

# 25 YEARS


OF THE CONVENTION ON  
THE RIGHTS OF THE CHILD

**Focus on Children's Rights in Rapid  
Economic Development: The Proposition  
China Endeavors to Solve**

by Zhang Wenjuan

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Please contact:

UNICEF China  
12 Sanlitun Lu  
Chaoyang District 100600  
Beijing, People's Republic Of China  
Tel: (8610) 85312600  
Fax: (8610) 65323107  
Email:[beijing@unicef.org](mailto:beijing@unicef.org)

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### Zhang Wenjuan

Associate professor and Assistant Dean for International Collaborations and Executive Director for the Center of India-China Studies at Jindal Global Law School in India. She received her LL.M. from Columbia Law School in 2014 and her Juris Master from Peking University Law School in 2004. She was a visiting scholar at Yale Law School in 2008 and Columbia Law School in 2006. She was also a PILnet fellow.

## Focus on Children's Rights in Rapid Economic Development: The Proposition China Endeavors to Solve

By ZHANG WENJUAN

In the past, we realized that we should pay particular attention to women and children, who are most vulnerable in wars and conflicts. In fact, we have also found in the proposition of development that children, in particular, are apt to become the weakest group. They can be easily controlled and transformed into profit-producing tools like forced beggars, prostitutes and laborers. They are likely to be adversely impacted by various problems in the period of social transition, which include drug addiction, violence, infectious diseases and population mobility. They are also prone to be marginalized in the decision-making of achievement sharing process, as such that the standards in medical treatment and welfare are lower for children compared of adults.

Fortunately, the world has enacted a human rights convention for children, *the Convention on the Rights of the Child*, a convention with the most signatory countries. Though it does not have too much content, it is an important platform for the discussion and development of children's rights.

China has seen rapid economic development since the introduction of the reform and opening-up policy in 1978. Throughout this process, China must consider how to attach importance to children's rights, at least to avoid marginalizing them. Therefore, the Convention, which was passed on November 20, 1989 and took effect on September 2, 1990, provided China with positive guidance and reference on how to give consideration to children's rights, and laid out the principles and bottom lines for guaranteeing children's rights in its early stage of rapid economic development.

*The Convention on the Rights of the Child* has established four major rights for children: the right to life, the right to development, the right to participation and the right to be protected. Before signing the convention, China already had some provisions for children's rights in place. What deserves to be recognized is that the first one among numerous children's rights to be valued and legitimized after the reform and opening-up policy is the right to education. Article 46 in the 1982 Constitution explicitly stipulated "Citizens of the People's Republic of China have the duty as well as right to receive education."

“ The *Convention on the Rights of the Child* has established four major rights for children: the right to life, the right to development, the right to participation and the right to be protected. ”

In 1986, the *Compulsory Education Law of the People's Republic of China*, which concretely affirms the nine-year compulsory education, was passed. It was bold and forward-looking for a developing country with feeble economic situation to announce the implementation of nine-year compulsory education in the beginning stages of economic growth. The development of children's rights in China is also reflected in the vigorous bottom-up practices and exploration. For instance, juveniles were inappropriately sentenced and imprisoned during China's severe crackdown in the 1980s. However, in November 1984, several judges of the Changning District Court in Shanghai, who were particularly conscientious of children's rights, initiated the first juvenile criminal tribunal in China, establishing the basis of the current national juvenile judicial system.

China approved the *Convention on the Rights of the Child* on December 29, 1991, and since then China's advancement in children's rights has often looked to the Convention for guidance and assistance. For example, the *Law of the People's Republic of China on the Protection of Minors* came into force in January 1, 1992, which is demonstrative of China's efforts to comprehensively implement the Convention. The law, also considered the constitution in the realm of juvenile protection, confirms the protection children or juveniles are entitled to in the family, in schools, in society and in the judiciary system. In the 1990s, China successively enacted laws concerning juveniles, such as the *Adopting Law of the People's Republic of China*, *Law of the People's Republic of China on Maternal and Infant Health Care* and *Law of the People's Republic of China on the Prevention of Juvenile Delinquency*. Most of these laws were amended once or twice after 2000, and have recognized and propelled the development of children's rights in China.

During the two decades after the approval of the Convention, China has achieved relatively dramatic progress in children's rights. Government's efforts have been particularly fruitful in eliminating poverty. From 2001 to 2010, the poor population in China dropped by 67.34 million, which is significant for improving the life and development conditions of underprivileged children. In the period from 2000 to 2013, the maternal mortality rate in China decreased by 56.2%, and the mortality rates of infants and children below 5 years old fell by 70.5% and 69.8%, respectively. In respect to education, China has been aggressively developing preschool education, as well as vocational and higher educations in addition to compulsory education. It has also made strides in researching inclusive education for handicapped children. In the field of juvenile justice, data from the Supreme People's Court shows that over 2,300 juvenile courts have been established all over China by 2014, with over 7,400 judges who have made significant contributions to the juvenile justice system. *The Criminal Procedure Law of the People's Republic of China*, amended in 2012, created a chapter dedicated to affirm relevant achievement in juvenile judiciary research, outlining provisions such as sealing criminal record, pre-trial diversion and adult's presence during juvenile trials. As for child welfare, China has extended the scope of security and protection, placing particular emphasis on orphans in welfare institutions and security for abandoned infants, orphans scattered in society and various types of de facto orphans without dependents.

The most inspiring fact is that the consciousness on children's rights is

rising rapidly in China and civilian activities on child protection have brought changes to national policies. For instance, the Beijing Children's Legal Aid and Research Center, the first charitable legal service agency on the protection and promotion of children's rights, was a mainspring for the All China Lawyers Association (ACLA) to establish the Child Protection Committee, and the volunteer lawyers collaboration network on juveniles protection, which consists of over 9,000 lawyers. Through supporting underprivileged children, carrying out influential actions, conducting empirical studies, publishing legal professional guidance, as well as bridging legislation and policy-making, the collaboration network has become one of the most active professional teams to promote the development of children's rights in China. Various civil society activities have also provided notable advances for children's rights. Take the example of the "Free Lunch" program organized by Deng Fei and other notable reporters. The activity was affirmed and endorsed by government policies, and the program was expanded to various poverty-stricken areas with financial support from the government. There are also a number of other civil society programs and activities, such as "Angle Mom", medical financial assistance for underprivileged children, and "Little Hope", an action plan on children exposed to family violence, which are all stoking up the development of relevant legislation and policies.

China, as a developing country of 279 million children, has made some progress in children's rights, with these achievements shall be affirmed and celebrated. However, there is still significant scope for development in the protection of children's rights. I have provided examples and explanations below from three aspects.

Firstly, rapid industrialization and urbanization have imposed a great deal of challenges to the livelihood and growth of children. Take the 60 million left-behind children and the 35.81 million migrant children as an example. Compared to those in ordinary families, left-behind children and migrant



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We work with the local governments, schools and communities to promote new pilot programmes, and ensure that these 'left behind' children receive the care they need.



Children from a Child Friendly School in Sanjiang County, Guangxi Province

children are facing more challenges, experiencing more educational vulnerabilities such as inaccessibility to schools, repeated school transfer and immature dropout. They are also more prone to accidental injuries, child-trafficking, sexual abuse, family violence and tense parent-child relations, leading to children running away from home, developing deviant behaviors or even committing crimes. The government has made some efforts to address challenges of rapid industrialization and urbanization affecting the rights of children. We are also clear that it is not easy to fairly and equally safeguard the rights of these children under the current urban-rural divide. But, it is believed that the government can devise more prospective policies and develop more targeted and effective mechanisms for services to guarantee the rights of these children.

Secondly, China's implementation of Article 18-20 of the Convention still has much space to improve. Rapid economic development has created significant negative impacts on the family. In some cases, the parents are grappling with drug addiction or suffering from major diseases, and they cannot fulfill their duty of guardianship. In other cases, both parents are behind bars, or one is incarcerated and the other one's whereabouts is unknown, leaving their children without supervision. In more cases, the parents migrate for work and are forced to entrust guardianship of their children to people without adequate capacity. Under certain circumstances, some children are forced onto the streets due to tense parent-child rela-

tions, family violence or absence of guardianship. Moreover, abandoned children generally have no timely access to the state child welfare system. For example, children who exposed to severe family violence are sometimes maimed or beaten to death, and yet no proper intervention or protection could be offered. Thus, there is a large number of underprivileged children at stake. But so far, the government still lacks a discovery, assistance and intervention mechanism for disadvantaged and “troubled” families. Fortunately, investigation and exploration on the establishment of such a child welfare mechanism has been put on the agenda of the Ministry of Civil Affairs, the Ministry of Public Security and the Supreme People’s Court. We hope that such mechanisms could be confirmed through legislation and put into practice as soon as possible.

Thirdly, I, as an advocate of children’s rights who has been working in China for ten years, believe that the legislation on the protection of juveniles can be further improved, with more specificity and practical implementation. As compared with economic development targets, the current legislation on children’s rights is more like an elegant moral declaration. It was legislated based on a basic belief of children’s rights but lacks specificity and practical system support. This could orient local governments or the responsible central government departments to put aside the responsibility of protecting children’s rights. If so, it will not only endanger the protection of children’s rights, it will also weaken the efforts of constructing a country under the rule of law. Children who have never felt the power of law will never believe in the rule of law.

Countries differ from each other in their political, economic and cultural systems, in their development paths and in the opportunities and challenges faced in development of children’s rights. Similar to the development path of China’s economy, China is now also grappling with the way forward for the development of children’s rights. There is ample available experiences and lessons learned. But, one point is clear: the principle guidance and the minimum requirement of *the Convention on the Rights of the Child* did help China avoid unnecessary detours. It is hoped that the experiences and lessons learned of China balancing its rapid economic development with the rights afforded to its children could offer some reference for other developing countries. It is also hoped that China could make greater contributions in implementing the Convention. In the end, I want to point out that it is of critical importance for each country, especially for developing countries, to stress children’ rights in the process of economic development. Otherwise, the rapid economic development will lose its long-term and sustainable development capacity.

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Take the 60 million left-behind children and 35.81 million migrant children of China as an example. Compared to those in ordinary families, these children are facing more challenges, more educational vulnerabilities like inaccessible schools, repeated school transfer and immature dropout. They are also prone to accidental injuries, child-trafficking, sexual abuse, family abuse, and tense parent-child relations, leading to children running away from home, developing deviant behaviors or even committing crimes.

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UNICEF China  
12 Sanlitun Lu  
Chaoyang District 100600  
Beijing, People's Republic Of China  
Tel: (8610) 85312600  
Fax: (8610) 65323107  
Email: [beijing@unicef.org](mailto:beijing@unicef.org)

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