

NATIONAL LEGISLATION ON HAZARDOUS CHILD LABOUR

Minimum Age Convention, 1973 (No. 138)
and
Worst Forms of Child Labour Convention, 1999 (No. 182)

CHINA

RATIFICATIONS

Convention No. 138 28 April 1999

Convention No. 182 8 August 2002

- 1) *Country Overview*
- 2) *Factory Law of 1929*

Original Language: Chinese – ILO Summary.

Articles 7 and 18 establishing a **number of dangerous activities prohibited to child workers**.

- 3) *Circular of the Ministry of Labour on Issuing the Provisions on Special Protection for Juvenile Workers* - (LMI [1994] No. 498 issued by the Ministry of Labour on 9 December 1994)

Original language: Chinese – [Full Text in English \(🔗 on line\)](#) – ILO Summary.

Articles 2 and 3 establishing **work prohibited to juvenile workers**.

- 4) *Labour Act of 5 July 1994*

Original language: Chinese – [Full Text in English \(🔗 on line\) \(ILO Official Translation\)](#) – ILO Summary.

Section 64 establishing a **number of dangerous activities prohibited to juvenile workers** (between 16 and 18 years of age according to section 58).

5) *Regulations Banning Child Labour, 2002*

Original language: Chinese – [Full Text in English \(🔗 on line\) \(ILO Official Translation\)](#) – ILO Summary.

Article 2: **no state organs, social organizations, enterprises, institutions, private non-enterprise units, or individual industrial and commercial businesses** (hereinafter referred to as employing units) **may recruit and hire minors under the age of 16.**

6) *China Compulsory Education Law*

Original language: Chinese – [Full Text in English \(🔗 on line\)](#) – ILO Summary.




7) *CEACR, 2010 Observation and Direct Request, Convention No. 182 and CEACR, 2010 Observation, Convention No. 138*

8) *CRC, Concluding Observations of the Committee on the Rights of the Child, October 2013*

CHINA

Country Overview

International Conventions and selected Laws on child labour and education

C138, Minimum Age	
C182, Worst Forms of Child Labour	
CRC	
General Minimum age for admission to employment	16
Minimum Age for Hazardous Work	16
Compulsory Education Age(*)	15
List of hazardous work (***)	Yes
Free Public Education (**)	Yes

(*) According to the Compulsory Education Law of 1986, compulsory education lasts for nine years and children usually enrol in school at the age of 6. In this regard, young persons in China seem usually to complete their compulsory schooling at the age of 15.

(**) Art. 2, Compulsory Education Law of the People's Republic of China, 2006: "...No tuition or miscellaneous fees shall be charged for provision of compulsory education."

(***) The list of hazardous work includes: "working in place where dust or powder is spreading, place where poisonous gas or harmful radiation is spreading, work under high or low temperatures, work of continuously loading goods for more than 6 times per hour, flow process in which the operators have to keep their bodily status such as lowering head, stooping, raising and squatting down for a long time..."

CHINA

Factory Law of 1929

Original language

Chinese

Official English translation available at ILO

Abstract

Articles 7 and 18 establishing a **number of dangerous activities prohibited to child workers**.

Text of legal provisions

➤ **Article 7**

“Child workers and female workers shall not be employed in any of the following types of work:

- (1) handing explosive, combustible or poisonous goods;
- (2) any work to be done in a place where dust, powder or any kind of poisonous gas is spreading;
- (3) cleaning, oiling, examining or repairing the dangerous part of any machinery or power transmission apparatus in motion, or putting on or taking off belts or ropes of any machinery or transmission apparatus in motion;
- (4) connecting high-voltage wires;
- (5) treating melted ore or slag;
- (6) stoking boilers or furnaces; and
- (7) other dangerous work or work injurious to public morals.

➤ **Article 18**

“No child and woman workers shall be employed to perform the following labour:

- (1) inside a pit;
- (2) handling explosive and combustible objects;

- (3) working in a place where poisonous gas or harmful radiation is spreading;
- (4) working in a place where dust or powder is spreading;
- (5) cleaning, oiling, examining, repairing the dangerous part of any machinery or power transmission apparatus in motion, or putting on or taking off belts or ropes of any machinery or power transmission apparatus in motion;
- (6) connecting wires with a voltage exceeding 220;
- (7) treating melted ores or slag;
- (8) stoking boilers or furnaces;
- (9) other dangerous work. ...”

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Circular of the Ministry of Labour on Issuing the Provisions on Special Protection for Juvenile Workers - (LMI [1994] No. 498 issued by the Ministry of Labour on 9 December 1994). Entry into Force 1 January 1995.

Original language

Chinese

Official English translation available at ILO

Abstract

Articles 2 and 3 establishing **work prohibited to juvenile workers**.

Text of legal provisions

➤ **Article 2: Provisions on special protection for juvenile workers**

“Juvenile workers” hereby refer to labourers at the age of 16 but not 18 yet. ...”

➤ **Article 3**

“Employing units shall not arrange a juvenile worker to engage in the work of the following scopes:

- (1) work in contact with dust at or above the grade 1 of the state standards of classification of the peril for the work in contact with productive dust;
- (2) work in exposure to noxious material at or above the grade 1 of the state standards of classification of work in exposure to noxious material;
- (3) work high above the ground at or above the grade 1 of the state standards of classification of work high above the ground;
- (4) work in cold water at or above the grade 1 of the state standards of classification of work in cold water;
- (5) work under high temperature at or above the grade 1 of the state standards



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Fundamental Principles and Rights at Work (FPRW) Branch

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of classification of work under high temperature;

- (6) work under low temperatures at or above the grade 1 of the state standards of classification of work under low temperature;
- (7) work with grade N physical labour intensity of the state standards of classification of work of the intensity of physical labour;
- (8) work under the ground or quarrying stone on the ground of mines;
- (9) work of lumbering, floating logs and guarding woods in the forest industry;
- (10) work in exposure to radioactive substances at worksites;
- (11) work with the great danger of being inflammable and explosive, being chemically or thermally burnt;
- (12) fieldwork of geological prospecting and resources prospecting;
- (13) work of diving, operation in culvert or tunnel, or work at high lands with an elevation of more than 3,000 metres (except for those living in highlands);
- (14) work of continuously loading goods for more than six times per hour and each time loading more than 20 kilograms; work of discontinuously loading goods each time loading more than 25 kilograms;
- (15) work with the use of rock drill, tamping machine, air pickaxes, air shovels, riveters and electric hammers;
- (16) flow process in which the operators have to keep on their bodily status such as lowering head, stooping, raising, squatting down for a long time, or to keep on their actions each minute for more than 50 times; and
- (17) work of stocking boilers”.

CHINA

Labour Act of 5 July 1994

Original language

Chinese

Official English translation available at ILO

Abstract

Section 64 establishing a number of dangerous activities prohibited to juvenile workers (between 16 and 18 years of age according to section 58).

Text of legal provisions

➤ **Section 64 (Chapter VII: Special protection for female and juvenile workers)**

“No juvenile workers shall be arranged to engage in work down the pit of mines, work that is poisonous or harmful, work with Grade IV physical labour intensity as stipulated by the State, or other work that they should avoid”.



CHINA

Regulations Banning Child Labour, 2002

Original language

Chinese

Official English translation available at ILO

Abstract

Article 2: prohibiting the employment of minors under the age of 16.

Text of legal provisions

➤ **Article 2**

“State organs, social bodies, enterprises, institutions, non-governmental not-for-profits organizations and private businesses (hereafter referred to as employers) are prohibited from employing minors under the age of 16 (employment of minors under the age of 16 are hereafter referred to as using child labour).

It is prohibited for any institution or individual to provide employment services to minors under the age of 16.

Minors under the age of 16 are prohibited from engaging in private businesses activities.”

CHINA

Compulsory Education Law of the People's Republic of China Order of the President of the People's Republic of China No.52

Original language

Chinese

Official English translation available at www.npc.gov.cn

Abstract

Articles 1 and 2 establishing the right of school-age children and adolescents to compulsory and free education.

Text of legal provisions

➤ **Article 1**

“This Law is enacted in accordance with the Constitution and the Education Law, for the purpose of ensuring the right of school-age children and adolescents to compulsory education, guaranteeing provision of compulsory education and improving the qualities of the entire nation.”

➤ **Article 2**

“The State implements a system of nine-year compulsory education.

Compulsory education means education which is uniformly provided by the State and which all the school-age children and adolescents must receive, and constitutes a public welfare undertaking which must be guaranteed by the State.

No tuition or miscellaneous fees shall be charged for provision of compulsory education. The State establishes a mechanism for guaranteeing funds for compulsory education, to ensure implementation of the system of compulsory education.”

CHINA

COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS (CEACR) - Worst Forms of Child Labour Convention, 1999 (No.182) - Minimum Age Convention, 1973 (No. 138)

➤ 2010 Observation, Convention No. 182

- **Article 3 - Worst forms of child labour.**

Clause (a) - Forced labour - Forced labour in re-education through labour camps.

The Committee previously observed that China's prison system includes re-education through labour and juvenile criminal camps, and noted that records indicate that all prisoners, including persons under 18, are subject to hard labour. It noted the ITUC's allegations that, although the legislation calls for separate places for minors, in practice, due to limited spaces available, many minors are incarcerated with the adult population. The ITUC indicated that, pursuant to procedures inside the criminal justice system, children may be sent to labour camp re-education programmes. The Committee noted that the Committee on Economic, Social and Cultural Rights expressed grave concern about the use of forced labour as a corrective measure, without charge, trial or review, under the "Re-education through labour" programme (E/C.12/1/Add.107, paragraph 23) and that the Conference Committee on the Application of Standards emphasized the seriousness of such violations of Convention No. 182. In this regard, the Committee noted the Government's statement that, under the relevant legislation, any form of forced labour involving juvenile delinquents is banned. The Government indicated that, since 2006, the juvenile delinquent rehabilitation institutions have made efforts to increasingly conduct teaching in a classroom format and enhance training in vocational skills. In this regard, section 26 of the "Platform on re-education and reform of prisoners" of 2007 provides that the labour performed should focus on the acquisition of skills, and that the duration of labour shall not exceed four hours per day or 20 hours per week. In addition, the Ministry of Justice promulgated the "Regulations on the administration of juvenile delinquent rehabilitation institutions" which provide that children under

the age of 16 are exempt from participation in productive labour.

The Committee expressed its concern that these Regulations only exempt children under *16 years of age* from productive labour.

The Committee notes the statement in the ITUC communication that there is little concrete evidence available on the new direction of this re-education through labour institutions (pursuant to section 26 of the “Platform on re-education and reform of prisoners”), such as low labour intensity activities and a maximum number of hours a week, and that statistics on the activities in these schools remain minimal. However, the ITUC does indicate that the number of these re-education-through-labour institutions is being reduced. The ITUC states that there appear to be no specific regulations which guide the exact procedures through which minors are sent to these schools, and expresses the view that the use of these schools is in contravention of the Convention.

The Committee notes the information in the Government’s report that section 75 of the prison law states that the execution of criminal punishments on juvenile delinquents shall be based on education and reform, that this labour shall conform to the characteristics of minors, and the main objective of this labour is to acquire an elementary education. The Government expresses the view that the labour assigned to juvenile delinquents is not forced labour, but a kind of skills training and education. The Government indicates that, by the end of 2008, there were 74 special schools for the purpose of education and rectification, with 9,631 students nationwide. Pursuant to section 25 of the Law on the Protection of Minors, students are only sent to these schools for continued education if disciplinary measures in regular schools (or by guardians) prove ineffective in rectifying undesirable behaviour. Section 25 states that the staff of these schools shall show concern and provide good care for students, and that these schools shall provide an ideological and cultural education, including education in vocational skills. The Government states that this labour and vocational and technical training aims to improve the employability and earning capacity of the juveniles, to avoid recidivism. The Government further states that juveniles are housed separately from adult inmates, in reformatories that attend to the psychological and physiological needs of the minors and that all provinces have established separate juvenile delinquent rehabilitation institutions, which provide classroom education, psychological services, vocational and technical education (following the completion of compulsory schooling) and family visits. The Committee notes the Government’s statement that juvenile delinquent institutions consist of juveniles who shall be rehabilitated through education (those under 16) and juveniles who will be re-educated through labour (those between 16 and 18).

Forced labour in work–study programmes (school-related or contracted work programmes).

The Committee previously noted the ITUC statement that many schools force children to work in order to make up school budgets. Under these programmes, pupils are obliged to work to “learn a skill”, but often they perform regular work in labour-intensive unskilled positions for long periods of time. In parts of the country, children are found to be working, during school hours, in assembling fireworks, beadwork, or other cottage industry-type production, as well as harvesting the yearly cotton harvest (particularly in the Xinjiang Uyghur autonomous region). However, the Committee noted the Government’s indication that the “Provisional Rules of the State Council on work–study programmes for middle and primary schools” prohibited hard work and heavy labour for middle and primary school students in the work–study context, and that the types of work performed by the students were within their capacities. The Committee nonetheless echoed the concern expressed by the Conference Committee on the Application of Standards about the situation of children under 18 performing forced labour through work–study programmes.

The Committee notes the information in the ITUC communication that large numbers of rural schools have contracted out classes of students to work in factories or in the fields in labour-intensive tasks for long periods of time. The ITUC indicates that schools from the poorer inland provinces make direct contacts with the factories to send the students who work (during breaks as well as during term time) to raise funds, and that the majority of the children involved are between the ages of 11 and 15. The ITUC indicates that, following the 2006 government directive on safety standards, some children in the Xinjiang Uyghur autonomous region were directed to marginally less taxing types of work, such as harvesting of beetroots, tomatoes and other vegetables on state farms and the collection of recycling. In 2008, the local education department prohibited children between the ages of 6 and 14 from participating in the cotton harvest, and provided increased funding to the schools that had previously harvested cotton. However, the ITUC states that this directive was not enforced at the local level and children were still forced to participate in the 2008 harvest. The ITUC reiterates that participation in this harvest is mandatory, that children may face fines for working too slowly or failing to meet production quotas, and that the behaviour during the harvest is reflected in school marks.

The Committee notes the Government’s statement in its report submitted under the Minimum Age Convention, 1973 (No. 138) that it attaches great importance to the safety of work in primary and middle schools, but observes an absence of information on measures taken to protect children engaged by their schools in external enterprises, or measures taken to address mandatory participation in these types of work. However, the Committee notes the statement in the UNICEF Trafficking Report that reports indicate that several schools force students to work in factories under the veil of “work–study”.

Therefore, the Committee expresses its serious concern at the compulsory nature of the work performed by children under 18 in re-education through labour programmes and by schoolchildren under the age of 18 within the context of work–study programmes. The Committee reminds the Government that, by virtue of Article 3(a) of the Convention, all forms of forced or compulsory labour are considered to be among the worst forms of child labour in which persons under 18 years of age may not be engaged and that, pursuant to Article 1 of the Convention, governments must take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. Accordingly, the Committee strongly urges the Government to take immediate and effective measures to ensure that children under 18 years of age are not, under any circumstance, forced to work within the framework of re-education through labour programmes or work–study programmes. With regard to re-education through labour programmes, the Committee urges the Government to take the necessary measures to ensure that the “Regulations on the administration of juvenile delinquent rehabilitation institutions” are extended to exempt children between 16 and 18 years from productive labour in these institutions. The Committee further requests the Government to provide information on the concrete steps taken to eradicate these types of forced or compulsory labour, and on the results achieved.

○ **Article 7(2) - Effective and time-bound measures.**

Clause (d) - Identifying and reaching out to children at special risk. Beggars and homeless children.

The Committee previously noted the issuance of the “Opinions on strengthening the work on adolescent vagrants” which stipulates the duties of various departments in combating the phenomenon of child begging and protecting and rehabilitating homeless or begging minors. The Committee also noted that the Criminal Law was amended in 2006 to prohibit any person from organizing, by means of violence and coercion, disabled persons or minors under 14 years of age, to beg. However, the Committee echoed the observation of the Conference Committee on the Application of Standards that large numbers of child beggars still exist.

The Committee notes the statement in the ITUC’s allegations that some abducted women and children in the country are forced to engage in begging. The ITUC indicates that, in 2009, 20 children (between the ages of 8 and 16) who had been abducted and forced into pickpocket gangs in southern China were rescued. These children were forced to beg, and were physically punished when they failed to earn the amount expected.

The Committee notes the detailed information in the Government’s report regarding its recent initiatives to reach vagrant children. The Government indicates that between 2008 and 2010, the Government invested 470 million yuan renminbi (CNY) for the construction of 327 homeless relief and protection centres, through the implementation of the “Eleventh Five-Year Plan on the Establishment of a Relief and

Protection System for Vagrant Minors”. The Ministry of Civil Affairs will additionally invest over CNY30 million in the construction of 40 relief and protection centres. The Government indicates that it has worked to implement the “Basic Norms on Relief and Protection Institutions for Homeless Children”, which requires that these children receive services including daily life care, education, skills training, psychological counselling and behavioural correction, to promote the permanent removal of these children from vagrancy. The Government further indicates that, between June 2008 and June 2010, the Ministry of Civil Affairs held ten workshops for staff of relief and protection agencies, on themes such as relief for (and protection of) vagrant minors, informal education and aid for homeless children. In 2009, the Ministry of Civil Affairs compiled a “Guide on Aid and Protection of Vagrant Children”, which summarized best practices on the protection of these children. Lastly, the Committee notes that, in September 2009, the Ministry of Public Security, the Ministry of Civil Affairs and the Ministry of Health launched a special rectification operation against child begging and forced juvenile delinquency.

Nonetheless, the Committee notes the information from the UNICEF Protection Report that the number of China’s urban street children is growing and that, based on the number of children passing through protection centres, the Ministry of Civil Affairs estimates that there are around 150,000 such children. The UNICEF Protection Report states that many of these children come from migrant families, or migrated by themselves from rural areas, and that these children are particularly vulnerable to risks. While noting the numerous measures taken by the Government, the Committee recalls that street children are particularly vulnerable to the worst forms of child labour. It accordingly urges the Government to pursue its efforts to protect homeless children and child beggars from these worst forms and to provide for their rehabilitation and social integration and to ensure that programmes are open to child participation. The Committee requests the Government to continue providing information on the progress made in this regard, and the results achieved.

➤ 2010 Observation, Convention No. 138

- **Article 3(1) - Hazardous work - Hazardous work performed through work-study programmes.**

The Committee previously noted the situation of schoolchildren performing manual work at schools to compensate for the shortage of funds for their schooling. However, the Committee noted that the “Regulations on the Management of Safety in Middle Schools, Primary Schools and Kindergartens” (MEO23) was issued in 2006, which provided that schools are not allowed to organize pupils to take part in hazardous activities such as fabricating fireworks or involving toxic chemicals.

The Committee notes the Government's statement that it attaches great importance to the safety of work in primary and middle schools, and that it has taken several measures in this respect. The Government indicates that it has strengthened awareness of safety issues (through education, training activities and drills), holding a national safety education day for primary and middle school students and disseminating 300,000 copies of the "Guidelines of Safe Work for Primary and Middle Schools". The Committee also notes the Government's indication that it has provided training to improve the capacity of school management with regard to safety and crisis response and has established a school safety inspection system to diagnose and remedy safety risks, to prevent future accidents.

However, the Committee notes the ITUC's allegation that, although efforts have been made to curb the abuse of work-study programmes (programmes where children engage in work through their schools), these programmes are often used by employers to justify illegally low wages and used by schools to generate profit. The ITUC communication also states that, through these work study programmes, children are exposed to excessive working hours and unsafe workplaces, and provides examples of schoolchildren being brought to work in the grape-processing and cotton industries by their teachers. The ITUC further asserts that although some work-study schemes are limited to seasonal agricultural work, improving school facilities or making small handicrafts, many of these school programmes have resulted in children working in dangerous and labour-intensive industries such as agriculture, construction and factories for long hours and under harsh conditions. The Committee expresses its **concern** at the continued engagement of schoolchildren under 18 in hazardous types of work within the context of work study programmes.

It accordingly urges the Government to strengthen its efforts to strictly enforce the prohibition of hazardous work contained in the MEO23 in order to ensure that persons under 18 years of age are not engaged in hazardous work through work-study programmes, even where safety and security measures are in place. Furthermore, noting an absence of information on this point in the Government's report, the Committee once again requests the Government to provide information on the number and nature of infringements of the MEO23 detected by the competent ministry, as well as the penalties applied.

○ **Article 9(1) and Parts III and V of the report form - Penalties, labour inspectorate and application of the Convention in practice.**

In its previous comments, the Committee noted the ITUC's indication that the extent of child labour remains difficult to assess due to a lack of official reporting on cases and the lack of transparency in statistics. The Committee also noted the comments of the All-China Federation of Trade Unions (ACFTU) urging the Government to make more of an effort with regard to law enforcement supervision. In this regard, the

Committee noted the Government's indication that the issue of child labour is dealt with through the investigation of complaints, routine inspections, in-focus operations and annual labour inspection schemes. The Committee also noted the establishment of a labour supervisory framework at the provincial, municipal and county levels.

The Committee notes the ITUC's allegations that child labour has increasingly been reported in the footwear industry and in smaller workshops producing textiles, shoes and related products. The ITUC's allegations contain many examples of the use of child labour, while stating that there is a lack of official published national data on the extent of child labour. The ITUC indicates that reliable and transparent data would be essential to formulate policies to address this problem. The Committee also notes the statement in the ITUC communication that while the growing number of labour inspectors represents a significant start towards proper enforcement, the numbers are still insufficient to cover all companies in China. Furthermore, the ITUC once again states that the chances of discovering child labour are slim given the shortage of labour inspectors and the extensive collusion between private businesses and local officials. The ITUC indicates that inspections continue to be of little value due to the common practice of informing factory owners in advance, so that on inspection days, working children are kept hidden or given the day off.

The Committee notes the information in the Government's report that, by the end of 2009, the labour supervisory framework consisted of 3,291 organs of labour security and inspection (an increase in 20 units since 2007), and employed 23,000 full-time labour inspectors (1,000 more inspectors than in 2007), and 25,000 part-time inspectors. The Government indicates that active measures have been taken to prevent and investigate the illegal recruitment of children for employment and that, in the course of inspection activities, emphasis has been given to the provisions of national legislation regarding the prohibition of child labour and the protection of young workers. The Government also indicates that since 2006, special activities have been organized jointly with the ACFTU in this regard, including different types of inspections. The Committee takes due note of the efforts taken by the Government, including the increase in the number of labour inspectors, but expresses its concern regarding reports of collusion between inspectors and private businesses and regarding the lack of data available on the prevalence of child labour in the country. The Committee recalls that, pursuant to Article 9(1) of the Convention, all necessary measures shall be taken by the competent authority to ensure the effective enforcement of the provisions of the Convention, and urges the Government to take the necessary measures to address the issue of collusion between labour inspectors and enterprises to ensure thorough investigations into possible cases of child labour. In this regard, it requests the Government to provide information on the types of violations detected by the labour inspectorate, the number of persons prosecuted and the penalties imposed. The Committee also requests the Government to pursue its efforts to strengthen the capacity of the labour inspectorate, particularly with regard to the inspection of small enterprises. Lastly, the Committee urges the

Government to take the necessary measures to ensure that sufficient up-to-date data on the situation of working children in China is made available, including, for example, data on the number of children and young persons below the minimum age who are engaged in economic activities, and statistics relating to the nature, scope and trends of their work.

➤ 2010 Direct Request, Convention 182

○ **Article 6 - Programmes of action to eliminate the worst forms of child labour.**

The Committee had previously noted that the Government had taken a number of measures to combat child prostitution and online pornography involving children. It requested the Government to continue to provide information on the impact of these measures.

The Committee notes that the Government refers to the “National Plan of Action against Trafficking in Women and Children (2008–12)” and the “Eleventh Five-Year Plan on the Establishment of a Relief and Protection System for Vagrant Minors”. The Committee observes that these Plans do not appear to address the commercial exploitation of children who are not victims of trafficking, or who do not live on the street. In this regard, the Committee notes the indication in the ITUC communication of 1 September 2010 that not all child victims of prostitution are victims of trafficking. The Committee therefore requests the Government to provide information on measures taken to address the commercial sexual exploitation of persons under 18 years of age who are not street children or victims of trafficking, particularly their use, offering or procuring for the purpose of prostitution, pornography or pornographic performances.

○ **Article 7(2) - Effective and time-bound measures**

Clause (d) - Identifying and reaching out to children at special risk – Child domestic workers.

Following its previous comments, the Committee notes the statement in the ILO document entitled “Situational Analysis of Domestic Work in China” of 2009 (ILO Situational Analysis) that there are approximately 20 million domestic workers in China. While the majority of these workers are women over the age of 18, children may engage in this type of work from the age of 16. The ILO Situational Analysis further states that domestic work has the potential to negatively affect the development of these children due to the long hours, lack of standards, and possible

inappropriateness of some tasks for children, all of which may be compounded by their physical and intellectual immaturity. The ILO Situational Analysis emphasizes that children working in a private household are at risk because of the invisibility of their work, and they are less likely to seek help than adults. Noting an absence of information on this point in the Government's report, the Committee requests the Government to provide information on the measures taken to protect domestic workers under 18 from hazardous work. It further requests the Government to take measures to identify the number of persons under the age of 18 engaged in domestic work, and to provide this information with its next report.

○ **Part V of the report form - Application of the Convention in practice.**

Following its previous comments, the Committee notes the indication in the ITUC's allegations that many of the worst forms of child labour exist in China, particularly trafficking, forced labour, prostitution, involvement in illicit activities, and use in hazardous work including in brick kilns, glass-making workshops, fireworks workshops and footwear factories. The ITUC states that there are increasing press reports on child labour, but that data collection is not systematic. The ITUC also states that the lack of national statistics and analysis of data on child labour, child prostitution and child trafficking remains a serious problem, which raised considerable concern with regard to the authorities' willingness to address these issues. In this regard, the ITUC states that reliable and transparent data are essential for the Government and other agencies to effectively tackle the worst forms of child labour.

The Committee notes the information in the Government's report that, between June 2008 and May 2010, there were no prosecution cases for engaging minors in activities in violation of the regulations for public order. The Government indicates that, in this same period, one person was prosecuted for employing a minor in hard and harmful work. Noting an absence of information on the overall prevalence of the worst forms of child labour, the Committee urges the Government to take the necessary measures to ensure that sufficient data on the prevalence of the worst forms of child labour are made available. In this regard, the Committee requests the Government to provide information on the nature, extent and trends of these worst forms and the number of children covered by the measures giving effect to the Convention. To the extent possible, all information should be disaggregated by sex and age.

CHINA

COMMITTEE ON THE RIGHTS OF THE CHILD Concluding observations 29 Oct. 2013

➤ Education, including vocational training and guidance

75. While the Committee notes the significant achievements made by the State party as regards education in mainland China, including the expansion of early childhood care and education, it is concerned about the increasing disparities in access to and availability of education for children living in rural areas and especially for children from ethnic minorities, asylum-seeking and refugee children, children whose mothers are from the Democratic People's Republic of Korea and children of migrant workers. In this regard, it is seriously concerned about the reports of official harassment and forced closure of privately run schools for migrant children in areas where they have little or no access to the State school system. It is further concerned about:

(a) The quality of education throughout mainland China, which affects students' repetition and retention and high drop-out rates for lower secondary school, specially in several southern provinces;

(b) Inadequate sanitation and hygiene, poor school infrastructure and physical safety for children in schools;

(c) The lack of measures to promote the use and learning of mother-tongue and minority languages in the context of the bilingual education policy and discrimination against Tibetan and Uighur children and children of migrant workers within the Chinese education system;

(d) The multiple barriers in the use and promotion of the Tibetan in school in Tibet, China and reports of closure of schools and detention of teachers;

(e) The prohibition of admission of children of an « evil cult » to educational institutions, as stipulate in article 10 of the 2013 regulation on admission requirements for universities and colleges, which prevents children of Falun Gong practitioners, among others, from

obtaining a college education;

(f) The quality and reliability of education data throughout the country.

➤ **Economic exploitation, including child labour**

85. The Committee is concerned about the absence of specific data on child labour in mainland China, while reports indicate that child labour and exploitation, including through abduction and sale of children by criminal gangs, is widespread. It is further concerned about:

(a) The common practice of the re-education through labour (RTL) programme and “work study schools” (gongdu xuexiao) and the use of forced and exploitative child labour under these programmes;

(b) The widespread involvement of children in hazardous work and the worst forms of child labour, especially in the mining, manufacturing and brick industries; and inadequate protection of children aged 16–18 against hazardous work.