


# 25 YEARS

OF THE CONVENTION ON  
THE RIGHTS OF THE CHILD

On the Progress China has Made in Child  
Protection Policies and Practices

by Huang Xiaoyan





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# On the Progress China has Made in Child Protection Policies and Practices

by **HUANG XIAOYAN**

## I. China's laws and policies on child protection

The Chinese government places great emphasis on the protection and realization of children's rights. Since the establishment of the New China, the government has formulated and improved upon a series of laws, regulations, and policy documents to guarantee the rights of children, based on international standards and the reality of China, gradually forming a set of systematic and methodic operational procedures with its own characteristics and features.

It is explicitly stipulated in the constitution of China that "children are protected by the state". China joined the *Convention of the Rights of the Child* in 1991. Thereupon, the first law dedicated to the protection of minors, *Law of the People's Republic of China on the Protection of Minors*, was formulated. In addition, China also introduced other special laws on the protection of children, including *Law of the People's Republic of China on Compulsory Education*, *Law of the People's Republic of China on Maternal and Infant Health Care*, *Adoption Law of the People's Republic of China*, and *Education Law of the People's Republic of China*. In accordance with the rules of the constitution, terms on the protection of children's rights are also included in various laws on other subjects, for example, *Marriage Law of the People's Republic of China*, *Law of the People's Republic of China on the Protection of the Rights and Interests of Women*, *General Principles of the Civil Law of the People's Republic of China* and *Labor Law of the People's Republic of China*. Children's rights clearly occupy an important status, with explicitly stated basic rights and interests, in the current legal framework of China. A series of rules and regulations related to children's rights play a crucial role in the maintenance of children's rights and also provide a legal guarantee for the protection and promotion of children's rights.

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In the meantime, defects and flaws in the current legal system can also be noticed. The legal provisions on the protection of children’s rights often lack operability and implementation strength. These provisions fail to reflect the status of children, and some of the content is repetitive and devoid of the ability to bridge connections. Many of these issues need to be advanced with continuous efforts to achieve comprehensive legislation on child welfare.

China had made rapid progress in drafting policies on the protection of children’s rights in recent years. On topics such as the basic living security of poor children, children’s health security, educational security and child protection, China has successively introduced a series of important policies to safeguard the normal survival and growth of the child. In terms of living security, China has included poor children into the urban-rural subsistence security system and the supporting system of five guarantees for rural residents, and established a basic living system for orphans and HIV infected children. The subsistence allowance has been expanded to “troubled children”, those with parents behind bars or severely disabled for example. In addition, China also instituted a nutrition improvement plan for rural students undergoing compulsory education and formulated specific regulations on implementation. In the aspect of medical security, China, in accordance with the *Law of the People’s Republic of China on Maternal and Infant Health Care*, set up work norms for child health care, established a unified standard for urban-rural child health care, built a urban-rural medical assistance system, held medical security pilots on major disease for rural children, and implemented the “Tomorrow Plan” for disabled orphans and “Rebirth Activity” for cleft-lip children. For educational security, China issued the *Law of the People’s Republic of China on Compulsory Education* to guarantee the access to education for school age children. School age children, both urban and rural, have the right to access nine-year compulsory education for free. For pre-primary children, China has also established a funding system for pre-primary education, especially for the most needy children in both urban and rural areas. In recent years, China has also stressed the equal rights of migrant and left-behind children to receive education. In terms of child protection, particularly for street children, China has explicitly assigned the protection responsibilities to relief and protection organizations. To protect children from trafficking, China had formulated an ongoing, long-term action plan to crack down on child-trafficking. Because of

the high-incidence of car accidents involving children, the government swiftly responded and issued the *Regulation on School Bus Safety Management* to ensure children's safety.

The State Council, based on the existing laws and political framework, issued the *Outline of the Program for Chinese Children's Development (2012-2020)* in 2011, providing a basic document for the overall improvement of the protection of children's rights for the next 10 years. The Outline puts forward specific objectives and 67 strategic measures from five aspects, namely children and health, children and education, children and welfare, children and social environment, and children and legal protection. The release of the outline reflects the importance the State places on the rights of children, including the right to survive, the right to develop, the right to be legally protected and the right to participate. In 2013, the Ministry of Civil Affairs began to pilot hierarchical and classified assistance for children, so as to gradually establish a universal welfare system for all children. From the publication and implementation of these policies, one can see the resolution and efforts the State is putting forth for the protection of children's rights and the improvement of children's welfare. Even though there is still quite a distance to go, taking into account the gap between the current status of children and the objectives described in the Outline, the ongoing advancement of child welfare policies seem to already point towards a more positive future.

## II. Practical progress China made in child protection

The practice of child protection in China has developed at the same pace as the related laws and policies. Efforts have been made to carry out the implementation of child protection by all parties in different areas and at various levels. Beneficial and effective exploration of child protection has been conducted by the Ministry of Civil Affairs, the United Nations Children's Fund, Plan International, Save the Children, the International Foundation for Poverty Alleviation and many domestic NGOs. To date, China has made the following achievements in child protection:

Firstly, policy advocacy and specific services for child protection have been combined step by step.



Children from Feishui Village, An County, Sichuan Province are reading at a local Child Friendly Space.

Although the implementation of child protection varies in different areas, the key focuses and achievements have usually combined policy advocacy and the corresponding services in a step-by-step manner. When implementing projects with a focus on child protection services in communities, we found that it is not enough to only have teams, methods and contents for child protection services. Effective policy making is needed for all children to enjoy the access to the provided child protection services. When implementing projects with a focus on the construction of a child protection system, we found that it is inadequate if only a framework of child protection is created. Without specific child protection services in place, the child protection policy framework will fail to reach children in need, as the services are an important bridge between the government policies and the children. Therefore, we reached the consensus that in the field of child protection, only when the laws, the policies and the specific services of child protection are integrated, can we set up a complete child protection system.

Secondly, a child protection service system has been established at the community level.

Child protection is inseparable from specific available services. The present practice has gradually led to the creation of a service system of child protection rooted in communities. The first level of the system is preventative services, such as training related to consciousness raising, with interactions in communities, families and schools on child protection. The second level of the system is a discovery mechanism for identifying child abuse. The third level is a reporting mechanism, and the fourth level is a reaction mechanism with referrals and services. In practices, specific services are developed at each level: the application of community volunteers and management networks in the discovery mechanism, the hot-lines and child protection committees in the reporting mechanism, the green channels to medical rescue, professional psychological consultation and social work services for children in the reaction mechanism. The series of child protection services are rooted in communities, covering the complete spectrum from prevention to handling child abuse measures.

Thirdly, both vertical and horizontal child protection systems have been set up after much research and investigation.

Based on the lessons learned from setting up child protection systems in many pilot projects, there is consensus that child protection needs joint efforts and recognition vertically from the responsible organizations and horizontally from multi-sectoral cooperation. In various projects, attempts have been made to set up a vertical child protection system at different levels, including provincial, municipal, county, township and village levels. And the specific duties and tasks of child protection for each level have been defined, so that the vertical channels for reporting and referral of are unimpeded. However, child protection services also require horizontal multi-sector communication and cooperation. Thus, a system of multi-sectoral cooperation has been attempted by building child protection teams made up of staff members from each of the relevant departments. Hence, once cooperation among departments is achieved, child protection services can be delivered from a specific department with fast response in order to meet the needs of comprehensive services for child protection. The horizontal cooperative mechanism also introduces the concept of child protection to the key departments involved, including the health departments, judicial departments, public security bureaus, procu-

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ratorial organs, and bureaus of civil affairs, family planning committees and women's federations. When these departments, bureaus and organs make policies, they can then take into full account children's needs with strengthened awareness of child protection. They can integrate child protection into their ongoing work and give priority to the relevant work agendas and cases.

Fourthly, a human resource team for child protection has been set up at the community level.

Among the child protection pilot projects in the past few years, human resource teams for child protection have been set up at the community level, marking the true establishment of a delivery system for child protection services that is easily accessible to children. In the joint pilot project between the United Nations Children's Fund and China's Ministry of Civil Affairs, a director in charge of child welfare is assigned to the village level, in order to get information about children in the community, better integrating child protection services with the work of child welfare. Because the director lives in the same community as the targeted children, he/she can effectively prevent family violence and provide children with timely resources, meeting the children's needs for protection and greatly improving the accessibility of child protection services. Meanwhile, he/she can provide the child protection team set up in the community with systematic and ongoing professional training to educate the team on the characteristics of children's development in the specific community, the relations among children, families and community members so that it can evaluate children's need for protection and work on a case-by-case basis to provide children with resources and protection services.

Lastly, numerous NGOs have been established to participate in the construction and service provision of the child protection system, which strengthens the development and construction of China's civil society.

Aside from being the duty of families, schools and governmental departments, child protection also needs joint efforts made by the whole society. In the pilots on child protection, all the projects are implemented in a bottom-up



fashion, calling on everyone to participate in the development, information feedback and implementation of a child protection system. These projects have inspired and enhanced the awareness of child protection in the whole community. The local community members begin to pay more attention to social welfare, and consequently increasing their participation and actions. More community members are taking part in child protection with many NGOs and volunteers providing the disadvantaged children with shelters, medical aids, psychological guidance and care services. Various forces of the whole society are thus making contributions to the construction and service provision of the child protection system, which is also a significant reflection of the development of China's civil society.



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Children playing games at a Child friendly space.

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