CHAPTER 9

The Current Situation Regarding the Protection of Children's Rights and Interests in China and Related Policy Suggestions
(中国儿童权益保护现状及政策建议)

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Abstract

China is a large, developing country, with unbalanced development across different regions. The issue of protecting children's rights and interests in China is complex. This article discusses children's rights in relation to living, protection, and development. It summarizes the achievements, challenges, and various activities and policies in the field of children's rights and interests' protection in China in detail. Based on the facts, this article also proposes concrete policy suggestions for improving China's system for protecting children and ensuring the realization of children's rights to living, protection, and development.

Keywords

Children's Rights and Interests' Protection – Current Situation – Policy Suggestions

Children, a vulnerable group (弱势群体) within society, are the future and hope of a country or a nation. How comprehensive the children's rights and interests' protection system is directly reflects on the civilization and level of development of a given nation. After joining in the Convention on the Rights of the Child (CRC) (《儿童权利公约》), China has established a relatively comprehensive legal system in order to protect children's rights and interests. In recent years, however, infringement cases have frequently occurred, which has led to the introspection of China's system of children's rights and interests protection.

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1 A Summary of Children’s Rights and Interests

In deference to their being the future of humanity, children and their rights are strictly protected by the international community at large and individual countries around the world. In November 1989, the United Nations passed the Convention on the Rights of the Child (referred to as the “CRC” hereafter), defining “a child” as “any human being below the age of eighteen years old, unless under there is any law applicable to the child that defines an earlier mature age.” The CRC clearly demonstrates that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.” It also recognizes that every child is an independent human being in addition to being a part of the family and society, enjoying the whole rights and interests afforded to any other human being; the CRC therefore requires all signatory nations (缔约国) to take appropriate measures to protect children’s rights and interests. Among the 54 clauses of the CRC, 41 are practical clauses, explicitly defining the four fundamental rights and interests of children as the right of living, right of development, right of protection, and rights of participation.1

During the 20 years since the 1992 signing of the CRC, China has successively promulgated the National Program of Action for Child Development in China (2001–2010) (《中国儿童发展纲要 (2001–2010)》) and the National Program of Action for Child Development in China (2011–2020) (《中国儿童发展纲要 (2011–2020)》). The country also included a program for improving children’s comprehensive development in the “Twelfth Five-Year Plan” for national economic and social development. China, however, is a large, developing country, and its regional development is unbalanced. With almost 310 million children and teenagers below the age of 18 years old, the protection of children’s rights and interests in China is a complicated, widespread problem.

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1 The rights to participate of children encompasses the fact that children have rights to participate in the family, culture, and society—that is, the right to live in society and to express their opinions about all issues relevant to their lives. In China, the right to participate has gotten more attention, but far from enough. The country still pays more attention on basic health, education, and being protected, with little emphasis on participation. Children in China have increased autonomy and a sense of participation, but many issues still exist, including few opportunities to participate, limited areas for participation, and superficial participation. This article won’t discuss in detail the right to participate.