

CHINA

CEDAW A/39/45 (1984)

125. The Committee considered the initial report of China (CEDAW/C/5/Add.14) at its 33rd, 34th, and 36th meetings, held on 29 and 30 March and 2 April 1984 (CEDAW/C/SR.33, 34, and 36).

126. The Committee began to consider the report of China at its 33rd meeting. The representative of the State party, in introducing the report, stated that her country has as a basic policy to defend the legitimate rights and interests of women and children. She also stated that the principles of the Convention coincided with the desires and demands of the Chinese people.

127. The new Constitution adopted in 1982 at the fifth session of China's Fifth National People's Congress safeguarded and ensured equality of the sexes. There were other laws such as, the Marriage Law, the Electoral Law and Criminal Code, as well as a series of government decrees and regulations. Provisions provided for the basic rights of all citizens, as well as others which protected specially the rights of women.

128. The Standing Committee of the National People's Congress had been mandated to monitor the implementation of the new Constitution. A Law Committee had been set up which was responsible for the study, review, and preparation of legislative proposals and motions. Among the 13 members of that Committee, one Vice-Chairperson and one member were women who specialized both in the women's movement and in law-making. Those women were also vice-presidents of the All-China Women's Federation.

129. Women played a very important role in the development process of the People's Republic of China. "The four modernizations" programme needed women and women needed "the four modernizations" programme. That was proven by the fact that 40.93 million women were working in the urban areas, accounting for 36.2 per cent of the total urban work force. Women had also reached the non-traditional professions such as, the oil industry, railways and communications, geology, agriculture, forestry, meteorology, electronics and space technology, and many of them have been cited as models of advanced workers. Women scientists accounted for one third of the nation's total. There were 100,000 women instructors and engineers. Fifteen women scientists who have made outstanding contributions were members of the Chinese Academy of Sciences. Over the last 30 years, 43 million women had graduated from adult educational institutes.

130. Great progress has been achieved in the rural areas where women accounted for 150 million of the work force and where they were playing an important role in the current reformation of the economic system, engaging in livestock breeding, growing grain or cotton, gardening, handicrafts, processing semi-finished products, etc. Their integration helped to overcome the outmoded ideas of male superiority that still lingered in the minds of some people.

131. The marriage law stipulated freedom of choice of the partners and ensured women their equal rights and obligations in the home. The government policy was to advocate the sharing of household

chores between men and women and it was endeavouring to increase public services to lessen the load of housework. The increase of child-care services was also part of those efforts.

132. The All-China Women's Federation's major goal was to protect the rights and interests of women and children and to serve as a link between them and the Government. The Federation was instrumental in carrying out the 1983-1984 vigorous popular educational programmes on the legal protection of legitimate rights and interests of women; it involved relevant government departments, trade unions, the Communist Youth League and the media. Legal counselling booths have been set up by women's federations, both at national and local levels, giving legal guidance to people who come to them with their problems.

133. The above efforts were instrumental in arousing public concern and dealt a heavy blow to lingering discriminatory practices and traditional prejudices. Nevertheless, centuries-old ideas of male superiority and traditional prejudices were hard to eradicate and efforts coming from all sectors of society were needed. However, the Government would continue to intensify the struggle through the popularization of the principles of the Convention and its implementation on a more extensive scale.

134. The Committee commended the representative of the Government of China on the introduction of the report as well as its contents. Some members of the Committee praised the report for its frankness, clarity, and commitment, which reflected the will of China to implement the articles of the Convention, as well as to improve the condition of women. It was observed that it was a major task for such a vast country but remarkable efforts had been made and results were already being observed.

135. Questions were asked regarding the court system and access by women to legal redress in case of discrimination. In that connection, some information was requested on the number of women lawyers in office.

136. It seemed that efforts to educate women had been made, but it was asked whether the Government encouraged girls to enter institutions of higher learning and away from stereotyped women professions; also, in that context, was there occupational segregation in the People's Republic of China and what steps were being taken to move away from the traditional occupations in the rural areas.

137. Since the principle of equal pay for equal work seemed to be accepted, it was asked whether it was also practised.

138. Several experts requested additional information on the Government's family programme, the freedom of choice with regard to spacing and number of children, the sanctions imposed, as well as the practical results of such a programme.

139. Empirical information was also requested regarding the position of women within the Government and in the Communist Party, in employment, in ministries, universities, secondary schools, etc.; also, what percentage of rural women attend institutions of learning and what was the literacy ratio of males to females.

140. Referring to social services, it was asked what provisions existed regarding maternity leave, retirement, pensions and unemployment benefits, and if there was any explanation regarding the difference in gynaecological illnesses that affected rural women and urban women which was mentioned in the report.

141. With regard to the marriage law, it was asked whether single mothers were entitled to the same advantages as married mothers, and more information was requested on how marriage affected nationality since there was no information regarding citizenship-related laws; also, what were the differences between the laws of 1950 and 1980.

142. It was also noted, in that connection, that the report stated that after a marriage the women might become a member of the man's family or vice versa; it was asked what was the effect of such a choice.

143. More details were also requested on sanctions regarding the enforcement of provisions for the equality of men and women. Since the All-China Women's Federation had taken such an active part in the above matter, it would be interesting for Committee members to hear what means of redress were available to women in the exercise of their rights.

144. More information was requested on health-care facilities provided for rural women as well as the pre-natal programme, including counselling services and genetics. The report stated that this ensured fewer and "better" children, and it was asked through what means better children could be assured and through what means.

145. One expert remarked that the overall role of the All-China Women's Federation had not been fully explained, especially when the report stated that "they use the law as a weapon". Did this mean that the Federation could demand or propose new laws, revisions of labour practices or labour codes etc.?

146. Pertaining to labour practices, clarification was requested also on the duty and the right to work. Had the People's Republic of China encountered problems with people who did not want to work and, if so, what sanctions were imposed in that regard?

147. The attempts of the Chinese Government to solve the problems of discrimination at all levels for the urban and the rural population were noted as a positive phenomenon. However, more information was requested on cases of discrimination and of physical abuse that still occurred and on the measures adopted by the Government to fight such occurrences. It was asked what sort of recourse action could be taken by women who have been discriminated against, whether women were asked to file their claims in special courts in cases of discrimination and to what extent such cases were taken to court. One expert wanted to be given specific examples of provisions, the purpose of which was to protect the legitimate rights and interests of women, and asked for clarification as to the meaning of those "legitimate rights and interests". Another expert wanted to know whether, in the course of the nation-wide publicity campaign, which was mentioned in the report, to put an end to feudal ideas and customs, the Convention had been given the necessary publicity. Another expert asked about the legal status of the All-China Women's Federation and inquired whether women participated only on a voluntary basis, and what authority the Federation

had to educate and promote women if their participation was only voluntary. Furthermore, an explanation was requested on how the Federation took part in formulating the Constitution and laying down government policies.

148. Many experts commented on the concern shown in China for family planning and birth control. One question, in that connection, referred to the prevailing conditions in a family with more than one child and to the current population growth rate in China. It was asked what progress had been made with respect to birth control and what was the position of women's organizations in China regarding the policy of birth control. Interest in the family planning programmes was shown and an expert asked whether, in cases where the first child was a girl, the baby was hidden or made to disappear. In connection with the rule that women had to plan their single births in such a way that not all women would have to be on maternity leave at the same time, more clarification was sought on how that rule was implemented. In connection with the pre-natal medical examination, it was asked whether such medical examinations were compulsory and whether, in case the result of the pre-natal test showed that the child was not healthy, the mother was entitled to abort the child. Information was also sought on programmes for single mothers.

149. The Committee showed interest in how the authorities monitored the provision of family planning and how violations of these rules were handled.

150. Appreciation was shown for the revolutionary efforts to eliminate old feudal values while still keeping the nucleus of the family institution. The Committee highly valued the fact that much support was given in that country to children and the elderly and that obligations for mutual support was established for the parents as well as for the children. It was asked whether in cases of violations of these mutual obligations an appeal could be made to a court and what was the impact of the penalties.

151. One expert wanted to know whether it was current practice that the wife as well as the husband became part of the other spouse's family, whether it involved for the husband the adoption of the woman's family name and whether he could retain that name in case of divorce. As the children had the right to adopt the name of either one of their parents, clarification was sought as to the age at which they could express their choice.

152. Various comments were expressed on the family and marriage laws. One expert asked whether vestiges of arranged marriages still remained, another one sought clarification of the concept of "mercenary marriages". Referring to the policy of birth control, one expert asked what was the influence of that policy on the incidence of divorce and what was the rate of divorce. In cases of divorce, information was requested on mutual rights of the spouses and on who was responsible for the child. Another question referred to the policy in China with regard to minorities and to the practice where one spouse came from a minority and the other one was Chinese.

153. One expert wanted to know whether the new marriage law contained a provision referring to the minimum age for contracting a marriage and whether that minimum age was the same for women and men. Explanation was sought on the concept of freedom of marriage. Did it mean the freedom to choose one's spouse, or did it refer to the freedom of persons already married to separate?

154. As indicated in the report, about 25 per cent of all children of pre-school age were taken care of by child-care institutions. A question was asked whether the network of such institutions was sufficiently large. Information was sought on the drop-out rate of girl pupils, and whether it was obligatory for parents to send their children to school. An expert wanted to know whether the competent authorities provided housing at all stages of education and in all provinces of China. As the report mentioned 15 women as being members of the Council of Sciences, it was asked what was the total membership of that Council.

155. More information was requested on the social security system in China, on the length of paid maternity leave, whether it applied also to rural women and whether rural women were also entitled to receive a pension. With regard to the campaign envisaged by the Government to change the social framework in order to eradicate all vestiges of the feudal system, more information was sought on the machinery used to attain these goals.

156. It was not quite clear from the report whether prostitution constituted a legal activity or an offence and, if the latter, information was asked on the types of penalties imposed.

157. More information was asked by one expert on the types of guarantees that ensured equality of women in all walks of life, especially since a guarantee given by the Constitution was not equivalent to having the rights implemented in practice. More statistics were requested on the percentage of women who held political posts, on the level of those posts and on the participation of women in public life in general. As regards the voting rights provided for by article 34 of the Constitution, clarification of the terms "property status" and "length of residence" used therein was requested.

158. Some clarification was sought in connection with the relationship between the All-China Women's Federation and the Communist Party.

159. As the participation of women in the 1981 elections was as high as 95 per cent, one expert wanted to know what means the Government had to prompt women to take part in elections and whether the non-participation in elections was sanctioned by fines.

160. At the 36th meeting of the Committee, the representative of the Government of China provided replies to the questions raised by the Committee. She expressed her thanks to the experts for the interests in and great concern over the issues of Chinese women; she also thanked the Committee for the words of encouragement she had heard. For lack of time, not all of the answers and explanations would be provided at the present session, but she would endeavour to concentrate on the principal questions.

161. Many experts had made inquiries regarding the family planning programme of China. The Government had thought it necessary to ensure that population growth conformed to social development planning. The total population had to remain under 1.2 billion. According to the census of July 1982, there were 1,008,000,000 people, which represented one quarter of the world total. Sixty-three per cent had been born after the liberation struggle in 1949, with youths under 21 constituting 50 per cent of the total population. That meant that from now on there would be 12 million couples entering into marriage each year. If each couple had two children, by the year 2000 the Chinese population would far exceed the target. It could be understood that an effective policy

in that regard had to be adopted.

162. The main obstacles encountered in the implementation of the family planning programme had been traditional ideas. The Chinese had considered for centuries that to carry on the family with a line of male offspring was a matter of great importance. Incentives had been given such as, providing for health care of the only child, waiving fees for nursery or kindergarten and having priority in house allocation, college enrolment and employment. The media had also been used as well as education to bring into focus that child-bearing was not only a family issue, but also of interest to the State and the people as a whole.

163. A couple could have two children if the first born had a non-hereditary disease or was disabled, if both husband and wife were the only children of their respective families, and if two or three consecutive generations of the family had only one child each.

164. Answering the question regarding genetics, she stated that the marriage law in China forbade union between people who were lineal relatives by blood or collateral relatives by blood (up to the third degree relationship) and those who had diseases which were considered by medical science as unfit for marriage. The law was enforced through comprehensive pre- and post-natal health programmes. Moreover, in the case of fetal defects, abortion was encouraged.

165. Referring to the difference between marriage laws of 1980 and 1950, she said that the latter had prohibited concubinage, child betrothal, and interference with the remarriage of widows.

166. Family patterns were changing in China from the extended to the nuclear, yet there was still need to specify that the wife could become a member of the husband's family and/or vice versa.

167. In China, family relations were comparatively stable. The rate of divorce in China accounted for about 3 per cent of the total number of marriages each year. Custody was normally arranged by mutual agreement unless the couple failed to reach agreement, in which case it was decided by the court.

168. The new provisions of the marriage law permitted parents who had lost their ability to work to demand financial support from their children. The court mediated in case of disagreement.

169. With regard to the term "single mothers" she explained that an unmarried mother was rare in China. The practice of unmarried couples living together was not legal; however, the marriage law did provide the same rights for children born both in and out of wedlock. The father was duty-bound to bear all or part of the living and education expenses for the child until he or she was able to earn a living.

170. Citizenship could be changed at will and it did not change in case of marriage.

171. Referring to the question on prostitution, she replied that it was outlawed after liberation. The problem had emerged and sanctions against those who trafficked in women, as well as against the instigators, were applied. The victims were re-educated and trained.

172. Schools were opened to girls after 1949 and the school system had been structured so that it served the rural communities. Part-time schools were created to match the working seasons; there were floating schools in boats for the lake and river regions, schools on horse-back for the plains, and mobile schools for the mountainous regions.

173. By 1982, the percentage of women students was 25.7 per cent, an increase from the previous figures. Although the figure was still low, considering Chinese standards of centuries of illiteracy for women, it was a big step forward. In that regard, the percentage of illiteracy and semi-illiteracy had been reduced from 80 per cent to 25 per cent, yet women still accounted for 70 per cent of the total.

174. Efforts would be doubled to increase the number of candidates for elections. At the present time, women accounted for 21.2 per cent of the delegates to the Sixth National People's Congress, 6.6 per cent of the chairpersons and vice-chairpersons of the Sixth National Political Consultant Conference (2 seats), 9 per cent of the members of the standing committee of the National People's Congress (14 seats), 11 per cent of the State counsellors (1 seat), 5 per cent of the ministers and vice-ministers of State Council (10 seats). There were 7 women governors and vice-governors and 20 vice-chairpersons of the standing committee of the National People's Congress, accounting for 5.7 per cent of the total. At the country level, there were 685 women that occupied leading posts and that accounted for 14.9 per cent of the total.

175. The public information campaign carried out by the Government had as its aim to inform and acquaint women, especially rural women, with their rights, as well as access to courts and measures that could be taken in case of violation of their rights. That had been in line with the efforts of the All-China Women's Federation and its subsidiaries to set up legal advisory services on a nationwide scale. It was believed in China that to realize equality between men and women it was not enough to legislate, but also to obtain the support of the whole society and the determination and efforts of the women themselves.

176. Finally, the representative of the State party outlined the scope of activities of the All-China Women's Federation, which mobilized, organized and educated women to enable them to participate in the political life of the country. The Federation could initiate discussions, propose new laws and make recommendations on national policy; it also had the right to supervise the implementation of such policies. It had 400 staff members and it was supported by local federations at other levels. It maintained international contacts with about 230 women's organizations in 126 countries.

177. The Committee thanked the representative of the State party for the complete answers furnished and the comprehensive explanation on the family planning policies of China. Several questions were asked regarding divorce and whether women could initiate divorce proceedings. With regard to the name of a child, experts inquired whether there was a choice or did the child carry the father's name. Clarifications were requested on the term "freedom to marry", and whether union by consent existed. As to selection by genetic point of view, it was asked what diseases prevented marriage.

178. One expert inquired whether the family planning policy did not contradict article 16 of the Convention, which ensured the freedom of choice and number of children.

179. The representative of the State party explained that freedom to marry had been a breakthrough for women in China who had been subjected to pre-arranged marriages in the old society. Neurosis or mental insanity was considered one disease for which marriage was prohibited. The parents decided on the name of the child. However, once the child reached adulthood he or she could choose whatever name he wished. The family planning programme was not compulsory. Only 40 per cent of couples complied with the one child per couple policy; the other 60 per cent were cases in which a second or third child had been born.

180. She indicated that other answers would be provided in the next report and that she was willing to establish an informal dialogue on any other question or issue on which the experts desired more information.

CEDAW A/47/38 (1992)

145. The Committee considered the second periodic report of China (CEDAW/C/13/Add.26) at its 195th meeting, on 23 January 1992.

146. The representative of China stated that since the report before the Committee had been submitted by his Government in 1989, covering developments from 1983 to 1989, and since further changes had occurred since then, he would like, first, to introduce supplementary information. He stated that the eighth five-year plan for national economy and social development had started in 1991. The overall situation in China had created favourable conditions for the smooth implementation of the Convention and he pointed to the following new laws and regulations: a law on the protection of the rights and interests of women had been drafted and it would be before the fifth plenary of the Seventh National People's Congress later in 1992 for approval. A regulation by the Ministry of Labour and Personnel on the postponement of the retirement age of senior women experts enabled them to retire at the age of 60. Firm measures were being taken against various criminal acts infringing upon the rights and interests of women. The Government had also formulated a decision on the strict prohibition of prostitution and whoring and a decision on the severe punishment of criminals who abduct and traffic in or kidnap women or children, both having legal effect. Articles on the protection of women were contained in two new laws that had taken effect in May 1991 and January 1992 respectively, namely, the law for the protection of disabled persons and the law for the protection of the under-aged.

147. He said that the stipulations covered women's rights of participation in politics, in employment, education, marriage and the family, and of the person, thus making the protection of the rights and interests of women more systematic and comprehensive. The action of the central Government had received positive support at the local level, and some 31 provinces, municipalities and autonomous regions had formulated local regulations. The Chinese Government had also launched new activities for legal education.

148. Concerning women's participation in politics, vigorous efforts undertaken by the Government together with the All-China Women's Federation (ACWF) had proved to be very effective. In elections of deputies to the people's congresses at county and township levels in 1990, the average percentage of elected women had reached 21 per cent, with a peak of 25 per cent.

149. With regard to women in rural areas, the representative pointed out that 80 per cent of Chinese women lived in rural areas and women accounted for 50 per cent of the total rural labour force. A campaign, with the participation of some 10 ministries and other bodies, had been launched in 1989 for rural women to help women improve their qualifications and skills to fight poverty. Activities included emulation drives of various professional skills, teaching women one or two professional skills and eradicating illiteracy. Some 120 million women had participated and the overwhelming majority had mastered one or two practical skills; 2.8 million women had overcome illiteracy; and 240,000 rural women had become agricultural technicians through educational courses.

150. In connection with the campaign "Health for all by the year 2000" of the World Health Organization (WHO), he said that China had put women's health care into the plan for primary

health care with an emphasis on rural areas. One of the targets was to reduce the mortality rate of pregnant women and post-partem mothers by 50 per cent. The network of maternal and child health would be strengthened, and health care for rural women would be improved. Special attention would be paid to the training of rural medical workers in basic preventative skills.

151. The representative then replied to the comments and questions prepared by the pre-session working group.

152. The question was raised by the Committee as to what percentage of its GNP China had allocated to social development and human resources. It was noted that the structural reform of the Chinese economy had generated a spectacular increase in national productivity, enabling GNP to attain an average annual growth rate of 11 per cent. That economic development would engender a considerable social development. The Human Development Report 1991, issued by the United Nations Development Programme (UNDP), emphasized the reconsideration of priorities and maintained that funds allocated to key sectors, such as basic education, primary health care, supply of potable water to rural areas, family planning, food subsidies and social security, genuinely promote sustained and equitable human development.

153. The representative replied that China's GNP in 1990 amounted to 1,768.61 billion yuan renminbi (YRMB). The national financial revenue was YRMB 331.26 billion. Social development and human resources expenditures were as follows: YRMB 22.18 billion on agriculture production assistance; YRMB 61.73 billion on education, culture, science and public health; and YRMB 5.5 billion on pensions and social relief.

154. The question was asked as to what extent women were informed of new provisions and to what extent they had access to courts or to other remedies to enforce them. The Committee had noted some progress in the adoption of laws and regulations intended to strengthen democracy, improve the existing legal system by promoting greater equity and establish new relationships between family members based on equality, the sharing of responsibilities and human dignity, especially that of women.

155. Also, it was noted that the laws on succession and marriage conferred the same rights and duties on men and women, without discrimination. For a woman to be able to conduct her family life in a responsible way and in an equal partnership, however, she must first have been entitled to an education, which was a prerequisite for all equality and all development, and to work that would reflect its specificity.

156. The Committee further noted that the Chinese Government had provided its regions with laws to reform the educational system. Education was compulsory and free of charge for all children. Laws also guaranteed women employment.

157. The representative said that China was engaged in its second five-year programme to disseminate legal knowledge and legal education. The focus was on 10 laws, including the Constitution, the marriage law, criminal law and civil law. Some 300 million women had participated in relevant activities in the first five-year period.

158. Despite the efforts and positive measures to promote equality, some difficulties subsided; those were due primarily to the cultural bias shown by Chinese society towards women.

159. The Committee noted that the Act concerning public enterprises, 1988, stated that male workers (it did not refer to female workers) had the right to participate in the democratic management of their enterprise. It was asked whether women workers participated to the same extent as men.

160. The representative stated that the Act concerning public enterprises referred to workers, meaning both men and women, and that the potential of young workers should be given full play.

161. Paragraph 11 of the same Act stated that the enterprises must fully exploit the potential of young male and female workers. What was meant by the word “exploit”? Did it perhaps mean “use”.

162. With regard to local laws and regulations, specific information was requested on the equality of women with men in promotion, remuneration, and the allocation and construction of housing in rural areas.

163. Examples provided on the local laws of Beijing, Tianjin and other towns illustrated equality in, inter alia, promotion and remuneration. Also, an Act of Liaoning Province stated that women and men workers enjoyed the same rights in the allocation of houses, thus changing the past practice whereby only men were entitled to houses.

164. The representative was asked what measures were taken to protect widows and to ensure their economic independence.

165. He replied that women, including widows, enjoyed rights in terms of economic independence, and violators would be punished in accordance with the law.

166. The Committee asked what the composition was of the special group established to study and elaborate laws protecting the rights and interests of women. And how its members were elected. Of the 13 members, only 2 were women selected from the All-China Women’s Federation (ACWF).

167. The representative answered that the Working Group on Women and Children was mostly composed of women from judicial circles, and those in charge of women’s and children’s work.

Article 5

168. The Committee asked whether there were education and media programmes to project the positive images of women rather than reinforce stereotypes.

169. The representative answered that in recent years, China had witnessed an increase in the use of women’s images in advertising. A recent seminar had focused on the role of the mass media in enhancing a positive and new image of women who enjoyed self-respect, self-confidence, independence and self-improvement.

Violence (articles 2, 5, 11, 12, and 16)

170. The Committee requested information on the level of violence against women in China, and asked what measures had been introduced to protect women from violence, abuse and exploitation.

171. The representative answered that violence against women had not been a serious social problem in China. Respect for women's dignity was stressed by the Government. Forms of violence were rape, beating and maltreatment of wives by their husbands, forced prostitution, kidnapping and abduction of women. Criminal and other relevant laws dealt with the matter. Rape was punished by imprisonment or death, depending on the circumstances; maltreatment either by imprisonment or public surveillance; and abduction by imprisonment, confiscation of property or death, depending on the severity of the offence.

Article 6

172. It was noted that prostitution existed, even though it was prohibited and the question was raised whether women who prostituted themselves were punished. And what the radical measures, referred to in the report as designed to terminate prostitution, were.

173. It was answered that Chinese law explicitly prohibited prostitution and forms of punishment include detention, warning, written confession, education through physical labour or fines. If misdeeds were crimes, criminal law applied. The punishments for those who lured women into prostitution or profited from operating brothels were prison terms, detention for labour or surveillance. Pimps might be sentenced to 10 years or life imprisonment. Prostitutes and their customers might be rounded up and provided with legal and moral education. They might be required to engage in productive labour. Treatment for venereal disease was compulsory. Steps taken to eradicate prostitution included economic development, ideological education and strengthening of legislation and law enforcement.

Article 7

174. Many questions were asked on the participation of women in parliament, which was 15 per cent higher than average. It was asked whether women parliamentarians were able to act effectively with respect to parliamentary bills; whether they could modify them; whether they form a group in Parliament, and whether they had proposed a parliamentary bill concerning women. And if so, which bill it was.

175. Questions were asked on how many women had seats in the people's assemblies; whether some regions were more willing than others to vote for women, in view of the fact that the number of candidates exceeded the number of seats at the time of the election; and how many women members there were in the Communist Party Central Committee, in the Central Advisory Commission and in the Standing Committee of the National People's Congress. In addition, it was asked what steps had been taken to ensure equal representation.

176. The Committee noted that key economic legal and political posts were being filled by men; only three such posts, or 1.4 per cent, were filled by women. Obviously, women could only

influence and change matters if they reached the decision-making level. Questions were asked on what ACWF was doing about that, whether ACWF was consulted about women's appointments or promotions to important posts; whether ACWF played a role in the deliberations and decisions concerning problems that affected the future of the country in economic, political, cultural and social matters; to what extent other groups or individuals were consulted on those matters; and how a person became a member of ACWF.

177. The representative provided information on the percentage of women in governing bodies: 634 deputies (21.3 per cent) in the National People's Congress; 16 members (11.6 per cent) in the Standing Committee of the National People's Congress; 2 vice-chairpersons (10 per cent) in the Standing Committee of the National People's Congress; 10 members (6 per cent) and 12 alternate members (11 per cent) in the Central Committee of Communist Party of China; and 1 woman member (0.5 per cent) in the Advisory Commission of the CPC Central Committee. Efforts to increase women's participation included training and education for women to enhance their capabilities, and of society at large to eradicate traditional thinking and behaviour. One of the main tasks of the ACWF was to promote the participation of women at all levels and in all spheres of public life. There were currently three women ministers in China (7.3 per cent of the total) and 11 vice-ministers. The representative stated that the percentage was still far from satisfying. The Chinese Supreme Court had one woman vice-president. In recent years ACWF had been recommending women for high-level posts. He explained that ACWF was a membership organization composed not of individual members but of organizations. All adult women were potential associates of the Federation. Membership could be obtained through the filing of an application and by accepting the Federation's constitution.

Article 8

178. In answering a question, the representative said that China currently had 1,314 women diplomats or 26.9 per cent.

Article 10

179. Questions were raised on illiteracy rates and the enrolment of girls in primary, secondary, and tertiary education, which continued to be low. The Committee asked whether there existed such measures as reprimanding or fining parents who did not comply with the law on compulsory education effective to ensure that girls complete their education; whether there were differing entrance requirements for women into tertiary institutions; whether girls and women had equal access to sports and physical education in both urban and rural schools; and whether educational reform had affected school textbooks and, if so, had women's image been enhanced.

180. At the request of the Committee, the representative first clarified some numbers. China currently had a total of 180 million illiterate persons, of whom 70 per cent were women. In 1989, attendance by females in primary, secondary and tertiary schools was 46, 41.4, and 33.7 per cent of the respective total numbers; 97 per cent of school-age children attended school and the attendance rate for girls was 95 per cent. Measures to eradicate illiteracy included long-term anti-illiteracy campaigns, increased funding creation of better conditions for schooling girls. The same recruitment standards for universities applied to males and females. Physical education was compulsory in

China. Textbooks had always been based on principles of sexual equality and women's positive images.

Article 11

181. The questions were asked whether the principle of equal pay for work of equal value applied in all areas of economic activity and whether China had encountered any difficulties in applying it. It was noted that the employment of women rose from 67 per cent in 1970 to 70 per cent in 1990, while, during the same period, the employment of men fell from 90 per cent to 87 per cent. The 3 percentage points lost by men were gained by women. The Committee asked the reason for that. It also asked whether self-employed female workers had difficulty in becoming integrated into the system, and what the ACWF was doing to help them. The Committee noted that women headed enterprises in the rural areas as well as more than one-third of the specialized enterprises. It asked in which segment of economic production those activities were undertaken.

182. Questions were asked on the action taken by women in the case of wrongful dismissal and whether they were protected by the trade unions. Similarly, the complaint and enforcement procedures instituted by the State in order to combat discrimination were enquired into. Could women have recourse to courts or other institutions if they were discriminated against.

183. The Committee stated that the piecework, which was generally done at home, and flexible working hours were sought by women. It asked what prompted women to choose that kind of work and in what numbers.

184. In order to guarantee women employment, the public authorities had endeavoured to give women proper vocational training before and during their employment, so that they might be more competitive in the labour market. The question was raised as to what incentives were offered by the Government to encourage heads of businesses and factories to enrol more women in training courses. Compared with men, what percentage of women benefited from such incentives.

185. Article 11 of the regulations on security of employment stated that services employing a large number of women should gradually establish an infirmary, a room of rest, a room for nursing infants, a crèche and even a kindergarten. That was a step forward, but the representative was asked how it was perceived by employers; how many were required to implement that reform; and whether it would not discourage the employment of adequate numbers of women in the enterprises?

186. The representative stated that the principle of equal pay for equal work was applied in China. He said that the increase of the percentage of female employment did not mean that women had taken the jobs of men. Women's federations assisted self-employed female workers mainly by legal advice. Some rural households owned by women in traditional farming were specialized in the breeding of animals, poultry and fish, processing, handicrafts, trading and services. Trade unions and the labour department could hear complaints concerning wrongful dismissal. Discrimination cases might be brought before the courts or to administrative departments. In China, all employed workers were requested to receive occupational training. Under a plan that ended in 1990, 37.4 per cent of the trainees were women. Various measures were in force to ensure basic living needs of the staff of bankrupt enterprises, including unemployment subsidies of up to a total of 24 months,

and retraining of workers. Women from trade unions and women's organizations participated in the formulation of the new labour code. Sexual harassment was not a major problem in China, and judicial and administrative organs were called upon to solve cases on a case-by-case basis.

Article 12

187. The Committee noted that the integration of family-planning services into basic maternal and child health services would mean that the problem could be tackled as a whole. The receipt of material and technical assistance from the United Nations Population Fund (UNFPA) had enabled China to identify the risks of reducing mortality and morbidity rates for infants and mothers and to introduce in China the production of more effective modern contraceptives that met more reliable control and quality standards. It had also enabled Chinese researchers to carry out studies to diminish the adverse effects of certain products on women's health.

188. The Tianjun Listang pharmaceuticals factory manufactured approximately 3.5 million Norplant subdermal contraceptive implants. The representative was asked if there were any studies to monitor the effect of Norplant, which some studies had indicated endangered the health of women.

189. The representative informed the Committee that the project referred to in the question had not been executed. Some (Norplant subdermal contraceptive) implants had been bought for trial use and monitoring. China was developing its own similar product.

190. He was asked what the status was of the UNFPA assisted project that advocated the information, education and communication (IEC) method and who was responsible for implementing the programme: women's organizations, family planning services or public health services.

191. A public information and education campaign on population issues had been implemented since 1979 with UNFPA, the State Commission on Birth Control, the State Education Commission and the Ministry of Health.

192. It was known that in a number of developing countries the decision to use any particular contraceptive method was taken by the man. He decided for the woman but did not feel concerned.

193. Birth control was the duty and obligation of both husband and wife.

194. It was asked if there were programmes for men; and what methods were being used to sensitize men to the usefulness of becoming more involved in family planning and using reliable methods such as vasectomy or condoms when the health of the wife did not permit her to use contraception. Article 2 of the Marriage Act made no distinction, since it stated that spouses were obliged to practise family planning.

195. The population policy of China would cause considerable changes in Chinese society; 10 per cent of the population would be over 60 from the present until the year 2000 (ratio of 109 women / 100 men) which would give rise to problems of subsidies and care. It was asked (a) whether there were roles for Chinese women; and (b) whether the policy of the single child, and the preference for

boys, would cause the number of women to diminish gradually and therefore create an imbalance.

196. Given the attention allocated by the Chinese Government to the health care of women and children, great progress has been made over the last four decades, and infant mortality rates had been greatly reduced.

197. The elderly were revered in China. The Government had adopted various measures, including social insurance and welfare, free medicare and health care, for the elderly. There were schools and recreational centres oriented to the elderly. The policy of encouraging couples to have only one child, in effect since 1979, had led to an increase in one-child families. In 1988, 52.22 per cent of families had one child, 32.41 per cent had two and 15.37 per cent had three or more (in 1970, the numbers were 22.73, 17.06 and 62.21 per cent, respectively). The gender ratio in 1988 was 106.8 males to 100 females (in 1970 the ratio was 105.5 to 100). The representative stated that that showed that the one-child family policy had not resulted in sex imbalance of the population.

198. The Committee also wanted to know what programmes there were to encourage preventative measures to be taken in regard to AIDS.

199. Cases of AIDS had been detected in recent years in parts of China. Since 1985, over 600 patients had tested HIV positive. Although the infection rate was still low, China had adopted specific measures to prevent and control AIDS, including public education on the prevention of AIDS.

Article 13

200. The Committee asked which welfare organizations were concerned with the aged, the solitary and the handicapped.

201. The representative said that the elderly, the widowed and the handicapped were the concern of the whole society. The civil affairs agencies, and those in charge of labour, education and health, as well as mass organizations such as the federations of the handicapped, women and youth offered a variety of assistance and services.

Article 14

202. The Committee asked if the contractual management system enabled rural women to embark on activities other than agriculture to develop the communal economy; what products were produced for export by Chinese women and how they were advised in that work; why the level of pension of retired women in rural areas varied according to the level of development of the region in which they lived; and whether women had equal access to land use and what the requirements were.

203. The representative stated that the reform of the economic system in China's rural areas had changed the pattern of production of primarily grain into a comprehensive development of agriculture, forestry, industry, trade, etc., thereby also creating favourable conditions for women to engage in a variety of new tasks. Women had become workers in a local enterprises that had partially introduced the contract labour system, which closely linked the quality of work with

remuneration, thereby also improving efficiency and providing incentives for workers. Rural women had made tremendous contributions to the revitalization of China's rural economy. Women's export products included foodstuffs, farm produce, fruits, garments, toys and electronic appliances, which were generally ordered and therefore had a solid market. Pensions for China's peasantry were not provided by the State. Whether there was a pension fund to provide pensions and other social benefits for its peasants, depended on the development level of the collective economy in each place, and adequate collective savings of the rural collective. Rural collectives allocated land to peasants on the basis of the size of the family with no prejudice to their sex.

204. The Committee noted that commendable efforts were being made to provide potable water, together with sanitation and electricity, to all the inhabitants of rural areas. But some areas remained without those basic necessities, and women suffered more than anyone else because of that situation. It asked what percentage of the population lacked those necessities and if additional resources were being allocated to improve the situation.

205. Various ministries were involved in the effort to provide tap water. No numbers were currently available to the representative on the matter.

Article 15

206. The question was raised how laws had been promoting the family and women and examples of the interpretation of those laws were requested. Also, whether women judges contributed to a favourable interpretations of legislative texts.

207. The representative replied that the Constitution stipulated that marriage and the family were protected by the State. The marriage law, containing freedom of marriage, monogamy and equality between men and women, had been promulgated twice. The law also enabled women's equal participation in social development. On the second question, he stated that it happened, but not necessarily.

Article 16

208. The Committee noted that the divorce rate had gone up, and 80 per cent of the applications for divorce were submitted by women on the legal ground of lack of affection. The report attributed that situation to the social progress that had followed the opening up of China's economy. It was asked what measures ensured that men and women were aware of their joint responsibility vis-à-vis the family and society; what dangers threatened children owing to the very high divorce rate; and what provisions were available for counselling and conciliation.

209. The representative replied that family ties in China had always been stable. Although on the increase, the rate of divorce was a mere 5-7 per cent. The fact that women did initiate divorce was a demonstration of the breaking of the bondage of feudalistic ideas, he said. The focus, however, was on harmonious relationships, and efforts were made to assist couples in difficulties by advice and mediation. In handling divorces, the Government and society as a whole attached importance to the protection of the legitimate rights of women and children.

210. Members of the Committee thanked the representative for the detailed answers provided to numerous questions . The Chinese Government and ACWF were congratulated for the effort and the progress achieved in implementing the Convention.

211. Additional clarification was sought on a number of points, including the following: on the political participation of women, it had been stated that training was used to enable more women to participate in the political process. The experts wondered whether that was not an old-fashioned, macho approach of the “undertraining” of women, since men did not have to go through such special training. One expert also wondered why it was necessary to have new local rules protecting women who gave birth to girls. Concerning the efforts to combat illiteracy, one expert pointed to the existence of mobile schools in autonomous regions. She asked which language was being taught in Tibet. It was also asked if the measures described under article 12 had been freely accepted by the population, or if the Government had taken stronger measures. On the subject of social security, it was pointed out that the differences that existed between various regions’ development levels were not in line with the aspired to egalitarianism. One expert noted that things were moving very slowly and that political will alone was not enough to reach equality. The social infrastructure and the economic situation of the country should develop also, otherwise there was not the right framework for a solution to the equality issues. It was also noted that stereotyped social patterns prevailed in China, and clarification was sought on the issue of equal pay for work of equal value. Another expert asked whether the representative agreed that women’s tertiary education was essential for the larger participation of women. It was asked whether women’s participation was a priority of the movement for democracy. Referring to the representative’s statement on the issue of sexual harassment that it was not a problem in China, one expert asked if that statement had less to do with the absence of harassment than with the lack of adequate structure to point it out. Another expert asked to what extent the Government was satisfied with the changes in women’s lives, and what approach was used to assess the status of women. Another question related to ACWF funding.

212. In further discussion, some experts asked whether it was possible that the third periodic report could be broken down by regions due to the vastness of the country to give a better picture and to make it easier for members to understand the issues involved. It was also asked whether women were prominent in the dissident movement, whether gender was an issue, and whether women were still detained or restricted in their freedom to travel. Concerning the low numbers of women in high political bodies (the Council), one expert pointed to structural problems rather than to the lack of education of women, and she asked whether the Government had set quotas for women.

213. In response to a number of follow-up and additional questions, the representative of China said that in accordance with the saying that women held up half the sky, women played very important roles in family and society. Due to cultural constraints, the current situation was not fully satisfactory, and tremendous efforts on a long-term basis were required to eradicate the remnants of inequality. To that end, the Government had embarked on clear-cut policies and directions. He reiterated that the one-child family policy had been quite successful, and it was in line with the common interest of the population. Implementation was more successful in urban areas and among the better educated groups of society. There were distinctions in the enforcement of the policy, in particular with regard to minorities and areas with lower population density. Regulations stipulating the protection of women with girls existed, but only in some areas where feudal influences i.e., the preference for boys, persisted. He stated that the Government had mainly carried out education and

training for prostitutes. Concerning the use of language in Tibet, he stated that as stipulated by the Government of the Tibetan Autonomous Region, the people of the region had the freedom to develop and use their own language. A 1978 regulation adopted by the TNC stipulated the equal importance of both languages, with Tibetan being the principal one. Tibetan was the main language being taught in schools and universities in the region.

214. The representative went on to elaborate that objective reality had forced both spouses to participate in the household chores, but that the traditional division of labour persisted in rural areas, although the situation was changing. On the issue of whether equal pay for work of equal value should be applied, he replied in the affirmative. He further said that the Chinese Government respected dissidents having different political and religious opinions. It did not discriminate against such persons. He pointed to the example of a women journalist who had written many articles critical of the Chinese Government in the People's Daily, and who had recently been granted an opportunity of going to the United States of America to study. Concerning the so-called "model daughter-in-law award", he said that his Government promoted good family relations for social progress. The emphasis was on respect the old, love the young and respect between spouses, and on equality. He agreed with the importance of the international cultural exchanges between women, and education for girls. ACWF received its funding mainly from the Government and partly through donations.

215. He also stated that his Government would carefully study the point raised by some members, namely, to have the third periodic report provide information broken down by region. As the members had stated, China was a vast country, and it would be interesting and useful for the members to receive information by region. It had been indicated by the members that that might also be of assistance to the Government in assessing the situation and in obtaining a more detailed picture of the situation of women in China.

216. In her concluding remarks on behalf of the Committee, the Chairperson thanked the representative and his delegation for their presence and the answers to many questions, which proved the importance the Government of China placed on women's issues, and showed that they heeded the Convention and the Committee. She also expressed her appreciation for the fact that China had not entered any reservations to the Convention, except on article 29, which, however, did not deal with discrimination. China was a large country, she went on, and the responsibility was huge to face up to issues such as traditions.

217. She pointed to two new positive steps taken by the Government, namely, the adoption of new laws for women and structural adjustment in the economy, which had led to an increased GNP. A percentage of that increase would go towards programmes that were social or economic in nature, and women would benefit from it. Since structural adjustment programmes often caused women to become victims, owing to the removal of social programmes from the budget, she expressed her hope that the next report would provide the Committee with an evaluation and assessment of those programmes, which could become an example to be followed by others. She stated that illiteracy was a problem, with 70 per cent of the 180 million illiterates being women. Extensive treatment was required, she continued, since illiteracy was such a huge problem in the advancement of women. She found the 26 per cent women in the diplomatic corps to be a sizeable number, but eight women ambassadors was perhaps not such a large number, and she hoped that would increase. Concerning

population matters, and the question whether by tradition preference was given to men, she said that the numbers provided by the representative had removed fears on the male:female ratio. She hoped that the Government would continue to pay attention to the balance between males and females.

218. Concerning the next report, she expressed her hope that the Committee would receive more details on the percentages of women and on procedures to overcome old habits. She pointed to the linkage between the political history of a country and its socio-economic situation, which in China found its expression between the feudal system and the fact that men were considered to be superior to women. If the next report could stress those points, it would help the Government to overcome those problems.

CEDAW A/54/38/Rev.1 (1999)

251. The Committee considered the combined third and fourth periodic reports of China (CEDAW/C/CHN/3-4 and Corr.1 and Add.1 and 2) at its 419th to 421st meetings, on 1 and 2 February 1999 (see CEDAW/C/SR.419-421). Addendum 2 to the third and fourth periodic reports covered the implementation of the Convention by the Government of the Hong Kong Special Administrative Region, over which the Government of China resumed the exercise of sovereignty on 1 July 1997.

(a) Introduction by the State party

252. The representative of China, in his introduction, noted that the Government of China had always attached great importance to the implementation of the Convention. The present report, covering the years 1989 to 1995, had been drafted under the leadership of the National Committee on Women and Children under the State Council, a body composed of 23 ministries and commissions of the Government, and five non-governmental organizations.

253. The representative highlighted the gradual improvement in the situation of women in political participation, education, health care and employment during the reporting period. At the same time, he noted that the equal rights of women had not been fully realized. The elimination of discrimination against women was being pursued through the development of the national economy and the strengthening of the legal system.

254. The Law of the People's Republic of China on the Protection of the Rights and Interests of Women (the Women's Law), adopted in 1992, constituted the first basic law to protect women's rights and interests in a comprehensive and systematic manner. It defined four principles and set out the rights of women in the political, cultural, educational, labour and economic sphere, as well as in marriage and the family and with regard to the person.

255. The Programme for the Development of Chinese Women, formulated in 1995 in the light of the Beijing Platform for Action, constituted the first comprehensive programme on the overall plan of action for women's development. The Programme was aimed at encouraging government entities at various levels to take concrete steps for women's political participation, employment, education and health care, thus further implementing in practice the concept of gender equality as stipulated in the law. Among the main measures taken to ensure implementation of the Women's Law were the establishment of specialized agencies, the formulation of implementation measures by the various levels of administration in the light of local conditions, nationwide legal awareness campaigns, and review and monitoring of implementation.

256. The representative noted that the report also discussed the steps taken by the Government of China to implement the Beijing Declaration and Platform for Action. Additional information had been submitted to the Committee concerning measures taken from 1996 to mid-1998, including the revision of laws, improved action against criminal activities targeted at women and children, and re-employment measures for workers laid off in the economic restructuring. Follow-up action taken by relevant government institutions to implement the Beijing Declaration and Platform for Action

were also covered. Activities of non-governmental organizations in protecting women's rights and interests were also included in the report.

257. In conclusion, the representative noted that despite the tremendous amount of work done to promote women's full participation in development, quite a number of women in rural areas lived in poverty, more than 100 million women were still illiterate, and in the transition from a planned economy to a market economy and the reform process, large numbers of women workers had been laid off and were experiencing difficulties finding new employment. The participation of women in political life was still low, incidents of violations of women's rights continued to occur and certain social evils persisted. He emphasized, however, that his Government was determined to continue its efforts, and welcomed the support of the international community in that regard.

258. The representative of the Hong Kong Special Administrative Region, in introducing the initial report of the Hong Kong Special Administrative Region (CEDAW/C/CHN/3-4/Add. 2), noted that the Government of China had resumed the exercise of sovereignty over Hong Kong, with effect from 1 July 1997, under the principle of "one country, two systems". The Convention had been extended to Hong Kong on 14 October 1996 and had remained in force since the reunification on 1 July 1997.

259. The representative noted that the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the constitutional document of the Region, included a list of fundamental rights and freedoms of residents and other persons in the Region, applicable to women and men. The Basic Law also provided for the continuing application of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and the Hong Kong Bill of Rights Ordinance.

260. The representative explained that in the period between 1996 and 1998, a legislative review had been undertaken leading to the enactment of a number of amendments and ordinances to eliminate discriminatory or unfair treatment of women. The rights of women were also protected by legislation that included the Sex Discrimination Ordinance (1995) and the Family Status Ordinance (1997). The Equal Opportunities Commission, an independent statutory organization established in 1996, was responsible for the elimination of discrimination and the promotion of equality between women and men, for enforcing the anti-discrimination ordinances and for handling complaints.

261. The Government's Policy Groups, chaired by the Chief Secretary for Administration and attended by senior representatives of the policy bureaux, ensured coordination among the various bureaux on all matters concerning women.

262. The improvement of the position and status of women in Hong Kong was apparent in different areas. In 1997, women accounted for 39 per cent of the total working population and made up 33 per cent of the civil service. Women also occupied two out of the three highest ranking government posts. Almost a third of the members of the Executive Council were women. Women made up between 21 and 36 per cent of the legal, accounting and medical professions.

263. The Government of the Hong Kong Special Administrative Region was committed to providing equal access to and opportunities in education, which included nine years of free and

universal basic education. More than half the university graduates in 1997 were women.

264. Women's health remained a government priority, and a range of health-care services was available to women, including with regard to reproductive health. Hong Kong's infant mortality rate was among the lowest in the world, and women's life expectancy was 82.2 years.

265. The representative noted that China had entered seven reservations and declarations in respect of the application of the Convention to Hong Kong. These would be kept under review.

266. In conclusion, the representative welcomed the Committee's views and suggestions in support of the full implementation of the Convention.

(b) Concluding comments by the Committee: China

Introduction

267. The Committee expresses its appreciation to the Government of China for submitting its combined third and fourth periodic reports. However, the Committee notes that the report insufficiently follows the Committee's guidelines for the preparation of periodic reports. In particular, the report does not incorporate sufficient statistical data disaggregated by sex, comparing the current situation to that at the time of the previous report.

268. The Committee commends the Government for its oral presentation of the report, and for the detailed oral and written replies, including statistical information, to the questions posed by the Committee.

269. The Committee commends the Government for having sent a high-level and large delegation that included specialists from different departments of the central Government, as well as the Hong Kong Special Administrative Region, headed by the Permanent Representative of China to the United Nations.

270. The Committee notes that Chinese women constitute more than one fifth of the world's women.

Positive aspects

271. The Committee acknowledges with appreciation the comprehensive efforts undertaken by the Government of China to implement the Convention since the consideration of its second periodic report in 1992. These efforts are indicative of the political will of the Government to eliminate discrimination and to advance equality between women and men. The Committee reaffirms that the Convention recognizes that women's rights include civil, political, economic, social and cultural rights and that they are an inalienable, integral and indivisible part of universal human rights.

272. The Committee commends the Government for further strengthening the legislative framework to ensure equality between women and men. It notes in particular the 1992 Law on the Protection of the Rights and Interests of Women (the Women's Law), the 1995 Mother and Child Health Law, the 1996 and 1997 amendments to the criminal law with regard to trafficking in women, the 1996

Law on the Protection of the Rights and Interests of the Elderly concerning social security provisions for the elderly, and the recent revision of the law on adoption.

273. The Committee commends the Government for the elaboration of programmes to ensure implementation of those laws, and especially the Programme for the Development of Chinese Women (1995-2000). It notes the achievements of the Government in ensuring social and economic rights for hundreds of millions of people. It also notes that economic reforms in recent years have brought about strong and steady economic growth. The Committee commends the efforts of the Government to combine economic restructuring with concern for the social well-being of China's citizens. It commends, in particular, the Government's efforts to alleviate poverty, to address the unemployment of women, to modify gender stereotypes, including in the mass media, to initiate legal awareness campaigns and to reduce illiteracy of women in rural areas. The Committee also commends the work of the All China Women's Federation in implementing government policy for gender equality.

274. The Committee welcomes the overall increase of facilities and personnel for maternal health care, the greater access to family planning services and to primary health care. It commends the Government for its collaboration with UNFPA to initiate a pilot family planning programme, based on voluntary participation, information and freedom of choice. The Committee welcomes in particular the Government's strong and unequivocal objection to the use of coercive measures in implementation of its population policy.

275. The Committee commends the Government for hosting, in September 1995, the Fourth World Conference on Women and for its subsequent efforts to implement the Beijing Declaration and Platform for Action. The Committee emphasizes that the Convention constitutes the legal basis and framework for the implementation of the Platform for Action.

Factors and difficulties affecting the implementation of the Convention

276. The Committee notes that the great size and diversity of China pose special challenges to the realization of equality between women and men.

277. The Committee notes that the persistence of prejudice and stereotypical attitudes concerning the role of women and men in the family and in society, based on views of male superiority and the subordination of women, constitutes a serious impediment to the full implementation of the Convention.

278. The Committee considers that the gap between the situation of women in urban areas and those in rural and remote areas constitutes a major obstacle to the full implementation of the Convention.

279. The Committee notes with concern the adverse impact of economic restructuring on women in the transition from a planned economy to a market economy, and in particular the gender-specific consequences for women's employment and re-employment.

Principal areas of concern and recommendations

280. The Committee is concerned that the Government's approach to the implementation of the Convention has an apparent focus on the protection of women rather than on their empowerment. Thus, the central machinery responsible for government policy is the National Working Committee on Women and Children, perpetuating the identification of women with children. Similarly, in the area of women's health, there is a focus on mother-child health, limited to women's reproductive function. Likewise, labour laws and regulations overemphasize the protection of women.

281. The Committee recommends that the Government re-examine its approach to realizing gender equality, with an emphasis on the human rights framework of the Convention and the empowerment of women. The Government should encourage a country-wide social dialogue that advocates equality between women and men, and a comprehensive public campaign aimed at changing traditional attitudes.

282. The Committee recommends that the Government examine and enhance the structure, authority and resources of the national machinery for the advancement of women.

283. Although the Convention is an integral part of Chinese law, the Committee is concerned that the Women's Law does not contain a definition of discrimination against women. It is also concerned that the Women's Law does not provide for effective remedies in cases of violation of the law. It is unclear whether the Convention can be, or ever has been, invoked in a court of law, and what the outcome of such cases might have been.

284. The Committee recommends that the Government adopt legislation that expressly prohibits gender discrimination, including unintentional and indirect discrimination, in accordance with the definition in article 1 of the Convention. It also recommends that the Government improve the availability of means of redress, including legal remedies, under the Women's Law. The Government should provide legal aid to women who suffer discrimination in its various forms, to assist them in the realization of their rights. It should also widely publicize all these measures so that adequate enforcement of the law can be ensured. The Committee recommends further that the Government adopt measures and allocate resources at both the central and provincial levels to monitor implementation of the various laws on gender equality.

285. The Committee is concerned about the diverse forms of violence against women in China, including custodial violence, sexual abuse, domestic violence, sexual violence and sexual harassment in the workplace. The Committee is also concerned that economic conditions may contribute to an increase in violence against women.

286. The Committee recommends that the Government examine and revise its laws and policies on violence against women in the light of the Committee's general recommendation 19. This should include adoption of a special law on domestic violence and provision of services for survivors, such as shelters and hotlines. The handling of domestic violence cases should be systematically included in the training of law enforcement officials and health-care personnel. The Committee urges the Government to regulate sexual harassment and to provide legal remedies for women victims of sexual harassment in the workplace. The Committee requests the Government to provide information in its next report on procedures for ensuring the rights of women in custody to protection from sexual abuse and for sanctioning prison officers responsible for such abuse.

287. The Committee recommends that the Government consider the possibility of extending an invitation to the Special Rapporteur on Violence against Women, including its causes and consequences, to visit China and all its provinces.

288. The Committee is concerned that prostitution, which is often a result of poverty and economic deprivation, is illegal in China.

289. The Committee recommends decriminalization of prostitution. Given the HIV/AIDS pandemic, the Committee also recommends that due attention be paid to health services for women in prostitution. The Government is also urged to take measures for the rehabilitation and reintegration of prostitutes into society.

290. Notwithstanding the serious efforts of the Government to combat trafficking in women, the Committee expresses its concern about reports in some localities of corrupt officials who are involved or colluding in the trade in women, including through payments from prostitutes.

291. The Committee urges the Government to investigate reports of local officials' involvement in trafficking and the exploitation of prostitution, and to prosecute all persons engaged in such practices.

292. The Committee is concerned that the proportional representation of women in all spheres of public life, and especially at the higher decision-making levels, has increased only minimally since the consideration of China's second report.

293. The Committee urges the Government to adopt temporary special measures within the meaning of article 4, paragraph 1 of the Convention to increase the number of women at the higher echelons of Government. The women's talent bank of the All China Women's Federation should be used extensively to increase the percentage of women in all public bodies. The Government should also encourage gender-balance in the composition of village committees.

294. Notwithstanding the Government's positive efforts and achievements in reducing illiteracy, the Committee is concerned about the disproportionate persistence of illiteracy among women, especially women in rural and remote areas, and among ethnic and religious minority women. The Committee also notes a lack of information concerning the situation of women in science and technology.

295. The Committee recommends that the Government adopt a specific time-frame, with budgetary and resource allocation, for the achievement of universal literacy and primary education. It should also abolish official and unofficial school fees, which often result in the exclusion of girls from enjoying their right to education, particularly in poor rural areas. Special measures and incentives should be introduced to ensure that girls are able to fully utilize access to primary education, and are given opportunities for secondary and higher education and vocational training. Likewise, the Committee urges the Government to revise school textbooks and curricula to eliminate gender stereotypes and to include the achievement of gender equality as a societal goal in its education policy.

296. The Committee is concerned about the economic situation of women in the transition from a centrally planned to a market economy. The rising unemployment of women, difficulties in finding new employment, the lack of enforcement of labour laws for women workers and the continuing categorization of certain jobs as unsuitable for women are of particular concern. The Committee is concerned that retraining of unemployed women for jobs in the service sector may lead to further gender segregation of the labour market, with women being trapped in low-wage sectors. The Committee notes with concern that women are faced with age discrimination as they seek re-employment. It is also concerned that an overemphasis on the protection of, rather than equal opportunities for, women in the labour market perpetuates stereotypes and creates additional obstacles for women competing in a market economy. The Committee notes that the situation of women workers in special economic zones also remains a concern.

297. The Committee is concerned about the consequences of women's loss of employment, or of interrupted employment, on women's rights to housing, health care and social security.

298. The Committee urges the Government to analyse, from a gender perspective, the effects of its economic policies, and to take steps to mitigate and counteract their negative effects on women. In addition to enforcing existing labour laws, the Committee invites the Government to increase women's means of redress against discrimination and inequality at work, including by promoting the recognition of women's right to participate in workers' organizations and their right to strike.

299. The Committee recognizes that population growth is a genuine and severe problem and that considerable progress has been made in providing family planning services, but expresses concern about various aspects of the implementation of China's population policy, including the following:

(a) The Committee notes with concern that only 14 per cent of men use contraceptives, thus making contraception and family planning overwhelmingly a woman's responsibility. In the light of the fact that vasectomy is far less intrusive and costly than tubal ligation, targeting mainly women for sterilization may amount to discrimination;

(b) Notwithstanding the Government's clear rejection of coercive measures, there are consistent reports of abuse and violence by local family planning officials. These include forced sterilizations and abortions, arbitrary detention and house demolitions, particularly in rural areas and among ethnic minorities;

(c) The Committee is concerned about the growing disparity in the male/female sex ratio at birth as an unintended consequence of the population policy, owing to the discriminatory tradition of son preference. The shortage of females may also have long-term implications regarding trafficking in women;

(d) The Committee is concerned about illegal practices of sex-selective abortion, female infanticide and the non-registration and abandonment of female children. The Committee expresses particular concern about the status of "out-of-plan" and unregistered children, many of them girls, who may be officially non-existent and thus not entitled to education, health care or other social benefits.

300. The Committee urges the Government to examine the ways in which its population policy is implemented at the local level and initiate an open public debate thereon. It urges the Government to promote information, education and counseling, in order to underscore the principle of reproductive choice, and to increase male responsibility in this regard. The Government should make clear that coercive and violent measures are prohibited and enforce such prohibition through fair legal procedures that sanction officials acting in excess of their authority. The Committee urges the Government to introduce gender-sensitivity training for family planning officials.

301. Recognizing that male children, especially in rural and remote areas, remain responsible for supporting people in old age, the Government should explicitly address the linkages between economic security in old age and its family planning policies. It should take all appropriate measures to modify and eliminate son preference, *inter alia*, by expanding educational and employment opportunities for women in rural areas. The Government should enforce laws against sex-selective abortion, female infanticide and abandonment of children and remove all legal disabilities from "out-of-plan" and unregistered children.

302. The Committee is concerned that traditional attitudes and prejudices against women remain particularly pronounced in rural areas. It notes, in particular, the lack of opportunities for rural women to benefit fully from the economic progress of China, and that rural women face loss of property rights as a result of change in marital status. In this regard, it notes that some 70 per cent of agricultural workers are women and that this requires particular attention. The Committee is also concerned about the high rates of suicide among rural women.

303. The Committee recommends that all government policy and planning for rural areas, including micro-credit, small enterprise development and other income-generating projects, be developed with the full and active participation of rural women. Urgent attention should be given to addressing women's suicide rates through measures such as the provision of mental health services and a better understanding of the causes of these suicides. Women's studies centres could be encouraged to undertake the necessary research. The Government is urged to ensure that women have equal enjoyment of land rights independent of their marital status.

304. The Committee notes that there is no discussion in the report of women's participation in the informal sector of the economy. The Committee requests that this issue be addressed in the Government's next report.

305. The Committee urges the Government to integrate, in its next report, statistical information under each article of the Convention, to provide analysis of the situation of women over time, as well as in comparison to the situation of men, so that an assessment can be made of the factual progress made in implementation of the Convention.

306. In the light of the diversity of the country and its population, the Committee repeats the request it made in its concluding comments on China's second periodic report, that the Government provide in its reports a breakdown of information by provinces and autonomous regions and also include information on ethnic minorities particularly the Uyghur and Tibetan peoples.

307. The Committee urges the Government to translate the Convention on the Elimination of All

Forms of Discrimination against Women into local languages. It recommends a comprehensive public campaign to improve legal literacy of the Convention and to raise awareness of gender equality as a societal goal and of women's rights as human rights. It also recommends gender-sensitization training on the basis of the Convention for all government officials and cadres. The Committee urges the Government to initiate broad public discussions in the various provinces and autonomous regions in the preparation of its fifth periodic report under article 18 of the Convention.

(c) Concluding comments by the Committee: Hong Kong Special Administrative Region

Introduction

308. The Committee expresses its appreciation to the Government of China, Hong Kong Special Administrative Region, for submitting, in a timely manner, an extremely well-structured and informative initial report. It commends the Government on its oral presentation of the report and for the detailed oral and written replies, including statistical information, to the questions posed by the Committee.

309. The Committee notes that there are many non-governmental organizations working actively in Hong Kong for the full implementation of the Convention.

Positive aspects

310. The Committee commends the Government of China for the continuing applicability of the Convention to the Hong Kong Special Administrative Region following resumption of Chinese sovereignty over Hong Kong on 1 July 1997 under the principle of "one country, two systems". It notes that the Government has disseminated the Convention, including through the Internet.

311. The Committee welcomes the guarantee of human rights and fundamental freedoms of women and men, contained in the Hong Kong Basic Law and in the Bill of Rights Ordinance. It also notes the recent adoption and revision of laws to eliminate discrimination against women. The Committee commends, in particular, the Sex Discrimination Ordinance of 1995 and the establishment thereunder of the Equal Opportunities Commission as an independent statutory body and with adequate resources, responsible for addressing complaints on discrimination and promoting gender equality through public education and other means.

312. The Committee welcomes the recent judicial decision which has enforced the right to non-discrimination by recognizing that a non-marital child can claim residence in the Hong Kong Special Administrative Region on the basis of the residence rights of either her mother or father.

313. The Committee expresses satisfaction at the high level of literacy and the universal system of free education.

Factors and difficulties affecting the implementation of the Convention

314. The Committee notes with concern that China has entered seven reservations and declarations

in respect of the provisions of the Convention as applied to Hong Kong. Of particular concern is the reservation exempting "the affairs of religious denominations or orders" from the scope of the Convention.

Principal areas of concern and recommendations

315. The Committee expresses concern that the Basic Law does not contain a prohibition of discrimination against women.

316. The Committee recommends the adoption of a constitutional definition of discrimination, both direct and indirect, to complement the prohibition of discrimination in civil law under the Sex Discrimination Ordinance.

317. Notwithstanding the important mandate and valuable work of the Equal Opportunities Commission, the Committee is concerned about the absence of a governmental mechanism for the advancement of women in Hong Kong charged with the pro-active development of policy and long-term strategies on gender equality.

318. The Committee recommends that the Government of the Hong Kong Special Administrative Region establish a high-level central mechanism with appropriate powers and resources to develop and coordinate a women-focused policy and long-term strategy to ensure effective implementation of the Convention.

319. The Committee expresses concern that the electoral system of the Region contains structural obstacles to the equal political participation of women, which is indirect discrimination against women, especially with respect to the functional constituencies.

320. The Committee urges the Government to take all measures necessary to ensure the equal representation of women in all constituencies, including rural committees, on the basis of the principle of universal and equal suffrage, in accordance with the Committee's general recommendation 23.

321. The Committee notes the low representation of women in governmental advisory boards and statutory committees, as well as in the civil service and the judiciary.

322. The Committee recommends that the Government make use of affirmative action and temporary special measures in accordance with article 4, paragraph 1, of the Convention to realize women's right to participation in all areas of public life and particularly at high levels of decision-making. It also recommends that the Government study the experience of other countries in using quotas, timetables for achieving specified goals and databases on women candidates, with a view to applying them in Hong Kong.

323. The Committee is concerned that the Domestic Violence Ordinance applies only to physical abuse in marital relations, and that it does not provide for counselling and treatment of offenders. It also notes with concern that the report does not contain information on rape and that marital rape is not considered a criminal offence in the Hong Kong Special Administrative Region.

324. The Committee recommends that the Government enhance services for survivors of domestic violence, including domestic workers, with a view to their empowerment and rehabilitation, including through psychological counselling, legal aid, temporary shelter and appropriate health services. The Committee also urges the amendment of existing legislation to include marital rape as a criminal offence. It requests the Government to provide information on sexual crimes, including rape and marital rape, in its next report under article 18 of the Convention.

325. The Committee notes that while prostitution itself is not unlawful, provisions to ensure the health and safety of sex workers are unclear, and there may be discrimination against women in the enforcement of related crimes.

326. The Committee recommends that adequate regulations to protect women sex workers be put in place and enforced. It also recommends that the Government monitor the links between the presence of migrant women, a regulatory approach to prostitution and trafficking in women.

327. The Committee commends efforts to develop a standard labour contract for migrant workers with provision for minimum wages, but it is concerned that these workers can be exposed to abuse and custodial violence.

328. The Committee recommends that the Government monitor and take action to protect women migrant workers from abuse and violence, as well as to prevent such violence.

329. Noting that over 50 per cent of recent university graduates were women, the Committee is nevertheless concerned at the degree of segregation in the educational specialization of women and men and at the low percentage of women in the higher levels of the teaching professions and academia.

330. The Committee recommends the adoption of temporary special measures aimed at increasing de facto equality between women and men within the meaning of article 4, paragraph 1 of the Convention, to increase the number of women in non-traditional areas of education, especially in science, technology and engineering, and to promote women from junior and auxiliary positions in teaching and academia to senior positions. It urges the Government to address the perpetuation of gender stereotypes and to allocate adequate resources for gender studies programmes.

331. Noting the growing participation of women in the formal economy and the low level of unemployment of women, the Committee is nonetheless concerned about the large discrepancies in wages earned by men and women. The Committee is also concerned about the highly disproportionate number of women in the lowest wage levels, especially given the absence of minimum wage laws. The Committee is also concerned that the contraction of the manufacturing sector affects particularly low-skilled women.

332. The Committee recommends that the principle of equal pay for work of equal value be included in relevant legislation and that criteria be established to determine the measure of equal value in a largely gender-segregated labour market.

333. The Committee encourages the Government to review regularly the reservations entered to the

Convention. It urges the Government to amend all laws that are incompatible with the Convention, including those relating to immigration and to pension schemes, with a view to removing the relevant reservations. In particular, it encourages the Government to eliminate discrimination against indigenous women following its review of the small house policy. The Committee also encourages the Government to re-examine the reservation relating to the favourable treatment of women in respect of labour law protection of pregnancy and maternity, which might well be in accordance with articles 4, paragraph 1, and 11, paragraph 2, of the Convention, as well as that regarding religious denominations.

334. The Committee invites the Government to hold public consultations with non-governmental organizations in the process of the implementation of the Convention and when preparing its second periodic report.

335. The Committee requests the Government of China and the Government of the Hong Kong Special Administrative Region to provide information addressing the concerns raised in the present concluding comments in the next periodic report required under article 18 of the Convention.

336. The Committee requests the wide dissemination in China and the Hong Kong Special Administrative Region of the present concluding comments, in order to make the people of China and the Region, and particularly its government administrators, politicians and senior level cadres aware of the steps that had been taken to ensure *de jure* and *de facto* equality for women and further steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.