

Report On China Child Protection

1. In this report, the BCLARC aims to present an overview of child protection issues in China over the last four years, including our findings, progress, challenges and recommendations. More importantly, we will follow our former concerns and evaluate their progress.
2. In the last four years, legislations on child rights has made new progress in the both areas of child welfare and juvenile justice. The most obvious achievement is the adoption of special chapter of juvenile justice into the newly revised Criminal Procedure Law. The law ensured juvenile suspects' or defendants' right to counsel which will triple the current number of cases in need of legal aid for juveniles who cannot pay a lawyer. There are some other breakthrough provisions, like the pre-trial diversion for non-serious cases, expungement of criminal records for light sentencing and the presence of appropriate adults during interrogation. The breakthrough development on child welfare is to establish the minimum living standard with financial funding from central government for children living in child welfare institutes and children who lose parents and are raised by extended family members.
3. With the access to internet and social media tool called Weibo, civil society is increasing its impact on child rights. There are quite

impressive examples in which bottom up campaigns promoted the top to down policies. For example, in 2009, through the civil society organization called “Back Home, Baby” and some other civil society organizations’ impact campaign, the Ministry of Public Security thus launched its campaign on anti-trafficking of children and women with new effective measures, like the DNA Database of parents who lost children and children who are suspected to be trafficked. The Weibo Campaign on Helping Street Children to Go Home in 2010 which promoted the new policy in 2011 on Better Protection of Homeless Children issued by the central government. The charitable initiative called Free Lunch for Child Students in Poverty in 2010 also got the attention of the central government and in 2011 the central government allocated about 2.5 billion US dollars to finance the child students in poor rural areas.

4. Despite of the progresses, child protection in China is still facing some challenges. Some old challenges in our former report are still there. For example, the inter-agency child protection mechanism is still not streamlined. Neither is effective. Very few policies came out in last four years. Even though there was an opinion issued on how to strengthen inter-agency cooperation on the juvenile justice, its enforcement is very weak. Pilots on strengthening inter-agency cooperation mechanism are also very rare.

5. Law enforcement is in need of further improvement. Some tragic cases happened in the last several years which question the law enforcement. For example, the school bus tragedies in Gansu and Jiangxi exposed the weakness of law enforcement. The BCLARC believes that with the raised awareness of child protection bottom-up supervision of law enforcement may bring new progress of child law enforcement.
6. In our last report, we were concerned about the specialization of juvenile justice actors. The court system has been playing a very active leading role in the specialization. In the last four years, specialized juvenile tribunals have gained healthy development. There is also good news for the specialization development of the prosecutors. In the last four years, based on the Shanghai pilot, several provinces had successful specialization pilots of prosecutors' office. In 2012, the Supreme Procuratorate issued a judicial interpretation to promote the specialization of prosecutor's office. However, we are still concerned with the specialization of police.
7. Even though the government has taken a little bit more responsibility on children at risk in last four years Chinese child welfare system is in need of an overhaul. The current model is to put different patches on different holes exposed by tragic cases, which will neither avoid future tragedies nor have a step forward agenda to improve the

system. The BCLARC recommends that the government initiates a team with child law experts from civil society to evaluate the current child welfare system and develop a formal reform proposal on the system.

8. We recommends that the government invests more resources and takes more strict measures to ensure that the school-age children would finish nine-year compulsory education, which could fundamentally address the child labor issue. In addition, we recommend the government would improve the legislation to strengthen the disability's right to education.
9. We still recommend that the government need to establish a scientific, effective system of data collection, management and dissemination. Currently, China lacks a scientific statistical standard on child information collection and dissemination, which makes data collection difficult. In addition, the information-sharing mechanism between departments is not standard, nor is statistical analysis and dissemination of information. This results in haphazard, inconsistent and incomprehensive policy-making. Accordingly, we recommend that a scientific, effective system of data collection, management and dissemination of information be established as soon as possible.
10. The BCLARC understands that as China is both a developing country and a country with 341 million children, the Chinese Government

faces many challenges with respect to child protection. The BLARC hopes that the United Nations agencies and programs will give more financial and technical support to China in this area in the future.

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