



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

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**Responses to the list of issues and questions for  
consideration of the combined fifth and sixth periodic  
report of China\***

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\* The present document has been issued without formal editing.

[Original: Chinese]

## **Responses to the list of issues and questions for consideration of the combined fifth and sixth periodic report of China and its addenda 1 and 2**

### **Responses by the People's Republic of China to the list of questions submitted by the United Nations Committee on the Elimination of Discrimination against Women with regard to the combined fifth and sixth periodic report of China**

**May 2006**

#### *Remarks*

This document contains the responses of the People's Republic of China to the list of questions submitted in February 2006 by the United Nations Committee on the Elimination of Discrimination against Women. It comprises three parts: Part I contains the replies of China's central Government; Part II contains the replies of the Government of the Hong Kong Special Administrative Region; and Part III contains the replies of the Government of the Macao Special Administrative Region.

#### **Part I Constitution, legislation and status of the Convention**

**1. The report indicates (on p. 8) that there is no definition of discrimination in China's laws (part II, discussion of article 1). What is the impact of this lack of definition on China's compliance with its obligations under the Convention?**

The absence of a specific definition of "discrimination" in China's laws in no way influences China's legal and practical compliance with its obligations under the Convention.

China's constitution and the various laws and regulations guaranteeing women's rights and interests and promoting their development, such as the Law of the People's Republic of China on the Protection of Rights and Interests of Women, the Labour Law of the People's Republic of China, the Marriage Law of the People's Republic of China, the Education Law of the People's Republic of China, and the Trade Union Law of the People's Republic of China, all guarantee that women shall enjoy or exercise human rights and basic freedoms on an equal basis with men in the political, economic social, cultural, citizenship or any other spheres, and prohibit discrimination on the basis of gender. In particular, article 2 of the amendment to the 1992 Law on the Protection of Rights and Interests of Women, promulgated by the National People's Congress on 28 August 2005, stipulates that "the implementation of equality between men and women is a basic State policy. The State shall adopt the requisite measures to gradually improve rules and regulations guaranteeing women's rights and eliminate all forms of discrimination against women. The State shall protect the special rights and interests legally enjoyed by women, and shall prohibit discrimination against, and maltreatment and

persecution of, women.” These stipulations unequivocally incorporate the basic State policy of equality between men and women and the elimination of all forms of discrimination against women into the letter of Chinese law.

**2. In its previous concluding comments, the Committee recommended that China enhance the structure, authority and resources of its national machinery (A/54/38, Part I, para. 282). Please provide information on the steps taken in response to that recommendation.**

The principal steps taken by the Chinese Government in this regard are as follows:

**(a) Continuous improvement of the organizational structure of the working committees on women and children**

Member units of the National Working Committee on Children and Women under the State Council, (NWCCW), China’s State mechanism for raising the status of women, are continuously growing in number. Membership in the NWCCW has grown from 19 units at the time of its founding in 1990 to 33 units today, and includes one ministry of the central People’s Government, 27 Governmental ministries and agencies, and five non-Governmental organizations. The current session of the NWCCW is chaired by Ms. Wu Yi, Vice-Premier of the State Council. A leader of ministerial rank from each member unit serves as its representative on the NWCCW, along with an office or department head from that unit to handle the day-to-day work. Currently, working committees on women and children have been set up by local governments at the county level and above throughout the country, and their memberships continue to expand in response to their work requirements, with improvements in their organizational structures.

**(b) Continuous strengthening of office resources and capacities for the working committees on women and children**

The staff of the NWCCW has expanded from three people at its inception to its current level of 15 people. Since 2005, the staffs of working committees on women and children at the provincial, prefectural and county levels have been expanding across the board; working expenses for these organs at all levels are included in the yearly Government budgets, while outlays for monitoring, assessment and other specialized activities have undergone major increases. The offices of the working committees at all levels are strengthening the professional abilities and work quality of their staffs through training programmes of all kinds. In 2004, the NWCCW began a five-year programme of rotational training for the office staffs of the more than 2,300 prefectural and county-level working committees. To date, more than 1,700 people have been trained in 14 sessions. Local working committees and offices at all levels are also organizing training courses to raise the quality of their staff.

**(c) Raising the legal status of the working committees and expanding their authority by means of granting legal powers**

General Provisions article 6 of the Law on the Protection of Rights and Interests of Women, as amended and approved by the National People’s Congress in August 2005, as well as the “Interpretation of the Law on the Protection of Rights and Interests of Women” compiled by the Standing Committee of the National

People's Congress and the Legislative Affairs Commission, both clearly stipulate that when implementing the Law, the working committees "are responsible for organizing, coordinating, leading and supervising the Government agencies concerned, so that those agencies satisfactorily carry out the work of protecting the rights and interests of women"; both documents also provide a legislative basis for giving the working committees greater legal authority.

**3. Please provide an overview of the content and number of complaints dealt with by courts and tribunals relating to violations of women's rights since the consideration of the previous report, including cases in which reference was made to the Convention.**

Complaints dealt with by courts and tribunals relating to infringement of women's rights generally fall into two categories:

**(a) Criminal complaints**

Cases in this category most often involve crimes of infringement of citizens' personal rights, infringement of citizens' property rights, or disruption of the order of social administration, including forcible rape, forced participation in indecent acts, and humiliation of women, as well as organizing prostitution, forcing, luring, or procuring women into prostitution, or harbouring prostitutes. It should be noted that while victims in such cases are not only women, the following figures deal exclusively with crimes involving females. Since the year 2000, a total of 102,993 major criminal cases of infringement of women's rights and interests have been adjudicated in Chinese courts; of these, 63.1 per cent were cases of forcible rape; 3.4 per cent were cases of forced participation in indecent acts and humiliation of women; 5.3 per cent were cases of trafficking in women and children; 0.1 per cent were cases involving the purchase of trafficked women and children; 1 per cent were cases of abuse; 0.7 per cent were cases of abandonment; 17.9 per cent were cases of organizing prostitution, forcing, luring, or procuring women into prostitution, or harbouring prostitutes, as well as frequenting underage prostitutes; 2.8 per cent were cases of manufacturing, publishing or distributing indecent materials, as well as organizing the distribution of indecent audiovisual materials; 5.7 per cent were other types of cases.

**(b) Civil cases**

Cases in this category most often involve disputes about marriage, family, inheritance, adoption and parental support. Statistics indicate that since 2003, a total of 3,558,740 civil cases have been adjudicated in Chinese courts in connection with protecting women's legal rights and interests; of these, 84.0 per cent were divorce disputes; 2.7 per cent were disputes about child- or spousal-support relationships; 2.1 per cent were disputes about child-support payments; 0.5 per cent were disputes about maintenance payments; 3.2 per cent were disputes about parental support; 1.7 per cent were disputes about family property in marriages; 1.5 per cent were disputes about inheritance; and 4.3 per cent were disputes about other aspects of marriage and the family. (Note: In Chinese law, the term "spousal support" indicates the support and assistance shared between husband and wife; "child support" indicates the educational and daily-life maintenance provided by parents to their minor children; and "parental support" indicates the support provided by adult children to their dependent parents.)

In view of the fact that the main content and principles of such Chinese laws and regulations as the Constitution, the Criminal Law, the General Principles of Civil Law, the Marriage Law, and the Law on the Protection of Rights and Interests of Women are consonant with those of the Convention on the Elimination of All Forms of Discrimination against Women, the adjudication of the aforementioned cases reflects the requirements of the Convention, as follows:

(i) When handling criminal violations of women's rights, the Chinese public-security organs, People's Procuratorates and People's Courts emphasize the full protection of women's lawful rights and interests. For example, when the People's Procuratorate reviews a case, it carefully considers the views of the injured woman and her designated representative. The People's Courts do not conduct open hearings in cases affecting the privacy of the injured woman. The injured woman has the right to take part in court trial activities, and has the right to initiate a collateral civil action and retain legal representation in such an action. If an injured woman does not accept the judgement of the court of the first instance, she has the right to lodge an appeal with the People's Procuratorate within five days of receiving the written verdict. When sentencing the accused upon conviction, the People's Courts determine the appropriate punishment for the crime on the basis of full consideration of such related factors as the nature and circumstances of the accused's offence, as well as the accused's willingness to admit guilt. The Courts take into account the fact that as a woman, the injured party is a member of a special class of persons with relatively weaker ability to defend themselves, and also consider a combination of other factors, such as the degree of harm suffered by the injured party, the specific consequences of the crime, and so on. They can also compel the culprit to compensate, in accordance with the law, any financial loss determined in the course of the collateral civil action brought by the injured woman.

(ii) In civil cases of infringement of women's rights, the principles of equality between men and women and of the protection of the lawful rights and interests of women and children are adhered to in accordance with the provisions of Chinese law. Rights to litigation are equal in the litigation process; in the substantive judgement, the woman's child-raising circumstances are fully considered. Factors like the woman's ability to work, survival skills, and physical condition are fairly and reasonably adjudged, with an emphasis on conciliation and resolution.

(iii) According to the provisions of the Organic Law of the People's Republic of China, the People's Courts are responsible for educating citizens to be aware and respectful of the Constitution and the law. Consequently, in the process of adjudicating civil and criminal cases involving the protection of women's rights, they explain the law using actual cases and promote the dissemination of information and education about the legal system, thereby teaching the masses to be aware of the need to protect women's rights in accordance with the law. They also teach women to increase their awareness of the need to protect their own lawful rights and interests, and to have the courage to rely on the law to fight back against phenomena that infringe upon their personal rights.

4. **The report refers to the five-year programme and ten-year programme as well as the result of mid-term and end-term evaluations of the implementation of the five-year programme for the development of Chinese women (see part II, discussion of article 3). Please describe the process used for promulgation of these programmes and conducting these evaluations, and what ministries and levels of Government were involved.**

**(a) Promotion of the two Programmes for the Development of Chinese Women**

*(i) Drawing up promotion plans*

Promotion of the Programmes is a primary focus of the working committees on women and children, which are required to formulate yearly promotion plans and clarify their main objectives. They deploy the plan through the exercise of policy leadership and the convening of meetings of various kinds. Working committees at all levels integrate Programme goals and responsibilities for their particular units and districts, and each draws up its corresponding promotion workplan.

*(ii) Compiling promotional materials*

The NWCCW office has compiled study guides and promotional pamphlets for the two Programmes for the Development of Chinese Women, and created a series of easy-to-understand promotional materials in a variety of formats. In 2005, it compiled a white paper entitled “Gender Equality and Women’s Development in China”, along with a “Leadership Handbook for Implementation of Development Programmes for Women and Children at the County Level”, a periodical entitled “Anti-Trafficking Bulletin” and the “Anti-Trafficking News Digest” electronic weekly in Chinese and English, as well as “The Scientific Concept of Development and the Basic State Policy of Equality” and other promotional materials compiled in collaboration with the Jiangsu Province Working Committee.

*(iii) Expanding the scope of promotion*

1. A monthly column entitled “Window on the Two Programmes” has been launched in four major newspapers (the People’s Daily, the Economic Daily, the China Daily, and the China Woman), as well as in the English edition of Women of China magazine.

2. The NWCCW office established the Two Programmes Newsletter in 1996 with the support of the United Nations Children’s Fund, and it has been published continuously up to the present. Beginning in 2005, the number of issues published yearly increased from six to twelve. The periodical publishes roughly 500 articles and 80 illustrations per year.

3. Working committees at all levels have established their own Bulletins; in 2005 alone, the NWCCW published 32 issues.

4. In October 2001, the NWCCW and the China Children’s Information Centre set up public websites ([www.nwccw.gov.cn](http://www.nwccw.gov.cn) and [www.cinfo.org.cn](http://www.cinfo.org.cn) respectively). The two sites received a total of more than 5.3 million visits in 2005.

**(b) Evaluation of the two Programmes for the Development of Chinese Women***(i) Evaluating the Programme for the Development of Chinese Women 1995-2000*

The NWCCW has set up a State-level monitoring and evaluation leadership group, which comprises a statistical monitoring team and an expert evaluation team. The statistical monitoring team monitors statistics on accomplishment of Programme goals and indicators on a yearly basis. In the year 2000, the expert evaluation team carried out an end-of-term evaluation of the Programme and compiled an evaluation report. All member organizations and other units involved participated in the State-level evaluation, while provincial, prefectural and county-level organizations received inspections by the State-level supervisory team on the basis of their self-evaluations. The results of this Programme evaluation have been used as a basis for drawing up the Programme for 2001-2010.

*(ii) Evaluating the Programme for the Development of Chinese Women 2001-2010*

In 2001, the NWCCW established a monitoring and evaluation leadership group, comprising a statistical monitoring team and an expert evaluation team, and called a working meeting on monitoring and evaluation. Since 2002, the teams have put together a system of Programme monitoring indicators and evaluation guidelines. As 2006 is the Programme's mid-term evaluation year, plans have been made to evaluate the implementation of Programme goals and mechanisms, as well as the degree to which women's development accompanies and coordinates with economic and social development at the State and local levels. For that purpose, the NWCCW office has set up a national training programme for core provincial-level staff responsible for the mid-term evaluation of the two Programmes, and has convened a symposium on the mid-term evaluation by NWCCW member organizations. The work plan for the mid-term evaluation will be completed by the end of 2006.

**5. The report describes the implementation of the ten-year programme, including the responsibilities of various levels of Government (see part II, discussion of article 3). It also gives an indication of the monitoring and evaluation system. Please describe the coordination mechanism in place between the central and local levels and mechanisms in place to undertake corrective measures in programme implementation.**

The basic functions of the NWCCW are to coordinate and promote the work of the relevant organs of Government in guaranteeing the protection of women's rights and interests, implement programmes for the development of women and children, coordinate the investment of human, financial and material resources, direct, supervise and evaluate the work of the working committees on women and children of the people's Governments at the provincial, district and municipal levels, and promote the effective application of capacity-building and monitoring and evaluation systems by local organs and agencies.

Since the middle of the 1990s, the NWCCW has organized teams of experts to supervise and evaluate the implementation of programmes being carried out at every level of Government from provinces to villages, and to pool experiences and provide ideas and advice on resolving problems as they arise, thereby advancing the realization of goals. For example, the campaign to reduce rates of maternal mortality in childbirth and eliminate tetanus in newborns, launched in 1999 and still ongoing,

resulted from the discovery, during the supervision and evaluation of the Outline Programme concerning the Development of Children in China in the 1990s, that these two indicators were of relatively greater difficulty and were most concentrated and intractable in the western regions of China. For that reason, the Ministry of Health, the NWCCW and the Ministry of Finance launched the campaign together, taking timely action to increase facilities construction, financial investment and service networks. The campaign has expanded to 1,000 counties in 22 provinces, regions and municipalities throughout the country, and covers more than 300 million people.

#### **Trafficking in women and exploitation of prostitution**

**6. In its previous concluding comments, the Committee recommended that the Government investigate reports of local officials' involvement in trafficking and the exploitation of prostitution (paragraph 291). The Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, has drawn attention to the issue of internal trafficking in women in China (E/CN.4/2003/75/Add.1, para. 964). Please describe in detail the efforts undertaken to address this issue at the national, provincial and municipal levels, including funding allocated.**

The Chinese Government and public-security organs are fully carrying out their mission and giving high priority to combating the trafficking of women, prostitution and other such illegal and criminal activities. They have implemented fiscal and law-enforcement safeguards, and are taking positive and effective measures in close cooperation with other concerned Government departments. No involvement by Government officials in criminal activities has yet been uncovered in the cases resolved to date.

#### **(a) Combating illegal and criminal activities involving trafficking in women**

China's Premier and Minister of Public Security have issued numerous directives calling for expanded and strengthened efforts to combat criminal trafficking in women and children. The public-security organs have expanded their efforts in this area through rigorous enforcement of the law, strengthened public education and specialized training, inter-agency cooperation in the rescue of victims, and strengthened international cooperation, and have taken measures to combine the oversight of major cases with local anti-trafficking campaigns. This has resulted in the successful resolution of a large number of cases involving the trafficking of women and children, as well as the collective clearing of several centres of criminal trafficking activity. In statistical terms, there has been a gradual downward trend in the number of cases filed by the public-security organs from 2001 to 2005 involving trafficking in women and children; effective control has been established in several domestic regions in which trafficking crimes were most frequent. In 2005, the public-security organs filed a total of 2,884 cases of trafficking in women and children nationwide; 2,471 incidents were resolved, and 2,012 trafficked women were rescued.

In view of the direct connection between organized prostitution activities and the trafficking of women and children, the Chinese public-security organs primarily target persons who organize such activities, who force, lure, or procure women into prostitution, and who provide facilities for prostitution; they combine day-to-day



investigations with centralized mass sweeps, and overall-control operations with pinpoint raids, to effectively combat criminal activities connected with prostitution. In the Law of the People's Republic of China on Administrative Penalties for Public Security, implemented on 1 March 2006, penalties for public solicitation for the purpose of prostitution were increased; in the Regulations on Administration of Entertainment Venues implemented at the same time, further regulation of the supervision of entertainment premises were introduced, regulating the management of places of entertainment and correspondingly increasing the penalties for violations of the law occurring in such places, thus effectively containing illegal prostitution activities.

China is currently drawing up a national action plan to combat human trafficking.

**(b) Funding the work of combating the trafficking of women and children**

The Chinese Government has consistently emphasized its input into anti-trafficking work. From 1988 to 1998, the State budgeted between 3 and 9 million yuan renminbi yearly to combat trafficking; since 1999, anti-trafficking funds have been included in the case-handling budget for the public-security organs and support for efforts to combat trafficking has continued to grow. In 2005, a total of 2.1 million yuan renminbi were allocated for two anti-trafficking exercises of the Ministry of Public Security alone; moreover, the subsidizing of major and important case investigations has strongly contributed to the smooth progress of the State's anti-trafficking efforts.

**7. Please provide details about the implementation of the amended Criminal Procedure Law and Criminal Law (see part II, discussion of article 6). In particular, please provide information about the number of cases brought, the number of convictions and the penalties handed down for the various crimes listed. Please also indicate trends in those data over the last five years.**

**(a) Implementation of the new Criminal Procedure Law and Criminal Law**

China amended its Criminal Procedure Law in 1996, and amended its Criminal Law in 1997. Since their enactment, China has used the two amended laws to rigorously prosecute all kinds of crimes involving the infringement of women's rights and interests; criminals who engage in human trafficking or force others into prostitution in order to derive monetary benefit are subject, on the one hand, to heavy criminal penalties, and on the other, are held liable for compensating the injured woman for economic losses based on the nature of the crimes and the adjudication of any collateral civil actions brought in the cases. If the perpetrators' infringements involve property, the Court will also fine the perpetrators or confiscate their property.

According to statistics, since 1997, Chinese courts have adjudicated a total of 258,468 criminal cases involving the violation of women's lawful rights and interests; of these, 74.9 per cent were cases of forcible rape; 3.6 per cent were cases of forced participation in indecent acts and humiliation of women (including sexual harassment) and children; 10.1 per cent were cases involving the trafficking of women and children, 0.2 per cent were cases involving the purchase of trafficked women and children; 0.2 per cent were cases of violent interference in the freedom

of marriage; 2.2 per cent were cases of maltreatment; 0.8 per cent were cases of abandonment; and 8.0 per cent were other types of cases.

All criminals involved in the aforementioned cases received punishment in accordance with the law.

**(b) Criminal trends over the past five years**

Over the five years since the year 2000, a number of changes have occurred in the types of crime involving infringements of women's lawful rights and interests, the most important of which are as follows:

*(i) Decrease in cases of forcible rapes of women*

Over the past five years, Chinese courts have adjudicated a total of 125,568 cases of forcible rape and 16,560 cases of statutory rape of female children under the age of 14. In 2001, the number of cases of forcible rape adjudicated by Chinese courts rose by 8.66 per cent compared with that of the previous year, then fell by 4.01 per cent in 2002, by a further 6.61 per cent in 2003, by a further 13.47 per cent in 2004, and by a further 2.42 per cent in 2005, for an average yearly decrease of 3.57 per cent. This fully illustrates the outstanding results obtained by China over the past five years through its severe punishment of serious sexual crimes against women.

*(ii) Decrease in cases of trafficking of women and children, and in related cases*

Over the past five years, Chinese courts have adjudicated 20,212 cases of trafficking of women and children. Of these, the number for 2001 fell by 48.64 per cent compared with that for the previous year; then fell by a further 24.35 per cent in 2002, by a further 26.28 per cent in 2003, by a further 25.6 per cent in 2004, and by a further 5.95 per cent in 2005, for an average yearly decrease of 26.16 per cent. Over the same period, cases involving the purchase of trafficked women and children and those involving the use of crowds to hinder the rescue of trafficked women and children also decreased. No cases in the latter category occurred at all after 2003, again clearly illustrating the successful results of China's efforts to resolutely combat trafficking of women and children and related crimes, promote public security and legality, and educate the public about the rule of law.

*(iii) Increase and decrease in numbers of prostitution-related crimes*

Over the past five years, a total of 36,389 cases of organizing prostitution, forcing, luring, or procuring women into prostitution, harbouring prostitutes, or frequenting underage prostitutes were adjudicated in Chinese courts. In 2001, cases in these categories increased by 19.09 per cent compared to the previous year, and grew by a further 2.41 per cent in 2002, the increase in cases reflecting the increased resources devoted to combating crimes in this category in China over the three-year period. In 2003, cases in these categories fell by 1.22 per cent compared to the previous year, falling again by 4.88 per cent in 2004 and by 1.05 per cent in 2005, showing that China's rigorous approach to combating this type of crime is reducing the number of such crimes year by year.

*(iv) Decrease in cases of maltreatment and abandonment*

Over the past five years, a total of 3,286 cases of maltreatment and 1,559 cases of abandonment have been tried in Chinese courts. Of these, the number of cases of maltreatment fell from 874 in the year 2000 to 268 in 2005; the number of cases of abandonment fell from 300 in the year 2000 to 205 in 2005. The decrease in the number of cases of maltreatment and abandonment reflects a) an increase in awareness of the law among Chinese citizens over the years, b) a tendency among family members to treat each other with greater tolerance, and c) a rise in the living standard of Chinese citizens over the years, all of which have combined to contribute to a gradual decline in the maltreatment and abandonment of women. Moreover, with crimes in these two categories, it is more common for the complainant and the accused in a private prosecution to engage in mediation either in court or outside of a court proceeding, while actual court-imposed punishments are correspondingly less common, in accordance with the customarily high value placed on conciliation in Chinese culture, and with the Chinese judicial tradition of working to promote compromise and settlement between the parties in a private criminal prosecution and of working to promote harmony between the families of those involved.

*(v) No change in cases involving humiliation or harassment*

Over the past five years, a total of 7,173 cases of forced participation in indecent acts and humiliation of women (including sexual harassment) have been tried in Chinese courts, with the yearly number remaining unchanged at around 1,100.

**Violence against women**

**8. The report notes that the new Marriage Law of 2001 explicitly prohibits domestic violence. It also indicates regulations on domestic violence adopted by a number of provinces and municipalities. Kindly provide details about the forms of violence covered in this law and the penalties for such violence, as well as the use, by victims, of this law since its adoption in 2001. Also, please provide information regarding whether the ten-year programme includes plans to combat violence against women.**

**(a) Scope of domestic violence**

The Marriage Law explicitly prohibits domestic violence. According to a judicial interpretation of the Supreme People's Court, domestic violence is behaviour that takes place among members of a family, encompassing beating, binding, maiming, forcible deprivation of personal liberty, or other means resulting in physical or psychological injury to a family member.

The Marriage Law also prohibits maltreatment and desertion of one family member by another, as well as infanticide by drowning, abandonment of infants and all other acts causing serious harm to infants.

**(b) Perpetrators of domestic violence bear commensurate civil and criminal liability under the law**

*(i) Civil liability*

Domestic violence is one of the legally accepted grounds for divorce; the victim is entitled to hold the perpetrator of domestic violence civilly liable for compensation of losses stemming from the divorce.

*(ii) Criminal liability*

Serious domestic violence constitutes a crime under provisions of the Criminal Law pertaining to insult or humiliation, violent interference in the freedom of marriage, maltreatment, intentional injury, or intentional homicide, and is subject to punishment accordingly.

1. The perpetrator of domestic violence constituting a crime of insult or humiliation is liable to a fixed term of imprisonment of less than three years, detention, public surveillance, or deprivation of political rights.

2. The perpetrator of domestic violence constituting a crime of violent interference in the freedom of marriage is liable to a fixed term of imprisonment of less than two years, or criminal detention. If the violence leads to the death of a family member, the perpetrator is liable to a term of fixed imprisonment of not less than two years and not more than seven years.

3. Frequent or continuous domestic violence constitutes a crime of maltreatment, punishable by a fixed term of imprisonment, criminal detention or public surveillance of not more than two years; if the violence leads to the serious injury or death of the victim, the perpetrator is liable to a fixed term of imprisonment of not less than two years and not more than seven years.

4. The perpetrator of domestic violence constituting a crime of intentional injury, and which results in serious injury or death, or is characterised by particular cruelty leading to serious injury or disablement, may be liable to the death penalty.

5. The perpetrator of domestic violence who intentionally deprives a family member of life is considered to have committed the crime of murder and is liable to the death penalty, imprisonment for life, or a fixed term of imprisonment of not less than ten years. In the presence of mitigating circumstances, the perpetrator is liable to a fixed term of imprisonment of not less than three years and not more than ten years.

**(c) Major means of assistance for victims of domestic violence**

Victims of domestic violence primarily obtain assistance in the following ways:

(i) Victims can submit a request for assistance from the villagers' committee (in rural areas) or residents' committee (in urban areas) in their locality, or to their own work unit or that of the perpetrator; staff of the unit to which the request was submitted will provide advice and mediation.

(ii) Victims can request assistance from the anti-domestic violence network (110 call centre) of their local public security organ; the call centre will

immediately dispatch personnel to resolve the situation. If no physical injury has occurred, resolution mainly takes the form of mediation, with criticism and education of the perpetrator; if physical injuries have occurred, prosecution of the perpetrator is immediately initiated.

(iii) Victims can request assistance from the legal assistance network of the judicial department (to date more than 2,700 women's legal assistance centres have been set up around the country), and can obtain legal consultation, assistance in drafting legal documents, criminal defence and representation, representation in civil and administrative litigation, non-litigation-related legal services, and notarial certification. The 3,200 Women's and Children's Courts (and hearing facilities) established throughout China in recent years also handle cases in this category.

(iv) Civil-government authorities, the Red Cross and numerous non-Governmental organizations also maintain anti-domestic violence hotlines, assistance centres, shelters, trauma centres and help centres to provide assistance to victims of domestic violence.

**(d) Action plan of the Programme for the Development of Chinese Women to combat violence against women**

The Programme for the Development of Chinese Women (1995-2000) proposes to "protect the equal status of women in the family in accordance with the law and resolutely curb domestic violence", and includes "effectively banning violence against women, criminal acts of abducting and trafficking women" among the 11 major targets of the Programme. In the area of women and the law, the Programme for the Development of Chinese Women (2001-2010) proposes to "protect women's right of the person, and prohibit all forms of violence against women"; with regard to law-enforcement tactics and measures, it proposes to effectively prevent and sternly combat all criminal actions that infringe upon women's personal and property rights, reduce the occurrence of criminal cases involving violations of women's personal rights such as forcible rape, trafficking etc., while raising the rate at which such cases are resolved. It also proposes to prevent and stop domestic violence against women. In the area of legal services and assistance, it stipulates that women victims of violence who require such assistance should be provided a broad range of legal, medical, and psychological help and services.

**9. Please provide statistical data on domestic and sexual violence against women in the urban and rural areas of each province.**

As we do not currently have a specialized agency responsible for collecting statistics of this kind, we regret that we are unable to provide this information to the Committee at present. However, partial statistics gathered by the All-China Women's Federation indicate that the percentage of letters and visits relating to domestic violence received by units of the Federation nationwide was 16.37 per cent in 2002, 22.5 per cent in 2003, and 10.5 per cent in 2004 respectively of all letters and visits in the category of marriage and domestic issues.

### Participation in political and public life

10. The report gives an overview of women in political decision-making (see table A.6). It is not clear how the information provided on pages 24 and 25 of the report relates to this table. In particular, information about the number of women in senior leadership positions and in core leadership teams is not provided as a percentage in relation to the share of men holding such positions. Please provide such comparative data for senior level decision-making positions at central and provincial levels, as well as trends over the last five years.

The Chinese Government has always placed great emphasis on women's participation in political life. At end of 2002, there were four women in leadership positions in the Central Committee of the Communist Party of China, the National People's Congress, the State Council, and the Chinese People's Political Consultative Conference, or 4.8 per cent of the total, as against 79 men, or 95.2 per cent of the total. This increased to seven women by the end of 2003, for 9 per cent of the total as against 71 men, or 91 per cent of the total; by 2005, the number of women in leadership positions in those organs stood at nine, or 11.1 per cent of the total, as against 72 men, or 88.9 per cent of the total.

The following table shows the number and proportion of female cadres in Government organs at the county, regional and provincial levels from 2002 to 2005:

	<i>Province-level and above</i>				<i>Prefecture-level</i>				<i>Country-level</i>			
	<i>Women</i>	<i>Per cent</i>	<i>Men</i>	<i>Per cent</i>	<i>Women</i>	<i>Per cent</i>	<i>Men</i>	<i>Per cent</i>	<i>Women</i>	<i>Per cent</i>	<i>Men</i>	<i>Per cent</i>
2004	238	9.8	2 173	90.2	6 000	13.3	39 000	86.7	93 000	16.9	457 000	83.1
2003	242	9.04	2 436	90.96	5 354	12.19	38 583	87.81	86 561	16.65	433 282	83.35
2002	221	8.34	2 429	91.66	5 106	11.67	38 640	88.33	79 438	16.09	414 386	83.91

As can be seen in the foregoing statistics, through the efforts of the Chinese Government and the departments concerned, Chinese women's levels of participation in the administration of national and social affairs has been gradually increasing; growing numbers of women have been entering the leadership at all levels in recent years, and the overall proportion of women in leadership has been increasing as well.

11. The report indicates that, with the introduction of direct elections of villagers' committees, the percentage of women serving on villagers' committees decreased slightly and that remedial by-elections had to be held in some villages since no women candidates had been elected. What lessons have been drawn from these results and what systemic changes is the Government contemplating to strengthen women's participation in public life?

The promotion of popular autonomy at the village level and the implementation of directly-elected villagers' committees are part of the highly significant political transformation undertaken by the Chinese Government to meet the requirements of village economic reform. However, in the process of implementing these changes, there has been a notable but temporary decrease in the proportion of female members of villagers' committees, owing to the influence of traditional village customs, production methods etc. According to partial statistics, only 16 per cent of the members of villagers' committees nationwide are women,

while the number of villagers' committee chiefs who are women is even lower, at only about 1 per cent. In order to change this situation, the Chinese Government and concerned departments have taken the following measures and have achieved initial improvements:

**(a) Guiding localities in the creation of new voting methods to increase the number of women elected as members of villagers' committees and as village representatives**

The Chinese Government conscientiously implements the article of the Organic Law of the Villagers' Committees of the People's Republic of China stipulating that the membership of a villagers' committee shall include an appropriate number of women, and guides the localities in creating policies and regulations that favour the election of women. For example, the province of Jilin has formulated a policy requiring that, when candidates for election are being named, the voters should be actively guided and requested to submit the name of at least one woman as a candidate, and at the same time to encourage women to stand for election; if there are no women among the qualifying candidates, the woman receiving the most votes in the qualification process should nevertheless be named to the list of candidates. When the candidates are being introduced, the villagers' election committee should be guided to actively publicize the women candidates' qualifications, without the slightest prejudice or other unfair treatment. If no women are elected to the villagers' committee, a by-election should be held to elect a female committee member when a vacancy occurs on the villagers' committee before the end of the committee's term of office.

**(b) Expanding the use of the Practical Manual on Rural Women's Participation in Elections for Villagers' Committees, and further enhancing the training of village women**

The Ministry of Civil Affairs has prepared a "Practical Manual on Rural Women's Participation in Elections for Villagers' Committees", and requests all localities to take active measures to broaden its use when organizing the training of political and administrative staff. Moreover, when organizing training for newly-elected members of villagers' committees, care should be taken to ensure that newly-elected female members of villagers' committees take part in the training in order to help them adopt an attitude of willingness to tackle heavy burdens and of determination to see tasks through to completion, as well as to help them grasp the methods and skills of village administration, policy-making and supervision as quickly as possible in order to meet the needs of village work. Women political and administrative staff who demonstrate outstanding devotion to duty and job performance during their elected terms should be awarded timely commendations for the purpose of creating favourable conditions for their re-election and for raising the overall position of women in the social life of the village.

**(c) Launching pilot projects to explore ways of increasing the proportion of women elected to villagers' committees**

Since June 2003, the Ministry of Civil Affairs has been implementing a model campaign to bring forth new ideas on policies to increase the number of village women elected to villagers' committees. Emphasizing methods of participation and led by the Ministry, this campaign has developed cooperation across social levels,

Government departments and academic disciplines and has seen Government departments and groups, non-Governmental organizations, and village political and administrative personnel and citizens coming together to create a working mechanism that is centred on village women and that is characterized by close cooperation between Government organs and popular organizations. Formulating policies that are favourable to the election of women, activities include training in publicity, capacity-building, and investigation and research. The implementation of the campaign has been warmly welcomed and supported by village women. Women have been actively participating in elections and taking part in competition; the election results have basically achieved the goal of having women members of every village's committee.

**(d) Initiating the revision of the Organic Law of the Villagers' Committees, and striving to get provisions protecting village women's participation in villagers' self-rule written into the law**

On the basis of arrangements by the Standing Committee of the National People's Congress and the State Council, the Ministry of Civil Affairs and other Government organs have initiated the revision of the legislative procedure for the Organic Law of the Villagers' Committees of the People's Republic of China; according to the plan, the revised provisions of the law are to clearly stipulate that the membership of a villagers' committee should include at least one woman, and that there be appropriate representation among village representatives as well. Substantive means, such as evaluating balloting procedures, guaranteeing that women can be smoothly elected to committees, and gradually increasing the proportion of women elected, are also being explored.

These measures have already garnered initial results in practical application. According to statistics, the 2004 villagers' committee elections held in Beijing Municipality resulted in an increase in the number of women members of villagers' committees, accounting for 21.6 per cent of the 2,766 newly-elected members overall. The 10,428 women elected in the eighth periodic end-of-term elections for villagers' committees held in Liaoning Province in 2004 accounted for 23.9 per cent of the total number of villagers' committee members. In the sixth periodic end-of-term elections for villagers' committees held in Hunan Province in 2005, the proportion of women candidates elected was as high as 30.1 per cent; that province's 2005 project on village women's participation in village-level administration won the third consecutive Prize for Innovation in Local Government in China, the third such prize awarded.

### **Stereotypes and education**

**12. The Committee, in its previous concluding comments, recommended that school textbooks and curricula be revised to eliminate gender stereotypes. Please provide an update on the implementation of this recommendation and, in particular, indicate how the principle of equality between women and men has been incorporated in the new curriculum referred to on page 33 of the report.**

The Chinese Government views the reduction of gender stereotyping and the incorporation of the principle of equality between men and women as important elements in education reform.



Since the year 2000, the Government has been carrying out a reform of the basic curriculum and teaching materials, and putting forward the need to fully incorporate the principle of equality between men and women.

(a) As a guiding principle, respect for students' dignity and concern for their individual differences are emphasized at all levels of the education system, in order that each student may achieve full development.

(b) Close attention is paid to ensure that equality in education is an important component of curriculum content.

For example, the standards for ideological and moral character education at the junior-secondary level call for students to understand that people are equal in dignity and in their status before the law; to be able to treat people equally and refrain from mistreating the weak and bullying or cheating strangers; and not to allow differences of family background, physical appearance, or intellectual ability to give rise to feelings of excessive pride or inferiority.

(c) With regard to the compilation and evaluation of teaching materials, care is taken to increase content fostering equality awareness and action; to avoid exposing students to the imperceptible influences of mechanistic gender stereotypes in the illustrations for teaching materials; to preserve a numerical balance of males and females; and to choose literary compositions featuring female main characters in language-teaching materials and to introduce outstanding female historical figures in materials for history courses.

(d) Learning activities featuring education on the legal system and the protection of human rights have been developed; human-rights content is included in elementary and middle-school textbooks, with text and illustrations being equally high in quality; and laws are explained on the basis of actual cases. Excellent results have already been obtained in propagating knowledge of the law and human rights and forming a concept of equality between men and women among elementary and middle-school students.

**13. Please indicate whether sex education and health education are included in the school curricula and at which levels.**

Health education and sex education are included in the teaching syllabi and curriculum standards for universities, middle schools and elementary schools as determined by the Ministry of Education; regulations have been formulated with regard to the goals and content of health education at all three levels.

At the elementary-school level, classes on science, moral character and social studies include such major topics of health education as personal hygiene habits and health, appropriate nutrition and health, environmental hygiene and health, physical education and exercise and health, prevention of common diseases, safety and prevention of accidents and injuries, and drug prevention.

At the middle-school level, classes on biology, physical education and health include such major topics of health education as human anatomy and physiology, adolescent physiological and mental hygiene, appropriate nutrition and health, hygiene at school, prevention of common illnesses, HIV/AIDS and drugs.

At the university level, major topics of health education include the physical and psychological development and characteristics of illnesses in university

students, psychological hygiene, hygiene for studies and in everyday life, food and drink and nutrition, sports hygiene, behavioural environment and health, sexual psychology and hygiene, information on communicable diseases and common illnesses, caring for oneself and others in cases of acute illness, prevention of sexually-transmitted diseases and HIV/AIDS, and common sense in the use of medications.

In the area of sex education, the teaching of information on adolescent sexual physiology and development begins in the late elementary grades. Information on hygiene and health maintenance as well as psychological health in relation to adolescent physiological development is introduced at the middle-school level, along with education on HIV/AIDS prevention, sexual morality and the concept of responsibility. Ethical and moral education relating to HIV/AIDS and sexually-transmitted disease prevention is added at the university level, along with education on the legal system.

In addition to classroom instruction, schools carry out health education through class meetings, blackboard bulletins, notice boards, radio broadcasts, psychological consultation, television, and the Internet to provide students with health information in the form of health-related popular-science materials in libraries and reading rooms.

### **Employment**

**14. The report refers to China's transition to a market economy. Please provide information on the extent and conditions of women working in the informal sector and measures in place to support the economic empowerment of this group of women.**

In conjunction with the transition from a planned economy to a market economy and the adjustment of economic structures and corporate structures, along with the establishment of a labour market, increasing numbers of women, especially those who have been laid off or become unemployed, have been entering the retail, distribution or food-service sectors or other social-service occupations, while many others are working in individual or family-based enterprises or in seasonal or contract labour or other temporary work. It is calculated that there were more than 50 million people in flexible employment nationwide at the end of 2005, primarily as self-employed labourers, domestic helpers and non-full-time, seasonal, contract or sub-contract labourers and hourly domestic employees.

The Government draws up policies and regulations to safeguard the employment opportunities, rights and interests of these people in the areas of labour relations, payment of wages, social insurance and labour disputes. To increase women's ability to participate in the economy, Government labour agencies have organized cooperation with labour unions and women's federations to provide employment introductions and skills training, with a view to enhancing their ability to find employment or start an enterprise. For example, in Tianjin from 2000-2002, the women's enterprise centre jointly maintained by the Government and the Women's Federation made skills training and employment introductions available to over 3,000 laid-off female workers, and provided self-employment enterprise loans to 2,000 women.

**15. Please provide information, broken down by sex, on the participation rates of men and women in unemployment, pension and medical insurance schemes. Please also describe any measures undertaken to increase the number of women workers enrolled in these schemes.**

The tabular statistical reporting system currently in use in China does not provide information broken down by sex on the enrolment rates of men and women in unemployment or pension and medical insurance schemes, but the Ministry of Labour and Social Security and other Government agencies are considering the inclusion of such indicators in the statistical reporting system.

The enrolment policy for basic insurance makes no distinction between men and women, and no sexual discrimination exists in the processing of requests for enrolment.

Over the many years that the unemployment insurance system has been in effect in China, there has been a clear increase in both the number of persons enrolled and in income to the fund. As of the end of 2005, a total of 106,480,000 persons nationwide were enrolled in unemployment insurance, or 27.2 million more than the end of 1998, prior to the promulgation of the Regulations on Unemployment Insurance. A total of 3.62 million people were receiving unemployment insurance payments in December 2005; of these, 1.62 million, or 44.7 per cent, were women.

**16. The report states that “more emphasis is being placed on reforming the wage distribution system within enterprises, so that (...) the principle of equal pay for equal work is applied to both men and women”. Please describe the concrete measures taken to implement this principle in the public and private sectors and include sex-disaggregated data on average wage levels by sector and level of employment.**

Article 46 of the Labour Law of the People’s Republic of China, which came into effect on 1 January 1995, stipulates that “the distribution of wages shall follow the principle of distribution according to work and equal pay for equal work”.

The Chinese Government proposes to gradually allow wage levels to be independently set by enterprises in accordance with average wage levels in society and the interests of the enterprises themselves; the State will implement macroscopic guidance and adjustment.

Currently, the majority of enterprises in China implement job-related wage systems, with wages being determined by job level and individual performance of the employee. Wage levels within enterprises are not determined on the basis of gender, and no gender preference exists.

The Government is actively encouraging enterprises to independently determine the range of wage increases on the basis of a system of collective bargaining, to apply to all employees without gender distinctions.

The State has established a system of wage guidelines in the labour market for enterprises to consult in setting wage standards. Presently, 127 cities nationwide have already issued wage guidelines for their local labour markets. Wages are set according to job level (type of work), with no connection to gender, in adherence to the principle of equal pay for equal work promoted by the Convention.

Currently, China implements a minimum-wage system. Factors taken into account in determining minimum wage standards include the minimum cost of living for employees and their dependents; average consumption costs for urban residents; payments by individual workers for social insurance fees and housing reserve funds; average worker wages; economic development level; employment rates etc., but no connection to gender exists. Enterprises pay wages and salaries to workers without reference to gender, and cannot be less than the local minimum-wage standard.

It is the responsibility of the National Bureau of Statistics to calculate and issue yearly data on average wages in China, but owing to the difficulty of calculating overall wages by gender, sex-disaggregated data on average wages are not available through current statistical channels.

**17. The report describes the establishment of a maternity insurance system. It indicates that only 10 per cent of female workers participate in this system. Please describe this system in more detail. In particular, please indicate any plans that might exist, including a timetable, to ensure that all women workers are covered by the system.**

The Chinese birth insurance system was established in the early 1950s. At that time, the Government Administrative Council (now the State Council) promulgated the Regulations of the People's Republic of China on Labour Insurance and the Regulations on Maternity Leave for Female Workers, clearly specifying that female workers were entitled to 56 days of maternity leave, and that during that time their work unit was to pay their wages at the same standard as had been the case prior to their taking maternity leave. A woman's medical expenses during maternity leave were also the responsibility of her work unit.

In June 1988, the State Council promulgated the Provisions on the Labour Protection of Female Workers and Staff, further clarifying regulations concerning standards for the treatment of female workers during the maternity period and the responsibility of the work unit for maternity expenses and the maternity allowance: maternity leave was set at 90 days, of which 15 days were pre-natal leave; an additional 15 days were allowed in cases of difficult birth, and 15 days were also added for each infant born in a multiple birth. Fees for examinations, delivery, surgical procedures, hospital stays, and medications were the responsibility of the woman's work unit.

In 1994, the Ministry of Labour promulgated the Trial Measures on Birth Insurance for Staff and Workers in Enterprises, and began to promote a system of comprehensive birth insurance; under this system, all enterprises were required to contribute birth insurance fees to the social insurance administration on the basis of a fixed percentage of their total wages paid overall, but not to exceed 1 per cent of that total. Individual workers were not required to contribute birth fees. Enrolled workers enjoyed maternity allowances, reimbursed maternity medical costs, and maternity leave during their maternity periods.

In 2004, the Ministry of Labour and Social Security requested a further improvement in the birth insurance system, promoting it in combination with medical insurance and broadening the coverage of birth insurance.

The two systems of birth insurance administration described above coexisted in China up to the end of 2005, when 40 million urban employees were enrolled in

birth insurance independently administered by their work units, mostly comprising State agencies and institutions, as well as some State-owned enterprises; meanwhile, 54.08 million people, or 23.27 per cent more than in 2004, were enrolled in non-public comprehensive birth insurance. Of the workers enrolled, 22.7261 million, or 42.02 per cent, were women.

Moreover, a total of 20 provinces, autonomous regions and municipalities have come out with their own legislation on local maternity insurance schemes.

In 2004, the Ministry of Labour and Social Security promulgated an implementation project for the comprehensive realization of the Programme for Development of Chinese Women 2000-2010, which clearly set out a goal of providing more than 90 per cent of urban workers with birth insurance coverage by the year 2010. Work at the next stage will concentrate on active promotion of the non-public comprehensive system of birth insurance, in tandem with medical insurance, to further expand the birth insurance coverage available to enterprise workers and thoroughly guarantee the realization of all features of the birth insurance programme.

**18. Describe any laws and/or regulations to prevent and punish sexual harassment in the workplace.**

Legislation currently in effect has a number of regulations regarding sexual harassment, principal among which are the following:

(a) Constitution: Article 33 stipulates that “All citizens of the People’s Republic of China are equal before the law.” Article 38 stipulates that “The personal dignity of citizens of the People’s Republic of China is inviolable. Insult, libel, false charge or frame-up directed against citizens by any means is prohibited.”

(b) Labour Law: Article 12 stipulates that “Labourers, regardless of their ethnic group, race, sex, or religious belief, shall not be discriminated against in employment.”

(c) Law on the Protection of Rights and Interests of Women: On 28 August 2005, the Standing Committee of the National People’s Congress promulgated a revised Law on the Protection of Rights and Interests of Women, which wrote a prohibition of the sexual harassment of women into the letter of the law for the first time. It stipulates that “no person may engage in sexual harassment of women”; that “the work unit concerned is responsible for taking measures to prevent sexual harassment in the workplace”, and that “at the request of the woman who has been sexually harassed, the organs of public security will apply the appropriate punishment in respect to management of public security in accordance with the law for those who have behaved unlawfully”.

(d) Civil Law: Article 101 of the General Principles of the Civil Law of the People’s Republic of China stipulates that “The personal dignity of citizens shall be protected by law”; article 105 stipulates that “women shall enjoy equal civil rights with men”.

(e) Judicial interpretations of the Supreme People’s Court: “Interpretation of the Supreme People’s Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts”, implemented on 10 March 2001, proceeding from the point of view of protecting privacy rights, stipulates that “the People’s Courts shall have legal jurisdiction in cases where

victims of violations of public interest or morality, or of infringements on privacy or other personal interests, bring suit in the People's Courts for compensation for emotional damages".

### **Health**

**19. In spite of China's recent efforts to combat sex-selective abortions and infanticide of baby girls, the 2000 census in China showed 117 boys born for every 100 girls (report of the Special Rapporteur of the Commission on Human Rights on the right to education, E/CN.4/2004/45/Add.1, para. 23). Please describe the concrete measures in place to ensure full adherence to the Law on Population and Family Planning of 2001, as well as cases brought under the law since 2001 and sanctions imposed on offenders.**

The Chinese Government has adopted a series of measures in order to comprehensively address problematic gender ratios among newborn infants occurring in certain regions. In particular, the Law on Population and Family Planning of 2001 again clearly stipulates that the identification of foetal gender for non-medical purposes or to bring about sex-selective pregnancy termination for non-medical purposes constitutes an unlawful act. In 2002, eleven Government ministries and committees, including the National Population and Family Planning Commission of China, the Ministry of Health, and the Ministry of Public Security again collaborated in drawing up an official document clearly delineating each agency's operational responsibilities and duties in dealing comprehensively with problematic gender ratios in newborns, as well as strengthening the substantive management of the programme.

Beginning in 2003, the Government began testing a campaign to promote caring for girl children in some areas around the country, with the purpose of fostering a social environment favourable to the lives and development of girls and eliminating the prejudice favouring male offspring in child-bearing through promoting the equality of men and women, providing economic assistance to households having only girl children, rigorously investigating and dealing with unlawful foetal sex selection, and gradually establishing a system of social guarantees for rural villages. In 2006, "Operation Caring for Girls" was launched nationwide. In 2004, the Government formulated and began to implement a system of incentives and assistance for family planning in some rural villages, focusing on rural couples with only one child or with two daughters; for those age 60 and over, the Government provides lifetime incentives and financial assistance. A variety of local policies and measures benefiting girls' lives have also been drawn up in different localities; for example, families with daughters only are given priority in the deployment of development items and assistance, in the provision of educational, medical and subsistence aid, and (for rural parents of daughters only) in being included in the basic social and old-age insurance system.

With regard to cases of unlawful identification of foetal gender and the artificial termination of pregnancies for purposes of sex selection, the Law of the People's Republic of China on Maternal and Infant Health Care and the Population and Family Planning Law of the People's Republic of China both provide for penalizing those involved, confiscating the equipment used and suspending the operation of the business involved. Currently, some problems remain with regard to uncovering and verifying such unlawful activity, and concrete laws and regulations

to combat it are lacking. China is currently studying the legislative experiences of such countries as the Republic of Korea and India, and researching the issue of amending the relevant regulations of the Criminal Law.

The Chinese Government has set a goal of effectively halting the trend of higher ratios of male births and normalizing the gender ratios of newborns overall by the year 2010.

**20. Please describe and analyse the most recent trends in the spread of HIV/AIDS among women in China. In particular, please indicate steps taken to address the growing spread of the epidemic among heterosexual women.**

Since the discovery of the first case of HIV/AIDS in China in 1985, the number of women infected with HIV/AIDS has been rapidly increasing, and the damage to women from the illness grows more serious by the day. Of the total reported infections with the virus, the proportion of women infected rose from 19.4 per cent in 2000 to 27.6 per cent in 2005; the proportion of women infected with the virus via sexual transmission rose from 44.1 per cent in 2001 to 49.06 per cent in 2005. Results of the mid-term evaluation of the Chinese National Medium- and Long-Term Strategic Plan for HIV/AIDS Prevention and Control (1998-2010) indicate that women's rates of HIV/AIDS prevention awareness are lower than men's, with 53.1 per cent of men and 46.1 per cent of women having such awareness; rural women's rates of awareness are even lower, at 39.9 per cent as opposed to 48.3 per cent among men.

In recent years, the Chinese Government has been continuously expanding the scope of its HIV/AIDS prevention and treatment work. It has implemented the "Four Frees and One Care" policy, which consists of providing anti-retroviral drugs to HIV/AIDS patients who are rural residents people with financial difficulties living in urban areas who are not enrolled in medical-care security systems such as basic medical insurance; providing, on a national scale, counselling and initial screening examinations to people who volunteer to receive HIV/AIDS counselling and testing; providing pregnant women infected with the HIV/AIDS virus with free drugs for blocking mother-infant transmission, and testing of newborns; providing free schooling for children orphaned by HIV/AIDS; and bringing HIV/AIDS patients of limited means into the purview of Government assistance, providing them with the living assistance they need in accordance with relevant national laws, actively assisting those HIV/AIDS patients with productive ability to engage in productive activities, increasing their incomes, strengthening the proliferation of knowledge about HIV/AIDS prevention and treatment, and combating prejudice against those infected with HIV/AIDS or who are HIV/AIDS patients. Additionally, the State Council has established a working committee on HIV/AIDS prevention and treatment, called a national meeting on HIV/AIDS prevention and treatment work, drawn up the Action Plan for HIV/AIDS Containment, Prevention and Care in China (2006-2010), promulgated and implemented the Regulations on the Prevention and Treatment of HIV/AIDS, increased economic investment in prevention and treatment, launched broad publicity and education campaigns, strengthened monitoring of the epidemic, broadened behavioural intervention and comprehensive prevention and treatment measures, and set up an HIV/AIDS prevention and treatment mechanism and social environment in which the Government provides organization and leadership, the ministries and agencies play their respective roles, and society as a whole takes part.

In the area of HIV/AIDS prevention and control, the All-China Women's Federation has been given membership in the HIV/AIDS prevention and treatment working committee of the State Council, thereby strengthening leadership and consultation in HIV/AIDS prevention and treatment work for women, and mobilizing and organizing the energies of all sectors in that regard. HIV/AIDS-prevention and family-health promotion campaigns have been conducted since 2002, leading women to take active part in HIV/AIDS prevention and treatment work and strengthening their sense of social responsibility through the implementation of mass public health education and the promotion of enlightened ways of living. On "World HIV/AIDS Day" in 2004, China conducted large-scale activities on the theme of "Women, Girls, HIV and AIDS", issuing an initiative to the women of all nations and walks of life to get active, involve themselves in combating HIV/AIDS, and contribute their personal energies towards the health of humanity. A "Face to Face" HIV/AIDS prevention and treatment publicity and education campaign focussing on women was launched in 2004, involving the mobilization and training of women and youth at the grass-roots level in 51 comprehensive HIV/AIDS prevention and treatment demonstration zones in villages and urban neighbourhoods throughout the country. Statistics from the 51 demonstration zones indicate that as of February 2005, a total of 4.38 million households had received publicity and education, 7.67 million women had received "Face to Face" publicity and education, and 6.1 million women had knowledge of HIV/AIDS prevention and treatment information, of whom 3.88 million were women between the ages of 15 and 49. These campaigns have increased women's ability to protect themselves, and illustrated the importance of women's role in HIV/AIDS prevention and treatment education.

**21. Please illustrate how the administration of birth registration has been strengthened at the local level (see p. 48). What measures is the Government taking to ensure basic health care and education for unregistered girls?**

Local police substations of the Chinese public-security organs are responsible for the administration of household-registration affairs, including the registration of births. In the minority of rural districts without police substations, responsibility for the administration of household-registration affairs falls to local village or township governments. Currently, most rural villagers' or urban residents' committees at the grass-roots level have an official who deals with household-registration matters on a full- or part-time basis, assisting the household-registration authorities with the work of registering households belonging to the district. In accordance with the provisions of the Regulations of the People's Republic of China on Household Registration, the birth of a child must be registered within one month with the Household Registry Office of the locality where the infant permanently resides; registration may be performed by the head of the household, a relative, a guardian or a neighbour. Once the child's birth has been registered, he or she receives a birthplace registration identification and a unique citizen's identification number, valid for life.

In order to safeguard the legal rights of girls whose births have been concealed or unreported, many regions in China also check up on and review birth registrations and reports, to see that all districts and households report births in a timely manner; unreported births can be compensatorily registered without penalty, and girls whose births had been unreported will be included in the purview of Government public services and administration.



China's compulsory education, childcare, immunization and healthcare services are geared to the needs of all children, including infants; free compulsory schooling is provided for families in poor districts, and all children are provided with free inoculations under the national immunization plan. All health-insurance organs and education agencies cater to all children, including the children of transients.

Currently, China is carrying out "Operation Caring for Girls" in some areas throughout the country, to guide each locality in drawing up and implementing preference and priority policies of benefit to families with girls, improving the environment for girls' lives and development, and encouraging and assisting girls to enjoy basic health and educational services.

### **Rural women**

**22. The report refers to the decreasing share of agricultural employment, and to the accelerated structural adjustment of the rural economy. It also refers to the obstacles and challenges rural women face. Please provide an overview of targeted measures taken in support of women in the most disadvantaged rural areas.**

Poverty alleviation and eradication are the unshakeable goals of the Chinese Government. Through the implementation of large-scale and high-efficiency focused poverty relief and development plans, the Government has reduced the population of the rural poor, of whom women constitute the majority, from 80 million in 1994 to 26.1 million in 2004. This population is mainly concentrated in the western part of the country, where the natural and ecological environments are relatively adverse; the proportion of women in that population is higher than that of men. In order to resolve the problem of poverty among the women of the most disadvantaged rural areas, the Government has drawn up a series of policies favourable to the eradication of female poverty.

- The "National Eight-Seven Poverty Relief Plan (1994-2000)" designates the eradication of female poverty as an important element in the national poverty-relief strategy, calls on local governments everywhere to include assisting women to escape poverty as part of their local poverty-relief planning in accordance with the particular conditions obtaining in their areas, and encourages financial institutions to provide loans to women at preferential discount interest rates. In 1994, the unified preferential interest rate for such "soft" loans was 3 per cent (the bank interest rate was 7 per cent), with the difference between the preferential rate and the commercial rate being made up via State financing. The productive activities and economic development of women in poor areas are directly supported by soft loans. The total value of soft loans to poor women from 1995 to 1999 was 43.55 billion yuan renminbi. The National Poverty-Relief Plan calls for enlarging the scope of assistance to poor women, mobilizing women in poor areas to set up household sideline production and courtyard economies, implementing poverty-relief programmes that are labour-intensive and suited to women's distinguishing characteristics; organizing women to learn practical skills and enhancing their ability to escape poverty and achieve wealth. In actual operation, when poor women's participation in implementing poverty-relief programmes is actively supported

in accordance with the principle of equal precedence, women constitute more than 40 per cent of all participants.

- Implementation of the “Sunshine Programme for Transfer and Training of the Rural Labour Force” (hereafter referred to as the “Sunshine Programme”) involves launching professional-skills training programmes in service-sector industries in which more women are hired, enhancing the ability of rural women in poor areas to change employment, and assisting the transfer of the labour force from rural and poor areas. Women currently constitute 40 per cent of the participants in “Sunshine Programme” training, and as much as 47 per cent in some areas.
- With regard to the health problems faced by women in rural and poor areas, the Chinese Government has launched general women’s and children’s health projects in 405 poor counties in 28 provinces, autonomous regions and municipalities throughout the country, and has launched reproductive health and family planning projects in 32 counties. At the same time, the State has launched “Mothers’ Safety” projects in border and minority regions, improving sanitation conditions for women and children in poor areas.
- With the support and at the initiation of the Chinese Government in recent years, more and more non-Governmental organizations are volunteering to take part in helping poor women to cast off poverty and set out on the road to prosperity, actively launching activities in the categories of micro-credit, inter-linked poverty relief, labour-services export, partnerships and East-West mutual assistance. For example, from 1998 to 2003, women’s federations at all levels throughout the country organized the granting of 950 million yuan renminbi in micro-credit loans, helping 2 million rural women to escape poverty. The China Population Welfare Foundation launched a Happiness Project, aimed at providing relief for poor mothers, which has accumulated funds to help poor mothers take part in economic and social development, and raised their levels of health and education. The China Women’s Development Foundation has mobilized a “Land of Love/Water Cellar for Mothers” project, building over 90,000 water cellar rainwater-accumulation reservoirs in water-poor areas of northwest China, and has constructed 1,100 small-scale water-concentration provision projects, benefiting nearly a million poor people.

**23. The report refers to the 1999-2000 round of land contracting. Please describe in detail the “problem of discrimination against women that has occurred in certain areas” (see pp. 52 and 53), and the concrete measures taken by the Government to implement article 30 of the Law on the Protection of Rights and Interests of Women and the 2002 Rural Land Contracting Law.**

**(a) Land-rights problems for rural women**

According to sample surveys taken by the authorities concerned, the main problems for rural women in the area of land rights fall into the following categories: (1) farm women who marry into non-farming households, divorced or widowed women, and women whose male partners have established domiciles under the women’s surnames, are not allotted farmland or are allotted less than their share; (2) the majority of women who marry within the village cannot obtain land compensation settlements for themselves or their children; (3) contracted-responsibility fields or building lots in a particular place are allotted to men and not

to women; and (4) in certain places, women do not enjoy equality in the allotment of land shares, year-end bonuses, and other villagers' benefits.

**(b) Measures taken by the Chinese Government**

(1) Investigation and study of problems arising in land contracting has been undertaken by Governments at all levels and the authorities concerned.

(2) In 2001, on the basis of investigation and study, policies calling for the effective protection of rural women's land-contracting rights, and for intervention when these rights are infringed upon, were drawn up by some local governments.

(3) Formal implementation of the Rural Land Contracting Law on 1 March 2003; one of its major emphases is ensuring the land-contracting rights of rural women. Article 6 of the Law stipulates that "In undertaking land contracts in rural areas, women shall enjoy equal rights with men. The legitimate rights and interests of women shall be protected in contracts. No organization or individual may deprive them of their rights to contractual land management, to which they are entitled, or infringe upon such rights." Article 30 stipulates that "During the term of contract, [if] a woman gets married and undertakes no contract for land in her new place of residence, the party issuing the contract may not take back her originally contracted land; and where a divorced woman or a woman bereaved of her husband still lives at her original residence or does not live at her original residence but undertakes no contract for land at her new residence, the party issuing the contract may not take back her originally contracted land." This is the first time that an explicit statement that a married, divorced or widowed woman cannot be deprived of her land rights has been included in a specific article of law. Currently 18 provinces, autonomous regions and municipalities have promulgated enforcement procedures, regulations and policy documents based on this law.

Articles 32 and 33 of the Law of the People's Republic of China on the Protection of the Rights and Interests of Women, as amended in August of 2005, set out the rights of rural women with regard to land contracting, distribution of income in collective economic organizations, use of funds received in compensation for expropriated or commandeered land, and use of land for housing. Article 55 further specifies corresponding remedies for infringement of those rights, including mediation by the township People's Government, arbitration by the rural land authorities, and trial in the People's Courts.

(4) Improvement of working mechanisms. For example, leadership working groups have been set up in Guangdong, Shaanxi, Zhejiang, Hebei and Henan provinces to put the resolution of women's land problems on the Government's main agenda.

(5) Broad publicization and dissemination of laws and policies.

(6) Training of base-level Government officials to improve their ideological understanding and ability to carry out policy.

(7) Strengthening supervision of law enforcement and the administration of justice.

(8) In some cases of infringement of women's land rights, the Government is bringing the parties together, resolving conflicts, and providing intervention and protection.

As the relevant laws and policies have been put into practice, women are obtaining protection for their land rights. For example, in the city of Zhongshan in Guangdong province, 79.6 per cent of the 20,343 rural women who married in 2005 have had their rights fully verified and 11.2 per cent have had their rights partially verified; of the 19,632 children of women who married in that year, 60.1 per cent have had their rights fully verified and 26.4 per cent have had their rights partially verified.

**24. In response to the Committee's recommendation in its previous concluding comments, please provide detailed sex-disaggregated information on women from ethnic minorities, particularly the Uyghur and Tibetan people.**

China is made up of the Han nationality and 55 minority nationalities; the minority-nationality population accounts for 8.41 per cent of China's total population. Minority nationalities with populations exceeding 5 million are as follows: the Zhuang, with 16,178,811 persons, of whom 48.2 per cent are women; the Manchu, with 10,682,262 persons, of whom 48 per cent are women; the Hui, with 9,816,805 persons, of whom 49 per cent are women; the Miao, with 8,940,116 persons, of whom 47.9 per cent are women; the Uyghur, with 8,399,393 persons, of whom 49.1 per cent are women; the Tujia, with 8,028,133 persons, of whom 47.7 per cent are women; the Yi, with 7,762,272 persons, of whom 48.6 per cent are women; the Mongols, with 5,813,947 persons, of whom 47.7 per cent are women; and the Tibetans, with 5,416,021 persons, of whom 50.2 per cent are women.

**Optional Protocol**

**25. Please indicate any progress made with respect to ratification of or accession to the Optional Protocol to the Convention.**

The Chinese Government attaches great importance to the protection of women's rights, and supports international efforts to eliminate discrimination against women. China's Government actively took part in the drafting of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and played a positive role in that process. The Chinese Government hopes that the Optional Protocol can win broad acceptance among countries of diverse social, cultural or historical backgrounds, thereby enabling it to make a positive contribution to eliminating discrimination against women. Currently, the Chinese Government is studying the problem of accession to the Optional Protocol.

**Part II**  
**Translation of responses to the list of issues and questions**  
**with regard the consideration of periodic reports of China**  
**(including the second report of Hong Kong Special**  
**Administrative Region) under the Convention on the**  
**Elimination of All Forms of Discrimination against Women**

**Hong Kong Special Administrative Region**

**Trafficking and exploitation of prostitution**

**26. Please provide information on measures taken to combat trafficking in women, as well as the exploitation of prostitution, in particular the enforcement of the Crimes Ordinance.**

The Hong Kong Special Administrative Region (HKSAR) is not a destination for human trafficking or a place of origin for exporting illegal migrants. The Immigration Department, Customs and Excise Department and the Hong Kong Police Force of the Government of the HKSAR have made concerted efforts to tackle trafficking activities on all fronts, including prevention, enforcement and protection of victims. They consistently been cooperating with their counterparts outside the HKSAR to prevent and combat such activities.

In terms of figures, cases of trafficking in persons are rare. Almost all illegal immigrants and prostitutes arrested came to Hong Kong voluntarily to take advantage of the economic prosperity of the HKSAR. They are not trafficked into the HKSAR by criminals, whether operating individually or as a syndicate by means of threat or use of force or other forms of coercion or abduction.

Prostitution itself is not an offence in the HKSAR. Our law targets those who organize and exploit prostitution. The Crimes Ordinance outlaws trafficking in persons, causing prostitution, and exercising control over prostitutes. It also provides that any person who unlawfully takes an unmarried girl under the age of 16 years out of the possession of her parent or guardian is liable to imprisonment for ten years. Any person who unlawfully abducts an unmarried girl under the age of 18 years with the intention that she shall have unlawful sexual intercourse with men or with a particular man is liable to imprisonment for seven years. The offence of “keeping a vice establishment” seeks to prevent the use of premises by two or more prostitutes by targeting the keeper of the premises. This helps to combat the exploitation of women by organized crime elements.

**Employment**

**27. Please provide the results of the 2001 Government-funded study on equal pay for work of equal value in both public and private sectors (see CEDAW/C/CHN/5-6/Add.1, para. 214).**

**28. The report indicates difficulty in the application of the principle of equal pay for work of equal value (ibid., para. 212). Please provide information on steps taken to implement the principle, particularly in small and medium-sized enterprises.**

The Government of the Hong Kong Special Administrative Region (HKSAR) notes the recommendation of the CEDAW Committee on the inclusion of the principle of “equal pay for work of equal value” (EPEV) in relevant legislation. As stated in our initial response to the concluding comments of the CEDAW Committee made at the last hearing, our position is that we support, as a matter of principle, proposals that will enable the realization of equality. At present, the Sex Discrimination Ordinance (SDO) addresses the question of equal pay for work of equal value, though it defers adjudication on particular cases to the Court. Moreover, the Equal Opportunities Commission (EOC), an independent body established under the SDO, has worked steadily to advance the principle of equal pay for work of equal value, first by including it in the Codes of Practice on Employment issued under the SDO, which are equally applicable to large organisations as well as small and medium-sized enterprises, and secondly by commissioning a feasibility study on equal pay for work of equal value in 1997 to examine the issues related to the implementation of the principle. Putting the concept of equal pay for work of equal value into practice involves complicated matters, and requires better understanding and wider discussion across the sectors concerned. The feasibility study on equal pay for work of equal value recommended a suasive approach for implementing equal pay for work of equal value in Hong Kong rather than making it mandatory through legislation. It suggested that the EOC could promote the voluntary practice of equal pay for work of equal value by large organisations, while “unequal pay for equal work” could be tackled by the SDO. Discriminatory policies and stereotypical socialization and attitudes, on the other hand, could be changed through education. Against this background, a conference was held in 2000 to introduce the concept of equal pay for work of equal value into the public arena for discussion. A second conference on equal pay for work of equal value was held in 2001 to share international best practices in the field of pay equality. Participants came from various sectors. As set out in our second report under CEDAW, the HKSAR Government provided funding to the EOC in 2001 to conduct research and educational projects on the concept of equal pay for work of equal value. The research includes a study on certain public sector jobs. A Task Force on equal pay for work of equal value was set up by the EOC comprising representatives from the EOC, Government and academia etc. to advise on the study. However, members of the Task Force have divergent views on the methodology adopted in the study, the interpretation of data and whether findings of the draft report could support the recommendations made. The EOC is currently considering how to take this complex subject forward, and a new working group comprising EOC members has been set up for this purpose. The EOC is also planning to organize further activities (e.g. workshops and seminars) to promote the concept of equal pay for work of equal value in the context of gender equality.

Hong Kong Special Administrative Region, May 2006

### **Part III**

## **Responses relating to the Macao Special Administrative Region with regard to the list of issues put forward by the Committee on the Elimination of All Forms of Discrimination against Women**

### **General**

**29. Please provide information on the process of preparing the report. This information should indicate which Government departments and institutions were involved and the nature and extent of their participation, whether consultations were held with non-governmental organizations and whether the report was presented to the Assembly.**

In the Macao Special Administrative Region (MSAR), the preparation of reports under international treaties falls within the competence of the MSAR Executive. Nevertheless, reports are always a product of collective work involving several entities and bodies from all sectors of society, depending upon their object and/or purpose.

In the specific case of the present report, although it was drafted by the International Law Office under the supervision of the MSAR Secretary for Administration and Justice, its preparation involved all the government departments and institutions which are competent in each of the subjects within the scope of the relevant provisions of the Convention. Comments and opinions were also requested from other entities, such as the Office of the President of the Court of Final Appeal, Public Prosecutors Office and Macao Foundation. Moreover, it is worthwhile to stress that the MSAR Legislative Assembly was also involved in its preparation as it kindly consented to provide its contribution.

Another aspect is that of the concrete way in which the report was prepared. Actually, the first step consisted of the publicizing of the Convention to the general public (a task being undertaken on a long-term basis). Secondly, opinions, data, and statistical information were collected from the relevant sources. Then, the report was drafted and, after its submission to the United Nations, posted on the MSAR Government website.

The entities of the MSAR Government involved in the preparation of the report as described were: the Cultural Institute, Macao Economic Services, Education and Youth Affairs Bureau, Health Bureau, Identification Bureau, International Law Office, Legal and Judicial Training Centre, Labour Affairs Bureau, Legal Affairs Bureau, Macao Polytechnic Institute, Macao Sport Development Board, Macao Trade and Investment Promotion Institute, Office for Security Coordination, Public Administration and Civil Service Bureau, Social Welfare Institute, Statistics and Census Bureau, Students Welfare Fund, Tertiary Education Services Office, Unitary Police Service and University of Macao.

**30. Please indicate what mechanisms, such as a national machinery for the advancement of women, are in place in Macao, Special Administrative Region of China, to promote gender equality and the implementation of the Convention.**

Notwithstanding that MSAR law expressly guarantees gender equality at all levels as referred to in the report, and that its application does not raise many problems, it is a fact that gender inequalities still exist.

Cultural and social factors are at the genesis of the persistence of gender disparities. The MSAR Government, recognizing that education and public awareness can be an important means of improving the situation and aiming to enhance the well-being of the population, has been systematically launching public campaigns on human rights, including women's rights.

Based on the idea of community responsibility and partnership, the MSAR Government financially supports most of the existing private centres, shelters, schools, associations, etc., working in the field of the protection of women and children. It also grants, as appropriate, public political support to those entities and/or activities carried out by them.

For instance, in November 2003, a public event opposing discrimination against women was organized by the Legal Affairs Bureau and the Civic and Municipal Affairs Bureau in conjunction with the Women's Association of Macao, comprising lectures on gender inequalities and ways of preventing them. The President of the Women's Association of Macao and the Secretary for Administration and Justice pledged to work together in order to contribute to a more just and harmonious society, with equality between men and women and mutual respect and support. Shortly after the event, the Association established an SOS hotline at its office in the northern part of Macao to help women with problems. In February 2004, representatives of several women's associations participated in a regional conference organized by the All-China Women's Federation to discuss solutions for domestic violence and poverty.

On 23 May 2005, the Government of the Special Administrative Region established a Consultative Commission for Women's Affairs (Administrative Regulation 6/2005). Its main purposes are to promote women's rights and interests and the improvement of their conditions of life, to promote effective sharing of responsibilities at the political, economical, cultural, social, professional and family levels, to contribute to the realization of women's opportunities, rights and dignity, and to encourage the full participation of women in the development of the MSAR.

#### **Violence against women**

**31. Please provide detailed data on violence against women, including domestic and sexual violence. Please specify, out of the total number of reported incidences, the percentage of cases (a) investigated by the police, (b) brought to Court and (c) having led to a conviction.**

The only available data relating to complaints lodged with the Police is as follows:



<i>Crimes against sexual liberty</i>				
	2003	2004	2005	<i>Total</i>
Rape	13	16	18	<b>47</b>
Procurement	18	20	37	<b>75</b>
Sexual coercion	1	2	5	<b>8</b>
Others	0	1	0	<b>1</b>

*Source:* Office for Security Coordination.

<i>Estimates regarding domestic violence</i>				
<i>Year</i>	<i>No. of crimes against life</i>	<i>No. of crimes against physical integrity</i>	<i>Annual total no. of both types of crimes</i>	<i>No. of crimes reported as a result of domestic violence</i>
2003	13	1 684	1 697	347
2004	10	1 697	1 707	333
2005	7	1 707	1 714	326

*Source:* Office for Security Coordination.

### **Stereotypes and education**

**32. Please provide detailed information on the measures taken by the Government to modify social and cultural patterns of behaviour that lead to stereotyping and reinforce the idea of the inferiority of women (CEDAW/C/CHN/5-6/Add.2, para. 66). Indicate in particular any strategies in place to eradicate stereotypes through the education system.**

Please refer to the response to question 30.

Decree-law 52/95/M, on the rules and policy guaranteeing the principles of non-discrimination, equal opportunity, equal pay, equal access to job careers, and equal treatment in terms of social security in the work relationship, was one of the first concrete measures taken towards combating stereotypes. Each Government department, within its field of competency, must comply with the aforementioned principles. In this way, the enhancement of equality is a legal obligation regardless of the activity.

Furthermore, the MSAR Government has adopted a policy of supporting education at all levels, in particular, through the allocation of financial assistance to schools and students. As a result, some improvements have been attained. Statistics show that women are slowly progressing in society, especially at the level of the young generation, as can be seen from the similarities in the numbers of female and male students at the various education levels and in their respective rates of success in school.

The education system is based on the principle that everyone has the right to education, and is orientated to favour the global development of the personality, along with social progress and the democratization of society. Article 122 (1) of the Basic Law guarantees that all educational institutions in the MSAR shall enjoy their autonomy and teaching and academic freedom in accordance with law. Therefore,

the Government must respect the autonomy of private schools and does not interfere with their programmes of education but, by law, the principle of equality of opportunity in access to and achievement in education must be obeyed. To eliminate roles stereotypes, the Education and Youth Affairs Bureau often organizes workshops and seminars to which parents and teachers are invited and giving them greater familiarity with the issue. Many schools also promote elimination of gender stereotyping by means of seminars, projects, programmes, workshops, conferences, surveys, etc. on the subjects of sexual education and personal and social development.

### **Employment**

**33. The report indicates that public and private sector labour laws are under revision (ibid., para. 63), and that, as regards the reform of labour law in the private sector (ibid., para. 64), the Macao Government has proposed the elimination of the limit of three deliveries and the increase of the number of days of leave. Please provide information on the status of the revision of labour laws.**

The revision of the labour law is not yet finished. Regarding the elimination of the limit of deliveries and the increase of the number of days of leave, it should be noted that the MSAR Government has introduced these as a part of the revision of the labour law.

However, a new Labour Procedure Code, applicable to the private sector, was adopted whereby some of the procedures were simplified in order to make it easier for the workers to safeguard their rights. A new draft of a law on the social security framework of the public sector is also under study.

**34. The report indicates that there are still differences between women and men regarding salaries, particularly in unskilled jobs (ibid., para. 190). Please provide information on the measures taken to remedy this situation.**

With reference to paragraph 190 of the report, the Government of the MSAR has not prepared gender-based statistics on remuneration, quantity, nature and quality of work. The existing statistics are only those for the median monthly employment income by industry and sex. The figures shown in the referred paragraph are overall medians reflecting differences between the salaries of males and females, which are influenced by several factors, such as industry type, company size or number of years' experience of the worker, and so on. Nevertheless, these indicate that there are indeed differences between the salaries of males and females.