



# Convention on the Rights of the Child

Distr.: General  
10 May 2013

Original: English

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## Committee on the Rights of the Child

### Sixty-fourth session

16 September–4 October 2013

Item 4 of the provisional agenda

### Consideration of reports of States parties

## List of issues in relation to the combined third and fourth periodic reports of China (CRC/C/CHN/3-4)

**The State party is requested to submit in writing additional, updated information, if possible before 1 July 2013.**

*The Committee may take up all aspects of children's rights contained in the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography during the dialogue with the State party.*

### Part I

**In this section, the State party is requested to submit its responses to the following questions (30 pages maximum).**

1. Please clarify the status of the Convention in the domestic legal system of mainland China. Please inform the Committee of whether the national courts have invoked the rights contained in the Convention, either as a ground for a case or as interpretative guidance for legal norms.
2. Please provide detailed information on the steps taken to adopt a comprehensive Child Protection Law in mainland China. Please also provide further information on the practical implementation of the 2006 Law on the Protection of Minors.
3. Please provide detailed information on the implementation of the National Plan of Action for Children's Development (2011-2020) for mainland China, including its budget. Please specify whether a comprehensive plan of action for children has been developed and implemented in Macau, China, and Hong Kong, China, and if so, please provide information on its content, including its aims, implementation budget and monitoring and evaluation process.
4. Please provide information on the body responsible for the overall coordination of the implementation of the Convention across sectors and at the district and local level in Hong Kong, China, and Macau, China, respectively as well as on their mandate and the human, financial and technical resources allocated to them.

5. Please indicate the steps taken by the State party in mainland China and Hong Kong, China, to guarantee equities in public resource allocation for children's services, in particular to ensure that local governments in remote and poor regions have adequate resources for the implementation of children's rights.
6. Please clarify whether data related to child trafficking and killing or injuring of children is classified as a State secret in mainland China.
7. Please specify the reasons for the delay in the establishment of an independent Children's Commission in Hong Kong, China, despite the Legislative Council's June 2007 motion and a subsequent appeal by the Panel on Constitutional Affairs to set up such a Commission in May 2009.
8. Please inform the Committee of the mechanisms put in place by the State party to consult and involve children and their families from the Tibet Autonomous Region in the planning and implementation of large-scale construction and infrastructure projects, in particular projects with a potentially negative impact on children's rights, including their right to culture.
9. In light of the Committee's previous concluding observations (CRC/C/CHN/CO/2, paras. 29 and 42), please clarify what measures have been taken, including through revision of family planning laws and policies, to prohibit and prevent female infanticide, forced abortion, non-registration and abandonment of girls and children with disabilities. Please also provide information on steps taken to investigate the reports of forced sterilization and forced abortion by local family planning officials in the context of implementing the population policy, and whether any of these cases have led to the prosecution and conviction of perpetrators.
10. Please provide information on the number and situation of children poisoned by lead and harmed by contaminated infant formula, unsafe vaccinations and HIV blood transfusion across the country, especially their access to effective and medically sound treatment, long-term remedial actions, and adequate compensation. Please provide detailed information on steps taken to investigate and hold accountable government officials and business companies which are suspected of failing to uphold environmental regulations or preventing people from accessing information or medical care.
11. Please indicate whether the State party has conducted a thorough and independent inquiry into the number of cases of self-immolations of children in the Tibet Autonomous Region. Please also indicate the steps taken to identify the reasons for such desperate acts by children and prevent future ones. Furthermore, please indicate what steps have been taken to thoroughly investigate the reported use of excessive force during peaceful demonstrations, arbitrary arrest and detention of children, including child monks in Ngaba, Drango and Kandze county and Lhasa since 2008.
12. In light of the Committee's previous concluding observations (CRC/C/CHN/CO/2, paras. 30 and 31), please clarify what measures have been taken to identify and reform policies and programmes that discriminate against girls and ethnic and religious minorities, such as Tibetan, Uighur and Hui children, and to ensure that they have equal access to health, education and other social services.
13. Please provide detailed information on the measures taken by mainland China to ensure that children of rural migrant workers have free and equal access to health care and education, including in the public school system. Please also provide the number of privately run schools for migrant children across the country, their registration status and their conditions. With reference to paragraph 473 of the report of Hong Kong, China, please explain the rationale for promoting education for children of ethnic minorities and non-

Chinese speaking students in ‘designated schools’ instead of ensuring that they are fully integrated into the mainstream State-run and private schools.

14. In light of the Committee’s previous concluding observations (CRC/C/CHN/CO/2, paragraph 43), please indicate if mainland China has reformed the household registration certificate, or hukou system to ensure that all children, including girls and children with disabilities are registered at birth and have access to social services, including education.

15. Please specify whether the State party’s legislation in mainland China, Hong Kong, China, and Macau, China, explicitly prohibits corporal punishment in all settings, including home, schools, penal institutions and alternative care settings. With reference to paragraph 150 of the periodic report of Hong Kong, China, please clarify how corporal punishment has been defined in the legislation and what types of corporal punishment in the family may not constitute criminal offences under the existing laws.

16. Please comment on reports according to which the right to freedom of religion and expression of some ethnic minorities, including ethnic Tibetans, Uighur and Hui children continues to be severely restricted. Please provide detailed information on the measures taken to fully guarantee freedom of religion for all children, including by repealing all forms of ban instituted by local authorities on Tibetan children of any age from participating in religious festivals or receiving religious education.

17. Please indicate the steps taken to eliminate discrimination and social stigma against children with disabilities, including through reforms of laws and policies that promote discrimination. With reference to paragraph 141 of the State party’s report, please explain the rationale for establishing a system which ‘is centred on institutions for the rehabilitation training of children with disabilities.’ Please provide information on the measures taken to increase access to inclusive education for children with disabilities in mainland China.

18. Please provide information on the measures taken in mainland China to ensure that the public school system is free without hidden costs and available to all children, including girls, and on the efforts made to eliminate urban and rural areas disparities in education and reduce dropout rates in junior secondary schools. Please also indicate the steps taken to implement early childhood programmes for children 0 to 3 years.

19. In the context of the bilingual education policy in mainland China, please inform the Committee how the State party promotes the use and learning of minority languages and the measures in place to ensure participation from ethnic minorities, including Tibetans and Uyghurs at the local and regional levels of the decision-making process of the education system. Please also indicate if legislation and policies on bilingual education have been adopted at all levels of education in Hong Kong, China.

20. Please provide information on steps taken to investigate the reported incidents of abduction and forced labour of children, including children with intellectual disabilities, such as the occurrence of slave labour in Shanxi and Henan provinces, and whether any of these cases have led to the prosecution and conviction of perpetrators.

21. Please clarify if the State party has instituted specific rules, including limitations on age, working hours or job description under the legislation for the “Work experience and productive labour” programmes.

22. Please provide detailed information on children currently subject to administrative detention, including under the “Re-education through labour” (RTL) and the reasons for their detention. With reference to paragraph 203 of the State party’s report, please explain the profile of children ‘for whom re-education through labour is a clear necessity’. In light of the continued reports of detention of children in ‘black jail’ facilities in mainland China, please inform the Committee of whether the State party has taken any steps to independently investigate and publicly report on the existence of black jails and close them.

23. In light of the Committee's previous recommendations (CRC/C/CHN/CO/2, para. 95), please provide information on the measures implemented by Macau, China, to reform its juvenile justice system, including steps to expand alternative sentences and possibilities for restorative justice.

24. Please provide information on the policies and mechanisms established by mainland China for assessing risk and determining claims made by unaccompanied, asylum-seeking and refugee children and their families, including children from the Democratic People's Republic of Korea for non-refoulement. Please clarify the policies and procedures in place in the mainland and Hong Kong, China, and Macau, China, to provide for the special treatment of unaccompanied asylum-seeking and refugee children, including access to education, psychosocial services and health care.

25. With reference to paragraph 525 of the report of Hong Kong, China, stating that 'children with no right to remain in the Hong Kong, China, are subject to removal,' please indicate the process for determining when such removal is appropriate and how it complies with the non-refoulement obligations of Hong Kong, China. Please specify whether procedures are in place for the rapid identification of child victims of trafficking in the context of deportation or return. Furthermore, please provide information on the facilities where unaccompanied and asylum-seeking children are held upon arrival and/or under administrative detention pending deportation.

26. In light of the Committee's previous concluding observations under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/CHN/CO/1, para. 11), please specify if the State party has amended its 1997 Penal Code to explicitly criminalize all acts and activities of sale of children up to the age of 18 years, as required under article 3, paragraph 1 of the Optional Protocol, and if so, please provide further information on the penalties for such offences.

## Part II

**In this section the Committee invites the State party to briefly (three pages maximum) update the information presented in its report with regard to:**

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

## Part III

### **Data, statistics and other information, if available**

1. Please provide consolidated budget information for the last three years on resources allocated to children and the social sectors, indicating the percentage of each budget line in terms of the total national budget and GNP in the State party, including in Macau, China, and Hong Kong, China.
2. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location covering the last three years on the number of:

- (a) Reported cases of forced abortions and infanticide by local government officials in mainland;
- (b) Reported cases of infanticide in mainland;
- (c) Reported cases of child abductions and number of children recovered in mainland. Please also specify the number of conviction of perpetrators for child abductions;
- (d) Cases of abuse and violence against children, including all forms of corporal punishment, with additional information on the type of assistance given to child victims and the follow-up provided, including prosecution of the perpetrators and the sentences handed down in the State party;
- (e) Investigations of cases of sexual violence and rape, and on the outcome of trials, including information on the penalties to perpetrators, and redress and compensation offered to the victims;
- (f) Children in street situations;
- (g) Anaemia prevalence of pregnant women and the prevalence of underweight/stunting in infant and children under 5 years of age;
- (h) Children infected or affected by HIV/AIDS, the number of children infected and affected by HIV/AIDS through contaminated blood transfusions, including in Henan province, the number of maternal to child transmission and the government funding on HIV/AIDS for children.

3. Please provide data (disaggregated by age, sex, socio-economic background, ethnic origin and geographical location) regarding the situation of children deprived of a family environment and separated from their parents, for the last three years on the number of children:

- (a) Separated from their parents;
- (b) Living in child-headed households;
- (c) Placed in institutions;
- (d) Placed with foster families;
- (e) Adopted domestically or through inter-country adoptions.

4. Please specify the number of children with disabilities disaggregated by age, sex, types of disabilities, ethnic origin and geographical location, for the last three years, regarding children:

- (a) Living with their families;
- (b) In institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary school;
- (e) Attending special schools;
- (f) Out of school;
- (g) Cases of abandonment of children with disabilities.

5. Please provide data disaggregated, inter alia, by age, sex, socio-economic background, ethnic origin and urban/rural areas in the State party, including Hong Kong and Macau, China, for the last three years on:

- (a) The enrolment and completion rates in percentages of the relevant age group in pre-primary schools, in primary schools and in secondary schools;
  - (b) Number and percentage of dropouts and repetitions;
  - (c) Teacher-pupil ratio.
6. Please provide the percentage of migrant children attending State-run schools segregated by their *hukou* status for the last three years.
7. Please provide data on social protection measures, disaggregated by age, sex, socio-economic background and ethnic group, and urban/rural areas), for the last three years, on:
  - (a) The number of children involved in child labour;
  - (b) The number of children working as domestic workers;
  - (c) The number of children involved in hazardous work;
  - (d) The number of children enrolled in “Work and Study” programmes in mainland.
8. Please provide information about the number of children, broken down by country of origin, who had been granted asylum or humanitarian protection and the number of those who have been returned, extradited or expelled since the consideration of the second periodic report in mainland, Hong Kong, China, and Macau, China. Please provide details of the grounds on which they were sent back, including a list of countries to which individuals were returned.
9. Please provide data disaggregated by age, sex, socioeconomic background, geographical location and detention period covering the last three years on the number of children detained in *Re-education through labor* facilities in mainland.
10. Please provide data disaggregated, inter alia, by age, sex, ethnic origin and type of crime) for the last three years, in particular on the number of:
  - (a) Children who have allegedly committed a crime, reported to the police;
  - (b) Children who have been sentenced and type of punishment or sanctions related to offences including length of deprivation of liberty;
  - (c) Detention facilities for children in conflict with the law and their capacity;
  - (d) Children detained in these facilities and children detained in adult facilities;
  - (e) Children kept in pretrial detention and the average length of their detention;
  - (f) Reported cases of abuse and maltreatment of children which occurred during their arrest and detention.
11. Please provide the Committee with an update of any data in the report which may have been outdated by more recent data collected or other new developments.
12. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography.