

**STATE PARTY EXAMINATION OF CHINA'S  
INITIAL REPORT ON THE OPTIONAL PROTOCOL ON  
THE INVOLVMENT OF CHILDREN IN ARMED CONFLICT**

**64<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD  
16 SEPTEMBER – 4 OCTOBER**

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*China ratified the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 20 February 2008. On 27 September 2013, the Committee on the Rights of the Child (the Committee) examined the initial report of China.*

*The State party has a declaration in relation to article 3(2) and understandings with respect to articles 1, 3, and 4.*

**Opening Comments**

Mr Mesmud, the OPAC Country Rapporteur, commended the State on its progress on the implementation of OPAC. However he noted that although the State report made reference to several issues but there were still many topics to cover.

**General Measures of Implementation**

***Data Collection***

The Committee asked if there were statistics on the involvement recruits under the age of 18. It asked why these statistics may not have been collected. The delegation stated that in 2009 58,000 17 year olds wanted to join the army.

***Coordination with Civil Society***

The State party informed the Committee that experts were included in the writing of the report.

## **Prevention**

### ***Military schools***

The Committee asked about the provision of military training in the main education system. It noted that schools had been teaching the handling of firearms. The Committee noted that there were 63 military colleges and schools. It asked about the regulation of non-state armed groups and why the State party had not introduced regulations for such groups

The Committee said that it had received information that secondary school students are required to go through one month of military training. The delegation clarified that about one week of experience is provided for children and that they had no contact with arms. The delegation explained that for many young people short term fixed military training could be beneficial

The delegation explained that the age of recruits in the militia is 18-35. It explained that the majority of recruits for the militia were retired service men, so people over the age of 20.

### ***Enrolment and voluntary recruitment***

The Committee asked if the State party had had any intention to raise the minimum age of conscription from 17 to 18. It noted that the State had indicated that the minimum age was 18 but citizens over 17 may be recruited for national service. The Committee asked for clarification about the age limit for military service being applied flexibly in China. The Committee wanted clarification on this issue and asked if additional safeguards had been put in place in compliance with the OPAC measure of using children as a last resort. The Committee asked how the age of new recruits is verified before they sign up. It asked if every individual is interviewed. It also questioned new recruits motivation to join the army. The delegation confirmed that recruits signed up for their own personal wishes and reasons. The delegation informed the Committee that it was an honour to join the army in the State party; furthermore the army provided skills for young people which made them more employable and helped their career development.

The delegation explained that there is a strict registration system for new recruits. It said that 17 year olds who want to register had to bring their ID and qualifications in order to confirm their age and identity. The bodies that managed these issues were the Ministry of Public Security, The Ministry of Health, the Ministry of Public Security and the Ministry of Education. These recruits had to have finished their education before signing up. The Committee asked the delegation to clarify if people without birth certificates are entitled to sign up. The delegation confirmed that this identification was necessary to sign up.

The Committee asked if the State party were not changing the age of conscription to 18 because of a recruitment shortage. It asked about information that is provided to parents who want their children to join voluntarily. The delegation stated that conscription was publicised and that information about these roles was provided to schools and families.

The Committee acknowledged that children who finished school were very keen to join the armed forces. It noted that these children were coming out of secondary school with debt and questioned whether they might have wanted to join the army in order to alleviate this debt. It asked what alternative opportunities there were for these families.

### ***Export of weapons***

The Committee asked if there were financial considerations for the State regarding humanitarian issues. The delegation said that regarding the arms trade the exportation of small arms did not take place in the countries that had seriously abused child rights in armed conflict. The State party had established a register for the export of small and light arms.

## **Prohibition and Related Matters**

### ***Armed groups and private security companies***

The Committee asked how the State party addressed the issue of private and national security institutions. It questioned why there was no legislation prohibiting the use of children in armed groups and private security companies and that this was an issue which may need to be legislated against in the future. It asked whether the State party's law of national defence prohibited and criminalised the use of children in non-state armed groups.

The delegation stated that the State party has a law that prohibits all illegal armed groups and activities (non-state armed groups article 25 bureau of China). The delegation stated that this issue was not an urgent matter and that there was not the need to legislate against this eventuality.

### ***Extradition***

The Committee asked the delegation if the State had received requests for extradition. It asked the State how it prosecuted crimes that had been committed against those who commit crimes against children.

### ***Security Council***

The Committee noted the importance of the State party's role in the Security Council. It asked the delegation how the State would use their position in the Security Council to enhance children's rights in relation to armed conflict. It noted that only four countries had abstained to the Secretary General's resolution on armed conflict of which China was one of the abstaining countries. The Committee questioned the State party about this abstention. The delegation re-iterated the importance of the military council and said that its voting choices in the Council should not be taken out of context. It reaffirmed that China's position concerning children in armed conflict is clear.

## **Protection, Recovery and Reintegration**

### ***Assistance to former child soldiers***

The Committee questioned the State about the screening of children that may have been child soldiers or involved in armed groups. It reminded the State that OPAC imposes an obligation to support and assist these children. The delegation stated that they would take this question

back with them. The Convention asked if the recruitment of refugee children into armed conflict had occurred. The delegation said that this issue would be examined in the future.

### **Concluding Remarks**

Mr Mesmud, the OPAC Country Rapporteur noted the State's commendable effort with the implementation of OPAC and the information that had been provided in the report. He also noted the openness of the delegation. However he noted that it was important to issue a minimum age for volunteer recruitment. He was concerned that there were no measures to control armed groups and further reminded the State party about the important role it plays in the Security Council. He concluded that full and effective implementation was vital to successful child rights protection.