related laws and regulations, in particular those relating to the inclusion of child rights and protection in school education. Efforts should also be made to disseminate child rights in remote schools and grassroots communities.*

- *There should be more focus on the impact of popular culture on the child. One should disseminate and explain the content of the Convention through media (TV, Internet) and also through the use of child-friendly materials. To enhance public understanding of children's rights, explicit publicity guidance should be provided to children's programmes and child-related reports, highlighting the respect shown to the rights of the child and incorporating an effective participation of child.*

- *Facilitating direct child participation in programmes to publicize and advocate for child rights by shifting from the adult-led publicity to a child-centred approach.*

- *Analysing and dealing with hot-spot events from the perspective of child rights to create a sound environment that respects children and treats them as right holders.*

Definition of the Child (Article 1)

27. The term “minor” specified in the “Law of the People's Republic of China on the Protection of Minors” has the same definition as “child” used in the Convention (namely a person under the age of eighteen).

28. However, the definition of “child” and its usage in legislation and in reality are rather fluid in China. For instance, Article 46 of the Chinese Constitution refers to both “child” and “young people.” Article 3(3) of the “Regulation on Public Holidays for National Annual Festivals and Memorial Days” issued by the State Council (amended in 2007) states that “on Children's Day (June 1), juveniles and children under fourteen are entitled to a day off, while on Youth Day (May 4), young people over fourteen can have a half-day off.” In other words, the regulations and rules define “child” as people under the age of fourteen, while those older than fourteen are considered “young people”.

²¹Reported at Sina.com, <http://news.sina.com.cn/o/2009-12-21/034316804865s.shtml>, last visited on 13 December 2010.

Another example is “The Basic Rules of Social Welfare Institutions for Children” launched by the Ministry of Civil Affairs, in which the definition of children is “people under fourteen years old”.²²

29. In addition, some current child-related laws and policies adopt different terms to describe people under eighteen. For example, according to the “Law on Juvenile Crime Prevention”, the “Provisions on The Prohibition of Child Labour”, the “Provisions on Special Protection for Juvenile Workers”, and the “Regulations on Management of Kindergartens”, “young people” are people between fourteen and twenty-five, while child labour only refers to those under sixteen.

30. Throughout its work, Save the Children refers to the definition used by the UN Convention on the Rights of the Child and the “Law of the People’s Republic of China on the Protection of Minors”. Therefore, a child is a human being below the age of eighteen years.

31. To better protect children and give them equal opportunities and rights, it is necessary to clarify the definition of children through legislation and publicity to make domestic practice consistent with international standards.

32. In light of the concerns stated above, the State may consider:

- *Due to the inconsistency in usage of several terms - “children,” “minors,” and “young people” in current laws and regulations, the government should consider providing detailed definitions of relevant terms and gradually adopting the universal definition of children (i.e. people under eighteen) in its legislation.*
- *Publicizing the accurate legal definition of “children” to the public through school education, public media, and other channels.*

General Principles (Articles 2, 3, 6, and 12)

33. China’s recent efforts to protect children adhere to the principles of non-discrimination, best interests of the child, the rights to life, survival and development, and respects for the views of the child. Since 2000, these four fundamental principles have been integrated in legislation and practice and have become a consensus among the public. Save the Children has strictly adhered to these principles in the course of its collaboration with government at all levels.

²²Standards of Social Welfare Institution for Special Children (issued by Ministry of Civil Affairs, No.24 in 2001), ²¹“children people aged 14 and under 14”

i. Non-Discrimination (Article 2)

34. The Constitution and the “Law on the Protection of Minors” of China proclaim that each child is entitled to basic rights and freedom irrespective of the child's sex, ethnicity, race, property, religious or other status.

35. China gives special attention to children who are more susceptible to discrimination, such as children affected by HIV/AIDS. According to the national direct report network for HIV/AIDS, as of the end of 2009 there were around 740,000 people with HIV/AIDS²³. Among them, 5,577 were under 14, including 2,806 children as AIDS patients.²⁴ Some surveys suggest that compared with their healthy peers, children affected by HIV/AIDS are subject to poorer physical development, more psychological pressure, and more intense self-abasement;²⁵ children affected by HIV/AIDS and aged under fourteen are more likely to engage in labour work even though child education only accounts for a small proportion of their family income. And they are more likely to suffer discrimination in education and medical treatment.²⁶

36. In view of the situation, the Chinese government adopted the “Four Free and One Care” policy,²⁷ the “Regulation on the Prevention and Treatment of HIV/AIDS”, and the “Notice on Developing Activities to Prevent HIV/AIDS among Children and Young People”. These policies ensure the access to education and basic life support of these groups of children, and have had a positive impact on sustaining and improving their physical and mental health.

37. The Chinese government has also actively instructed some civil organizations to provide care and aid for children affected by HIV/AIDS. For example, in areas where HIV/AIDS is more prevalent like certain border regions of Yunnan Province, departments of local government, work with Save the Children to, carry out education campaigns to prevent HIV/AIDS and combat discrimination, and to protect the rights and interests of children affected by HIV/AIDS. Such efforts not only raise children’s knowledge of HIV/AIDS prevention, they also provide psychological support and encouragement to those children carrying the virus.

²³Chinese Center for Disease Control and Prevention, <http://www.chinaaids.cn/n16/n1193/n4073/307442.html>, last visited on 13 December 2010.

²⁴Supra note 8.

²⁵Yuan Jianhua, Chang Chun, and Liu Kangmai, “A Research on AIDS Impact on Chinese Children,” *AIDS in China*, 2006, 12(6): 489-491

²⁶Yuan Jianhua, Liu Kangmai Xu Xiyang, “The Impact of AIDS on China’s Society and Economy,” *Scientific Decision-Making*, 3rd edition 2009, page 1-17

²⁷“Four Free” are: Free ARV drugs for AIDS patients not covered by basic medical insurance system; free voluntary counseling and testing; free ARV drugs to HIV infected pregnant women to prevent mother-to-child transmission, and free HIV testing of newborn babies; free education for children orphaned by AIDS. “One care” refers to the assistance and care provided by the State to HIV/AIDS patients.

ii. Best Interests of the Child (Article 3)

38. The “best interests of the child” is one of the basic legislative principles for the “Law on the Protection of Minors” amended in 2006. Article 3 states clearly that “fitting in with characteristics of minors’ physical and mental development, special and preferential protection shall be given to minors’ rights,” which reflects the principle of best interests of the child.

39. China has followed this principle in saving and protecting children. In relief efforts after natural disasters and public emergencies, people’s natural inclination to give special and preferential attention to children becomes a basic principle of relief work. In 2008, in response to the devastation caused by the May 12 Wenchuan earthquake, the Chinese government and public carried out relief work for quake-stricken people, particularly children. They also focused on protecting and supporting affected children in their emergency relief and rebuilding work.

40. Save the Children has also provided aid and protection for children hit by natural disaster. Its staff went to the disaster-affected area immediately after the Wenchuan earthquake, evaluated needs, and then launched projects. In cooperation with local governments departments, Save the Children built child activity centres in the hardest-hit places Mianzhu, Anxian, and Pengzhou. These centres offered not only a safe playground for children but also created a ‘platform’ for launching child protection activities such as emergency relief information sharing. Noting that infants had nowhere to bathe in temporary tents, the organization worked with local government to set up a “healthy bath center” for infants which provided free bathing services for children under five.

41. In addition to caring for children who live in disaster areas, Save the Children also shows concern for children who were evacuated to other cities away from disaster areas. These children are still traumatized by the disaster and have to study and live in a completely new environment, leaving their homes and families behind. Naturally, they need our care and support. By organizing summer camps and other exciting activities, Save the Children helps these children speak their minds as well as helping adults understand their needs and helping them integrate into the new environment via intervention and support.

42. However, when providing emergency relief for children, some practices which were not in the best interests of the child did emerge. To create sensational news, some media resorted to excessive coverage of scenes where children were saved. When the feelings of fear have yet disappeared among child victims, some media and psychological workers made children suffer a second time as they asked them to recall the devastating experience. All these behaviours go against the principle of the best interests of the child.

iii. The Right to Life, Survival and Development (Article 6)

43. With the economic development in recent years, China has progressed in the protection of children's right to survival and development. In the past decade, leaps have been made in the public health of women and young children. As a result, levels of maternal mortality, infant mortality, and mortality of children below five have been dropping every year. In addition, progress has been made in the prevention of mother-to-infant transmission of HIV/AIDS and the inclusion of child healthcare in the social security system. A new rural cooperative medical system that covers the whole rural population is being developed.

44. Great improvement has been made in relation to children's access to education in China. Compulsory education for school-age children has been brought into the national fiscal guarantee system to promote quality education. The central government and local governments have made investments adding up to over 11 billion Yuan to build a distance-education network that covers all rural villages of China. It enables primary and junior high school students in the countryside to enjoy high-quality education resources²⁸. At present, China exempts rural students in compulsory education from paying miscellaneous fees and book fees, and a living allowance is provided to students attending boarding schools.²⁹

45. Although the Chinese government and society have adopted many measures to protect and promote children's right to life, survival, and development, standards of living and environment for survival and development vary sharply among different populations. This discrepancy is particularly obvious between children from urban and rural areas, and between children from regions in different stages of economic development. It may widen along with the increasing imbalance of developments across China. Closing this gap will become a vital objective for the protection of the rights of the child in China.

iv. Respect for the Views of the Child (Article 12)

46. The fact that China has been giving more attention to child participation in recent years is evident in many areas of social life. For example, between 2005 and 2008, several representatives of children were invited to voice their opinions on behalf of minors on amendments to the "Regulations on Protection of Minors" in Shanghai, the "Regulations on Prevention of Juvenile Crimes" in Anhui, and the "Regulations on Prevention of Juvenile Crimes" in Guangdong.

²⁸Zhou Ji's speech at the Ministry of Education 2008 Work Meeting, 26 December 2007 http://www.gov.cn/gzdt/2008-01/04/content_850544.htm, last visited on 13 December 2010.

²⁹Ministry of Education, http://www.moe.edu.cn/publicfiles/business/htmlfiles/moe/moe_1778/200808/38125.htm, last visited on 13 December 2010.

Additionally, in 2007, Wujiang Municipal People's Court of Jiangsu Province took on 54 young people as juvenile jury members,³⁰ which drew a lot of public attention. This was the first attempt to involve children in judicial proceedings in the course of juvenile justice reform in China.

47. Save the Children is committed to raising awareness of child participation among government officials and the general public. In 2002, it worked with the Children Work Division of the All-China Women's Federation in holding an international seminar themed "China Child Participation Action Programme," which promoted child participation in China. To create a friendly environment that attracts child participation, the organization has, in the past decade, organized several hundred training sessions and seminars on child participation for partner governments departments at all levels, civil society organizations and groups, and children in programme areas to bolster their understanding of child participation and to increase children's ability to exercise their right to participate. As a fundamental principle and key working approach, "child participation" has been at the centre of every program Save the Children has worked on. Since 2006, it has been working hard to establish a cross-region child-friendly participation mechanism in areas where its programmes are implemented. Children from different backgrounds have the opportunity to discuss life matters and various policies affecting them, and to have their voices heard by adults. As a result, adults can take into account the thoughts of children when drafting child related policies. In July 2009, at the Save the Children's fifth National Children Committee Meeting, children began to prepare their part of this report. Children representatives of children from areas where the organization has programmes discussed the structure and content of the report. In the sixth National Children Committee Meeting (February 2010) and other subsequent child seminars held in Yunnan and Sichuan Provinces, child representatives made changes and supplements to the draft. All information used in Part II: Children Report of this report comes from child forums held by Save the Children since 2006, as well as child-led surveys in different regions and records and reports of interview with children.

48. Child participation helps children understand their society, and it helps them grow through practical experience. However, Chinese children still need to increase their participation awareness and ability. A lot of children have a rather weak sense of self-awareness, as adults take up all their responsibilities and often berate, criticize, spoil, and even force them to do things. Adults tend not to consult children when discussing child-related issues. They often ignore children's feelings. Decision-making institutions, education departments, and the public lack awareness and sensitivity to child rights and participation. At present, there is no system or mechanism widely accepted by the public to guarantee and promote child participation. Therefore, child participation is still a daunting challenge for China.

³⁰Wujiang Pioneers in 'Juvenile Jury Members', Legal Daily, http://www.legaldaily.com.cn/bm/content/2007-07/05/content_653407.htm, last visited on 13 December 2010.

49. In light of the concerns stated above, the State may consider:

- *The four principles enshrined in the Convention should be fully reflected in legislation, development planning, and programmes, so that they become the starting point and ultimate goal of all the work relating to children.*
- *Efforts should be made to publicize, and encourage child participation, and establish a widely accepted system which guarantees and promotes child participation, expands children's ability to participate, and offers equal opportunity for all groups of vulnerable children (children with disabilities, migrant children, and left-behind children) to participate.*

Family Environment and Alternative Care (Article 5, 18, 19, 20, and 21)

50. China has long been a country that values the family education of children. In recent years, owing to intensified publicity and advocacy for child rights, as well as progress in democracy and legal system strengthening in China, parents' awareness of child rights has risen. Families' basic functions of protecting the rights of the child and the healthy development of the child have become more acknowledged. To highlight the importance of the family in a child's upbringing, China has further identified the significance of family protection for children by adopting multiple measures to improve the family environment and enhance family education guidance. More alternative means of child care are offered to children deprived of a family environment, such as orphans, street children, and left-behind children in the countryside. More attention is devoted to family fostering placement because it is an effective way of providing aid to these children. This has to a certain extent changed the old model, which depended on a concentrated upbringing in specialized institutions.

i. Family Environment (Articles 5, 18, and 19)

51. With the overall rising standard of living, great improvements have been made in material living conditions, residential environments, and the child-rearing ability of Chinese families. In addition, as society's needs in human resources change, parents' expectations for child education and their consequent investment keep increasing. But for many reasons, such as traditional perceptions, parental education and family finances, some parents lack some kind of abilities in child-raising concepts, knowledge and skills and thus need effective guidance. Furthermore, due to the rising rate of divorce, poverty, and domestic migration, some families have become fragmented

and function poorly. Children from these families need more guardianship and care.

52. Save the Children is concerned about the child's family environment and the parental guardianship. Aside from encouraging child participation, it also encourages the participation and support of the child's parents or legal guardians. Through programmes such as community parent schools and the "small hand holding big hand" approach, it reaches out to families to share knowledge of child rights, child's diverse needs according to age, to promote parents' awareness, and to improve the family and community environment for children.

1. Duties of Parent

53. Family being the centre of the environment where children grow up, parents' importance in the development of children is obvious. By conducting field studies on children's family environment and family education, Save the Children and relevant institutions have discovered that a good family environment is not only defined by a high income and material standards of living, but more importantly about the degree to which parents are attentive, responsible and care for their children, as well as good communication and intimacy between family members. Parents who are not responsible and caring often do not respect their children, and are more likely to ignore their children, leading to difficulties in communities and tense relationships. Children suffering from poor guardianship are more likely to encounter problems while growing up. Therefore, parents' sense of responsibility and performance of duties are of vital importance to the improvement of the child's family environment.

54. To further emphasize parents' responsibilities and duties, the newly amended "Law on the Protection of Minors" proclaims that parents or other guardians shall create a good and harmonious family environment, as well as fulfilling their guardianship duties and fostering obligations to minors. But because there has been a lack of promotion for the protection of child rights among parents in China, many parents fail to understand or act on their legal guardianship and duties. This situation is particularly serious in places where literacy level and economy are underdeveloped. Relatively speaking, children of divorced parents, single parents, or migrant workers tend to have guardians who fail to meet their duties.

55. In light of the concerns stated above, the State may consider:

- *Efforts should be made to promote child rights to parents when they are applying for a birth certificate or registering a birth for their new-born.*
- *The State should further improve community parent schools to enhance parents' sense of responsibility and abilities through special training sessions.*
- *Efforts should be made to further establish an integrated child protection system which includes improving the current guardianship system. Legal measures should be adopted to protect*

children if the legal guardians do not fulfil their guardianship obligation or violate child rights.

2. Guidance for Parents

56. To improve the fulfilment of parents' obligations towards raising their children, in the past two decades, the National Working Committee on Children and Women has managed to set up a national family education network which offers help to parents performing their duties. However, China is still lacking in providing parental guidance. For instance, more mothers than fathers receive guidance, and parents in cities receive more guidance than parents in rural communities. In terms of the content of the guidance, more attention is given to child-rearing theories instead of practical knowledge. Parents of younger children tend to receive more education on hygiene and healthcare than parents of older children, as do parents of ordinary children compared with parents of children with special needs (such as parents of children with disabilities). In terms of guidance format, despite a diversity of options such as reading, lecturing, teaching, TV, and radio, lecturing becomes the main format used for groups. In addition, parental participation is limited. Joint participation of parents, their children, and even other family members in guidance activities, is even more limited. There has also been a lack of teaching guidance targeting the unique situation of parents in China, that is, parents with only one child.³¹

57. Save the Children has long stressed the importance of providing guidance and training for parents in its programmes. It has set up parents' schools in many of the cities and villages where it carries out programmes. Such efforts not only increase parents' abilities in child education, but also encourage parents to participate in its programmes more proactively, with a positive impact on the child's family environment. Based on what Save the Children has learned, parental guidance in China varies sharply between urban and rural areas. Rural parents need more guidance, but have few available resources.

³¹Li Hongzeng, The Target Groups, contents and methods in the Guidance of Parenting Education, Early Childhood Education, 2004, Issue 1&2:6-9;

Research Project Group for Parenting Education to Children in Different Ages, Project Report (1): Key Points to the Guidance for Parenting Education to Children Aged 0 to 3, Parenting Education (for parents with young children),2008, Issue 6: 45-48;

Research Project Group for Parenting Education to Children in Different Ages, Project Report (2): Key Points to the Guidance for Parenting Education to Children Aged 3 to 6, Parenting Education (for parents with young children), 2008, Issue Z1: 92-95;

Research Project Group for Parenting Education to Children in Different Ages, Project Report (3): Special Feature on the Emotion Development of Children Aged 3 to 6: the Current Situation on the Emotion Development of Young Children, Parenting Education (for parents with young children), 2009, Issue Z1: 94-95;

Research Project Group for Parenting Education to Children in Different Ages, Project Report (4): Key Points to the Guidance for Parenting Education to Children Aged 6 to 9, Parenting Education(for parents with school- age children), 2009, Issue 6: 92-93;

Research Project Group for Parenting Education to Children in Different Ages, Project Report (5): Key Points to the Guidance for Parenting Education to Children Aged 9 to12, Parenting Education (for parents with school- age children), 2009, Issue 9: 46-47;

Research Project Group for Parenting Education to Children in Different Ages, Project Report (6): Key Points to the Guidance for Parenting Education to Children Aged 12 to 15, Parenting Education(for parents with school- age children),2009, Issue 12: 46-47.

58. In light of the concerns stated above, the State may consider:

- *Intensifying research into parental guidance needs, particularly of children with special needs; providing information and materials for parental guidance work nationwide; compiling practical textbooks; supplying parents with practical and applicable family education information.*
- *Intensifying efforts to build professional teams for parental guidance, particularly in terms of giving guidance to parents of children with special needs.*
- *Strengthening guidance for parents in rural areas, particularly impoverished and remote parts of China and communities with a large migrant population; spreading guidance work in families, villages, and communities; and focusing on targeted and practical training.*

ii. Children in Need of Alternative Care (Articles 20 and 21)

59. Alternative care refers to a substitute of family care that is provided to a child temporarily or permanently because s/he has been deprived of family environment. At present, children deprived of a family environment in China include orphans, street children, and children affected by HIV/AIDS. Due to the lack of a normal family life and environment, they are more susceptible to psychological and behavioural problems.

60. Aside from an absence of family environment, the children are also sometimes subject to social discrimination, or even physical danger. Therefore, the first task is to help these children, who have been separated from their families, to return home. For children who are unable to return home, the Chinese government has adopted a series of measures. Relevant laws and regulations have been enacted to make child welfare services and institutions more professional, standardized, and systematic. Training of child workers has also been improved.

61. However, problems still exist in terms of the recipients, the methods, and the supervision of this alternative care service: (1) The focus of alternative care is too narrow, it is limited to orphans (most of whom are children with disabilities) in the State owned child welfare institutions; (2) Alternative care service suffers from a regional imbalance. According to the first national survey on orphans in 2006, 50% of orphans in urban areas were taken care of by their relatives or in foster care families and the other 50% had been cared for in institutions, while over 80% of orphans in rural areas were taken care of by their relatives.³² (3) The supervision system for alternative care needs improvement. Although China has laws, regulations, and policies on institutional upbringing, family fostering, and family adoption, the majority of them lack actual implementation.

³²Shang Xiaoyuan, Wu Xiaoming, "The Case Study on China Orphan Protection System", China Youth Research, December 2006, Page 31

Consequently the quality of these services cannot be supervised, as there are no specific rules to monitor the ratio between carers or families and children being taken care of, service procedures, qualifications required for service staff, and service standards.

62. The selection of alternative means of child care should follow the best interests of the child. In terms of ensuring the healthy development of the child, family adoption is deemed the best model of the three common alternative means of child care – institutional care, family fostering, and family adoption – followed by family fostering and institutional care. But institutional care remains the major means of alternative care. Such institutions include child welfare institutions, street children protection centres, and special schools.

63. To improve the situation, the Chinese government has carried out trials in the alternative means of child care in recent years. Save the Children, partnering with the government, has also contributed in exploring and practicing alternative means of care for children who are deprived of a family environment. From 1994 to 1997, it worked with the Anhui Department of Civil Affairs and the Guangde County Bureau of Civil Affairs in developing the “Child Fostering in Small Family Units of Orphan Community” programme, which converted large-scale institutional care into small family units inside welfare institutions, and further into family units in communities.

64. The basic philosophy of this programme is that a family environment is a necessary condition for the healthy development of the child. Quasi-family care in communities is better than quasi-family care inside child welfare institutions separated from society. These small family units are located in communities, which are a benign environment for children’s development.

65. In carrying out this programme, services for children with disabilities were improved by building a cross-department, cross-disciplinary collaborative work model, which gathers institutions, communities, schools, foster families, welfare institutions, and service providers as well as volunteers, parents, teachers, staff from welfare institutions and Save the Children, and community residents. All-round mobilization is applied to develop targeted, multi-level training. Training sessions are provided to parents, teachers, community residents, and volunteers to teach them knowledge, and skills involving the rights of children with disabilities. Community building and social capacity training is also offered to children with disabilities in foster care.

66. The experience gained through this programme has attracted the attention of the Ministry of Civil Affairs. In July 2003, the Ministry teamed up with Save the Children to conduct a themed research on the reform of alternative means of child care. This child-led research had children from welfare institutions interview other children in welfare institutions to understand their perception of different forms of child care. The statistics revealed by this research provided the necessary first-hand materials from children to enact the “National Standards Guidelines (Probationary) for Foster Care”, issued by the Ministry of Civil Affairs.

67. Following the promulgation of “National Standards Guidelines (Probationary) for Foster Care”, the Ministry of Civil Affairs worked with Save the Children to help foster children to integrate into the community by establishing a child activity centre. This centre also serves as a platform for

parents in foster families to share and exchange ideas, while facilitating training, supervision, and evaluation of foster families by welfare institutions.

68. In light of the concerns stated above, the State may consider:

- *Laws and regulations should be enacted to define the basic essence of alternative care that benefits the situation in China. The definition will become the basis for alternative care services delivered to children who are exposed to poor family functioning or have been deprived of a family environment. A concrete model of family fosterage should be developed, in accordance with local conditions, to promote the healthy development of children.*
- *Conduct research on the existing model. Make procedures and quality supervision indicators of alternative care more detailed. Revise current laws, policies and regulations and examine whether they are applicable and concise to the needs and best interest of children.*
- *To ensure the rights and development of the child, the State should set up standards to regulate and assess staff providing alternative care. Efforts should also be made to improve their professionalism and to actively promote social worker's role in alternative care.*

Basic Health and Welfare (Articles 6, 23, 24, 26, 18(3), and 27(1-3))

69. In recent years, the Chinese government has continued to increase investment in medical care by deepening the reform of the medical and health system, perfecting the urban medical insurance system, and building a new rural cooperative medical system. Chinese children have been among the beneficiaries of these reforms, as healthcare, disease prevention, and child vaccination are gradually becoming systematized and standardized. General improvements have been made in the physical fitness and health of children. However, problems remain in children's public health, which deserve more attention and improvement.

i. Children with Disabilities (Article 23)

70. The Second China National Sample Survey on Disability (2006-2007) showed that China had 5.043 million children with disabilities, accounting for 6.08% of the total number of people with disabilities. Among these children, 59.04% were boys and 40.96% were girls, the boy-to-girl ratio was 144.17:100. 19.20% of the total lived in cities while the other 80.80% lived in the countryside³³.

³³Ministry of Foreign Affairs of the People's Republic of China, <http://www.fmprc.gov.cn/chn/gxb/zlb/tyfg/t738182.htm>, last visited on 13 December 2010.

71. Problems faced by children with disabilities often arise from the disability itself and its chain effects, including economic poverty and social discrimination. The per capita disposable income of each family of people with disabilities is 58.03% of that of all families.³⁴ Discrimination against children takes two forms – direct and indirect. The former refers to the different treatment received by children due to their disabilities compared with other children without disabilities. The latter implies that though children with disabilities are apparently treated on an equal footing, they are in effect denied some of their entitled rights. Discrimination against children may get worse if they are from a population already subject to discrimination, which means that children with disabilities suffer from multiple types of discrimination.

72. In recent years, the Chinese government has introduced a number of laws, regulations and policies to better protect people with disabilities. In order to make their life more convenient, efforts to build hardware for easy access (such passages for people with disabilities and blind passages) have been multiplied. To create a social environment that respects people with disabilities, activities like the “National Day of People with Disabilities” and the “Young Pioneers for Helping the Handicapped” are held to raise public awareness for helping the people with disabilities.

73. Social organizations and civil society organizations have been actively participating, in promoting the rights of children with disabilities, and providing services to children with disabilities. Organizations such as the China Disabled Person’s Federation and Save the Children have worked to strengthen the capacity of children with disabilities to participate in social and public affairs, and promoting respect and care for children with disabilities.

74. However, it is the person with disabilities who understands his or her own situation the best. Therefore, by having persons with disabilities and relevant dedicated organizations, participate in the provision of services for and the protection of children with disabilities, we can make sure these children enjoy their various rights and take part in public life on an equal footing. In 2009, Save the Children teamed up with One plus One (Beijing), Hefei (Chunya) Rights into Action for Youth with Disabilities, and Fuyang Dandelion Association for People with Disabilities to jointly launch the “Nothing for us without us: Improving participation and capacity of disabled children and youth in China” program designed to protect children with disabilities. Bearing in mind the objective of enhancing children’s ability to participate, the program advocates for participation of children, offers training in rehabilitation exercise, everyday life and interaction skills, and teaches children with disabilities how to interact with others. It also provides training to relevant government officials, parents, volunteers and children with disabilities on rights awareness promotion, on how to build a social environment without discrimination against children with disabilities.

³⁴2007 Annual Disabled Person Well-off Realization Degree Analysis Report, China Disabled Persons’ Federation, http://www.cdpf.org.cn/ggtz/content/2008-05/04/content_25053456.htm, last visited on 13 December 2010

75. In recent years, the concept of inclusive education has received considerable publicity and dissemination in China. Since the beginning of the 1990s, the United Nations Children's Fund has been launching inclusive education programs for children with disabilities in China. But generally, the development of inclusive education is rather sluggish in China.

76. The education of children with disabilities is still regarded as a type of special education in China. This means that children often have to go to a special school, irrespective of the different degrees of disability. Children with disabilities cannot receive education together with children without disabilities, even if their disability is not severe enough to prevent them from going to an ordinary school. Furthermore, special schools for such children are often located in big and medium sized cities while there is a lack of such schools in small towns, rural and remote areas. As a result, it is hard for children with disabilities living in these areas to receive ordinary education. Their parents or caretakers often do not have access to guidance in how to take care of children with disabilities.

77. In recent years, some parts of China began to enable children with disabilities to study in public schools. But, in most parts of China, particularly remote and impoverished regions, ordinary schools still lack facilities and teachers that cater to the needs of children with disabilities, funding guarantees, performance evaluation systems for students with disabilities, and incentive and evaluation systems for their teachers. Save the Children has begun to implement inclusive education programs, which promote accessible, high-quality education by developing pilot programs at mainstream schools with the resource support of special schools and communities, so as to ensure the right of children with disabilities to an education.

78. In light of the concerns stated above, the State may consider:

- *Formulating a specific law or regulation on the protection of children with disabilities, making the protection content, measures and requirements more detailed, incorporating rehabilitation of children with disabilities into the social welfare system, including medical care, providing a legal basis for the protection of the rights of children with disabilities, and providing professional services to them through the government.*

- *Actively promoting social participation of children with disabilities, strengthen guidance and management of "self-help" organizations established by persons with disabilities, set up standards for such organizations, provide support to organizations which meet the standards, and have more people with disabilities involved in public life.*

- *Research institutes dedicated to issues concerning disability should devote more attention to the mechanism that guarantees the rights of children with disabilities by comparing and drawing on international practice and experience with the practical experience of China. For example, the learning and promotion of inclusive education should not be limited to the concept. Instead, more attention should be given to actual application of model and its methodology. Discuss how foreign*

countries have managed to implement and manage inclusive education throughout the education system and what education and teaching skills and methods China can learn from. Domestically, experience and achievements of places where inclusive education has been implemented should be summed up.

• Enhancing the knowledge and practice of teachers at ordinary schools of inclusive education; build a collaborative mechanism between special schools and ordinary schools; and increase spending on inclusive education and establish a management system specifically for inclusive education.

ii. Basic Health and Health Care Services (Article 6, 24, 27(1-3))

1. Overview of Maternal and Child Health in China

79. During the reporting period (2002—2009), China's achievements in reducing maternal and child mortality and improving maternal and child health have been impressive. In 2002, the national infant mortality rate in China was 29.2%, among which it was 12.2% and 33.1% respectively for urban and rural areas. By 2009, the national infant mortality rate had dropped to 13.8%, the rate for urban and rural areas also dropped to 6.2% and 17.0% respectively, showing a decrease of 52.7% nationwide, and a decrease of 49.24% and 48.6% respectively for urban and rural areas.³⁵ In 2002, under-five mortality rate in China was 34.9% nationwide, among which 14.6% and 39.6% respectively for urban and rural areas. By 2009, the national under-five mortality rate had dropped to 17.2%, the urban and rural rate dropped to 7.6% and 21.1% respectively, showing a decrease of 50.7% nationwide, and a decrease of 47.9% and 46.7% respectively for urban and rural areas.³⁶

80. Maternal mortality ratio has decreased on the whole. In 2002, the national maternal mortality ratio was 43.2/100,000, among which it was 22.3/100,000 and 58.2/100,000 respectively for urban and rural areas. In 2009, the national maternal mortality ratio dropped to 31.9/100,000, a decrease by 26% from 2002, and that in rural areas decreased by 42%. A policy and legal framework has been established, comprised of the "Law on Maternal and Infant Health Care", "National Programmes on Women Development" and the "National Action Programmes for Children's Development" as core components, along with a series of policies, laws and regulations concerning the health of pregnant and postnatal women, as well as infants and young children.

81. However, despite these great achievements, there are still over 350,000 children who die before their 5th birthday each year in China from preventable causes, among which the main killers are new-born complications, pneumonia and diarrhoea. ³⁷ In addition, great disparities exist

³⁵Statistics from the Ministry of Health see , <http://www.moh.gov.cn/publicfiles/business/htmlfiles/zwgkzt/ptjnj/year2010/index2010.html> , last visited on 13 December 2010.

³⁶Ibid.

³⁷Data from WHO/UNICEF's Child Health Epidemiology Reference Group (CHERG) 2010.

with regards to maternal and child mortality between urban and rural areas as well as between and within different regions in China. The reduction in maternal and child mortality has now levelled off, and the rates in remote rural areas are 3 to 7 times higher than those in urban areas³⁸. In 2008, infant mortality and under-five mortality rates were 5.8‰ and 7.1‰ respectively for the eastern region, 14‰ and 17.1‰ for the central region, and 22.4‰ and 28.5‰ for the western region. The rates in the western region were greatly higher than those in the eastern and central regions: 16.6‰ and 21.4‰ higher than those in the eastern region, and 8.4‰ and 11.4‰ higher than those in the central region.³⁹

82. In response to growing public concerns over inequalities in health, China embarked on major health reforms, with the guidelines for 2009-2011 period describing a clear target: to provide basic health care as a public service for all 1.3 billion citizens by 2020 with an investment plan of 850 billion Yuan for the 3 years from 2009 to 2011. The reform includes improving the public health network for disease prevention and control, health education, mother and infant health care, such as regular free medical check-ups for children under 3 and ante and postnatal care. Health services provided will be “safe, efficient, convenient and affordable”.

2. Challenges in Maternal Child Health in China and Save the Children’s role with regards to these challenges

83. With a clear goal outlined in the national health care reform plans, the current problems associated with inequitable access need to be addressed. There is a lack of flexibility and capacity in the reach of the healthcare system and the quality of its delivery to marginalized and vulnerable populations. First, unequal allocation of health resources contributed largely to the gaps between the urban and rural areas. According to the Joint Review of Maternal and Child Survival in China (2006) by Ministry of Health in collaboration with WHO, UNICEF and UNFPA, 80% of health resources are concentrated in urban areas⁴⁰, while deaths of children and mothers mostly take place in under developed rural and remote areas. Allocation of government health resources among health facilities mainly favour hospitals at county or higher levels, while township hospitals and maternal and child health centres have smaller shares.

84. As for the workforce, there is a strong urban bias in the distribution of medical professionals, with up to 70% of doctors and nurses resident in urban areas, which account for

³⁸Joint Review of Maternal and Child Survival Strategies in China (2006), Ministry of Health in collaboration with WHO, UNICEF and UNFPA, Page 6.

³⁹All Statistics from the Ministry of Health, See “ Social Progress in China-Statistics -Related to MDGs (2009) ”, Compiled by the Department of Social, Science and Technology Statistics, National Bureau of Statistics, published with support from UNICEF and UNFPA, Page 38..

⁴⁰Supra note 24, Page 25.

much less of the national population. ⁴¹Doctor density in urban areas is more than twice that in rural areas; nurse density showed more than a three-fold difference between urban and rural areas. ⁴²

85. Second, the quality of health care is greatly in need of improvement, as reflected in the slow progress of life expectancy and in the persistent inequality in health outcomes between richer and poorer provinces. ⁴³ A shortage of qualified staff, particularly in remote areas or at primary-level facilities, is a major issue. The existing challenges hinder putting national policies that concern children living in remote, poor areas and rural residents who migrate to cities for work into practice.

86. As part of Save the Children's global campaign "EVERY ONE", for new-born and child survival launched in 2009, Save the Children's health programmes in China in collaboration with local government agencies, address challenges in delivering accessible, quality services that can reduce the deaths of children under five caused by preventable diseases in remote, rural areas, and within migrant families in cities.

87. Based on the continuum of care model linking each level of the health system and China's health care delivery structure, Save the Children's activities focus on four tiers. Firstly, for families and communities, in order to improve knowledge and practice in disease prevention and promote healthy lifestyles, Save the Children empowers communities through equipping them with better health knowledge and skills, and providing self-help within families and communities around child health. This ranges from recognizing and taking action on danger signs in pregnancy, childbirth and postpartum to promoting immediate and exclusive breastfeeding for the baby's first 6 months, from early childhood care and development to hygiene and water and sanitation.

88. Secondly, for village clinics and township health centres that function at primary level of health care, Save the Children focuses on improving health workers performance by offering training in basic primary health care skills and knowledge, and promoting the uptake of services such as antenatal care and immunization.

89. Thirdly, in county hospitals, training supported by Save the Children focuses on improving the technical and management capacity of maternal-child health care providers. A lifecycle continuum of care approach is used to integrate the four main areas of child survival, including pregnancy, childbirth, postpartum (e.g. skilled birth attendance, postnatal care); nutrition (e.g. immediate/exclusive breastfeeding, micronutrients supplement); immunization (e.g. tetanus toxoid for mothers, measles); and prevention/treatment of diarrhoea, pneumonia, sepsis (e.g. hygiene practices, case management approach).

90. Finally, pilot project based evidence is brought up to the provincial level proves the need for better allocation of health resources and implementation of policies.

⁴¹Sudhir Anand, Victoria Y Fan, Jun hua Zhang, et.al, China's human resources for health: quantity, quality, and distribution, Lancet 2008; published online Oct 20.DOI: 10.1016/S0140-6736(08)61363-X.

⁴²Ibid.

⁴³Tang S, Meng Q, Chen L, Whitehead M. Tackling the challenges to health equity in China. Lancet2008; published online Oct 20.DOI:10.1016/S0140-6736(08)61364-1.

91. In light of the concerns stated above, the State may consider:

- *Building on successes achieved in urban areas, and reducing the gaps in coverage of maternal, newborn and child health, nutrition and related interventions, in remote, poor and rural areas, as well as for migrant families in cities.*
- *Improving the implementation of health interventions in remote and rural areas that can reduce deaths of underfives through a 'continuum of care' across the lifecycle, from women of reproductive age, through birth, to early childhood; and from care in the home through to hospitals and other health facilities.*
- *Training and deploying more health workers. Part of the additional investment allocation needed is to recruit, train, equip and deploy more health workers where they need most. Targets should be set for expanding the number of trained and properly equipped health workers, particularly to meet the needs of the poorest and most marginalized communities.*
- *Tackling under nutrition. Nutrition should be a much higher priority, and support should be provided for proven interventions, including micronutrient supplements, exclusive breastfeeding, complementary feeding, and food fortification, as well as cash transfers and social security programmes.*

Education, Leisure and Cultural Activities (Articles 28, 29, and 31)

92. At present, China has essentially met the goal of universal nine-year compulsory education, removed all miscellaneous fees in compulsory education, and gradually improved the compulsory education of migrant children in cities. Reforms have been made in the new curriculum. With increasing education spending, school facilities and education levels have markedly improved. It is now easier for children to go to school and to receive a high-quality education. The education content and curriculum is more adjusted to the children's lives, with special attention to children's interests.

93. Due to the exam-oriented education system, efforts have failed to effectively resolve the problem of children being put under huge pressure to study, and burdened with a huge workload. Imbalanced development is especially serious among children. The huge workload a child has to shoulder severely affects his or her leisure and cultural life. Despite a number of measures taken by the Chinese government to address this problem, children have yet to have a satisfactory leisure and cultural life.

i. Vocational Education (Article 28)

94. In China, only a small number of children have the opportunity to attend higher educational institutions, because the majority of children enter the workforce when they graduate from high school, or even without having graduated. Developing vocational education that is adaptable to the circumstances of China is vital for current educational reform and development. From the perspective of individual career development, childhood education (junior high school and senior high school) prepares children for their future career and is therefore crucial to developing their professional interests and instincts, as well as helping them to master basic labour skills. A well-targeted vocational education and training helps children access to a more thorough education and lays a solid foundation for their future career development in society. The Chinese government has increased reform and spending in this regard.⁴⁴ Vocational training of different levels and varieties is constantly being enhanced. However, due to the exam-oriented education system, ordinary schools pay little attention to, or even totally ignore vocational education and labour skills education.

95. Ordinary primary and secondary schools throughout China see entrance exams to the next level of education as their main goal of teaching. Memorizing of knowledge dominates the stage, with a limited focus on labour and survival skills. There is an obvious scarcity of vocational education and curriculum design, leading to an education which is untargeted and poorly adapted to what children need to survive in society. This problem is even more serious when it comes to rural and remote areas with underdeveloped economies.

96. Save the Children began to work with the Yunnan Province Education Department in 2000 to provide basic education programmes for ethnic minorities in remote and impoverished parts of Yunnan. These programmes are designed to improve children's performance at school, improve teaching, and provide initial vocational training for children in the form of "work while study." Based on the actual needs of local children, these training sessions are implemented in serial courses, such as flower-planting, cultivating edible fungi, tea arts, and business techniques, to build their ability to make a living. Through the training, children not only learn how to choose, plan, and manage vocational skills development, but also master the knowledge and skills required for local business and economic development. The implementation of these programmes has improved basic education in the local areas by bolstering not only children's competitiveness in the entrance exam but also their competitiveness in the job market.

⁴⁴Local spending has been boosted. Henan, Guangxi and Sichuan adopted the "vocational education consolidation" scheme. Fourteen provinces (regions, municipalities) including Tianjin, Inner Mongolia, Liaoning and Yunnan implemented the "Vocational Education Park Construction" scheme. With essence building and quality improvement at the core, these schemes adopt a scientific approach to increasing spending. Refer to <http://npc.people.com.cn/GB/10655967.html> last visited on 13 December 2010.

97. In light of the concerns stated above, the State may consider:

- *The needs of children and their families should be considered in the reform and development of basic education. Attention should be paid to children's vocational interests and knowledge, as well as the cultivation of labor skills. In the midst of curriculum reform, vocational education should be locally practical and applicable as situations of different regions vary, and an effective implementation of the new curriculum should be ensured.*

- *In its efforts to reform the vocational education system, the State should adopt a holistic approach to considering and planning the issue of vocational education for children of basic education age. It should consolidate old labor skills courses into a unified vocational education subject, increase spending, direct more resources to underdeveloped regions, particularly remote and impoverished parts of China, and ensure the implementation of such measures.*

ii. Objectives of Education (Article 29)

98. China has of late speeded up basic education reform; produce a quality national education system that is available to every child. This objective requires the systematic reform and development of students' practical ability and innovative spirit so as to improve the quality of basic education. Success depends on the reform of the basic education curriculum, the constant improvement of the performance of teachers and schools, and the enhancement of students' proactive attitude, practical ability and innovative spirit. All of these demand schools to change their education and teaching methodology, in order to promote inspirational and experimental teaching. They also demand that teachers be more creative, pay more attention to students' practical ability and innovative spirit, build a more democratic and equal relationship with students, respect students, and increase students' proactive participation in teaching.

99. To achieve the ultimate goal of realizing quality education, China has carried out explorations and practices in various regions during the recent years. The Education Departments of Yunnan, Xinjiang, and Tibet have worked with Save the Children in programmes for the promotion of basic education. These programmes encourage the use of "child-centred" participatory teaching methodology in some schools to encourage the adoption of quality education.

100. "Participatory teaching" calls for the use of questions to develop students' thinking ability. Teamwork and question design are applied to develop children's problem-solving abilities. Activities and games are also used to inspire students to be more active and creative in thinking and learning. These programmes promote quality education and participation. They improve teaching skills and course delivery ability through training in concrete methods, follow-up coaching, and inter-school exchanges.

101. In schools where these programmes have been implemented, close to 56% of students

feel dramatic changes in their teachers' attitudes, because the use of abusive language and corporal punishment drops significantly. Teachers show more respect for the rights of the child and children feel closer to their teachers.⁴⁵

102. "Participatory teaching" also promotes a better relationship between teachers and students. The majority of teachers who have taken part in the training share the feeling that many of the students whom they used to label as "mischievous," "naughty," or even "bad" have become more confident, more active (both in and out of class), and more willing to take part in class activities. Teachers no longer view them as "trouble-makers" or a "burden" and are keener to pay attention to them, help them, and identify their strengths.

103. In light of the concerns stated above, the State may consider:

- *Improving the pre-employment training and in-service training of teachers by attaching more importance to training in teaching skills, which should be closely combined with everyday teaching. Training in "participatory teaching" should be provided, in order to improve teachers' practical ability and creativity. Training and post-training supervision should be intensified to ensure teachers' mastery and implementation of training content.*

- *Offering encouragement to the Head of Education Department in different regions to give some kind of flexibility in the production of teaching and textbooks sufficiently respect the creativity and participation of teachers and students in terms of producing teaching materials. Attention should also been paid to the usage and promotion of school's textbooks and supplementary materials that met with the local characteristics.*

Special Protection Measures (Articles 35 and 40)

104. In recent years, the Chinese government has paid special attention to the protection of children who are recognized as in conflict with the law, by further improving the relevant laws and regulations, enhancing the judicial protection provided to them, offering support for local efforts in reforming and exploring judicial practice for children, and seeking to establish an independent juvenile justice system with the distinctive features of China.

105. With regard to the aid and the protection of street children, the Chinese government has further specified the government's responsibility. It has increased investment, established aid

⁴⁵The Medium Evaluation Report of Xinjiang Basic Education Project (Cooperated by Education Bureau of Xinjiang Autonomous Regions and Save the Children China Program, sponsored by EC, Newzeland Agency for International Development, Reclitt Benlciser, April 2006 – March 2009), Page 20

protection centres or aid stations in areas with a relatively high concentration of street children. It has also actively worked with non-governmental organizations in exploring more scientific and effective aid methods and models so as to attain comprehensive governance of issues relating to street children.

106. To address the issue of child trafficking, the Chinese government issued its first National Anti-Trafficking Plan and established a long-term work mechanism integrating prevention, crackdown, aid, and rehabilitation together, pushing multi-departmental collaboration and comprehensive prevention to a new level in terms of child issues.

107. Save the Children has initiated and implemented programmes in the judicial protection of children recognized as in conflict with the law; aid and the protection of trafficked children and street children. It has carried out long-term experiments and trials in judicial reform for children and the prevention of child trafficking.

i. Judicial Protection and Juvenile Justice System Reform (Article 40)

108. In recent years, there has been a rise in the number of children committing crimes in China. This has become a major issue affecting social security and drawing public attention. Since the 1990s, there has been a significant growth in the number of children criminals in China. In 1994, 38,388 children were found to be in conflict with the law. In 2004, this figure went up to 70,086, an 83% increase in a decade. This pace is far higher than that of the increase in the total number of criminals nationwide.⁴⁶

109. The juvenile justice system in China is not well adapted to this new situation. Judicial correction, long centred around detention institutions, is not very effective. The issue of “labelling” cannot be resolved and requires more effective preventive measures and corrective methods. Finding a way to correct and educate children in conflict with the law more effectively and to establish an independent juvenile justice system with the distinctive features of China have of late become a hot issue at the top of the reform agenda for the juvenile justice system.

110. Against this background, some parts of China have made attempts to reform the juvenile justice system. These reforms have one thing in common they seek non-custodial punishment for children in conflict with the law, through bail while trial is pending, given that China is adopting the criminal policy of combining leniency with severity. For example, some applied “judicial diversion” that deals with cases involving children separately. Some established a specific judicial social worker team to provide special help for these children. Practice shows that the use of non-custodial

⁴⁶The China Youth & Children Research Center: Quantitative Analysis Report of China's Young People Crime Trends since the 1990s, August, 2008, <http://www.cycs.org/Article.asp?Category=1&ID=7875>, last visited on 13 December 2010.

punishment is far more effective in terms of positive social education and has many advantages over detention institutions.

111. Save the Children has played an active role in exploring reform of the juvenile justice system in China. From 2002 to 2009, it cooperated with the Government of Panlong District in Kunming, Yunnan Province, in implementing two phases of “The Panlong Youth Justice Pilot Project”. The project attempted to find more effective and appropriate methods in the investigation, trial, and treatment of cases involving children, based on their mental and physical characteristics, covering procedure and handling approaches. In addition, it established and strengthened a support system at the community level, featuring joint participation and the cooperation of different departments. Children are better protected and are prevented from being in conflict with the law through a comprehensive, coordinated mechanism. The pilot project in Panlong District has achieved its expected goals. It has become a huge success in terms of social impact and effectiveness. It has become known as the “Panlong model”.

112. This kind of local exploration and practice clearly shows the reform direction of China’s juvenile justice system.

1. Specialized Juvenile Justice System

113. In recent years, with the continuous development of China’s juvenile justice system, more and more child cases are handled in a specialized manner, meaning that appropriate institutions and employees are made in charge of the cases. The newly amended “Law on the Protection of Minors” (Article 54-55) states that minors as in conflict with the law shall be given a mitigated punishment or exempted from punishment according to the law. Public security organs, people's procuratorates, and people's courts shall, in dealing with cases involving crimes committed by minors, take their physical and mental characteristics into consideration, respect their personal dignity, and safeguard their lawful rights and interests, and may, according to need, set up special organs or designate special persons to handle such cases.

114. Because juvenile courts and juvenile tribunals are still rare in China, only a small number of cases involving crimes committed by children are handled by special organs or designated persons. Looking at areas with a high quality specialized juvenile justice system, we see that there are regulations for judicial protection of children - making it increasingly standardized and systematic, and promoting a civilized judicial system.

115. In the “Panlong Youth Justice Pilot Project” launched by Save the Children, along with the collaboration of the Panlong District in Kunming, Yunnan province, cases involving children were handled in a specialized manner. A system took shape in which the public security organ set up an office in charge of the handling child cases, the procuratorate set up a department especially for dealing with these cases, and the court set up a juvenile tribunal. In addition, the “appropriate adult” system was put in place: specially trained people worked independently to carry out social

background investigations, protect the rights and interests of the children, and provide social assistance and education. These specialized methods not only effectively protect the legal rights and interests of the children involved, but also guarantee judicial justice.

116. In light of the concerns stated above, the State may consider:

- *Further promoting the establishment of juvenile courts and juvenile tribunals and pushing for the development of juvenile police organs, procuratorate organs, and other related institutions; Gradually developing a specialized and professional juvenile judiciary work team (such as juvenile police, procurators, judges, and correctional staff).*

2. Judicial Diversion

117. A major shift has taken place in the way China deals with cases involving children, as more effort is devoted to seeking non-custodial punishment. Article 12 of “the People’s Procuratorate’s Regulations on the Handling of Criminal Cases Involving Minors” issued by the Supreme People’s Procuratorate in 2006 state that “When people’s procuratorates approve arrest for criminal suspects who are minors, they shall determine the necessity of arrest by making a comprehensive judgment on what danger they pose to society based on the facts of the alleged crime, the subjective viciousness, whether they have guardianship, and access to social assistance and education. They shall use arrest cautiously and reject arrest application if the use of arrest is not completely necessary.” Article 16 of the “Interpretation of Several Questions Concerning Applicable Law in Trying Criminal Cases of Minors” issued by the Supreme People’s Court in 2006 states that: “A suspension of sentence may be pronounced for minor criminals who fit Article 72(1) of the Penal Law. Suspension of sentence shall be pronounced in any of the following circumstances, when the use of suspension does not endanger society: (1) the defendant is a first-time offender; (2) the defendant is proactive in returning illegal gains or compensating the victim’s economic loss; (3) the defendant has conditions for guardianship, assistance, and education.” These provisions indicate that cases involving children must be dealt with in categories based on the real situation and must avoid resorting to judicial proceedings. In other words, efforts must be made to seek non-detentional punishment of children alleged to being in conflict with the law, and reasonable judicial diversion must be adopted.

118. In the “Panlong Youth Justice Pilot Project” jointly implemented by Save the Children and the Panlong District in Kunming, judicial diversion refers to the practice of avoiding sending child suspects to detention facilities when bringing criminal proceedings and punishment against them. Judicial diversion follows the principle of “education first, supplemented by punishment.” The purpose of the project is to divert child suspects and offenders from incarceration into programmes where they can be supervised, observed (for those on bail or awaiting trial), rehabilitated (for those

offenders who are diverted), assisted and educated but not criminally punished. The goal is to guide them back on to the right track without being separated from their community, family and school.

119. In light of the concerns stated above, the State may consider:

- *Accelerating legislations for the establishment of non-custodial measures across China to provide standards for categorization of cases involving children and a legal basis for the use of non-custodial treatment.*

3. Social Background Investigation Mechanism

120. Prior investigation of the alleged child criminal's background is an important part of handling any criminal case involving a child. "Regulations for Public Security Organs to Deal with Crimes Committed by Minors" issued by Ministry of Public Security in 1995 states that "interrogation of minor suspects shall be different from that used for adults. Apart from the case and its evidence, information concerning the suspect's life, learning environment, upbringing experience, personal characteristics, mental state, and social connections shall be obtained before interrogation for preparing a specific interrogation outline." The "Regulations on Trying Criminal Cases Involving Minors" issued by the Supreme People's Court in 2001 stipulates that "before trial, the prosecution and the defence can investigate the background information of the minor defendants such as personality, family, social connections, upbringing experience, and behaviour before and after being charged for the alleged crime, and prepare written materials to be submitted to the court. If necessary, the people's court may appoint a relevant social workers' group to conduct the investigation or start the investigation on its own." "Regulations on the Handling of Criminal Cases Involving Minors" issued by the Supreme People's Procuratorate in 2002 stipulates that: "The prosecution of minor suspects shall take into account the opinion of his or her parents or other legal representatives, the defence, the minors victim and his or her legal representatives. Social investigation involving the school, family, and relevant personnel may help understand the suspect's upbringing experience, family background, personality, and social activities, which can serve as a reference for handling the case."

121. The "The Panlong Youth Justice Pilot Project" used this approach, and made improvements accordingly. This pre-crime investigation is the so-called "social background investigation," which investigates and verifies the child's basic situation, family members, reason for committing the crime, attitude vis a vis the crime, and the opinions of his or her guardians through people and institutions close to him or her – guardians, relatives, neighbours, friends, the school he or she attends or the institution he or she works for, the community, and the community police station.

122. The purpose of this investigation is to provide an objective basis for deciding whether to divert a case. The investigation report is submitted to functional departments (police, prosecution, and the court) as a crucial reference that can be used for deciding on diversion. In investigating the social background of the child alleged to have committed a crime, “appropriate adults” work independently and are held responsible for the objectivity and truth of the investigation. The social background investigation conducted by “appropriate adults” must not only research the alleged child’s situation, family background, and home environment, but also provide suggestions for how to deal with the child suspect. In addition, it offers objective information such as the child’s supervision, assistance, and education conditions.

123. In light of the concerns stated above, the State may consider:

- *Incorporating a social investigation system into the juvenile legal system, and providing a detailed illustrations of the legal basis of having a social investigation system in juvenile justice practice, its procedure, implementation stage, subject or institution, the legal status of workers conducting the social investigation, the content and nature of the investigation report and its role in the juvenile justice system, and the penalty for supplying a false report.*
- *Setting a standard for the qualifications and professional background required of people in charge of social investigations, gradually build a team of professional social investigators, and emphasize its active role in the judicial protection of children.*

4. Social Assistance and the Education System

124. The Chinese government has given much attention to providing community assistance and education to children in conflict with the law. Article 47 of the “Law of the People’s Republic of China on the Prevention of Juvenile Delinquency” states: “Parents or other guardians of minors, schools, urban residents committees, and rural villagers committees shall take effective measures to help and assist the judicial organs to conduct the education and retrieval of minors who are not subject to criminal liabilities because they are under the age of 16, are subject to non-imprisonment penalties, or are subject to criminal penalties but are on probation or parole. An urban residents committee or rural villagers committee can hire retirees or any other person who has outstanding morality and proper conduct and is enthusiastic about the education of minors to assist in the education and retrieval of minors as prescribed in the preceding paragraph.”

125. When children in conflict with the law are “diverted” from judicial proceedings and return back to the community, the most important follow-up job is to provide effective help and correction for them. In fact, both children on the verge of conflicting with the law and children who are diverted from the proceedings of police, prosecution, and court need prompt and stringent community-based assistance and education. Placing children who are in need of correction in communities so

that they can receive help and education in a normal living environment as well as correct guidance on thinking and behaviour. In doing so, these children are able to change their previously negative mind-set and behaviour, learn correct ethical standards and codes of conduct, and return to society.

126. The pilot project in Panlong District has over time set up a standardized community assistance and education procedure. Not only is an appropriate and capable assistance team in place, but a detailed assistance work plan is also prepared for each child in need of assistance. With “appropriate adults” also participating in the whole process, these measures ensure the implementation of assistance and education. In providing community correction for children, attention is paid to helping them and offering care and guidance in all areas of life. Emphasis is put on consolidating and improving social resources so that key factors capable of influencing the development of children play their due role. In this way, children can be integrated into a harmonious environment. Attention is also given to helping the child and his or her family and school, as well as to the intervention of relevant community sectors.

127. In light of the concerns stated above, the State may consider:

- *Reforming corrective methods used by juvenile education fosterage and special schools and proportionately relaxing constraints on the child's liberty so that he or she is not deprived of a healthy development.*
- *Accelerating the building of a “community support service system” for the correction of children so that it becomes a beneficial supplement to family and school education and a sound venue for correcting the behavior of children in conflict with the law outside institutions.*
- *Improving the legislation concerning re-education and detention, special schools, and community correction, so that the social assistance and education is institutionalized.*

ii. Integrated Preventive Measures on Child Trafficking (Article 35)

128. With an increasingly open society and a growing economy, China's cross-regional and cross-border demographic migration has been on the rise. Much of this migrant population is composed of children and young people, particularly from rural, remote, and impoverished parts of China. A considerable number of these children and young people go to cities to look for opportunities. Due to the lack of information, insufficient self-protection awareness and abilities, many of these migrant children, in particular those from remote areas are trafficked or swindled frequently. Trafficking takes place not only inside China but also between China and other countries. Trafficked children are often subject to labour exploitation and forced to become prostitutes, thieves, or beggars. Child trafficking violates the rights of the child. It severely hurts the trafficked child's physical and mental health, making him or her suffer abuse and discrimination of varying degrees and loss of freedom and dignity.

129. The Chinese government has long punishing crimes relating to the trafficking of women and children for a long time. Since the beginning of the 21st century, China has made phenomenal progress in launching a long-term anti-trafficking work mechanism which integrates prevention, crackdown, aid, and rehabilitation. In 2007, the State Council issued China's first "National Action Plan against Trafficking in Women and Children (2008-2012)". Later on, 26 ministries and institutions (including the Ministry of Public Security) jointly launched the Joint Ministerial-Level Meeting for State Council's Work against the Trafficking of Women and Children. The Ministry of Public Security also set up a special office to combat woman and child trafficking. As a result, a new page has been turned in multi-department collaboration and comprehensive prevention of child trafficking.

130. Since 1999, Save the Children has been working with the Women's Federation, the Department of Public Security and the Department of Civil Affairs of Yunnan Province in developing community-based trafficking prevention projects. These projects are designed to explore the establishment of an effective community-based prevention mechanism so as to prevent or avoid trafficking, build safe flow channels, reduce children's risk of being trafficked, promote community participation and multi-department collaboration, advocate for child participation, strengthen cross-border cooperation, and build a comprehensive child protection mechanism. They are an important part of Save the Children's "Cross-border Project Against Trafficking and Exploitation of Migrant and Vulnerable Children in the Mekong Sub-region".

131. However, because the prevention of child trafficking is very complicated, obstacles remain in providing aid to victims and helping them return to their community. More effective measures need to be taken as the existing standards are still far from reaching its comprehensive prevention goal. Currently, more attention is paid to the clampdown, while less attention is given to prevention and social integration. In addition, there is more emphasis on the role of functional departments, but less focus on the participation of children and communities.

132. Furthermore, in China, the prohibition of forced labour and the protection of the rights of workers are not part of the mandates on fighting trafficking. Instead, they are written under the crime of forced labour and the crime of recruiting child labour for dangerous and heavy work specified in the Labour Law and the Penal Law. This does not match the relevant international treaties regarding the definition of "trafficking". With the development of the urban economy, more and more young people leave the countryside for job opportunities in cities. In this process, some are therefore become victims of traffickers or exploiters.

133. In light of the concerns stated above, the State may consider:

- *Enhancing the existing long-term anti-trafficking work mechanism and the integration of prevention, punishment, protection, and aid, particularly with regard to the provision of funding and human resources to ensure victims' reintegration into society.*

- *Given the definition of “trafficking” in China is different to that in the international treaties, it is necessary to have a consistent definition and to consider combating forced labour in the range of the work against trafficking.*

- *Further implementing the international conventions and emphasizing the role of the labour department in protecting children workers(aged 16-18); implementing national laws and regulations on working conditions, time, and compensation; increasing law enforcement supervision; and ensuring the protection of the rights of the children workers.*

PART II

CHILDREN REPORT



Foreword



I. Foreword

This is the children's part of Save the Children's report on the implementation of the Convention on the Rights of the Child in the People's Republic of China.

In its concluding observations on China's second periodic report, the UN Committee on the Rights of the Child recommended that the Chinese government should make sure that children are given the opportunity to be heard in any judicial and administrative proceeding affecting them, and that due weight is given to their views in accordance with the age and maturity of the child. From a perspective of the child as the right holder, this report is intended for providing the Committee on the Rights of the Child with first-hand information from children so as to help it understand and review China's implementation of the Convention on the Rights of the Child in a holistic manner. It is also designed to present the child's considerations to the Committee, the Chinese government, and civil organizations working in China for them to better improve the rights of the child. In addition, by preparing this report, Save the Children hopes to explore ways for non-governmental organizations to participate in the process and to improve its abilities in advocating for the rights of the child.

This report is prepared by children consultants involved in Save the Children's programs, together with facilitators from Save the Children China Program. Ideas and considerations were made by representatives of children attending child consultancy meetings, surveys and interviews held from February 2006 to February 2010.

Based on our knowledge about the structure of State's report and major areas of rights of the child covered by the Convention, our representatives of children have drafted this report in five parts.





- Education (page 48-59)
- Family and Alternative Care (page 60-75)
- Children in Difficulties (page 76-91)
- Health and Recreation (page 92-99)
- Environmental Protection (page 100-104)

The main body of this report is about what children had said, with comments made by Save the Children at the end of each part.

Admittedly, this report has many limitations. Although children involved in the preparation have diverse backgrounds, their information and considerations are far from representing the wider population of children across China due to the limited regional and demographic coverage of programs developed by Save the Children.

A large part of reference information for this report is indirect information as staff of Save the Children would sort out and analyze records of prior surveys and interviews and children consultants would provide additions and corrections. As a result, there are bound to be omissions and lapses.

Furthermore, this report presents a basic picture about what has happened since 2006. It might not be exhaustive enough to cover developments and changes in the situation of child rights throughout the last decade.





Article 28

...States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity.

Article 29

States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential...



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2. Education



Teacher

More care and respect from teachers needed

Teachers care more about us and they put their trust in us. We also do fun educational activities with the teachers. This is very enjoyable.

- ✦ Teachers are playing more games with us during class which is very enjoyable for us.
- ✦ Teachers trust us, and give us teacher-level tasks when it is appropriate.



- ✦ The teachers are very nice to us. It was our homeroom teachers who took us to the hospital when we were sick, and pay for our medical expenses.





2.1 Teacher

But there are still some schools and teachers who are not doing well enough, they still need to improve.



- Some teachers talk to us in a demanding tone, and make decisions without discussing with us. We are scared to say no, but deep down we don't agree with them.
- Teachers don't always pay attention to students' requirements, for example they sometimes hurt the student's self-esteem, use rude language to attack students who get low grades, insult them, etc.
- Some teacher prefer students with a good academic record and students that are good-looking or rich.
 - Teachers teach in a indoctrination manner, and we cannot take initiative in class.
- In some schools, our test grades and rankings are posted, and our bad essays as well. We feel insulted and our privacy violated. Our parents also feel "losing face", and that's why we are beaten after school.



2. Education



The **teachers** could tell each student the exam grades and rankings secretly, rather than publishing them in front of the whole class. They should not let other student to read the bad essays we wrote either.

Teachers and students should have more communication and negotiation with each other, since teachers are the roll model of the class. In this way, the decisions are more acceptable to us.

When a student has trouble with studies, the **teachers** should give extra classes after school, and show their care to the student and communicate with them more.



Teachers also sometimes feel under pressure, so they do need to have more time to relax.

If the teacher ignores **you**, think on the bright side, maybe the teacher is trying to challenge you.

You need to listen carefully to the teacher and finish the task set by the teacher in order to eliminate the teacher' s prejudice against you(if there is any).

2.1 Teacher



Comments

The traditional school education methodology has drawbacks. The Committee on the Rights of the Child points out education should be administered in a manner consistent with the child's human dignity. Some teachers' violation of the students' privacy and dignity is inconsistent with the aims of education.¹ Accordingly, students recommend that teachers show more respect and attention to them. Teachers discriminate against some students while education should be about the prevention of discrimination. School education is an important part of efforts to fight discrimination. Therefore, discrimination of any kind should be eliminated from school. Teachers tend to manage students with orders without fully respecting views of children. They also restrict the child in expressing his or her own views. But, article 12 of the Convention entitles the child the right to express those views. Therefore, children expect teachers to listen to their views when making decisions.

¹ The Committee on the Rights of the Child, General Comments, 2001, United Nations documents CRC/GC/2001/1, paragraph 11-13.

2. Education

Pressure of studies

We get high pressure on studies

- The students who have low grades don't understand the subjects taught in class and can't get any support or guidance at home. Teachers split the students in order of grades, pressuring the students on their study.



- In order to improve our grades, some teachers use up our break time, extend class time and even start holiday classes. They give us lots of homework and pressure for us to study hard.
- Once we get home, we are forced by our parents to join extra classes out side of school.

2.2 Pressure of studies

We suggest

Teachers won't just look at our grades or our disadvantages. They shouldn't use exams as the only way to judge us.

The educational authority need to train the teachers to improve their ways of teaching , and to put theory into practice.

It would be nice to have activities so we can join in on things. It would also be nice if we could choose what activity we do and also go on a field trip that we could choose.

Comments

With performance as the only evaluation indicator, heavy study pressure is imposed on students. Article 29 of the Convention provides purposes for children to receive education. Such purposes are broad and must not be limited to cultural courses and exams. Putting a child in a competitive and intense environment is not in the interest of the long-term development of the child's personality, talents and mental and physical abilities. The Committee believes that an education methodology centered upon knowledge accumulation, promotes competition and generates excessive studying burden would hinder the realization of the child's gifts and talents. Education should be child-friendly and inspirational.² Article 31 of the Convention states the child has the right to play games and participate in cultural life. But such a busy program and heavy homework prevents the child from enjoying his or her entitled right. Too much emphasis on study performance make children with difficulties in studying unable to be recognized by teachers, thus generating the sense of self-abasement.

² The Committee on the Rights of the Child, General Comments, 2001, United Nations documents CRC/GC/2001/1, paragraph 14.

2. Education

School facilities and teaching tools

Lack of teaching facilities and we wish more labs and books

- For some schools in poorer areas there are hardly any sports and teaching facilities for the students to use. There aren't many books in the school's library and most of the books in the library are old and boring. There are no newspapers for children and comic books.
 - There is a lack of classrooms and furniture and electronic equipment in some schools, which undermines the quality of education. The students can't study in big classrooms and use many kinds of accessories such as audio equipment.
- 
- < Frozen water pipe
▽ Broken window
- 
- We can't do experiments because of the lack of essential equipment for experiment. We only rely on the studying of theory.
 - There are laboratories and computer rooms in some schools, but they are locked in case we break the equipment.

2.3 School facilities and teaching tools



- There is a sports field, and more sports equipment, and specially qualified PE teachers.

- The school can renovate the teaching equipment and strengthen the school buildings so they don't collapse in an earthquake.

- The school can establish a library and buy some up-to-date books.

- we can have bathroom in school, and taps besides the toilet.

- 15 students are living in the same dorm room now. We expect to have a bigger room.

- Teachers can give lectures with audio equipment and experiment.

Comments

The lack of teaching facilities has a negative impact on education quality and impedes comprehensive development of children. Many children recommend that schools add more facilities and space to improve conditions for studying and living as students are able to enjoy extracurricular activities. Some considerations are about the reconstruction after the Wenchuan earthquake. Children recommend that quake-resistant schools are built to ensure the safety of students and teachers. In China, increasing education spending takes long-term efforts. But the good news is that the latest mid-to-long term education plan has promised to devote 12% of GDP to education by 2012.



1. Education

Bullying on campus and discrimination

Classmate with high grades don't play with me

- Students who are good at studying ignores me. Some senior students humiliate younger students. They rob money violently and set a bad model to younger students. Discriminations also exists in our everyday life. For example, students with low grades and test scores are discriminated; students who are not good looking have few opportunities to take part in activities such as performing; students who are bad at sports are ignored in groups activities.
- Sometimes students can not get along with each other. For example, some students humiliate others; students with high academic abilities only hang out with their counterparts but not weak students.



2.4 Bullying on campus and discrimination



We suggest

We should lead by example, and persuade students to reduce school violence.

- Children are supposed to be tolerable. As the old saying goes, "the ocean is huge because it's inclusive towards rivers". We should have this kind of spirit and tolerate the mistakes made by others.



- School security should be improved so that we know how to protect ourselves.

Comments

Campus violence between children is often linked with discrimination. Such discrimination may arise from sex, performance and social status. Children being discriminated against become victims of violence. Their right to receive education and develop is therefore violated. The Committee recommends that State parties should adopt various measures, including media to raise public awareness of campus violence so as to build a safe school environment for children.³

³ The Committee on the Rights of the Child's session meeting, Violence against Children, Within the Family and In Schools, September 2001, United Nations documents CRC/C/111, paragraph 679, paragraph 719-724.



Article 12

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 18

Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

Article 19

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

3

Family and Alternative Care

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3. Family and Alternative Care

The child also has right to make decisions

We have our own opinion

- ④ Our parents do not understand what rights we have, since most of them don't think we have the rights to make any decisions at all. They let us pursue things we don't like and said "they are good for you". Some of them even looked at our diary without our permission.



- ④ The adults think we are just "children", so they don't respect our suggestions and ideas. In most circumstances they don't communicate with us and they have no tolerance when we make mistakes. As a result we hate studying and feel under pressure mentally.

- ④ Some parents think that we have to do what they ask us to do. When we are trying to explain our difficulties, they simply don't listen to us as they think we are being rude to them.





3.1 The child also has right to make decisions

Parents, please show respect to our opinion'

The demands of the grown-ups can not be taken as ours, neither can their opinion be taken as ours.

We have our own interests and hobbies even though we are young. We want our parents not to force us to do things we don't like.

We want a harmonious relationship with our parents, as we are family members as well.



We need to try our best to communicate with our parents and tell them that we will have good performance on things we like. We suggest parents understand us more.

If we change the ways in which we communicate with our parents, there won't be any conflicts.

We should speak out our hobbies to parents for their understanding. Thus, we can be confident to focus on things we like.





3. Family and Alternative Care

Comments

The child is also a right holder, which is most evident in his or her self consciousness. Article 12 of the Convention states that children should be given the opportunity to be heard in any matter affecting them, and that due weight is given to their views in accordance with the age and maturity of the child. When the child expresses his or her views, he or she is making a judgment and a choice. Such judgment and choice is testament to the maturing of the child. Only mature people can live in society. So, parents should not suppress such expression of views too much. Instead they should respect and listen to them.





3.2 Listening and communication

Listening and communication

Don't always treat us like little children

- ☉ Parents don't know me and misunderstand me frequently.
- ☉ Our parents think they are always correct and they never pay attention to our claims.



- ☉ The misunderstandings between parents and children mainly result from the parents' unrealistic expectation of us. Although that's understandable, our parents should consider our feelings and talk to us more frequently, after all it is us who will decide our future. Do not forget that, interests make the best teacher.





3. Family and Alternative Care

We want to make friends with parents

We wish to make friends with our parent. In daily lives, we wish parent do not talk in commanding tone to us, do not hurt our self-esteem, do not insult us. We demand that domestic violence be strictly prohibited. Besides, we hope that parent think about children' s feeling and interests before doing anything.



We wish that our parents can listen to our ideas quietly and carefully and don't intercept us when we are talking. They should make judgments only after we've finished talking.

We wish our parents have more communication with us and listen to our claims. We hope our parents respect what we are thinking and take care of us.

Our parents should respect our privacy and only look at them after getting our permission.

We are family members and should speak things that are good for the harmony of our family.

We children should bear our duty as well as enjoy our rights.



We should improve the mutual understandings between us and our parents.

The government should establish children entertainment facilities in communities for both parents and children to participate activities.





3.2 Listening and communication



Comments

Merely recognizing the rights of the child is not enough. Parents and children need communication based on respect and listening, which helps create a virtuous relationship between them. By talking to each other in an environment of mutual respect and equality, parents, on the one hand, can understand their children's thoughts and emotions, and therefore provide better guidance and education for them; while on the other hand, children can learn how to communicate with others in a normal way and know more about their parents. Children said that parents often fail to listen to their views and their communication is not equal. On this point, children have put forward very good ideas for parents and the government to consider.





3. Family and Alternative Care

Parent' s education philosophy

Please don' t judge us only by scores

- ★ Parents are not interested in children' s hobbies, and they cannot provide a supportive environment. Therefore, the children's needs for study are not satisfied so they are depressed as they can not make much progress in terms of studying.
- ★ I fear that our parents will force me to do things that i don't like. They don't support me to pursue my hobbies so I have to do them secretly.
- ★ Our parents don't allow us to attend extra-curricular activities. They only let us to study very hard all the time and they don't care about other things.
- ★ Our parents want to compare us with other students when its comes to test scores and awards, which leaves us under pressure.
- ★ Our parents have very high expectation upon us, which means that we are only allowed to study and most children hardly have any time to play.
- ★ We will be beaten by our parents if we don't get a good grade.





3.3 Parent' s education philosophy

Please don' t push us too much

Parents should not only look at the child's score, nor should they just make a judgment from the surface.

Parents should not put too much pressure and expectation upon children. Instead, they should be fully concerned with their children' s lives, not just in learning.

Children need to develop comprehensively in terms of virtue, intelligence, physical, aesthetic and labor skills. Parents shouldn' t be anxious towards the development of children, and should not compare their kids with other parents' .

Comments

How parents see education is to a large extent the result of the current monolithic education system, which judges a child' s value merely based on studying performance. This overly simplistic evaluation standard is one-sided, which is inconsistent with the aims of education specified in Article 29 of the Convention. Children said that families do not support their hobbies and interests and force them to do what they think they should do. This is not good for the development of the child' s personality and physical and mental abilities. and listen to them.





3. Family and Alternative Care

Domestic violence, abuse and ignorance

The family full of violence makes me scary



- Children suffering from domestic violence are not well protected and taken care of. Since most laws are related to adults, little attention is paid to the needs of children.
- Many people think domestic violence is an internal issue of a family, so they don't really care about it. The only thing the public can do is to show their sympathy to the children suffering from domestic violence.
- Living in a horrible family with domestic violence, children are not feeling secured or being loved. They are hurt mentally since their parents and the closest relatives are imposing violence.
 - The society only helps children (being abused) with clothes and other necessities, but ignores other important aspects such as the children's mental health.

Children's privacy is denied.



Children are blamed with rude words.

Children's self-esteem is hurt by parent. There is mistrust and misunderstanding between kids and parents.





3.4 Domestic violence, abuse and ignorance



Comments

Violence here includes both physical and emotional violence. Article 19 of the Convention states the child shall be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. A UN study shows that children are particularly susceptible to influence of violence. Violence in early childhood may lead to lifelong social, emotional and perceptive weaknesses, anxiety, depression and other psychological problems, or even heart and liver diseases. Furthermore, when children affected by violence grow up, they tend to show more inclination of violence towards friends and peers, which would affect their future group and family life.⁴

⁴ UN Assembly Resolution, Report of the independent expert for the United Nations study on violence against children, 2006, UN Documents: A/61/299, paragraph 37-37.



3. Family and Alternative Care

For us, abuse doesn't only mean the extreme way;
neglect also hurts us.



- Our parents are so busy with their work and other things that not enough attention is drawn to children's education and growing-up. They don't have a sense of responsibility and leave children alone at home.
- Our parents only care about money and ignore our thoughts and opinions. We feel lonely sometimes when we are being ignored.
- Children's illness and other emotional needs are not given enough attention or aid.
- The importance of education and nutrition is not well-emphasized.
 - With the improvement of living standards, our parents enjoy playing cards and gambling. As a result children are more prone to smoking drinking and playing cards.
 - Parents prefer boys to girls.





3.4 Domestic violence, abuse and ignorance

Comments

In this report, children regard ignorance and indifference as a serious type of abuse. The so-called ignorance refers to the parent' s failure to meet the child' s physical or mental needs and to protect him or her properly.⁵ Due to the special importance of family, "ignorance" is far more significant in the eyes of the child than what it means literally or academically. As a result, the parent' s indifference is so damaging to the child that it is beyond the parent' s imagination. Plus, the bad habit of favoring boys over girls exacerbated ignorance towards little girls.

⁵ UN Assembly Resolution, Report of the independent expert for the United Nations study on violence against children, 2006, UN Documents: A/61/299, paragraph 43.





3. Family and Alternative Care

Please persuade us by words, not violence.

- Our parents shouldn't hurt our self esteem. They should understand us. Our parents' habits will influence us, so they should think about the examples they set.
- They shouldn't abuse us. There should be more training for parents to tell them that treating children badly is not right.
- We should have organizations with counselors that will talk to children about their problems and help them. There should also be organizations which help children who suffer from domestic violence so their confidence and emotional health are restored so that the children can grow up and have normal happy lives free of trauma.
- The community should take care of and help children who have been abused. They should strengthen and support these children. The people of the community should take responsibility for the children.
- The community needs to try its best to provide a peaceful environment for the abused children. There should be some people in each village who can take care of the children in their village, and the children can be sent to foster care families until their families are safe and the children can be sent back home.



3.4 Domestic violence, abuse and ignorance



Comments

Article 19(2) of the Convention provides that the State party should take protective measures, including prevention, investigation and judicial involvement. State institutions and communities have obligations on this front. The Convention sees family as the natural environment for bringing up children and believes that family is of vital importance to the protection of the child. Therefore, the Convention respects the family' s autonomy and privacy. But such autonomy and privacy may hinder protection of abused children. So, the government and other institutions should strike a balance here.⁶

⁶ The Committee on the Rights of the Child' s session meeting, Violence against Children, Within the Family and in Schools, September 2001, United Nations documents CRC/C/111, paragraph 43.



Article 6

States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 20

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

Article 23

States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

Article 26

Every child has the right to benefit from social security, including social insurance.



Children in Difficulties

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4. Children in Difficulties

Migrant children and left-behind children

I miss you, my parents.

- ☀ Parents go out to work and rarely call home, although they do call home sometimes, they just ask if we have enough pocket money, but we highly hope they care more about our study or our feelings, and we wish they can come back home earlier.
 - ☀ Having a sense of sadness, when we see other children with their parents.
 - ☀ We have to face a strang environment.
 - ☀ There is no exact home for us, worrying to become homeless, the house back home was dismantled and houses in city too expensive to afford.
 - ☀ Parents do not return home, other kids always laugh at me about it, and I cannot cook for myself.
-
- Those who do not have parents to look after always escape from school and go to the internet cafe to play computer games and that affects their studying.
 - our grandparents give us a lot of pocket money, because there are no parents here to monitor, and we gradually waste our money.
 - Because of having no money, parents have to move to another place to work, children are not only careless but they also drop school because they have no money and so start work early.



4.1 Migrant children and left-behind children

Comments

Migrant and left-behind children are deprived of either their family environment temporarily or normal parental love. They lack care and education from family and face a bigger growth crisis. Based on our collected information, many of them suffer from psychological problems as these children do not have adequate development of personality and school education and are more likely to be discriminated and excluded.





4. Children in Difficulties

Children with disabilities

Few people understand me

- ☀ In the school for the deaf, we all agree that the deaf teachers can understand us better. But there are few deaf teachers.
- ☀ A deaf person is special among their relatives, especially in the rural area. They can be desolated easily. Because of the poor school conditions, unlike the normal children, they are not very well educated.
- ☀ When the deaf go into the society, they will meet some problems. Finding a job is much harder for them because the problem of communication. That will cause a bad effect on the children, because they will worry about their future.
- ☀ Some of the parents of the deaf children do not have a disability of listening. They don't know sign language, so they have a big problem of communication in their daily life. Also, the parents are often not well educated, so they also have a problem of communication in writing



4.2 Children with disabilities



Comments

Children with hearing impairment are a special group as they are often excluded from activities of ordinary children due to the potential communication barrier. Therefore, they are more likely to be subject to discrimination. This exclusion and discrimination further marginalizes them, making them vulnerable in society. Article 23 of the Convention states that a child with disabilities has the right to receive special care and training designed to promote his or her independence and to live in society in a full and positive manner. Schools, particularly schools for children with disabilities, should try their best to realize such rights. Families should provide proper care according to the physical and mental state of the child.⁷

⁷ The Committee on the Rights of the Child's General Comment on the rights of children with disabilities, 2007, UN Documents: CRC/C/GC/9, paragraph 41.



4. Children in Difficulties

Street children

I expect to have a warm home

- ☀ They do not have meals to eat and a bed to stay.
- ☀ The beggar children need our sympathy. They have pressure from the society and their daily life. They have no guarantee of food, no home, no good meals, no playing, no new clothes, no festivals, no breakfast made by mom, no care of parents.
- ☀ We wish we grow up in a harmonious, warm, friendly, mutual accommodating, lovely, and good family.
- ☀ We should build a school for homeless school, and let them receive education, learn knowledge. We should also build equipment for kids to play. They should have good meals, because they are in a period to grow up.



4.3 Street children

Comments

Street children are a very special group of children. They do not have access to family, alternative care, and school education. They almost cannot enjoy any right enshrined in the Convention. Aid and protection of street children is really complicated as the efforts cover almost all aspects from family, education, welfare to judicial system. A mature street child aid mechanism needs to be matched with family, school and society. The purpose of aid is to make them return to their families and enter society in the future. But the current mechanism can only temporarily address the street child' s issue of survival. Strengthening the aid and protection of street children remains a daunting challenge.





4. Children in Difficulties

Children in Poverty

Appropriate protection can't be provided

- ① They don't have money to treat diseases, so they get both physically and mentally ill.
- ② Parents are drug dealers, although they used to be rich, after a few years they had lost everything. The children could not afford to go to school and they are under a lot of stress from family conflicts that result from their economic problems. Thus they get bad grades at school.
- ③ Because of family matters they could not afford to pay school fees so that meant they had to start work at a very young age. Also some bad people took the children from the parents and sold the children for money, into the city.
- ④ Because the parents took drugs they are bankrupt so the kids can't go to school. They got kicked out of the community by the policemen because they did something illegal.





4.4 children in poverty



Comments

Children in poverty are a complex issue as poverty almost affects every right of the child. Most evident ones include: the right to the enjoyment of sufficient quality of life specified in Article 24; the right to life and development in Article 6; the right to health care in Article 24; the right to receive education in Article 28, and among others. Furthermore, due to their state of survival, these children's rights to not being discriminated against (Article 2), the enjoyment of social security (Article 26), the enjoyment of leisure and recreation (Article 31), not being trafficked (Article 35), and not being exploited as child labor (Article 32) would be affected.



4. Children in Difficulties

Children from divorced families

I change after my parents divorce

- The relationship between parents is getting bad too. Their action will leave a psychological scar on the children.

- The problems brought by divorce:

- 1.No one takes care of the children and educates them.
- 2.The divorce causes children to get a low grade, and they become lonely and withdrawn.
- 3.They lose the love of their father and mother.
- 4.They hate the whole world because of the divorce and that leads to crimes.
- 5.They miss their parents and feel pain and sorrow.
- 6.They envy other children who get parental care.
- 7.They feel so alone and don't feel like there is any family at home.
- 8.They don't want to study, and make friends with bad people. They are also looked down upon.
- 9.Sometimes they don't want to eat, and are not willing to talk to other kids.
- 10.They are full of hate and always feel humiliated.
- 11.They are discriminated upon, which make them suffer physically and mentally.



- The relationship between the parents is getting worse and worse and is causing psychological issues for the child. The child now doesn't want to socialize, which is caused by the family issues.



4.5 Children with broken families



父母离异对孩子的影响

Comments

Divorce may not necessarily affect the child's living standard. But it has a big psychological impact on the child. The Convention sees family care as the foundation to ensure the rights of the child. But a child whose parents are divorced lacks family care to certain extent, particularly with regard to psychological care. Such impact tends to be hidden and hard to identify. But, with the child growing up, the impact will become increasingly obvious.



4. Children in Difficulties

Children affected by drugs and AIDS

They don't play with me after I am living with HIV/AIDS

- ☀ Because of taking drugs, some of the parents became AIDS patient, and the children have also become infected by their parents when they were born. Some of these children died just in a few years after infection. Even though some are still alive, but they can still easily die. They have lost their chance to grow up normally like other kids.
- ☀ Some of the children's parents go to jail because of selling drugs. These kids not only become abandoned but have also been looked down upon by other children. They've been called: prisoner's children and heroin seller's children.
- ☀ Because these children don't have a place to do activities, get education or communicate, the children who have been influenced by drugs or AIDS are looked down on by others, which lead them to a bad way of life, even getting trafficked.
- ☀ In school, classmates and teachers realized I'm an AIDS and then started to ignore me.





4.6 Children affected by drugs and AIDS



Comments

The influence of drugs and AIDS on a child is manifested in many ways, including psychology, society and future development. This is in no way merely a medical health issue, but an issue that concerns all types of child rights. Admittedly, an important element of the issue of drugs and AIDS is that it affects the realization of the right to health specified in Article 24 of the Convention. Furthermore, children affected by drugs and AIDS are often vulnerable. Therefore, it is hard to realize their right to not being discriminated against (Article 2) and their right to life and development (Article 6).⁸


⁸ The Committee on the Rights of the Child, General Comments, HIV/AIDS and the Rights of the Child, 2003, UN Documents: CRC/GC/2003/3, paragraph 5-6.

4. Children in Difficulties

Children in difficulties need help from you, me, and everyone.

- (Parents should) communicate more with kids and spend more time on them.
- Children with disabilities need more care and help, so that they can walk out of the shadow of loneliness.
- Trainings and campaigns concerning UNCR, "Law of the People's Republic of China on Protection of Minors" and family education are needed. Related laws and mechanisms need to be further improved.
- Children need more training to improve their comprehensive ability, especially the sense of self-protection.
- More children-participation training should be arranged, where children can learn how to protect their rights.
- Migrant children need a platform to show themselves and share their stories.
- (They need) the government's attention and support.
- The government should give some support on those who can't afford housing.
- The Government needs to help poor families by giving them money for basic living.
- The government should produce more work for unemployed people, to solve our financial problem.
- Village government and community workers should comprehensively collect information of every family. If an underage child go to begging, his family members shall be punished.
- Street children and orphans need more care and protection. Families with capacities might be allowed to adopt them.





4.7 Children in difficulties need help from you, me, and everyone



Comments

Children in difficulties face a diverse range of difficulties, including, lack of family care, being subject to mental pain, discrimination and marginalization, and no protection. These difficulties make it impossible for them to enjoy the rights enshrined in the Convention particularly when they do not have “family,” the most basic unit of right protection. Causes for such difficulties are overly complex, involving all aspects of society: education, culture, medical health, public security, and judicial procedure. A fundamental solution is hard to come by. However, we should let these children continue to endure pain. It is necessary to put in place relevant policies and laws, and establish a workable routine mechanism.



Article 24

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

Article 31

States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.



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5. Health and Recreation

Health and medical care

Some children can't get good medical treatment, although the medical makes progress

- Schools already offer free injections; health check-ups; in some regions medical insurance cards are provided. After the earthquake, there was no epidemic outbreak where we were, the roads were successfully constructed, and there was a wide range of medicine.
- There are big hospitals and clinics very close to our home so if I fall down accidentally and injured or get sick, we won't have to worry. Children have health insurance. At home we have water, vegetables, healthy food. If children get sick then their parents will take them to hospital.
- Some children are too poor to get treatment when they are ill. Some children's parents won't take them to hospitals when they are ill, and instead, to save money, try to treat them with traditional methods. These unscientific methods make the children even sicker.





5.1 Health and medical care

We suggest



Government should decrease the fees of treatment for the poor children. Their parents are not able to bring them to the hospitals. This will affect the children's health and study. We hope that the government can pay some money for them to solve these problems.

Inviting some professional doctors to the countryside and bringing some good equipment. The poor children can be treated well without going to the city.

The poor children should have more chance to get knowledge about health.

If the children are sick, **parents** should take them to the hospitals in time.

Doctors and **nurses** should take good care of the children.





5. Health and Recreation

Comments

The Convention states that the child has the right to receive health of the highest standard. Each year, tens of thousands of children around the globe die from curable and preventable diseases. Therefore, developing medical services for the child is of crucial importance. Quite a number of children told us remarkable improvement has been made in medical care services. But still children from remote parts of China cannot receive such services due to poverty. The child's right to health takes time to be realized gradually. With the continuous development of economy and society, the accessibility and quality of medical care and health services should be proportionately improved.





5.2 Recreation

Recreation

Boring and meaningless leisure time

☀ Some children are pushed by their parents, their time is exploited. They hope they can have more time to play.



☀ We have a few activities in school like sports meeting and fairs, but we barely have any such activities in spare time. Except those playing with other kids, most of us just do homework. We have movie show after the earth quake, but some kids just didn' t go to watch.

☀ The government didn' t pay much attention to prevent the things which have bad influence on children. (such as porn, unhealthy books and movies.)





5. Health and Recreation

We expect more healthy and meaningful entertainment

The government need to collaborate with schools to keep entertainment like net-bars far from schools, and to make such places are unavailable to children. This kind of places found to be accessible to children must be sanctioned with fines or suspension.

The government should establish medical and entertainment facilities in communities and schools at village-level. The staff there should be trained so as to work properly.

Child-friendly centers⁹ and other similar facilities need to be utilized to keep children out of unsafe and unhealthy places. This kind of facilities can also help build and enhance friendship among children.

Although the relevant departments in the government work hard to manage, children ourselves will be hurt if we do not have good self-control to keep off from these bad information.

We children should enforce our self-control. We should not go to those bad entertainment places, such as internet cafe.



⁹ Wen Xin Jia Yuan Children Activity Center was established by Yining local government together with Save the Children China Programme. The purpose of the Center, were to provide the safe place for children activity, and to provide integrated protection for children through the connection among government department, schools, families and children .





5.2 Recreation

Comments

For children in school education, "recreation" is becoming a word that only exists in dictionaries. The Convention states that the child has the right to the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. But in a highly competitive and busy studying environment, children have no time to conduct leisure activities. Some children said that there is no playground and facilities for children. In addition, having contact with or using improper playgrounds or pattern may affect their mental and physical health – to be prevented from influence of bad information is another right entitled by the Convention to the child.





Article 29

States Parties agree that the education of the child shall be directed to: ... (e) The development of respect for the natural environment.

6

**Environmental
protection**



6. Environmental protection

Pollution and waite still happen

- In the community, there are some people who run the tap and never close it again.
- The water turns into a sewage ditch (caused by trash, industrial waste, etc.)



- In the community, there are some people who pile the trash in a corner.
- Poor families earn money by cutting down trees in the forest, and this destroys the environment. The number and species of animals decreases. This also leads to soil erosion, coastal erosion, landslides and sandstorms.
 - There is trash piled up near the trash can. In the classroom, the clean corner becomes dirty and unsanitary.
 - I think illnesses nowadays may be caused by air pollution, dust pollution and trash placed incorrectly.
 - My little buddy says that there is a popular sentence to describe the environment: the northern wind is blowing the trash.





Let ' s protect our environment

Do not waste paper. One piece of paper can be repeatedly used.

Do not use throw away chopsticks and toothpicks.

Do not optionally throw pericarp away, pericarp could be used as fertiliser, some kinds of them can even be used as crude drugs.

Using used water to flush the toilet.

No littering



保护环境，从我做起

保护环境，人人有责

I would like to pass on this situation to the factory boss, and to find a professional and legal solution to this problem with everyone else who is affected by it.

What we have right now, we cannot keep it for eternity, we need to build up a green world, which has harmony between human and nature by using our own hands.

Perform a show to the villagers, to convince them not to deforest.





6. Environmental protection

Comments

Environmental protection is in effect a wider issue of right and is closely related to rights entitled to the child as the natural environment may affect the child's right to life, development and health. With the development of society, children are increasingly concerned with environmental protection. In this report, they pointed out many behaviors which are damaging the environment. They also decided to set an example and start from small things to protect our planet.





Our vision

Is a world in which every child attains the right to survival, protection, development and participation.

Our mission

Is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.

Our values are

Accountability – We take personal responsibility for using our resources efficiently, achieving measurable results, and being accountable to supporters, partners and, most of all, children.

Ambition – We are demanding of ourselves and our colleagues, set high goals and are committed to improving the quality of everything we do for children.

Collaboration – We respect and value each other, thrive on our diversity, and work with partners to leverage our global strength in making a difference for children.

Creativity – We are open to new ideas, embrace change, and take disciplined risks to develop sustainable solutions for and with children.

Integrity – We aspire to live the highest standards of personal honesty and behaviour; we never compromise our reputation and always act in the best interests of children.

Save the Children

Address: Apartment No.051-052, Entrance 2, Building No.2, Jianwai
Diplomatic Compound, Chaoyang District, Beijing, P.R. China (100600)
Tel: 010-65004408 65006441 85261647-8 Fax: 010-65006554
www.savethechildren.org.cn



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