

**Comments of the Chinese Government about the Concluding
Observations on the Combined 3rd & 4th Periodic Reports of China
Adopted by the CRC Committee at its 64th Session**

1. The Chinese government earnestly fulfils its obligations stipulated in the Convention on the Rights of the Child (hereinafter referred to as the “Convention”), attaches importance to the protection of the rights of the child and promotes the development of the child-related programs. In the course of the Committee’s consideration of China's report on the implementation of the Convention on September 26-27, 2013, the Chinese delegation, in the spirit of sincere cooperation and with a responsible attitude, conducted constructive dialogue with the Committee. The Chinese government welcomes the Committee's recognition of China’s efforts and achievements in the protection of the rights of the child and the sound recommendations it gave on China's implementation of the Convention. Following the recommendations on follow-up in the Committee’s Concluding Observations (paragraph 99), the Chinese government held a special meeting in November 2013 to transmit the Committee’s Concluding Observations to more than 30 domestic units involved in the work concerning children. The Chinese government will adopt the sound recommendations in the Concluding Observations and

strengthen relevant work in line with China's reality.

2. The Chinese government notes with regret that there are accounts in the Concluding Observations that do not square with facts. Some are based on unverified information, some lack necessary analysis and statistical support and some are exaggerations, thus failing to give a real picture of China's implementation of the Convention in relevant areas. In fact, the Chinese government has already provided objective and detailed information concerning relevant areas in its implementation report and reply to the list of issues. However, the Committee's Concluding Observations have failed to give full and accurate expressions to the above-mentioned information. The Chinese government can not accept the parts of the Committee's Concluding Observations which do not square with facts and the recommendations made thereof, and hereby makes the following clarifications on relevant facts:

(a) Paragraphs 20 and 21 of the Committee's Concluding Observations speak to arrests of "human rights defenders" and persecution of families, including children of human rights activists in mainland China. This does not conform to the facts. Some so-called "human rights defenders", with the excuse of safeguarding human rights, are actually engaged in offenses and crimes that undermine the legitimate

rights and interests of other citizens, disrupt public order and even threaten national security. It is therefore legitimate and justified for the Chinese government to deal with them in accordance with law. Relatives and children of the persons concerned are not subjected to the measures taken. China is a country of rule of law. The legitimate rights and interests of its citizens are respected and protected in accordance with law.

(b) Paragraphs 24, 26 and 32 of the Committee's Concluding Observations claim that there are continuous violations of rights and discrimination against Tibetan and Uyghur children and pervasive infanticide and abandonment (particularly of girls and children with disabilities) in mainland China, which is not true. In China, minors, irrespective of their sex, ethnic origin, race and religious belief, are all protected and entitled to equal rights in accordance with law. Concerning protection of the rights of children from ethnic minorities, the Chinese government is committed to a policy of equality and unity of all ethnic groups, which provides for not only prohibition of discrimination but also special measures to support the development of child-related programs and the protection of the rights of the child in areas inhabited by ethnic minorities.. The Chinese government harshly fights against violations of children's rights and protects the lawful rights and interests of girls,

female infants, children of ethnic minority groups and children with disabilities in real earnest.

(c) Paragraphs 32, 33 and 51 of the Committee's Concluding Observations claim that the family-planning policy of mainland China is a major factor for infanticide and abandonment (particularly of girls and children with disabilities). This is a distortion of the family-planning policy. Family planning is a basic state policy formulated on the basis of China's unique national conditions. The implementation of this policy has effectively eased the pressure on resources and the environment brought about by excessively fast population growth, and contributed to the development of China and the rest of the world. At present, the Chinese government is improving the family-planning policy. It needs to be emphasized that throughout the years the Chinese government has been committed to adopting various measures to prevent and severely punish sex determination for non-medical reasons and sex-selective abortions. It has taken actions of caring for girls and children with disabilities, creating a good social environment for their growth and development.

(d) Paragraph 34 of the Committee's Concluding Observations claims that China has failed to address the deep underlying causes and long-standing grievances of Tibetans to prevent self-immolations by

Tibetan children. This is a gross distortion of facts. Self-immolations have been schemed, incited, organized and staged by the Dalai clique behind the scenes. Those who committed self-immolations embarked on a road of no return as a result of deception and intimidation. Relevant local authorities have provided to them with timely and all-round care and medical treatment. The incitement and organization of self-immolations by the Dalai clique is a serious crime, which has been resolutely opposed by the religious community in Tibet and families of the self-immolated persons, and should also be condemned by the international community. The Chinese government combats this crime in accordance with law.

(e) Parts of paragraphs 40, 41, 42, 74 and 75 of the Committee's Concluding Observations claim that mainland China imposes restrictions on cultural freedom and freedom of religious belief of various groups of children, subjects children to torture and ill-treatment for seeking to exercise such fundamental rights as religious freedom, and undermines their right to education. This does not square with facts. The Chinese government pursues a policy towards ethnic groups that features ethnic equality and unity, regional ethnic autonomy and common prosperity of all ethnic groups. It protects freedom of religious belief of children from ethnic minorities, and safeguards their right to education in accordance with law including the right to learning the minority languages of their

own .

(f) Parts of paragraphs 24, 40, 42 and 74 of the Committee's Concluding Observations claim that children of "Falun Gong" practitioners face violations of rights, torture and ill-treatment. This is not true. "Falun Gong" is an evil cult banned by the Chinese government in accordance with law. The Chinese government pursues persuasion and education towards ordinary practitioners, punishes a small number of "Falun Gong" practitioners for their violations of law and protects the legitimate rights and interests of their children. In fact, "Falun Gong" elements have long been using children for their law-breaking and criminal activities and even destroying children's health and life. The Chinese government takes resolute measures to prevent and punish such acts. Paragraph 74 (e) of the Committee's Concluding Observations claims that Article 10 of the 2013 regulation on "Admission Requirements for Universities and Colleges" prohibits admission of children of an "evil cult" to educational institutions. This is an erroneous statement. Truth is Article 10 prohibits the admission of "evil cult followers", not "children of evil cult followers" to institutions of higher learning.

(g) Parts of paragraphs 84, 91 and 92 of the Committee's Concluding

Observations claim that there is widespread involvement of children in hazardous work and application of RTL and ‘Work Study Schools’ (gongdu xuexiao) on children in mainland China. This is a serious exaggeration. Over the years the Chinese government has taken forceful measures for the complete prohibition of child labor. Illegal use of child labor appears only in individual cases, which have been resolutely combated by the Chinese government. China has established a legal system of special protection for child labor which prohibits illegal employment of child labor in hazardous work and stipulates legal liability for such offenses. The Chinese government has abolished the RTL system. In recent years, it has stopped practicing RTL on children between 16 and 18 years of age. Special schools (i.e. “Work Study Schools”) are places used by the Chinese government to correct and provide compulsory education, to minors who have conducted serious misbehavior for the purpose of providing them with judicial protection and school education and preventing and reducing juvenile delinquency. There is no such thing as forced child labor.

(h) On issues of rights of children of migrant workers (paragraphs 24, 25 and 45), lead poisoning (paragraph 22) and family household registration (*hukou*) (paragraph 38) in the Committee’s Concluding Observations, the Chinese government has adopted targeted measures and

achieved initial progress. Detailed accounts of relevant work have been given in the reply to the Committee's list of issues. To our regret, however, relevant parts of the Committee's Concluding Observations have failed to objectively reflect the reality of China's implementation of the Convention. The Chinese government is ready to strengthen communication and exchanges with the Committee for it to get a more comprehensive understanding of the progress in China's implementation of the Convention.

3. Referring to the implementation of the Convention by Hong Kong Special Administrative Region of China (HKSAR), the supplementary information provided by the HKSAR Government on specific items in the Concluding Observations is as follows:

(a) Referring to paragraph 73 of the Concluding Observations in which the Committee urges the HKSAR to expedite the implementation of public housing programme, the HKSAR Government wishes to emphasise that housing is indeed a top priority policy area; and that the HKSAR Government is taking a series of measures to alleviate the housing problem in Hong Kong, such as pushing forward public housing construction and developing a long-term housing strategy.

(b) Referring to paragraph 78(b) of the Concluding Observations, the HKSAR Government clarifies that as announced on 11 June 2013, the funding mode for schools admitting non-Chinese speaking students, notably ethnic minority students, has been changed with effect from the 2013/14 school year so that the additional recurrent grant for providing school-based education support to non-Chinese speaking students is no longer confined to a certain number of schools which are commonly known as the so-called "designated schools". Instead, all public sector and schools in the Direct Subsidy Scheme admitting 10 or more non-Chinese speaking students are provided with additional recurrent funding to support the learning of Chinese language by their non-Chinese speaking students with a view to enhancing the learning of Chinese language of non-Chinese speaking students and widening their parental school choice in the long run, and rectifying the misunderstanding about the so-called "designated schools" system, the label of which is a misnomer. This is also in line with the policy of integrating non-Chinese speaking students into mainstream schools with the Primary One school places allocation arrangements revised since 2005 to guarantee equal opportunities for school admission for non-Chinese speaking students.

4. Referring to the implementation of the Convention by Macao Special Administrative Region of China (Macao SAR), the Macao SAR

Government deeply regrets that paragraph 86 of the Concluding Observations does not truthfully reflect the efforts made by the Macao SAR to combat trafficking in person and that it is included in the Concluding Observations the so-called government official involving in trafficking in children and sexual exploitation without the clarification of the representative of the Macao SAR Government. The Macao SAR Government hereby stresses that there have been no reports of any government official involving in related offences and solemnly declares that the Macao SAR Government pursues a zero tolerance policy on this matter.

5. The Chinese government values the positive role of human rights treaty body in promoting and protecting human rights, believes that the constructive dialogue and cooperation between the treaty body and state parties serve as an important vehicle for the implementation of human rights conventions, and hopes that human rights treaty body will treat all sorts of information cautiously and consider the implementation of the conventions in an objective and fair manner, ensure that the consideration is non-politicized and non-selective and can faithfully reflect the implementation by state parties with a view to promoting the development of international human rights.