



PEOPLE'S REPUBLIC OF CHINA
PERMANENT MISSION AT GENEVA

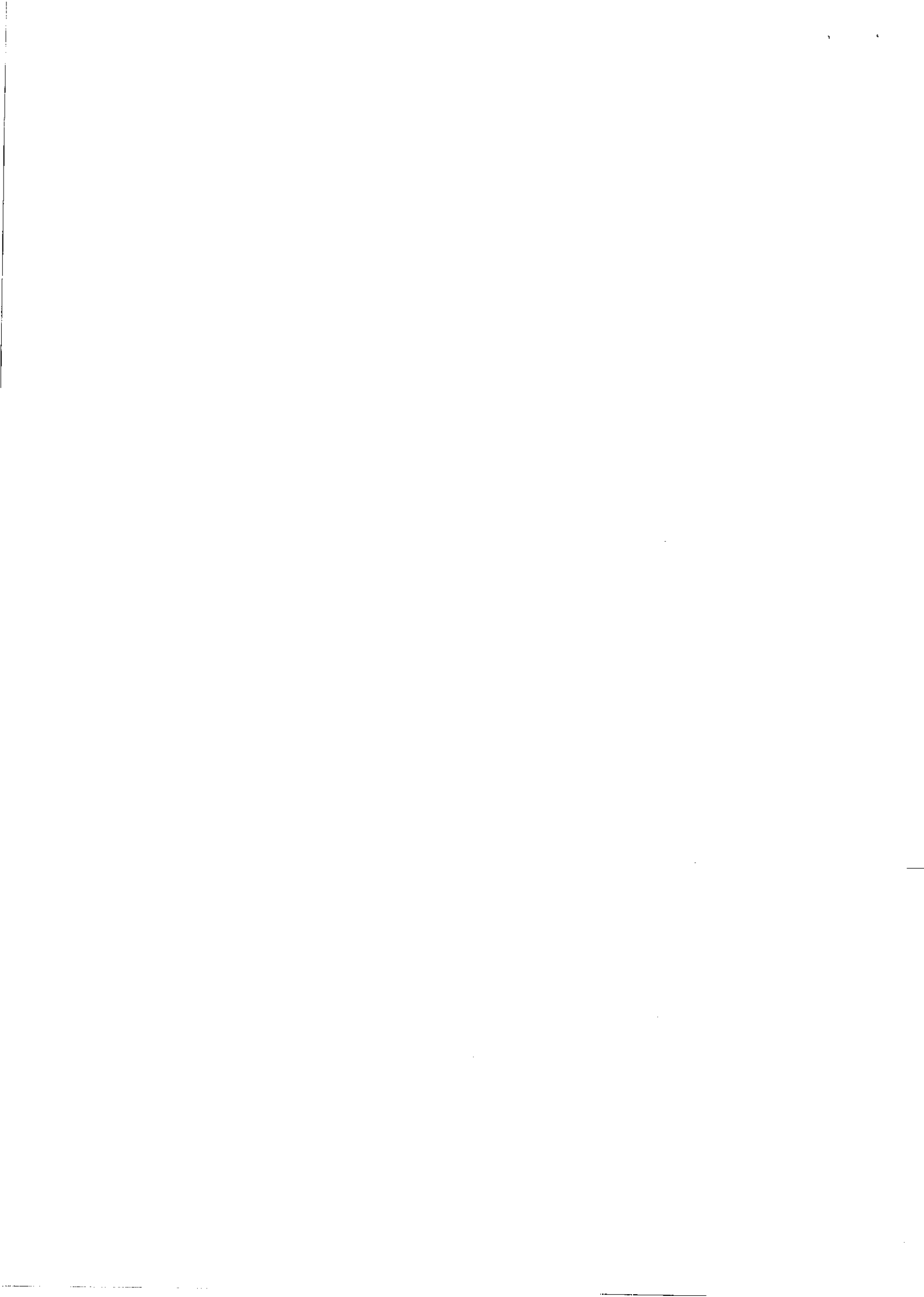
(Translation)

Introductory Remarks by Ambassador Sha Zukang
At the CRC Consideration of the Second Periodic Report
Of the People's Republic of China on Implementation
Of the Convention on the Rights of the Child

Mr. Chairman
Distinguished Members,

Let me begin by expressing our regards and respect to all the experts of the Committee on behalf of the Chinese delegation. The Committee has done a great deal for and played an important role in promoting the purposes of the Convention and pushing the sound development of the protection of the child around the world. The Chinese Government appreciates that and will as always render its support to the Committee.

Today, it gives me great pleasure to accept, on behalf of the Chinese Government, the consideration of the Committee on the Second Periodic Report of the People's Republic of China on Implementation of the *Convention on the Rights of the Child* and the First Periodic Report of the People's Republic of China on Implementation of the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*. The Chinese delegation is composed of members from the central government and governments of Hong Kong and Macao Special Administrative Regions (SAR). Members from the central government in our delegation include those from the Supreme People's Court, the State Council Working Committee



Education and Youth Affairs Bureau, Public Security Coordination Office, Secretariat for Administration and Justice and Legal Affairs Bureau.

Such a large delegation composed of so many experts from various departments of the Chinese Government shows that my government attaches great importance to the consideration. I wish to take this opportunity to make it clear that the Chinese delegation will work with all members of the committee for candid dialog in a serious and responsible manner so as to ensure the success of the consideration.

Mr. Chairman
Distinguished Members,

China has 350 million children, accounting for 20% of the world's total. The Chinese Government has always attached importance to the promotion and protection of the development of the cause of the child and seriously honored its international obligations undertaken in light of the Convention. After the *Convention on the Rights of the Child* took effect on 1 April 1992 in China, the Chinese Government submitted the first report in 1995 and the second in 2003. In addition, after 3 January 2003 when the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* came into force in China, the Chinese Government submitted to the Committee the first report of implementation within the set time limit pursuant to the stipulations of the Protocol.

In compiling the above-mentioned reports, opinions were extensively solicited from relevant departments of the Chinese Government and NGOs as well as from experts specializing in the child-related issues. After completing the draft of the reports, special seminars were organized during which experts from various parts commented on, revised and supplemented the reports in an item-by-item manner. In addition to the relevant agencies taking part in this consideration, the Supreme People's Procuratorate, the Ministry of Information Industry, the Ministry of Culture, the State Administration of Radio, Film and Television, the State Press and Publication Administration, State Statistics Bureau, All-China Youth Federation, Chinese Academy of Social Sciences, Soong Ching Ling Foundation, Working Committee on Care for Next Generation and China Center for the Child who took part in working out the draft. The UNICEF China Office also extended help to the compilation of the report and consideration. Here I wish to express my appreciation to them as well.

Mr. Chairman
Distinguished Members,

The Chinese Government took seriously the views and suggestions put forward by the Committee in its consideration of China's first report and maximally adopted or worked out measures to implement them. For instance:

I. The Committee suggested that in keeping with the Convention China formulate programs or development plans to further the rights of the child. China accepted the Committee's suggestions.

In light of China's goals for economic and social development and the actual survival and development conditions for China's children and with reference to the 24 global child development targets, the Chinese government, after the promulgation and implementation of the *National Program of Action for Child Development in China in the 1990s*, formulated the *National Children's Development Program (2001-2010)*, which set forth the objectives and specific measures of China's children development in the first decade of the 21st century in the following four fields: children and health, children and education, children and legal protection and children and environment. After that, all the provincial, prefecture and county governments in China, based on this Program and in light of their specific economic and social conditions and children's development, worked out their respective programs for child development. The formulation and implementation of children development programs and plans will further promote the well-being of children and sustainable development of cause of the child in China. Apart from that, government departments of education, health and culture, the All-China Youth Federation, the All-China Women's Federation, the China Association of Physically Disabled Persons and other social groups also established a series of plans including the *National Education Reform and Development Program*, the *10th Five-Year Plan Program for Disabled Persons' Enterprises*, the *National Outline for IDD Elimination by the Year 2000*, the *Program for the Control of Diarrhea Diseases*, the *National Program for the Prevention of Acute Respiratory Ailments in Children*, the *National Plan for Improvement in Nutrition* and the *National Children's Cultural and Artistic Development Program*. As a result, the objectives of the Children's Program have been integrated into the working objectives of these various departments.

II. The Committee suggested that China strengthen its capacity for the systematic collection of statistics and other information

concerning children, a suggestion the Chinese Government took to heart.

It has established, with reference to scientifically based norms for children's development, a system for monitoring statistical indexes, agencies for monitoring and assessment and a system for reporting and review. In addition to producing annual reports, this system makes mid-term and final assessments of children's development which provide a scientific basis for grasping the overall situation, predicting developmental trends and formulating new programs. Accordingly, a system for monitoring and assessing the Children's Program has been set up and progressively perfected nationwide, from the national to the provincial and county level. The Central Government has formulated a system of indexes for monitoring and assessment, fixed the definitions for these targets, set out the channels, time and frequencies for data collection, and provided training for monitoring personnel at various levels. Data are collected annually through regular reporting and monitoring systems (for instance the networks monitoring child mortality, maternal mortality, birth defects, infectious disease and nutrition). China will soon introduce a gender-based statistical index after a period of preparations.

III. The Committee expressed its concerns over the provisions of China's domestic laws under which minors may be subject to suspension of capital sentence. The Chinese legislative and judicial organs have attached great importance to these concerns.

It was stipulated in China's Criminal Law of 1979 that "persons who had reached the age of 16 but not the age of 18 may be sentenced to death with a two-year suspension of execution if the crime committed was particularly serious". In amending the Criminal Law in 1997, the Chinese legislature, giving special consideration to the advice of the Committee and such factors as the features of physical development of minors, their social exposure and intellectual development level and proceeding from the humanitarian perspective, removed the stipulations that minors may be subject to suspension of capital sentence. Now Article 49 of the Criminal Law provides that "The death penalty shall not be imposed on offenders who have not reached the age of 18 at the time the crime is committed or on women who are pregnant at the time of the trial." This provision confirms the principle that capital punishment is not applicable to minors and tallies with the provision of the Convention.

Mr. Chairman

Distinguished Members,

In recent years, China has been implementing the human-centered and scientific outlook on development when achieving all-round progress in its economic, social and cultural undertakings. In China's constitution, it is clearly stipulated that "The State respects and guarantees human rights", which has provided firm foundation for the promotion of human rights in China since the constitution is the most fundamental law in the country. Thanks to these endeavors, China's human rights including the rights of the child have been advanced comprehensively.

Given that over two years have passed since China's submission of the reports, I wish to take this opportunity to update all the members on the latest achievements of China in promoting and protecting the rights of the child.

1. Further strengthening the leadership of governments on children-related work.

It has been the consistent policy of the Chinese Government to give priority to children and guarantee their rights to survival, development, protection and participation in society. As Premier Wen Jiabao stressed on the Fourth National Conference on the Work of Women and Children in last August, the development level of child-related undertakings is an important benchmark of the progress of civilization. Governments at all levels should take the guarantee of children's rights and interests as their important mission in transforming functions and performing official duties in accordance with the law. As a major aspect of strengthening social management and public service, governments should fully guarantee the legitimate rights and interests of children in political, economic and social affairs and in family life and earnestly address outstanding issues of infringement on children's rights and interests and impediments to their development. The central and local governments of China have incorporated the implementation of the children's development programs into their overall plans of national economic and social development, working agenda, reviews of duties for various departments and national fiscal budget.

2. Advancing medical care and health in China to ensure children's right to health.

In recent years the medical care and health conditions for China's children have been markedly improved, and as a result, children in China

are now healthier. The following data are direct proof to this achievement.

--Over the years the planned free inoculation rate of four vaccines has been kept at over 90%. In 2002 inoculation of hepatitis-B vaccine was officially in the planned inoculation coverage which reduced the incidences of infectious diseases among children.

--Children mortality decreased visibly. Infant mortality and mortality of children under the age of 5 dropped respectively from 5.02% and 6.1% in 1991 to 2.15% and 2.50% in 2004. Maternal mortality was reduced from 80 per 100,000 in 1991 to 48.3 per 100,000. Mortality of children under the age of 14 dropped to less than 0.2%.

--Serious malnutrition went down to 2.83% among children under the age of 5. As the coverage rate of iodine salt reached 96.65% in China, we basically realized the phasal objective of IDD elimination.

Thanks to the unremitting efforts of the Chinese Government, the major health indicators of China's children are in the front rank of developing countries and at a medium level globally.

III. Face the menace of HIV/AIDS and offer relief and support to AIDS affected children.

Taking HIV/AIDS prevention and treatment as a strategic issue that bears on the survival, stability and security of the nation, the Chinese Government places it high on its agenda and has taken a host of measures as follows. In 2004, the Commission on HIV/AIDS Prevention and Treatment was set up by the State Council, as the leading institution for the work of HIV/AIDS prevention and treatment. In the same year, the Government increased financial input by earmarking 810 million RMB yuan to prevent and treat HIV/AIDS. Meanwhile, efforts have scaled up to monitor HIV/AIDS in the country. In 2004, the number of national HIV/AIDS monitoring posts rose from 194 to 247 and over 400 monitoring posts were set up at provincial level. There are also 42 behavior monitoring posts in 19 provinces. Starting from 2002, county-based demonstration zones for HIV/AIDS prevention and treatment have been developed in key areas, featuring multi-pronged approaches to HIV/AIDS prevention from health education and behavior intervention to medical care and counseling.

The Chinese Government attaches special attention to provide care,

relief and proper arrangement to children infected by HIV/AIDS or orphaned by AIDS.

In 2003, the Chinese Government announced a “Four Frees and One Care” policy, namely free anti-HIV drugs to AIDS patients who are rural residents or urban dwellers with financial difficulties, free voluntary counseling and testing, free drugs to HIV/AIDS infected pregnant women to prevent mother-to-child transmission, free schooling for children orphaned by AIDS and care and economic assistance to the families living with HIV/AIDS. Consequently, an expert group was established nationwide to stem mother-to-baby transmission by offering training programs. A relevant project was launched to provide counseling and testing to pregnant women in the prenatal period in HIV/AIDS high-risk areas.

In 2004, the Ministry of Civil Affairs mapped out specific policies and measures concerning life assistance, medical care, preferential placement and social care for those living with HIV/AIDS and the AIDS orphans in need. To ensure relief and support to AIDS orphans, 20 million RMB yuan was earmarked and guiding centers and stations were set up for their proper arrangement and relief in HIV/AIDS-pestered areas.

The Chinese Government also mobilizes different social resources to create better living environment for the AIDS-orphaned children. For instance, relatives and others are encouraged to adopt the orphans. Financial subsidies are provided to foster homes for AIDS-orphaned children. Those orphans not living with adoptive or foster parents will be placed either in community-based well-equipped apartments built by local governments, where they are attended to in a home-like environment and enjoy access to education or in welfare institutions newly built or renovated in line with the actual needs on the ground to accommodate and provide group caring to AIDS-orphaned children.

IV. Give priority to primary education and narrow the gap among different regions and between rural and urban areas.

China adopts a strategy of rejuvenating the nation through science and education and gives high priority to primary education. In this connection, the Government has adopted the following measures to guarantee children’s right to education.

1. Educational input has been increased year by year. In 2003, 247.4 billion RMB yuan was invested into primary education, up by

10.5% from 2002 and 27% from 2001. 209.7 billion RMB yuan was channeled into compulsory education, an increase of 9.4% and 25% over that of 2002 and 2001 respectively.

2. Great emphasis has been put on compulsory education in rural areas by channeling most of the newly-added funds to rural communities. In 2003, the Government earmarked 109.4 billion RMB yuan for compulsory education in the countryside, which more than doubled the 1999 figure of 53.3 billion RMB yuan. Thus, the shortage of fund in rural compulsory education has been greatly eased.

3. While the overall level of primary education being enhanced, specific programs have been initiated to even out gaps in educational quality and teaching facilities among different regions and between rural and urban areas. The Central Government has set up a special fund of 10 billion RMB yuan to promote compulsory education and literacy among the young in the west region between 2004 and 2007. A large bulk of the money is spent on boarding schools in rural China. 6 billion RMB yuan was allocated by the Central finance between 2003 and 2005 for the second phase of the renovation of dilapidated school buildings in the countryside to basically get rid of D-level dilapidated school buildings in rural primary and secondary schools. Between 2003 and 2008, the Central and local governments will contribute 10 billion RMB yuan to the "Contemporary Distance Education Project" that will help to improve teaching facilities in rural primary and secondary schools. Between 2001 and 2005, 7.36 billion RMB yuan was made available by the Central and local governments to operate the second phase of a national project on compulsory education in impoverished areas. The governments also implemented the east-west inter-school support program and the program that links medium and large cities with impoverished areas within their provinces.

4. Funds are provided to students from poor families so as to guarantee the right to compulsory education of all school-age children. The Central Government has set up a national grant to provide students from poor families with access to compulsory education and allocates 100 million RMB yuan every year to subsidize primary and secondary school students in poverty-stricken areas in the west. Since 2001, textbooks have been provided free of charge to students from impoverished rural communities, a program sponsored by the central funding. 100 million RMB yuan was allocated in 2001 for this purpose and the figure rose to 1.17 billion RMB yuan in 2004, benefiting over 24 million children. In 2005 this special fund is close to 2.8 billion RMB yuan and will benefit

nearly 30 million children. Efforts will be redoubled to make sure that every child from poor rural families will get free textbooks by 2007. Special funds to support boarding cost have also been made available by local governments.

By 2003, 2,659 counties (cities and districts) had roughly achieved the two targets of ensuring general access to nine-year compulsory education and the eradication of illiteracy among the young, covering over 91.8% of the population. School enrolment rate reached 98.65%, and enrolment of girls 98.61%. The enrolment of school-age children in floating population was improved. The gross enrolment rate in senior high schools arrived at 43.8%, up 1% from 2002.

V. Emphasizing protection of the rights and interests of the child of special groups.

1. Children of ethnic minority enjoy equal rights and freedom in law as children of Han ethnicity. In practice, the Chinese Government also provides them with special policies and measures to guarantee and promote their rights in education, sanitation, health care and learning and using languages and culture of their ethnic groups.

Take education for example, by the end of 2001, there were more than 100,000 primary schools and 12,000 middle schools in regions of ethnic autonomy. Nearly 20 million ethnic minority students are studying in schools at various levels and of various types of schools. In the nine provinces and regions with concentrated ethnic minority population, namely Inner Mongolian Autonomous Region, Guangxi Zhuang Autonomous Region, Tibet Autonomous Region, Ningxia Hui Autonomous Region, Xingjiang Uygur Autonomous Region, Guizhou Province, Yunnan Province, Gansu Province and Qinghai Province, 98% of children at school age enter primary schools, a rate basically the same as the national average. In regions of ethnic autonomy, 358 administrative units at county level have made nine-year compulsory education basically universal. The Tibet Autonomous Region, whose educational base was the weakest and modern education started from scratch, now sees 83% of children at school age entering primary schools. There are 150 ethnic institutions of higher learning with nearly 560,000 students. Nationwide, 10,000 schools, with a total of 6 million students, are using 22 ethnic languages for bilingual education in both ethnic and Han Chinese languages.

2. The rights and interests of children with disabilities have been

further enhanced. On the one hand, the government and relevant social groups have launched rehabilitation programs, including such key ones as listening and language training for children with hearing disability, rehabilitation training for mentally impaired children, so as to help these children improve their physical and physiological conditions and enhance their capabilities of managing their own lives and social participation. On the other hand, activities aimed at helping and supporting the learner were carried out, including such projects as "Program of Supporting Persons with Disabilities and Helping the Learner", "Program of Supporting the Learner Through Lottery and Public Welfare", "Spring Rain Action for Supporting Persons with Disabilities and Helping the Learner" and "Program of Schooling for Blind Children in Central and Western Regions", with a view to giving financial assistance help poor and children with disabilities to go to school. There are now 549,000 children with visual, listening or mental disabilities receiving special education. Meanwhile, "Action on Supporting Persons with Disabilities and Protecting Their Rights" was carried out to provide subsidies in operational fees to those cases involving persons with disabilities and requiring legal aid, in order to protect the legitimate rights and interests of people with disabilities, children included.

3. Street children are a special vulnerable group of children. China now has 150,000 person/times of street children each year, and rescue, protection and education of these children are important components of protecting the children. The Ministry of Civil Affairs has stepped up its work in recent years by allocating 30 million RMB yuan from the social welfare fund to build 84 agencies for the rescue and protection of street children in 2004. At present, there are 130 street children's rescue and protection centers in the country. These centers have strengthened their educational functions by conducting various forms of rescue including family adoption, vocational training, all-weather rescue sites and rescue on streets. The *Regulation on the Rescue and Management of Street Children* is now being drafted.

4. For minor offenders who have violated criminal laws and are subject to criminal punishment by law, the Chinese Government insists on educating, reforming and saving them and guarantees, to the maximum extent, their right to education. For a long time, prison police with higher educational level serve as teachers in the minor offender rehabilitation centers, where minor offenders are divided into different grades and classes based on their educational levels to have class-based lessons including education to eliminate illiteracy and primary and junior high-school education. Those who pass exams get a certificate recognized

by the society issued by the local educational authorities. Some centers also actively conduct senior high-school or secondary specialized school education, and encourage the minor offenders to participate in various kinds of higher-learning education.

VI. Reinforcing the fight against trafficking of children and other illegal and criminal activities.

The Chinese Government attaches great importance to the fight against the abduction and trafficking of women and children, which is a criminal activity that seriously violates the rights and interests of women and children. First, a series of laws and policy measures against abduction and trafficking have been formulated and implemented. The *Criminal Law*, which was revised in 1997, amended and supplemented such crimes as abducting and trafficking of women or children, buying abducted women or children, amassing to obstruct rescuing abducted women or children, negligence of duty in rescuing abducted women or children and taking advantage of one's duties to obstruct rescue operations. Measurement of penalty was raised. Second, the work responsibilities of preventing and fighting abduction were strengthened. The Ministry of Public Security is responsible for investigating and solving cases relating to abduction, the Ministry of Justice and the All-China Women's Federation are responsible for providing legal aid to women, the Committee on the Work of Women and Children under the State Council is responsible for coordinating the efforts in preventing and fighting abduction, while other non-governmental organizations are responsible for social publicity and education. Third, legal publicity and education campaign against the abduction and trafficking of women and children were launched to enhance the awareness and capability of abduction prevention among key groups such as youth, floating population and parents of children, in order to create an atmosphere where the whole society participate in preventing and fighting abduction. Fourth, guidance and supervision on the investigation of major and typical abduction and trafficking cases have been enhanced. Regional special actions against abduction were launched at an appropriate time based on local conditions. From 2001 to October 2004, public security organs nationwide have altogether cracked 22,645 cases of abduction and trafficking of women and children, captured 25,932 criminals and rescued 50,248 abducted women and children.

While severely cracking down on human traffickers and criminals engaging in sex exploitation against women for commercial purposes, China also places high importance on protecting and rescuing the victims.

The No.[1989] 23 Document of the State Council clearly requested that "rescue work of abducted women and children must be carried out under the unified leadership and organization of the government at various levels. Relevant departments of public security, supervision, justice and administration, civil affairs and women's federation must work in coordination and cooperation with clearly defined responsibilities and due diligence".

In recent years, China has set up in Yunnan, Sichuan and Jiangsu provinces "transfer, training and rehabilitation centers for rescued women and children", which have already helped thousands of rescued women for physical and mental rehabilitation and safe return to their indigenous places.

China also provides legal service and support to victimized women and children through institutions for right protection. Up till now, China has already set up 3,032 governmental legal assistance institutions and more than 8,000 social legal consulting centers, legal aid centers and legal service organizations for women and children.

Mr. Chairman
Distinguished Members,

China has made remarkable progress in all aspects relating to the protection of Children's rights and interests. However, it is undeniable that China, a developing country with more than 300 million children under the age of 18 and constrained by social, economic development and other factors, is still faced with multiple difficulties and challenges in the protection of children. To sum up, major problems include:

There are still visible disparities between urban and rural areas and between different regions in terms of protection of children. In education, public health and other fields, the government needs to tilt more in favor of the poverty-stricken areas by increasing budgetary input and support.

Confined by the traditional gender culture, productivity, means of labor and levels of social welfare for the elderly, there exist in the families of some regions the tendency of favoring boys over girls, which results in an increase in the gender ratio of new-born babies. Apart from adopting measures to combat illegal abortion and other activities, the government must also carry out institutional revamp from the perspective of accelerating economic development, improving social security and

transforming traditional concepts.

As China is in a period of economic and social transition when a large number of rural populations migrating into the cities, the question of protecting the rights of children migrating with their parents and those who become "rear children" because of separation with their migrating parents is increasingly prominent, and this requires the government to pay high attention to the protection of their education, health and other rights and work out effective policies.

In addition, even in those fields where the Chinese Government has already made headways, there is still room for improvement. Take improving statistics capability as an example, we are ready to listen to the suggestions from the Committee on how to integrate with universally applicable statistics methods and how to collect and sort out statistics based on more specified classification.

In a nutshell, the Chinese Government will continue its cooperation with the international community, including the Committee, to eradicate and overcome the difficulties and obstacles to the protection of children's rights and make unremitting efforts to achieve children's equal rights to existence, protection, development, participation and others.

Mr. Chairman
Distinguished Members,

Since the Chinese Government resumed the exercise of sovereignty over Hong Kong on July 1st 1997 and Macao on December 20th 1999, the *Convention on the Rights of the Child* became equally applicable to Hong Kong Special Administrative Region (Hong Kong SAR) and Macao Special Administrative Region (Macao SAR), and the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* was applicable in Macao SAR. According to the *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China* and the *Basic Law of the Macao Special Administrative Region of the People's Republic of China*, the policy of "one country, two systems" and a high degree of autonomy is applied in the two SARs, the implementation of the Convention is prepared by the Hong Kong SAR and Macao SAR themselves and representatives from the two SARs will present their reports and answer questions from the Committee members.

Therefore, please allow me to invite Mr. Stephen Fisher from Hong

Kong SAR and Mr. Jorge Costa Oliveira from Macao SAR to brief you on the implementation of the Convention in their respective regions.

Thank you, Mr. Chairman and members of the Committee.

