

Original: Chinese

COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS

Thirty-fourth session

Geneva, 25 April-13 May 2005

Item 6 of the provisional agenda

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**REPLIES BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA**

To the list of issues (E/C.12/Q/CHN/1) to be taken up in connection  
with the consideration of the initial report of THE PEOPLE'S REPUBLIC OF CHINA concerning  
the rights referred to in articles 1-15 of the International Covenant on Economic, Social and  
Cultural Rights (E/1990/5/Add.59)

CESCR/NONE/2004/10

## Part One

### I. GENERAL INFORMATION

***1. Please indicate the extent to which the International Covenant on Economic, Social and Cultural Rights can be invoked before the courts in China.***

All the human rights and associated institutions specified in the International Covenant on Economic, Social and Cultural Rights are provided for in the basic laws and regulations of the People's Republic of China. They are enforceable and can by and large meet the needs of Chinese court proceedings. The principles and spirit of the Covenant, for all practical purposes, are reflected in China's judicial system, namely, fulfilling the requirements of the Covenant by invoking domestic laws to protect citizens' economic, social and cultural rights.

***2. Please indicate whether the State party intends to withdraw the declaration on article 8.1(a).***

Owing to differences in social system, history and cultural traditions, the organic structure and organizational procedure of China's trade unions are somewhat different from other countries. In their cases, unions are rather fragmented and heterogeneous, with a single country having many unions and the workforce in a single enterprise belonging to a number of unions formed along different trade lines. Moreover, there are not much standard practices in the formation of a union. In China's case, the trade union movement flourished amid struggles against the imperialism, feudalism and bureaucrat-capitalism and, over the years, developed a unified national organization, the All-China Federation of Trade Unions. Organizationally, it follows the principle of combining the industries with localities. Namely, all members of an enterprise, institution or government office belong to a union unit at a particular level; national or local trade unions may be formed for the same industry or industries of similar nature, and except for a few industries that are vertically administered, industrial unions are subject to leadership of local unions in the main as well as that of industrial unions of the next higher level; local union federations at the provincial (autonomous regional or municipal), city and county levels are leading organs of local unions and local industrial unions; and the All-China Federation of Trade Unions is the unified national organization. China's Trade Union Law stipulates in Article 10, "The All-China Federation of Trade Unions shall be established as the unified national organization", and in Article 11, "The establishment of basic-level trade union organizations, local trade union federations, and national or local industrial trade union organizations shall be submitted to the next higher level for approval." Accordingly, only the All-China Federation of Trade Unions and its affiliated union organizations are lawful in China, and those without approval of higher-level trade union organizations are unlawful.

It is necessary to point out emphatically that the All-China Federation of Trade Unions, the unified national union organization, is the historical choice made by China's labor movement in its long years of development. It reflects the wishes and demands of China workers and contributes to the protection of labor interests and working class solidarity and unity. China's trade unions at various levels have worked effectively to protect the rights and interests of working men and women in their hundreds of millions and won their extensive trust.

***3. Please provide information on the measures taken by the State party to inform and sensitize the competent authorities and the public at large about the provisions of the Covenant, and about the rights of the people of China.***

China always recognizes and respects the purposes and principles of the United Nations Charter pertaining to the protection and promotion of human rights, always appreciates and supports its efforts to promote universal human rights and fundamental freedoms, and actively participates in the activities of the UN human rights agencies. China has faithfully honored its obligations under the various international instruments it has acceded. It sees it as an important step in the implementation of the Covenant to inform and sensitize its government agencies and general public about the provisions and specified rights, to popularize the basic knowledge of human rights among government employees and masses, to increase the public awareness of human rights and their protection and to raise the level of consciousness in society as a whole for the protection of human rights. Prior to its formal signing of the Covenant, China gave vigorous support to the research and promotion of the instrument by its academic and media communities. Since the Covenant took effect, China has continued to support its research and promotion by government agencies, academic institutions and media organizations through various activities including seminars and workshops.

China supports research, publicity and other promotional activities aimed at heightening public awareness of human rights. Taking advantage of pertinent events, it has provided comprehensive information on the provisions of the Covenant to government agencies and the people in general. On 27 October 1997, China signed the Covenant, on 28 February 2001, the Standing Committee of China's Ninth National People's Congress ratified it, on 27 March 2001, China's Permanent Mission to the United Nations submitted China's instrument of ratification to the UN Secretary General, and on 27 June 2001, the Covenant formally took effect to China. Acting on the positive ramifications of these events, China directed its agencies to integrate their work with the implementation of the Covenant through policy papers and encouraged Chinese media to step up coverage to generate greater awareness of the instrument. China has to date issued 22 white papers concerning human rights, 7 of which outlined the overall human rights situation in China and the rest dealt with such key human rights areas as relating to women, children, family planning, prisoner correction, intellectual property rights, poverty alleviation, labor and social security, religion,

ethnic minorities and others. These documents not only presented specific references to the Covenant, their clear statement about China's signatory status also helped increase public awareness of the Covenant immensely.

In March 1999, the Ninth National People's Congress adopted at its second session a Constitutional amendment, adding a provision on the protection of citizens' economic, social and cultural rights, such as "individual, private and other non-public economies that exist within the limits prescribed by law are major components of the socialist market economy" and "the state protects the lawful rights and interests of the non-public sectors of the economy such as the individual and private sectors of the economy." In March 2004, the Tenth National People's Congress adopted at its second session another Constitutional amendment, making "the state respects and protects human rights" the 3<sup>rd</sup> Clause of Article 33 in Chapter 2 entitled "Citizens' Basic Rights and Obligations". While highlighting the principle of human rights, the amended Constitution makes the state the subject to respect and protect human rights thus giving the provision the highest legal effect. In the nationwide campaign to study, respect and maintain the Constitution, government agencies, academic and media organizations have worked to combine the relevant Constitutional provisions with those of the Covenant in their efforts to popularize both documents, resulting in wider influence of the Covenant.

China's top leaders took the lead in studying human rights and promoting human rights and rule of law in the country. The new central leading collective put forth a "people first" doctrine in governance. Since 1998 and onward, the Standing Committee of China's National People's Congress introduced the "legality forum", a lecture session that brought together senior civil servants including top state leaders. The Ninth NPC Standing Committee held 30 such sessions and by August 2004, the Tenth NPC Standing Committee had held such 6 sessions. These sessions focused not only on domestic subject matters, such as the Constitution, criminal law, civil law, administrative law, labor law and science and technology laws, but also on international law, including the Covenant itself. The experts invited to speak on these subjects also paid close attention to referring to the relevant provisions of the Covenant. These lecture sessions have helped improve the deliberative quality at China's legislature, the enforcement quality of the judiciary, and the administrative quality of the government agencies.

Education in human rights has been gradually incorporated into China's education system at different levels. In order to popularize the basic knowledge of human rights and raise the awareness of human rights and their protection in society as a whole and government officials in particular, China's schools at various levels, including the Party schools, have opened curriculum courses on human rights. Textbooks and "cadres-must-read" materials on human rights have been compiled and published. Many institutions of higher learning began to enroll post-graduate candidates for human rights studies. The state-sponsored social science research funds began to fund

Covenant-related studies. Beginning in 1986, the Chinese government launched a nationwide education program aimed at raising people's awareness of law. Since the beginning of the 4<sup>th</sup> Five-Year Plan (2001-2005) of the program, the NPC has made December 4<sup>th</sup>, the date of the current Constitution taking into effect, the "national day of promoting rule of law". The promotion of the Covenant in the course of the 4<sup>th</sup> Five-Year Plan has played a positive role in cultivating a popular awareness of citizens' rights, in urging them to use the law to protect their rights and in helping the people to effectively watch how their government exercised the power under the law.

China encourages NGOs at home to inform and sensitize about the Covenant. These NGOs translated in Chinese the "Economic, Social and Cultural Rights, a Textbook, 2<sup>nd</sup> Edition" by A. Eide, a sub-committee expert at the UN Human Rights Committee, with appendixes that included relevant views and recommendations by the Economic, Social and Cultural Rights Committee, the Human Rights Committee, and the essay "On the Limburg Principles and the Maastricht Guidelines" etc. In 1998, China launched a "Human Rights Website" with columns detailing the provisions of the Covenant as well as human rights cases and academic studies. The website created a 12-week lecture series with the Central Broadcasting Station entitled "Human Rights ABC". Human rights experts in China wrote systematically on the theories, principal international instruments, and evolution of human rights. In February 2002, China's only periodical in the field, "Human Rights", was launched, which makes the Covenant a major focus of attention. With a circulation of more than 15,000, the journal has proved quite popular. In addition, as an effort to make human rights studies and education more regular and standardized, China's NGOs are considering to compile such illustrative books as Protecting Human Rights – China in Action, and Human Rights Through Pictures, citing specific cases to explain the law and giving the subject greater appeal to readers of different educational backgrounds. A TV Tournament on Human Rights Knowledge is also in the planning stage.

## **II. ISSUES RELATING TO GENERAL PROVISIONS OF THE COVENANT**

### **Article 1: Self-determination**

#### ***4. To what extent is non-violent advocacy for self-determination by the officially recognized ethnic minorities – such as Tibetans, Mongols, and Uygurs – considered lawful under the State party's legal regime?***

China is a country of democracy and rule of law. China's Constitution empowers every Chinese citizen with a variety of democratic political rights, including right to freedom of speech. The statement or action of any individual will be lawful if not professedly forbidden by law.

China is a unified multi-ethnic country. Under the Constitution, regional self-rule

is practiced in areas where ethnic minorities live in compact communities with the establishment of autonomous organs and the exercise of the right to self-rule. All these areas where ethnic self-rule is practiced are inalienable parts of the People's Republic of China. It is a basic policy of the Chinese government taken in the light of China's national conditions, and also a basic political system of China. The practice of regional ethnic self-rule guarantees the political equality of the ethnic minorities, meets their wishes to participate in political affairs of the whole country and ensures their rights to be masters of their own house. At the same time, it maintains China's unity and ethnic harmony, and conforms to China's national interests as well as the fundamental interests of the Chinese people of all ethnic groups.

The ethnic groups in China have forged a new relationship characterized by ethnic equality, solidarity and mutual assistance as they work shoulder to shoulder to promote national development and common prosperity. To maintain China's territorial integrity, the Criminal Law stipulates that those who organize, plot, instigate or carry out the scheme of splitting the state or undermine the unity of the country have committed a crime and should be punished accordingly.

#### **Article 2: Non-discrimination**

##### ***5. Please describe the national household registration system and its implications for persons migrating from rural to urban areas.***

The household administration system has had a long history in China. The current system was put in place gradually after the People's Republic was founded. It contains three principal parts:

The first is the household registration system. In 1951, China's Ministry of Public Security promulgated the Provisional Regulations on Urban Household Administration, which set in motion China's practice with household administration. In 1958, the NPC Standing Committee promulgated the Household Registration Regulations of the People's Republic of China, requiring such urban household information as permanent residence, temporary residence, birth, death, moving out, moving in and alteration, and such rural household information as birth, death, moving out and moving in, thus laying a legal groundwork for China's household administration. In 1997, the State Council approved a Ministry of Public Security document on rural household administration, requiring information in all seven areas of permanent residence, temporary residence, birth, death, moving out, moving in and alteration.

The second is the household migrating system. China's household registration system is based on the permanent residence principle. If a citizen's permanent residence changes, he should move his household registration to his new permanent residence.

The third is the resident identification card system. In 1985, the NPC Standing Committee adopted the Resident Identity Card Regulations of the People's Republic of China, requiring Chinese citizens above 16 years of age to carry resident ID cards. In June 2003, the Standing Committee of the Tenth NPC adopted at its third session the Resident Identity Card Law, permitting citizens under 16 years of age to carry ID cards if they so wished.

Implications of China's household administration system for persons migrating from rural to urban areas are seen in two circumstances as the follows.

First, in 1997, with the approval of the State Council, the Ministry of Public Security released the Pilot Program for Household Administration Reform in Small Towns. After two years of experiment, some 540,000 qualified farmers were given urban resident status. In 2001, the Ministry released, through the State Council, a document on accelerated reform of household administration in small towns. It allowed all persons in county-level cities, county-seat towns and other towns who have legal permanent residence, a stable job or source of income, as well as members of their direct families living together, to obtain urban household registration status if they so wished. Those who have already obtained the "Blue Stamp" household status, local town resident status, or household-without-normal-food-ration status, could also register as permanent urban households.

Second, in 1998, the State Council approved a report by the Ministry of Public Security on the adjustment of urban household policies. In that report, entitled "Suggestions of the Ministry of Public Security on Solving Some Outstanding Issues in Household Administration", it was suggested that the newborn could choose to register either with the father or the mother. Namely, an infant could have his household registration completed at the permanent residence of either his father or mother, and minors who have asked to register with their fathers living in urban areas could do so, with preferential consideration to preschool-age children. It was suggested that policies be further liberalized to help spouses still living separately, and that if so wished, citizens already living with their spouses in cities for a specified period of time should be allowed to have their household registration completed there. It was suggested that males over 60 and females over 55 might have their household registration completed with their grownup children living in cities if they had no other children supporting them in their original residence. It was further suggested that citizens who had made investment, run businesses or bought real estate in cities, and had members of their direct families living together, could have their household registration completed in the cities if they possessed legal and fixed residence, lawful and stable jobs or sources of income, had lived in cities for a specified period of time and met the requirements of the local governments. Later, various localities came up with specific measures of implementation. As a result, the once acute problems in urban household administration have eased up.

In future, the Ministry of Public Security will act on the goals identified by the central government to further reform the household administration system and accelerate the urbanization process. On the one hand, the double-tiered household administration system of dividing citizens into “agricultural households” and “non-agricultural households” will be done away with and be replaced by a unified household registration system. On the other hand, continued efforts should be made to adjust the urban household administration system with the possession of legal and fixed residence as the basic condition.

***6. Please provide further information on the existing legislation and policies against discrimination in the enjoyment of rights provided for in the Covenant, specifically, on the grounds of race, religion and sexual orientation.***

China has always attached importance to equal rights among citizens. While enshrining the principle of all citizens being equal before the law through legislations, China stresses the non-discrimination principle, safeguards the legal right of citizens to equality and forbids discrimination or differentiated treatment towards citizens on grounds of race, religion or sex.

**Relevant Legislations**

Paragraph 2, Article 33 of the Constitution stipulates, “All citizens of the People’s Republic of China are equal before the law”, which lays down the principle of equality in the enjoyment of legal rights by all citizens. To ensure its effective implementation, China’s basic laws and separate laws all contain specific provisions on the enjoyment of equal rights by citizens irrespective of race, religion or sex in such areas as political rights, education rights, labor rights, rights to participating in social activities and protection of the rights and interests of special groups.

**(1) The non-discrimination principle**

Article 36 of the Constitution stipulates that citizens enjoy the right to religious beliefs and no state organs, social organizations or individuals may discriminate against citizens who believe in religions and those who do not believe in them. Article 11 of the 2001 revised “Law on Regional National Autonomy”, adopted by the Sixth National People’s Congress at its second session on 31 May 1984, contains a similar provision.

Article 48 of the Constitution stipulates that women enjoy equal rights with men politically, economically, culturally, socially and in family life. Article 2 of the “Law on the Protection of Rights and Interests of Women”, adopted by the Seventh National People’s Congress at its fifth session on 3 April 1992, contains a similar provision.

Article 5 of the “Organic Law of the People’s Courts”, adopted by the Fifth



National People's Congress at its second session on 1 July 1979 and revised on 2 September 1983, stipulates, "In judicial proceeding in the people's courts, the law is applied equally to all citizens, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence. No privilege whatsoever is allowed."

Item 7, Paragraph 2, Article 7 of the "Advertisement Law", adopted by the Standing Committee of the Eighth National People's Congress at its 10<sup>th</sup> session on 27 October 1994, stipulates that no advertisement products shall contain elements of discrimination against specific ethnic groups, races, religions or sexes.

Paragraph 4, Article 8 of the "Extradition Law", adopted by the Standing Committee of the Ninth National People's Congress at its 19<sup>th</sup> session on 28 December 2000, stipulates that request for extradition by a foreign state shall be rejected if "the person sought is one against whom penal proceedings instituted or punishment may be executed for reasons of that person's race, religion, nationality, sex, political opinion or personal status, or that person may, for any of those reasons, be subjected to unfair treatment in judicial proceedings."

Article 249 of the "Criminal Law", adopted by the Fifth National People's Congress at its second session on 1 July 1979 and revised on 14 March 1997, stipulates, "Whoever incites national enmity or discrimination, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years." Article 250 of the same law stipulates, "Where a publication carries an article designed to discriminate or humiliate an ethnic group, if the circumstances are flagrant and the consequences are serious, the persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance." Article 251 of the same law stipulates, "Any functionary of a state organ who unlawfully deprives a citizen of his or her freedom of religious belief or infringes upon the customs and habits of an ethnic group, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention."

## **(2) Citizens' rights to elect and stand for election**

Article 34 of the Constitution stipulates, "All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence, except persons deprived of political rights according to law."

Paragraph 1, Article 3 of the "Election Law of the National People's Congress and

Local People's Congresses at Different Levels", adopted by the Fifth National People's Congress at its second session on 1 July 1979 and revised in 1982, 1986 and 1995 respectively, stipulates, "All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence".

Article 8 of the "Law on the Protection of Rights and Interests of Women" stipulates, "The state shall guarantee that women enjoy equal political rights with men." Paragraph 1 of Article 10 of the same law stipulates, "Women shall enjoy the equal rights, with men, to vote and stand for election."

### **(3) Citizens' rights to culture and education**

Paragraph 1, Article 46 of the Constitution stipulates, "Citizens of the People's Republic of China have the right and obligation to education."

Article 5 of the "Compulsive Education Law", adopted by the Sixth National People's Congress at its fourth session on 12 April 1986, stipulates, "All children who have reached the age of six shall enroll in school and receive compulsive education for a prescribed number of years, regardless of sex, nationality or race. In areas where that is not possible, the beginning of schooling may be postponed to the age of seven."

Paragraph 2, Article 9 of the "Education Law", adopted by the Eighth National People's Congress at its third session on 18 March 1995, stipulates, "All citizens, regardless of ethnic group, race, sex, occupation, property status or religious belief, shall enjoy equal opportunities for education according to law."

Article 14 of the "Law on the Protection of Rights and Interests of Women" stipulates, "The state shall guarantee that women enjoy equal rights with men with respect to culture and education." Article 15 of the same law stipulates, "Schools and departments concerned shall, by implementing the relevant regulations of the state, guarantee that women enjoy equal rights with men in such aspects as starting school, entering a higher school, job assignment upon graduation, conferment of academic degrees and dispatch for study abroad." And Article 20 of the law stipulates, "State organs, public organizations, enterprises and institutions shall, by implementing relevant regulations of the state, ensure that women enjoy equal rights with men in their participation in scientific, technological, literary, artistic and other cultural activities."

### **(4) Citizen's rights to work**

Paragraph 1, Article 42 of the Constitution stipulates, "Citizens of the People's Republic of China have the right and obligation to work."

Article 12 of the “Labor Law”, adopted by the Standing Committee of the Eighth National People’s Congress at its eighth session on 5 July 1994, stipulates, “Laborers, regardless of their ethnic group, race, sex, or religious belief, shall not be discriminated against in employment.” Article 13 of the same law stipulates, “Women shall enjoy the equal rights, with men, to employment. With exception of the special types of work or post unsuitable to women as prescribed by the state, no unit may, in employing staff and workers, refuse to employ women by reason of sex or raise the employment standards for women.”

Article 21 of the “Law on the Protection of Rights and Interests of Women” stipulates, “The state shall guarantee that women enjoy equal rights, with men, to work.” Paragraph 1 of Article 22 stipulates, “With exception of the special types of work or post unsuitable to women, no unit may, in employing staff and workers, refuse to employ women by reason of sex or raise the employment standards for women.” Paragraph 1 of Article 23 stipulates, “Equal pay for equal work shall be applied to men and women alike.” And Article 24 stipulates, “In such aspects as promotion in post or in rank, evaluation and determination of professional and technological titles. ”

#### **(5) Citizens’ rights to participate in social organizations and mass groups**

Article 35 of the Constitution provides for freedom of assembly for the citizens.

Article 5 of State Council Order No. 250 dated 25 October 1998, entitled Regulations on the Registration and Administration of Social Organizations, stipulates, “The state protects social organizations to operate in accordance with laws, decrees and their own constitutions, and no organization or individual shall unlawfully interfere with them.”

Article 3 of the “Trade Union Law”, adopted by the Seventh National People’s Congress at its fifth session on 3 April 1992 and revised by the Standing Committee of the Ninth National People’s Congress at its 24<sup>th</sup> session on 27 October 2001, stipulates, “All manual or mental workers in enterprises, institutions or state organs within the territory of China who rely on wages or salaries as their main source of income, irrespective of their nationality, race, sex, occupation, religious belief or educational backgrounds, have the right to organize and join trade unions according to law. No organizations or individuals shall obstruct or restrict them.”

Article 3 of the “Law on the Red Cross Society”, adopted by the Standing Committee of the Eighth National People’s Congress at its fourth session on 31 October 1993, stipulates, “All citizens of the People’s Republic of China who, regardless of ethnic status, race, sex, occupation, religious belief and education status, recognize the Statutes of the Red Cross Society of China and pay membership dues, may join the Society on a voluntary basis.”

Article 8 of the “Organic Law of Urban Residents Committee”, adopted by the Standing Committee of the Seventh National People’s Congress at its 11<sup>th</sup> session on 26 December 1989, stipulates, “The chairman, vice-chairman (vice-chairmen) and members of a residents committee shall be elected by all the residents of a residential area who have the right to elect or by the representatives from all the households; on the basis of the opinions of the residents, they may also be elected by the elected representatives of residents groups number 2-3 from each. The term of office of the residents committee shall be three years, and its members may continue to hold office when reelected. Any resident of a residential area who has reached the age of 18 shall have the right to elect and stand for election, regardless of his ethnic status, race, sex, occupation, family background, religious belief, education, property status and length of residence, with the exception of persons who have been deprived of political rights in accordance with law.”

Article 11 of the “Organic Law of the Villagers Committee”, adopted by the Standing Committee of the Ninth National People’s Congress at its fifth session on 4 November 1998, stipulates, “The chairman, vice-chairman (vice-chairmen) and members of a villagers committee shall be elected directly by the villagers. No organization or individual may designate, appoint or replace any member of a villagers committee. The term of office for a villagers committee is three years; a new committee shall be elected at the expiration of the three years without delay. Members of a villagers committee may continue to hold office when reelected.” Paragraph 1 of Article 12 of the same law stipulates, “Any villager who has reached the age of 18 shall have the right to elect and stand for election, regardless of his ethnic status, race, sex, occupation, family background, religious belief, education, property status and length of residence, with the exception of persons who have been deprived of political rights in accordance with law.”

### **Religious Policies**

It is the long-standing basic policy of the Chinese government to respect and protect religious freedom of the citizens. The Chinese government has always treated their free choices of religious beliefs with respect and provided it with legal protection.

The basic policy of the Chinese government on religious freedom can be summarized as the following four points:

First, the state respects and protects the freedom of religious belief of the citizens. Religious belief is a private personal matter of the citizens. They have the freedom to believe in religion, as well as the freedom not to believe in religion. They have the freedom to believe in this religion, as well as the freedom to believe in that religion. Citizens believing in religions and citizens not believing in religions are all equal before the law.

Second, China follows the principle of separation of church and state and of separation of church and education. Religions are not allowed to interfere with administrative, judicial and educational systems of the country. There is no dominating religion in China, and all religions are equal before the law. The state gives equal treatment to all religions, which in turn treat one another with respect and live together harmoniously.

Third, religious organizations shall operate within the bound of the Constitution, laws and policies. The state protects normal religious activities run independently by religious organizations and believers free from interference by any one. The state protects the lawful rights and interests of religious organizations and the rights of the clergy in performing their normal religious affairs. At the same time, religious organizations, like other social organizations, should operate within the bound of the Constitution and laws, and undertake the obligations prescribed by law.

Fourth, religions in China uphold the principle of independently running religious affairs. The government supports and protects Chinese religious organizations and personages in their interaction, exchanges and cooperation with religious organizations and personages of other countries on the basis of equality and friendship. Such exchanges are equal-footed and friendly. As religious groups in China will not interfere in the religious affairs of other countries, other countries should not interfere in Chinese religious groups and religious affairs in China.

*7. Please describe measures taken by the State party to ensure the implementation of legislative provisions against discrimination such as the Women's Rights and Interests Act, the Protection of Minors Act, the Protection of the Handicapped Act and the Rights and Interests of the Elderly Act. Please cite specific cases whereby these acts have been invoked before the courts. Furthermore, the Committee would like to receive summary descriptions of the contents of the above-mentioned acts, in English if possible.*

#### **Implementation of the Law on the Protection of Rights and Interests of Women**

China enacted and began implementing the “Law on the Protection of Rights and Interests of Women” (Appendix 1) in 1992. In keeping with such principles as gender equality, non-discrimination against women and protection of special rights and interests of women, the law confirms and protects women’s rights and interests in six major areas, namely, political, cultural and educational, labor, property, person, and marriage and family.

China has taken four measures to ensure equal rights for women:

First, the Chinese government has incorporated the principle of gender equality into its legislative practice. As things stand now, a complete regime of law with the Constitution as the basis and the Law on the Protection of Rights and Interests of Women as the main body has been completed, which includes the Civil Law, the Criminal Law, the Electoral Law, the Labor Law, the Marriage Law, the Compulsive Education Law, the Law on Maternal and Infant Health Care, the Succession Law, the Adoption Law, the Trade Union Law, the Population and Family Planning Law, the Rural Farmland Contract Law, Regulations on Labor Protection of Female Workers, Regulations on Anti-illiteracy Campaign, Tentative Measures of Planned Parenthood Insurance for Female Industrial Workers, Regulations on Penalties Against Disorderly Conduct, and others. Localities have also formed their corresponding regulations and measures of implementation on the basis of the Law on the Protection of Rights and Interests of Women.

Second, China has developed various mechanisms of protecting women's rights and interests. In 2001, a national leading group comprising of 14 governmental and non-governmental institutions was established to improve interagency coordination in the protection of women's rights and interests. Across the country, some 3000 tribunals and over 500 collegiate courts were formed to administer cases involving rights and interests of women and children, which were presided over by more than 7000 specially invited judges. Legal help telephone hotlines and complaint stations were established in cities and countryside as functionaries working in public security, procuratorate, court, justice, civil affairs, public health, publicity and women's federation underwent training to heighten their awareness of women's rights and interests. They walked away from such training programs with an enhanced gender perspective as they compared notes, shared successful experience and learned about modern means of protection.

Third, China has strengthened examination and supervision of law enforcement. The Standing Committee of the National People's Congress and its special committees have stepped up the examination, monitor and research of the enforcement of the Law on the Protection of Rights and Interests of Women. In 2002, when the law entered its 10<sup>th</sup> year of implementation, the special committee of the NPC looked into its enforcement and invited people from the trade union, women's federation and other NGOs to participate in the work. The result showed that the sense of protecting women's rights and interests in society as the whole had increased significantly with noticeable progress in the endeavor.

Fourth, China has carried out public education campaigns to sensitize rule of law among citizens. While popularizing legal knowledge and educating the public in the importance of law, China has made the Law on the Protection of Rights and Interests of Women, the Labor Law, the revised Marriage Law and the Population and Family Planning Law as the key focus of attention, citing salient problems in times of rapid economic and social transformations and letting the mass media play an important role.

The efforts have resulted in greater awareness of gender perspective and other basic state policies and a better social environment for women's development.

The National People Congress is right now considering revisions to the Law on the Protection of Rights and Interests of Women with a view to improving its relevance and enforceability.

### **The Implementation of the Law on the Protection of Minors**

Article 29 of the Law on the Protection of Minors (Appendix 2) stipulates, "In respect of minors who wander about and go begging or those who flee from their homes, the civil affairs departments or other departments concerned shall take the responsibility to send them back to their parents or other guardians; with regard to those whose parents or guardians cannot be ascertained for the time being, the welfare organizations for children established by the civil affairs departments shall accept and take care of them." At present, China has 192 special institutions for children's welfare and nearly 600 children's departments in comprehensive welfare institutions. They provide shelter for some 54000 orphaned or handicapped children. The principal measures for such children at present include adoption by citizens, entrustment by selected families and care by social welfare institutions.

#### **(1) Adoption**

Adoption is by far the best way for orphans or deserted children to return to families and reintegrate into society. To further improve the adoption procedure and provide maximum protection to the rights and interests of the adopters and the adopted children in particular, the Standing Committee of the Ninth National People's Congress passed the "Decision on Revising the Adoption Law of the People's Republic of China" in November 1998. The revised law eases up the requirements of adoption and standardizes the procedures for the formation of adoption relationships, making it possible for more orphaned, handicapped and abandoned children to be adopted by families.

In adoption work, the Chinese government follows a policy of combining Chinese citizens with foreigners with stress on the former, always taking the rights and interests of the adoptee as the top priority. Since the children lack of ability of self-protection, protecting their rights and interests in adoption work is of critical importance. The Adoption Law stipulates, "Adoption shall be in the interest of the upbringing and growth of the adopted minors." The UN Convention of the Rights of the Child requires that whether the adoption takes place in the child's country of origin or between countries, it must "ensure that the best interests of the child shall be the paramount consideration". Therefore, be it an adoption taking place inside China or an inter-country adoption, the competent civil affairs department must give full consideration to the interests of the children, making their protection the fundamental

purpose of the adoption work.

## **(2) Family entrustment**

While continuing the traditional practice, some children's welfare institutions in China have recently acted on the real situation at home and the experience in other countries to explore family entrustment as an alternative to integrate more children into families and the wider society. The method allows homeless children to live with selected families, which sign a contract with and receive certain living allowances from the welfare institution. This practice has been proved beneficial to children's upbringing and important to their psychological development. It is consistent with China's current level of economic and social development, and gives expression to the country's fine tradition of caring for the young. It brings into play the resources within the common people and serves the healthy upbringing of the children. Along with greater social progress and rising living standards, family entrustment is like to increase in numbers.

Family entrustment as a growing practice in China has satisfied the need of orphaned and handicapped children for a healthy upbringing. It is a specific reflection of the "people first" idea in children's welfare service, and an inevitable result of the reform and development of China's children's welfare undertaking. Further popularizing and improving this practice is high on China's agenda for children's welfare. To this end, the Ministry of Civil Affairs issued the "Tentative Measures for Family Entrustment" in 2003, which spells out the goals, administrative requirements and service standards of the family entrustment work, the rights of the entrusted children, the terms and responsibilities of the families, service requirements of the family entrustment providers, responsibilities of the civil affairs department in family entrustment, etc. These measures will contribute to a sound and orderly development of family entrustment by children's welfare institutions.

## **(3) Service by children's welfare institutions**

China's children's welfare institutions provide orphans and deserted children with adequate services ranging from basic care, medical treatment, rehabilitation and education before they reach adulthood. To ensure quality services at the institutions, the Ministry of Civil Affairs promulgated in 2001 a set of compulsory standards entitled "Standard Practices in Children's Welfare Institutions". To ensure that children at the institutions receive proper education, the State Council issued a circular on socialized welfare services (Guo Ban Fa 2000 - No. 19), which provided for exemption of books and miscellaneous charges for children at the institutions including those on family entrustment programs when they studied at primary and junior middle schools, as well as exemption of tuition and accommodation for orphans when they studied at senior middle schools, secondary vocational or technical schools, or institutions of higher learning. In another circular issued together by the Ministry of Civil Affairs, the



State Planning Commission, Ministry of Finance, Ministry of Health, Ministry of Communications and the State Education Commission (Min Fu Fa 1997-No. 3), local education authorities were required to exempt children at the institutions of their books and miscellaneous charges when attending primary and junior-middle schools, and of their tuition and other charges when attending senior-middle schools, secondary vocational or technical schools, or institutions of higher learning. Where necessary, children should be given financial support with expenditure on books and learning materials funded by schools and institutions together. The same circular asked relevant local authorities to raise the children's benefits to the level of the average living standards of the localities.

To help handicapped orphans at the institutions cure their disability, improve their capacity for self-support so that they could return to families and society, the Ministry of Civil Affairs decided to raise RMB 600 million within three years beginning in 2004 for "Project Tomorrow", a program designed to bring rehabilitation to children through surgery with 10000 operations performed each year. It was anticipated that by 2006, all operable children at the institutions would have been rehabilitated through surgery. A leading group was formed at the Ministry to steer the work of "Project Tomorrow". Each year, RMB 200 million would be allocated to the project with half of it coming from lottery proceeds and another half raised by the provincial authorities. At present, the various aspects of the project are moving ahead vigorously.

### **Implementation of the "Law on the Protection of Disabled Persons"**

On 28 December 1990, the Standing Committee of the Seventh National People's Congress adopted the "Law of the People's Republic of China on the Protection of Disabled Persons" (Appendix 3), which went into effect as of 15 May 1991. China has taken the following measures to ensure the implementation of the law.

First, the State Council issued a circular on 6 May 1991 on the implementation of the "Law on the Protection of Disabled Persons", setting out specific requirements to the localities. On 23 August 1994, the State Council promulgated the "Regulations on Education of the Disabled". After many revisions, the "Regulations on Employment of the Disabled" was incorporated into the State Council's 2004 legislative plan. Ministries and Commissions worked out a series of provisions on the rehabilitation, education, employment and welfare of the disabled. People's congresses and governments at the local levels came up with specific rules with a view to making the provisions of the law more enforceable. People's congresses of all 31 provinces, autonomous regions and municipalities directly under the central government formulated local measures of implementation of the "Law on the Protection of Disabled Persons". All except Tibet have formulated proportional employment formula for the disabled, and 92% of the counties and 48% of the townships have formulated preferential measures for the disabled. All in all, a legal regime for the protection of the disabled with the Constitution as the core and the disability protection

law and other regulations and measures as the supplement has taken shape.

Second, to ensure an effective implementation of the law, the National People's Congress and its Civil and Legal Affairs Committee carried out inspection in 20 provinces, and the National Committee of the Chinese People's Political Consultative Conference (CPPCC) and its Social and Legal Committee in 7 provinces. The State Council Coordination Committee on the Work of the Disabled and other government agencies conducted special surveys and examinations. Local people's congresses, local committees of CPPCC and local government departments also conducted examinations and inspections, which contributed to the protection of the rights and interests of disabled persons across the country.

Third, the State Council set up a Coordination Committee on the Work of the Disabled, made up by 34 ministries and commissions and organizations of the disabled persons, with a leading member of the State Council as its chairman. The committee is responsible for developing services for the disabled, resolving major problems in the implementation of the law, and overseeing the specialized yet well coordinated operation of the mechanism. Local governments above the county level also set up corresponding agencies.

Fourth, to ensure a balanced development of disabled persons' welfare and socio-economic progress in the country, China has introduced 4 five-year plans (1988-2005) for the advancement of disabled persons, completed with implementation schemes on rehabilitation, education and employment. These budgetary programs, whose enforcement has been closely monitored and evaluated, have ensured the effective implementation of the Law on the Protection of Disabled Persons.

Fifth, by making the law a subject of national campaigns to popularize legal knowledge, China has heightened the awareness of the general public, particularly the government and law-enforcement personnel, of the need to protect the rights and interests of the disabled, and encouraged the people with disability to learn about, abide by and use the law as a weapon to protect their lawful rights and interests.

Sixth, China has asked legal service providers and legal aid centers at all levels to offer preferential, quality services to the disabled. Right now, the country has more than 3200 law firms that are designated or entrusted by the disability associations at the various levels to offer legal service to the disabled persons. Some 1052 law firms, legal service providers, legal aid centers have been nominated by the Ministry of Justice and China Association of the Disabled Persons as the model units for their exemplary role in protecting the rights and interests of the disabled.

Seventh, China has encouraged funding and project schemes by domestic and foreign institutions and the UN organizations that are aimed at improving skills of the disabled and those working for the disabled persons. These schemes have proved

highly useful in protecting the rights and interests of the disabled and improving their conditions. The project “Vision First, China in Action” by the International Lion’s Club alone has helped over two million cataract patients regain eyesight.

Thanks to the implementation of the Law on the Protection of Disabled Persons, a series of remarkable results have been achieved. Principally, they are as the follows:

First, the quality of life of the disabled has been further improved. Some 8.8 million persons with disability have been rehabilitated to varying degrees, with results of cataract recovery, mental disease prevention, hearing aid, use of artificial limbs and others being particularly noticeable. The compulsive education enrollment rate for the blind, deaf and mentally retarded children has reached 76% on average. Vocational education has made further headway. Special education ranging from pre-school education to higher education has taken shape. The employment rate of the disabled has reached 84% thanks to wider access to the job market and better placement services. The country’s poverty alleviation programs and the special schemes for the disabled poor have worked together to help nearly 10 million needy with disability to meet their basic needs for food, clothing and shelter. Through the subsistence allowance program, plus relief, subsidies and welfare benefits, some 4.99 million disabled persons in dire poverty have been able to make ends meet.

Second, the environment for social participation by the disabled has been greatly improved thanks to deeper community awareness of their needs and wider popular acceptance of the modern, civilized understanding of disability. Moreover, greater importance attached to the needs of the disabled by the education, health, civil affairs, labor protection, justice, culture, sports and other social and public institutions has created conditions for the disabled people to participate and share equally with others. Through a wide variety of programs, society as a whole has resolved many specific problems that might otherwise make their living, health care, education and employment difficult. Rapid development in unobstructed city infrastructure - road, building and information - has made things much easier for them to go outside participating in social life and enjoying the convenience of public facilities. The media has done a lot to publicize the cause of the disabled persons and cultivate a progressive environment of opinion. The society as a whole has developed a stronger sense of disability rights and interests as the legal environment for their protection and advancement has improved further.

Third, there has been a remarkable progress in the aptitude of the disabled persons themselves. Optimistic, pioneering and unyielding, they love their country, dedicate to self-improvement and work hard to build their capacity to participate, thus making a noticeable contribution to China’s reform, opening up and socialist modernization drive. More and more disabled people have become self-supportive, with some of them becoming prosperous through diligent work. In almost every area of human endeavors, there are disabled persons who excel and are held up as role models. A total of 3218

disabled persons have been elected deputies to people's congresses or members of CPPCC committees, attending to the affairs of the public and the country as a whole. Disabled artists, in their special displays, have moved the world with their spirit and artist talent. And disabled athletes have won China glory with their performance at major international sports events. More and more disabled persons have assumed leading positions in the disability associations at various levels, and their role as masters of their own organization has become stronger and more productive.

### **Implementation of the Law on Protection of the Rights and Interests of the Elderly**

The Chinese government has always cared about the elderly and worked hard to protect their lawful rights and interests. Since the beginning of reform and opening up program, the Party Central Committee, the National People's Congress and the State Council have taken effective measures to strengthen the work concerning the elderly and ensure the protection of their rights and interests. In 1996, the Standing Committee of the National People's Congress promulgated the Law on the Protection of the Rights and Interests of the Elderly of the People's Republic of China (Appendix 4). In 1999, the State Council approved the formation of the National Committee on the Work of the Elderly, making 25 Party and government agencies including the CCCPC Departments of Organization and Publicity, Ministry of Civil Affairs, Ministry of Labor Protection and Ministry of Finance member units. Five plenary meetings have since been held to study and plan the work concerning the elderly. In 2000, the Party Central Committee and the State Council issued a decision on strengthening the work on the aged, and the State Council convened a national conference in this regard. In 2002, "Party and government leadership, participation by society and care by entire population" was made the policy guideline for the work concerning the elderly. The 16<sup>th</sup> Party Central Committee adopted at its third plenary a decision on the improvement of socialist market economic system, which calls for, among others, adequate attention to the potential impact of China's ageing population on social supply and demand. These and other important measures have enhanced China's efforts to protect the rights and interests of the elderly. Thanks to the care of the Party Central Committee, the guidance and supervision by the National People's Congress and people's congresses at various levels, the stronger commitment of all sections of society, the vigorous participation of seniors citizens themselves, and the earnest study and implementation of the Law on the Protection of Rights and Interests of the Elderly by the government agencies at all levels, China has made remarkable progress in the protection of the rights and interests of its elderly population.

First, China attaches great importance to the development of laws and regulations concerning the elderly and come up with a preliminary regime of laws, regulations and policies on the protection of the lawful rights and interests of the elderly. As part of the efforts, the State Council has in recent years promulgated a number of administrative laws and policies including the "Decision on the Establishment of a Unified Basic

Pension System for Enterprise Workers”, the “Decision on the Establishment of a Basic Medical Insurance System for Urban Workers”, the “Regulations on Guaranteed Subsistence Allowance for Urban Dwellers”, and the “Suggestions on Speeding Up Socialized Provision of Social Welfare”. The competent authorities have promulgated a large number of rules and policy-related documents on matters concerning the elderly, including the “Circular on Faster Socialized Distribution of Old-age Pension”, the “Detailed Regulations on Authentication of Support Agreement”, the “Suggestions on Better Health Service for the Elderly”, the “Architectural Standards for the Elderly”, the “Basic Standards for Elderly Welfare Institutions”, the “Tentative Measures for the Administration of Elderly Welfare Institutions”, the “Suggestions for Stronger Cultural Work for the Elderly”, the “Circular on Better Elderly Education”, the “Circular on Taxation Matters Concerning Elderly Service Providers”, and the “National Standards on Elderly Service Attendants”, etc. In February 2003, the Office of the National Committee on the Work of the Elderly, the Ministry of Justice and the Ministry of Public Security jointly issued the “Suggestions on Strengthening the Work to Protect the Lawful Rights and Interests of the Elderly”. Besides, 29 provinces, autonomous regions and municipalities directly under the central government issued local regulations or implementation measures for the protection of the rights and interests of the elderly. These documents have covered multiple areas of old-age support, medical care, cultural life and judicial protection of the elderly, and laid a good legal foundation for the protection of their rights and interests and the advancement of their welfare.

Second, China has stepped up protection of the elderly by effectively meeting their basic needs of livelihood. Four areas of endeavors need particular mention. (1) Implementation of the basic pension system for urban enterprise workers. By late June 2003, 37.14 million retirees across the country had participated in the pension system. By improving the collection of pension premiums, increasing financial input, making special transfer payment to central and western regions and the old industrial bases, the government has ensured the timely delivery of pension benefits in full amount. In 2003, such special transfer payment by the central government amounted to 45.4 billion yuan. Since the beginning of 2004, except for farm reclamation enterprises in Hainan Province, all participating retirees in China have received pension benefits in full amount. By late June 2003, 17.52 million enterprise retirees, or 52% of the total participating retirees, had had their pension benefits delivered through socialized channels. In addition, the localities have introduced retirement benefits safeguards, medical expense safeguards and financial support mechanism for veteran personnel. In 2001 alone, 1.6 billion yuan was spent by financial authorities at various levels to pay for the arrears in these benefits. (2) Popularization of urban subsistence allowance. So far, more than 22.7 million citizens, including all qualified elderly, have had access to the urban subsistence allowance. (3) Development of the rural elderly care system. Many rural communities have introduced a family support agreement system. Zhejiang and some other provinces have worked out the “Minimum Level of Support” scheme, whereby children provided for their elderly parents living at homes. There is a general practice for rural collective organizations to provide the “three no’s” elderly (no labor,

no income and no legal support) with “five guarantees” (guaranteed food, clothing, shelter, medical care and funeral service). After tax reforms, most areas have kept up the “five guarantees” practice by using an agricultural surcharge and financial transfer payment. Right now, there are 32291 rural and township old age houses, providing for some 700 thousand elderly people qualified for the “five guarantees”. In some rural communities, a prescribed amount of land, forest, lake and beach are set aside to generate income for the elderly support. Other rural communities set up rural pension systems. By the end of 2002, 1955 counties in 31 provinces, autonomous regions and municipalities directly under the central government had introduced rural pensions of various types, with total premiums reaching 23.3 billion yuan, 54.81 million farmers participating and 1.24 million of them actually receiving benefits. (4) Various kinds of poverty relief for urban and rural elderly living in difficulties. In Shanxi and other provinces, a relief foundation for the elderly has been set up by the governments above the county level to help rural elderly living in dire poverty. In Sichuan, 700 million yuan was spent under its “Project Shelter” to meet the housing need of 10 thousand rural elderly. In Shandong and Qinghai, governments at selected localities have introduced various schemes of poverty alleviation through development by helping the elderly to raise poultry or domestic animals.

Third, China has improved medical care and health services for the elderly. Special preferential treatment is given to the retirees when it comes to purchasing the basic urban medical insurance, personal account bookkeeping and deductibility. Nearly two thirds of the urban elderly have participated in the medical insurance system. Jiangsu, Ningxia and other provinces and autonomous regions have come up with suggestions to help retirees from bankrupt and difficult enterprises to have access to basic medical insurance. Thanks to subsidies for large medical expenses, the elderly, especially those from difficult enterprises, are greatly relieved. In Shanghai, the introduction of a supplementary hospitalization mutual-assistance has helped 458 thousand retirees in need of such treatment. A number of rural communities have launched a new type of cooperative medical service with schemes against catastrophic diseases, which, thanks to support from central and local governments, provides an institutional and financial guarantee for solving medical problems facing rural elderly. Subject to their economic conditions, the local governments across the country provide a monthly health subsidy between 50 and 300 yuan to all the senior citizens above the age of 100. In some places of Shanghai, Guangdong, Jiangsu, Zhejiang and others, an elderly medical relief system has been set up, resulting in stronger medical service for the elderly. The Ministry of Public Health set up a leading group on medical work for the elderly, promoting research and treatment of such common diseases affecting the elderly as hypertension, diabetes and others, and launching the program against cataract. Medical facilities across the country provide preferential services to the elderly, with some of them setting up special hospitals to treat diseases affecting the elderly or special departments in existing hospitals to this end. Elderly medical stations are established at the community level, with beds at homes of the elderly. In some places, hospice wards are added to provide easier and timely services to the elderly.

Fourth, China has mobilized all resources to promote faster development of facilities and services for the elderly especially at the community level. Government at the various levels has increased investment in the demonstrative project of facilities for the elderly, and, with policy incentives, encouraged all sections of society to speed up the work in this regard. At present, there are nearly 40 thousand welfare institutions for the elderly across the country with a total of 1.12 million beds housing some 800 thousand old people who are either childless or have no family members to support them. The Ministry of Civil Affairs, beginning in 2001, set in motion the “Project Star Light” aimed at setting up community-based welfare facilities for the elderly. So far, more than 30 thousand Star Light Homes for the Elderly have been set up in China with a total investment of 4 billion yuan allotted from welfare lottery proceeds, bringing care and cultural service closer to the senior citizens. The Central Committee of China’s Communist Youth League, working in collaboration with the National Committee on the Work for the Elderly, introduced “Action Golden Light” designed to galvanize volunteer service for the elderly. Right now, there are over 3.3 million volunteers, over 10 thousand “helping-the-elderly centers”, and over 1 million volunteer-elderly pairs. Trade union organizations introduce year-round “helping the retirees” programs. In Beijing alone, there are over 20 thousand teams of “warmhearted people” providing services of one kind or another on 10 million occasions. Women’s federation in Shanghai, Jilin and other provinces and municipalities give a full scope to the role of women in helping “stay-at-home retirees” with community-based services. The elderly organizations, such as associations of the elderly at the grassroots, have also played an important role in self-administration and self-service.

Fifth, China has come up with preferential policies for the elderly in the area of sharing progress of social development. In keeping with the provisions of the Law on the Protection of the Rights and Interests of the Elderly, the localities have, through local legislations, given specific benefits to the elderly. A total of 16 provinces, autonomous regions and municipalities directly under the central government formulated special measures of preferential treatment for the elderly, spelling out detailed benefits to the elderly when they use public transit system or enter into cultural and entertainment facilities, which are warmly received by the elderly and society as a whole. Shangdong, Hubei and other provinces came up with preferential tax benefits for the elderly against the backdrop of rural tax reform. The financial authorities have increased the level of relevant compensation and subsidies, resulting in greater benefits for the elderly in daily life, housing and medical service.

Sixth, China has created conditions for betterment of educational, cultural and sport facilities for the elderly so as to enrich their spiritual and cultural life. Thanks to stronger commitment by cultural and retiree affairs departments at various levels, the number of colleges and other learning institutions catering to the elderly has reached 19.3 thousand nationwide with a total enrollment of 1.81 million and an accumulative

number of graduates topping 2 million. With continuing education, the elderly have learned new knowledge and new skills while becoming healthier in physical and mental development. In 2002, the Office of the National Committee on the Work of the Elderly sponsored a number of national events such as cultural performance and chorus festival with successful results. These and other events of the elderly have played a positive role in fostering a positive mood of social conduct. Local organizations of the elderly people have also carried out a wide variety of activities. Right now, there are some 70 newspapers or journals catering to the elderly with a monthly circulation of nearly 10 million. Radio and television stations at the national and provincial levels have opened programs and columns for the senior audience. Large quantities of sports lottery proceeds are used to improve cultural and sports facilities for the elderly and promote the spread of scientific, civil and healthy living styles among the elderly population.

Seventh, China has always attached importance to the social value of the elderly population and worked hard to protect their rights to participate in social development. The localities encourage the elderly to continue participating in social development in keeping with social demand and the principles of voluntary involvement. Certain segments of the elderly population have a penchant for public services. Organizations like the committees for care of the children, associations of veteran science and technology workers, societies of veteran professors, associations of senior citizens have played an important role in educating the young, promoting popular sciences and maintaining social stability. In 2003, in "Operation Silver Age", the National Committee on the Work of the Elderly called on the country's elderly intellectuals to support the development programs in China's western regions. The pilot projects are underway in Shanghai, Liaoning, Xinjiang, Qinghai, Gansu and other provinces, autonomous regions and municipalities directly under the central government, with satisfactory results.

Eighth, China has stepped up protection and service to ensure the rights of the elderly to place legal charges. The judicial and administrative agencies at various levels have formulated relevant regulations urging law firms, public notary offices to provide legal aid and service to the elderly. In 2002, legal entities at the grassroots level in China represented the elderly in nearly 100 thousand lawsuits, over 300 thousand non-contentious legal cases and over 20 thousand legal-aid cases. Most provinces have established legal-aid centers for the elderly, law firms for the elderly and legal service hotline for the elderly, with some prefecture-level cities doing the same. The public security departments, particularly the policemen at the grassroots level, have played a vital role in protecting the person, property and the rights and interests of the elderly. The grassroots mediation groups, elderly organizations have done a great deal of mediation and service with the elderly, solving some 400 thousand disputes involving the elderly.

Ninth, China has paid close attention to publicity of law and morality with a view



to heightening public awareness of respecting the elderly and protecting their rights and interests. In recent years, governments at the various levels and the media have carried out extensive and varied publicity campaigns to promote laws, regulations and policies concerning the elderly. Party and government leaders, in particular, took the lead in learning, observing and popularizing the law by, for example, paying home visit to the elderly on the Spring Festival, the Double Ninth Festival and the International Day of the Elderly on October 1, setting a good example of respecting the elderly. In many localities, people compete for “five-good families”, “good children who respect the elderly”, “good daughter-in-law who respects the elderly” and similar events. Primary school children strive to “bring warmth to the elderly” and middle school students in their approach to adulthood are encouraged to offer voluntary service to the elderly. These activities help foster a social mood that contributes to greater respect for the elderly. Shandong, Henan, Zhejiang and other provinces offer such competitive events as seeing which families give the airy and sunny rooms to the elderly, who get the finest quilt prepared for the elderly, and which families should receive public citations for having raised the “good daughters-in-law”. Fujian, Jiangsu and other provinces conducted activities to build model households, villages and townships of respecting the elderly, with good results. Since its inception in 1982, the National Committee on the Work of the Elderly has held three highly publicized award-giving events to recognize the “exemplary cases of children respecting the elderly” and those who performed meritorious service to the work concerning the elderly. The media, which works hard to highlight the positive examples and expose the negative ones, helps educate the masses in the need of respecting the elderly. By targeting the elderly population, the publicity campaigns of laws and regulations concerning the elderly have helped raise their consciousness and capacity for self-protection.

### **Practice at the courts**

Compared with the laws that provide for the fundamental rights of the citizens, these laws on the protection of women, minors, disabled persons and the elderly are special laws. Since the fundamental rights of citizens and the rights of special groups specified therein are not so dissimilar with what have already been provided for in relevant laws, they are basically restated without defining rules as to how they are to be invoked in the courts. Consequently, when a court hears a lawsuit involving persons in the above four categories, it would only invoke specific laws and regulations, including relevant legal interpretations by the Supreme People’s Court, with some adjustments to corresponding civil law relationships as may be necessary. If there are clearly specified stipulations in the relevant laws, the court would invoke them in the handling of the case. Only when a special law has provisions in principle with respect to the circumstances of the case and other laws don’t, the special law would be invoked in the court.

When hearing a lawsuit involving persons of four categories, the court will do a number of things to protect their lawful rights and interests. The first is organizational

setup. The Supreme People's Court, for example, has set up a juvenile court steering group to provide guidance for court proceedings involving minors. Steering groups of this nature are organized by the high courts in 30 provinces, autonomous regions and municipalities directly under the central government. Right now, China has over 2500 juvenile courts with some 7000 judges, which basically satisfies the need for juvenile court proceeding. Many low courts set up special collegiate courts or relatively fixed collegiate courts to handle cases involving women, the disabled and the elderly bearing in mind the protection of their rights and interests. The second is legal aid. China's courts can reduce, exempt and accept delays in the payment of litigation fees when the clients are poor persons falling into the four categories. If they are qualified for legal aid, the court will designate attorneys to represent them in a lawsuit. The court can also hear cases at places closer to the clients. The third is the system of people's assessors. Since cases involving the rights and interests of persons of four categories tend to have wide social influence, the court of the first instance will often resort to the system of people's assessors. It would appoint those recommended by the women's federation, the disabled persons association, the committee concerning the work of the elderly and other special groups to serve as people's assessors. (The Decision on Improving the System of People's Assessors by the Standing Committee of NPC will take effect as of May 1, 2005) Their participation has resulted in wider effect of the relevant court proceedings in society. The fourth is publicity of rule of law. Typical cases of lawsuit will be used to educate the public in the importance of rule of law. Government and social groups often work in close cooperation to publicize legal knowledge, particularly the four protection laws.

**Case 1:** Plaintiff Lai Shaoyun, male, 68, remarried after wife's passing years ago. With hard life for lack of any income, he sued his three sons and two daughters for alimony of monthly payment of 40 yuan each at the Chengdu High-Tech Development Zone People's Court. The defendants had been unhappy of their father's remarriage and agreed to meet the full payment only after he separated from his new wife. Otherwise, they would agree only to pay half of the amount. The court was of the opinion that the plaintiff, being an elderly, was entitled to care and support from his children and that the defendants, being grownup children of the plaintiff, were required by law to support their old father. The plaintiff should be respected by the defendants for his reasonable and lawful decision to remarry after his former wife passed away. The court, by invoking Article 18 of the Law on the Protection of Rights and Interests of the Elderly, which says, "the freedom of marriage of the elderly is protected by law. Their sons, daughters or other relatives shall not interfere in their divorce, remarriage or post-remarriage life", found the five defendants liable to pay a monthly living allowance of 40 yuan to the plaintiff.

**Case 2:** In January 2003, the villagers' committee of Yaru Village, Anyang Town, Ru'an City of Zhejiang Province assigned housing land to the villagers in accordance with its own policy which reads, "If a female villager is married with her household registration not yet altered, she will not be compensated ...Families with two

daughters will be calculated as only one person... Divorced woman who has been married off to another village but since returned will be compensated by 20% with no compensation for accompanying children.” Villager Lin Houyuan and 66 others were of the view that the policy was a violation of Article 30 of the Law on the Protection of Rights and Interests of Women, which reads, “Women shall enjoy equal rights with men in the allotment of responsibility farmland, or grain ration farmland and in the approval of housing sites in rural areas, and women’s lawful rights thereto shall not be infringed upon” and Article 50, which reads, “Anyone who commits any of the following infringements upon the lawful rights and interests of a women shall be ordered to make correction by his or her unit or by an organ at a higher level ... (3) infringing upon women’s rights and interests by violating the principle of equality between men and women in the allotment of responsibility farmland or grain ration farmland or the approval of housing sites.” They then appealed to the town government to force the villagers’ committee in question to change its policy. But the town government only sent the villagers’ committee a verbal request for reconsideration. Mr. Lin Houyuan and others believed that since the town government failed to perform its prescribed duties, they must file an administrative lawsuit against the town government at the Wenzhou Municipal Intermediate People’s Court, asking for a court injunction to force the town government to perform its duties. The court found that the land distribution policy of the Yaru Villagers’ Committee had violated the provisions in Article 30 of the Law on the Protection of Rights and Interests of Women by encroaching upon the lawful rights and interests of women, and that being a grassroots administrative organ, the Anyang Town Government was duty-bound to correct breaches of law that encroached the rights and interests of women. Since the town government only verbally asked for a reconsideration of the committee’s policy and did not order for a correction, the town government failed to perform its prescribed duties. The court then decided that the town government must order the villagers’ committee to change its land distribution policy.

**Case 3:** Plaintiff Tu Aijin was a polio patient with handicapped lower limbs. In January 1991, he was hired by the defendant, the Education Printing House of Fengcheng City of Jiangxi Province, as a proofreading clerk. After the defendant switched to computerized-typesetting, it outsourced the proofreading job and reassigned the plaintiff to a bookbindery. Since the plaintiff was physically handicapped from doing the new job - transporting heavy objects in the bookbindery, he did not go to work and, consequently, did not get his wages and welfare benefits. On 13 October 2003, the Fengcheng Labor Dispute Arbitration Committee made a ruling that the plaintiff refused to accept. He then filed a lawsuit at the Fengcheng Municipal People’s Court. The court was of the view that when reassigning the plaintiff to the bookbindery, the defendant failed to take into account his disability and failed to assign other physically less demanding jobs for him. Since there were good reasons for the plaintiff’s absence at workplace, it was not proper for the defendant to withhold the plaintiff’s wages and welfare benefits. The court then invoked Articles 2, 34, 35 and 42 of the Law on the Protection of Disabled Persons to support the reasonable appeal of

the plaintiff.

**Case 4:** The accused Xiang Qingmeng, Du Ping and Liu Xiaojun were underage middle school students. They faced public prosecution on charges of robbery at the People's Procuratorate of Xupu County, Hunan Province. Since the three were minors and had hired no defense attorney, the court designated lawyers from Xupu Legal-aid Center to defend them and made court proceedings closed from public. During the proceedings, the court made an investigation into the families and schools of the accused in accordance with Regulations of the Supreme People's Court on Handling Criminal Cases Involving Minors and subjected them to in-court education. The three all expressed repentance and resolved to turn over a new leaf. The guardians of the three also resolved to draw a good lesson and perform their duties properly. Based on the facts established in the proceedings, the court came to a decision that the three were still minors at the time of crime and were therefore qualified for a reduced penalty, that since they all pleaded guilty and showed repentance and, in keeping with the principles of education primary, penalty secondary, they are qualified for suspended sentences. Finally, the court found the three accused guilty of robbery, and sentenced them to fixed term of imprisonment with corresponding reprieves.

**8. The Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance referred in his report of December 2002 (E/CN.42002/24, para.58) to information indicating that Tibetans in the Tibetan Autonomous Region (TAR) suffer various forms of systematic and institutional discrimination in the fields of employment, health care, education, housing and public representation. Please comment on this specific concern of the Special Rapporteur's report.**

The above charges are entirely untrue. All ethnic groups in the People's Republic of China are equal. The Tibetans in the Tibetan Autonomous Region are not only free from any discrimination in political, economic, cultural and other areas of social life as the rest of the people of various ethnic groups in China, they also enjoy the right to self-rule in their own region and their own ethnic affairs in accordance with law, as well as the right to special support and protection by the state. The Tibetan Autonomous Region formulates and promulgates a series of policies and measures on employment, health care, education, housing and other human endeavors in keeping with the relevant laws and regulations of the state while giving priority to the concerns of the ethnic Tibetans when other conditions are the same.

For example, with the help of the central government, Tibet has established the basic old-age pension system, unemployment insurance, basic medical insurance and urban subsistence allowance system and conducted socialized old-age care experiment in agricultural and pastoral areas. At the same time, efforts have been made to encourage farmers and herdsmen to participate in various projects, enhance their skills through various kinds of training programs and create better conditions for them to

hunt for better jobs away from home. In 2003, some 400 thousand Tibetan farmers and herdsmen were employed elsewhere with a total income of 500 million yuan generated.

Since the peaceful liberation in 1951, and especially since the beginning of the 1990s, Tibet has witnessed a substantial development in health care infrastructure, medical facilities and training of professional personnel. A health service network completed with a medical care system for farmers and herdsmen has been basically put in place in accordance with Tibet's conditions. The number of ethnic Tibetans in the Tibetan Autonomous Region increased from 1.2087 million in 1964 to 2.5072 million in 2003, accounting for over 92% of the population of the region. The average life expectancy of Tibetans has increased from 35.5 years as before the democratic reform to 67 years now. The infant mortality rate dropped from 9.18% of 1990 to 2.619% of 2003.

Tibet today enjoys a fairly complete modern educational system. The right of the people with the ethnic Tibetans as the mainstay to education is fully guaranteed. The state practices special preferential education policies in Tibet. For example, primary and middle schools in agricultural and pastoral areas provide boarding for the students. School children whose parents are farmers or herdsmen will be provided with "three guarantees" of free food, board and tuition during the 9-year compulsive education period. During the senior middle school period, they will be provided with stipends or scholarships. Enrollment of students in Tibet is guided by the principle of "local ethnic groups as the mainstay". While strict selection standard is observed, a more relaxed threshold is available for ethnic Tibetans and other ethnic minorities.

Along with rapid economic development, housing condition in Tibet has taken on important changes. The per capita housing space in urban areas has increased from 9.09 square meters of 1987 to 19.92 square meters now, while that of rural areas from 8.69 square meters of 1987 to 21.42 square meters now.

As their fellow countrymen of various ethnic groups, the Tibetans are entitled to all the political rights provided for under the Constitution and laws. In 2003, workers of Tibetan and other ethnic minority background in government agencies, institutions and state-owned enterprises accounted for 71.53% of the total workforce, more than six times that of the establishment of the Tibetan Autonomous Region. Of all the deputies to people's congresses, the proportion of Tibetans and other ethnic minorities was over 80% at the regional and city level and over 90% at the county and township level. Out of the 19 Deputies to the National People's Congress elected locally, 12 are Tibetans. At things stand now, 87.5% of the chairman and vice-chairmen of the Regional People's Congress and 69.23% of its standing committee membership is of Tibetan and other ethnic minority background. In addition, Tibetans and other ethnic minorities make up 57% of the region's governor and vice governors, 89.4% of the Regional Committee of CPPCC membership and 90.42% of its Standing Committee.

**9. Please indicate the number and nationality of asylum-seekers who applied for refugee status during the last five years, and the number of applications accepted. Please provide information on the treatment of refugees with respect to their economic, social and cultural rights. Furthermore, please comment on the statement made by the Special Rapporteur on the right to food on 10 May 2004 that "... the systematic and widespread persecution of the refugees from the Democratic People's Republic of Korea (through) hunger, on Chinese soil, constitutes a grave and repeated violation of human right to food, which is protected by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child".**

According to information available, there are 78 foreign nationals in Beijing who have been made persons of UNHCR concern or given refugee status and temporarily settled in Beijing (no similar cases in other parts of China). Out of the 48 individuals with UNHCR-certified refugee status, 30 are Pakistanis and the rest coming from Iran, Sudan, Iraq, Afghanistan and Cote d'Ivoire. The UNHCR assumes the responsibility of meeting their needs for board and lodging in China. In addition, 30 individuals coming from the above countries have been registered at the UNHCR Beijing Office pending certification of their refugee status, and their board and lodging expenses are not borne by the office. What is more, an unspecified number of temporary foreign residents in China who have come from Liberia and other countries have been registered at the office pending certification of their refugee status.

There is also small number of students from African countries like Luanda and Brundi, who could not return as scheduled because of political changes or civil war in their native places. They are subject to UNHCR concern by its Beijing Office and receive some living allowances therefrom.

The Chinese government has been firm in its position that DPRK nationals having entered China illegally are not refugees. In handling the issue of illegal Korean travelers, China has always adhered to international law, China's own laws and the principles of humanitarianism. Whether during their illegal stay after crossing into Chinese territory illegally, or during their detention after being caught by Chinese public security departments, they are amply provided with food, water, shelter and daily needs in the spirit of humanitarianism. There is no such thing as violation of their human rights to food.

### **Article 3: Equal rights for men and women**

***10. Please describe the equal rights of men and women in the enjoyment of economic, social and cultural rights, in particular, in equal pay for work of***

*equal value, as well as in inheritance and land rights. What laws and programs are being enacted and enforced to ensure gender equality in these areas?*

China is among the first to have acceded to the Convention on the Elimination of All Forms of Discrimination Against Women. In order to promote gender equality by opposing and eliminating discriminations against women in society, the Chinese government has made continuous efforts since the 1980s to enact and improve laws and regulations on protecting women's rights in the context of China's national conditions and the principles set forth in the Convention and other related components of international law, while formulating strategies on women's development in the light of China's national development programs and mobilizing all social quarters to effectively maintain and protect women's interest through a series of measures and actions.

Paragraphs 32, 33 and 34 of China's initial report describe women's rights to work, employment and work protection.

As a part of the efforts to prevent gender discrimination in employment, the Chinese government agencies responsible for labor affairs conducted an investigation on the implementation of the Law on the Protection of Rights and Interests of Women in 2002 in coordination with the National People's Congress. A total of 55000 units employing 1.07 million women workers were investigated, and 12676 cases of infringement on women workers' rights and interests were corrected.

With respect to equal pay for work of equal value for men and women, both the Constitution and the Labor Law provide for equal pay for equal work for men and women, whose implementation is supervised and inspected by the labor protection oversight agencies. In the meantime, China is party to the ILO Equal Remuneration Convention (No. 100) and submits national implementation reports on a regular basis.

With respect to inheritance right, China's Law of Succession stipulates that men and women are equal in their right to inheritance. The Marriage Law provides, "Husband and wife shall have the right to inherit each other's property. Parents and children shall have the right to inherit each other's property." The Law on the Protection of Rights and Interests of Women stipulates, "The state shall guarantee that women enjoy the equal right, with men, to property. ...Among the statutory successors in the same order, women shall not be discriminated against."

With respect to land right, the Law on the Protection of Rights and Interests of Women stipulates, "Women shall enjoy equal rights with men in the allotment of responsibility farmland, or grain ration farmland and in the approval of housing sites in rural areas, and women's lawful rights thereto shall not be infringed upon. After marriage or divorce, women's responsibility farmland, grain ration farmland and

housing sites shall be secured.” The Law on Land Contract in Rural Areas stipulates, “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 contract. No organizations or individuals may deprive their rights to land contractual management, which they are entitled to, or infringe upon such right.”

***11. Please provide further details on the relative proportions of women vis-à-vis men in managerial positions in the Government, reflecting any changes seen in the last five years. What measures has the Government taken to reduce the representational imbalance between men and women in government, legislative bodies and the judiciary?***

The Chinese government pays special attention to women’s participation in public life. It is explicitly provided for in the Constitution that women enjoy equal rights with men to vote and stand for election, which has been faithfully implemented in China. However, in a social environment with deep-rooted gender prejudice and inadequate conditions for women’s participation in public life, the Chinese government sees the need to take special measures, such as promoting extensive employment and secondary and tertiary education for women, to ensure their equal rights to participation.

First, setting necessary targets on the proportions of women participating in public affairs. The Chinese Women Development Program (1995-2000) made it clear that it was essential to “enhance the degree of women's participation in decision-making and management of state and social affairs” and “to have women in leading administrative posts at all levels”, and foresaw that “by the end of the 20<sup>th</sup> century, there must be at least one woman at leading posts in governments and party organizations at the provincial level, at least one, preferably two, women at leading posts at the prefecture, county and township levels.” Those targets were by and large reached before the turn of the century. On that basis, the Chinese Women Development Program (2001-2010) came up with additional targets, such as raising the proportions of women in administration posts to “more than one woman in the leading bodies of government at all levels” and ensuring that women are represented in more than half of the departmental leading bodies in central government ministries, provincial governments and prefecture governments. There should also be significant increases in the number of women holding principal offices or posts of major importance, and gradual increases in the percentage of women among the total workforce of cadres. What is more, women should hold management posts in proportion to the numbers of female employees in industries and sectors where women make the majority. Villagers’ committees and urban residents committees should also give women adequate representation.

Second, introducing plans to improve training of women cadres and making them more competent in public affairs, such as creating programs for them to learn



knowledge about economics, politics, culture, science, technology, law and management and go on study tours of more prosperous regions of China or even foreign countries to open their eyes; helping them gain more work experience by sending some of them by rotation to China's western regions, to relatively more prosperous regions, or to economic, trade, financial and judicial sectors with a view to improving their ability with the market economy; encouraging them to cultivate a stronger sense of "self-esteem, self-confidence, self-reliance and self-improvement" so as to always keep pace with the times and remain enterprising. At the same time, efforts should be made to train women cadres at the grassroots level so as to lay a good foundation for selecting woman cadres. Over the past years, governments at all levels have taken many effective measures to train women cadres for the grassroots, such as getting universities and colleges to enroll "pre-determined employees", recruiting female graduates for grassroots posts, selecting successful women cadres from government offices above the county level and sectors, departments, enterprises and public services with a high concentration of women employees to work at the grassroots level, and setting certain targets for proportional recruitment of women for township and neighborhood level posts while giving priority to women applicants when other qualifications are the same. Finally, governments at all levels have used administrative schools to train grassroots women cadres, including those working at the township and village levels in rural areas.

Third, bringing about a social environment conducive to women's development by encouraging them to participate in management and decision-making and removing discrimination against and excessive demand on women participating in public affairs.

Fourth, giving scope to the NGOs as a way to facilitate women's participation in public life. NGOs on women's concerns have alerted the people's congresses, governments, CPPCC committees and other competent authorities through various channels on the problems that prevent women from participating fully in public affairs, urged the formulation and implementation of laws, regulations, policies and measures conducive to women's participation in public affairs, and lobbied for government attention and concrete steps to incorporate training and selection of women cadres into government plans and work agenda. Thanks to their unfailing cooperation, Chinese women have been able to move faster in the area of participation in public life. The All China Women's Federation (ACWF) deserves a special note here. It has worked hard to promote gender equality in society by conducting surveys on women's participation, hosting training programs for women cadres and setting up women talents pool as an effective selection vehicle.

#### **Article 6: The right to work**

***12. Please provide further information on the situation of unemployment in China, including statistics disaggregated by regions, sectors of the economy, sex and age groups, in the last five years.***

See attached chart 1-12.

***13. Further to the information in paragraph 29 of the initial report, please provide statistics on workers laid off in the State-sector industries in the last five years, disaggregated by sex, age and regions. The Committee would also like to receive information on the results of the government initiatives taken to tackle this problem, as described in paragraph 28 of the report.***

See attached chart 1-12.

***14. Please provide information on the impact of privatization and downsizing of State enterprises on the rights of workers to opportunities and benefits of employment.***

After privatization and downsizing, the state-owned enterprises (SOEs) gained the inherent eagerness for profit maximization. Given oversupply in the labor market, a small number of enterprises were found to infringe upon the legitimate rights and interests of workers by cutting their wages in disguised forms or delaying payment of wages as scheduled. The state pays great attention to this issue. It has taken vigorous remedies to prevent recurrence, including establishing and improving the minimum wage guarantee system, intensifying macro-guidance for distribution of wages, and conducting collective bargaining in wage negotiations on a trial basis. These policies and measures have played a positive role for protecting the rights and interests of non-SOE workers on their remuneration.

The minimum wage guarantee system is an important statutory institution aimed at protecting workers' legitimate rights and interests. Article 48 of the Labor Law stipulates, "The state shall implement a system of guaranteed minimum wages. ... Wages to be paid to laborers by the employing units shall not be lower than the local standards of minimum wages." In 1993, the Ministry of Labor issued the Regulations on Minimum Wages in Enterprises as well as a circular calling for installation of the minimum wage guarantee system. In early 2004, the Ministry of Labor and Social Security promulgated a new set of regulations on minimum wages. By now, this system is implemented in 30 provinces, autonomous regions and municipalities directly under the central government, with the only exception of the Tibet Autonomous Region, which has played an important role in fostering a sound labor market and protecting workers' lawful rights and interests.

In response to the needs of the socialist market economy, China has put in place in recent years a wage-related macro-guidance system with wage guidelines and labor market wage level indicators as the core references. Up to now, the wage guidelines are followed in 29 provinces, autonomous regions and municipalities directly under the central government, providing critical references for enterprises to regulate wage increases. The labor market wage level indicators are practiced in 124 cities across the

country, bringing needed market information to enterprises when they determine the level of wages for different posts.

China has begun to explore reforms in the wage-forming mechanism of enterprises in line with the need for the modern corporate system. In October 2000, the Ministry of Labor and Social Security formulated the Tentative Measures for Collective Bargaining on Wages, and in January 2004, promulgated the Regulations on Collective Contract. By now, some 290,000 enterprises in China have introduced collective bargaining in wage negotiations on a trial basis, determining wages through collective bargaining and effectively protecting workers' legitimate rights and interests. Soon China will extend the experiment to restructured SOEs while continuing it in non-SOEs with a view to further improving Tentative Measures in a bid to genuinely protect workers' rights to participation in the distribution of wages.

**Article 7: The right to just and favorable conditions of work**

***15. Further to the information in paragraphs 53 and 54 of the initial report, please provide information on the situation in practice in various sectors of activity with regard to weekly rest, normal hours of work and overtime, holidays with pay and remuneration for public holidays.***

To ensure workers' right to normal hours of work, rest and holidays, China at present practices a system whereby workers shall work for no more than eight hours a day and no more than 40 hours a week on average. Article 38 of the Labor Law stipulates, "The employing unit shall guarantee that its workers have at least one day off in a week." Article 41 stipulates that the employing unit "may extend working hours...after consultation with the trade union and workers, but the extended working hour per day shall generally not exceed one hour; if such extension is needed for special reasons...the extended hours shall not exceed three hours per day...however, the total extension in a month shall not exceed 36 hours". In accordance with the Guidelines for National Holidays, Festivals and Memorial Days, all Chinese citizens now have 10 statutory holidays, including one day for the New Year's Day, three days for the Spring Festival, three days for the International Labor Day (May 1<sup>st</sup>), and three days for the National Day. Article 44 of the Labor Law stipulates that the employing unit shall "pay no less than 150 per cent of the normal wage if an extension of working hours is arranged", "pay no less than 200 per cent of the normal wage if work is arranged on off days and no make-up off days can be arranged", and "pay no less than 300 per cent of the normal wage if work is arranged on statutory holidays." Article 45 stipulates, "The State shall practice a system of annual vacation with pay. Laborers who have worked for one successive year or more shall be entitled to an annual vacation with pay." As provided for in China's current regulations, employees are entitled to annual vacation with pay lasting no more than two weeks, during which their wages and benefits will stay the same as normal working period.

***16. Please provide statistics on, and penalties for, employers who violate labor laws on overtime pay.***

The Chinese government attaches great importance to protecting workers' rights and interests to rest, holidays and remuneration, and has ensured these rights and interests through stronger legislation and enforcement.

First, legislative provisions on overtime pay.

**On standard working hours:** Article 36 of the Labor Law stipulates, "The State shall practice a working hours system wherein workers shall work for no more than eight hours a day and no more than 44 hours a week on the average." In 1995, the State Council promulgated the Decision on Amending the Regulations of the State Council on Working Hours for Employees, which provides that employees shall work for eight hours a day and 40 hours a week.

**On extension of working hours:** Article 41 of the Labor Law stipulates, "The employing unit may extend working hours as necessitated by its production or business operation after consultation with the trade union and laborers, but the extended working hour per day shall generally not exceed one hour; if such extension is needed for special reasons, under the condition that the health of laborers is guaranteed, the extended hours shall not exceed three hours per day. However, the total extension in a month shall not exceed 36 hours."

**On payment for extended working hours:** Article 44 of the Labor Law provides, "Under any of the following circumstances, the employing unit shall, according to the following standards, pay laborers remunerations that are higher than those for normal working hours: (1) To pay no less than 150 per cent of the normal wages if an extension of working hours is arranged; (2) To pay no less than 200 per cent of the normal wages if work is arranged on off days and no make-up off days can be arranged; or (3) To pay no less than 300 per cent of the normal wages if work is arranged on statutory holidays."

**On legal responsibilities of employing units that refuse to pay laborers for extended working hours:** Article 91 of the Labor Law stipulates, "Where the employing unit commits any of the following acts infringing upon the legitimate rights and interests of laborers, the administrative department of labor shall order it to pay laborers remuneration of wages and to make up for economic losses, and may also order it to pay compensation ... (2) To refuse to pay laborers remuneration of wages for the extended working hours ... " Article 6 of the Administrative Penalties for Violations of the Labor Law, promulgated by the Ministry of Labor in 1994, provides, "Where the employing unit commits any of the following acts infringing upon the legitimate rights and interests of laborers, it shall be ordered to pay laborers remuneration of wages and to make up for economic losses, and may also be ordered to

pay laborers compensation equivalent to one to five times the total of the remuneration of wages and the economic losses ... (2) To refuse to pay laborers remuneration of wages for the extended working hours...”

Second, stronger supervision and enforcement by labor protection departments on violations of the Labor Law where employing units refuse to pay laborers for their extended working hours.

Labor protection authorities at all levels keep up oversight to protect the legitimate rights and interests of laborers through stronger routine monitoring and supervision, special inspections, grassroots complaints reporting and annual reviews on labor protection. These measures have compelled the employing units to honor national labor standards, including those on wages and working hours, and correct violations of labor and social security laws and regulations. On the one hand, efforts have been stepped up to ensure employing units' compliance with regulations on working hours and wage payment, straighten out employment behavior, keep the working hours and wage payment as the focus in both routine monitoring and annual reviews, and watch all types of employing units carefully to make sure that they extend working hours and pay for it in strict compliance with the law. Complaints about illegal overtime and wage arrears are heard and dealt with conscientiously. Every year, special inspections are carried out on employing unit compliance with regulations on wage payment, with emphasis on private enterprises, individual businesses and other labor-intensive enterprises that employ large numbers of farmer workers. These thorough, multi-level inspections help ensure effective implementation of the national labor standards. On the other hand, violations of laborers' legitimate rights and interests are dealt with severely. Those employing units refusing to pay laborers for extended working hours are ordered to pay up the wage arrears plus compensation. The worst violators of law will be blacklisted as employing units without creditworthiness subject to media exposure.

***17. In addition to the information in paragraphs 62 and 63 of the initial report, please provide statistical information on occupational accidents and illnesses in the last five years, disaggregated by nature and frequency of accidents/illnesses, occupation, age and sex.***

Since China established the agency responsible for occupational accidents and illnesses only a few years ago (early 2001), it is difficult for us to provide statistics for the last five years, or as disaggregated as specified in the question. While unable to provide required data, we can provide some statistical information dating to more recent 2002 and 2003 based on the country's classification system. (Appendixes 5 and 6)

***18. Please clarify the alleged practice of factory managers requiring deposits from migrant workers and the practice of paying wages only annually by***

***construction contractors and factories.***

In recent years, as more and more surplus rural laborers look for jobs in cities, cases of violations of labor-related laws and regulations are also on the increase, such as employing units maliciously withholding or delaying payment of wages to farmer workers. Such practice is particularly serious in the construction sector. Some construction units did not pay the project contractors on time, which compelled them to pay the workers in a lump sum at the end of the year instead of paying them by the month. This not only amounts to a direct infringement of farmer workers' rights and interests, but also gives rise to potential social instability. Therefore, such issues have aroused wide concern from the government and various sections of society.

**Policy measures taken:**

The Central Committee of the Communist Party of China (CCCPC) and the State Council attach great importance to the problem of arrears of farmer workers' wages. On 5 January 2003, the General Office of the State Council issued the Circular on Ensuring Effective Employment Management of and Service for Farmer Workers Seeking Urban Jobs (Guo Ban Fa [2003] No.1), requesting governments at all levels to take forceful measures to effectively resolve the issue of arrears and deduction of farmer workers' wages. On January 16, the General Office of the CCCPC and the General Office of the State Council jointly released the Suggestions for Good Work in Agriculture and Rural Area (Zhong Fa [2003] No. 3), which explicitly requests satisfactory resolution of some serious problems in certain enterprises, particularly real estate developers and project contractors, such as arrears and deduction of farmer workers' wages, poor working conditions, lack of protection for work safety and prevention of occupational illnesses. In November of the same year, the General Office of the State Council released the Circular on Effectively Resolving Payment Arrears in the Construction Sector (Guo Ban Fa [2003] No. 94), calling for resolutions to the issue of wage arrears for farmer workers. Later, eight ministries, including the Ministry of Construction, Ministry of Labor and Social Security and Ministry of Finance jointly issued a document on the implementation of the State Council circular. With regard to practices of paying wages once at end of the year by certain construction enterprises in violation of regulations, a special investigation has been conducted, with the drafting of the Provisional Regulations on Wage Payment in Construction Enterprises going on for the scheduled promulgation in September. As things stand now, the practice of paying wages at the end of year has been brought under control and most enterprises pay their workers by the month. Thanks to the joint operations by the labor protection authorities, construction departments and courts at all levels, the 2003 wage arrears for farmer workers in the construction sector have been basically settled and over 80% of the accumulative wage arrears in previous years have also been straightened out. By the 2005 Spring Festival, all the wage arrears will have been resolved if present pace is kept.

While strengthening routine labor protection supervision and enforcement, labor protection authorities at all levels have been highly attentive to tackling the root causes for wage arrears and establishing mechanisms for a permanent solution. Up to now, 18 provinces, autonomous regions and municipalities have formulated their local regulations on labor protection supervision and stiffened punishment for wage arrears. At the same time, provinces and cities such as Hubei, Zhejiang and Dalian have introduced enterprise labor protection credibility system, to which wage payment is a measurement, and this practice has produced preliminary results. Beijing, Shanghai, Tianjin, Zhejiang, Hebei, Guangxi and Zhuhai City of Guangdong and others have released new local regulations on wage payment, setting out explicit requirement for enterprises and adding specific provisions on dealing with wage arrearage. Fujian, Shandong and Jiangsu have all issued official documents, requiring enterprises to follow a wage arrearage reporting system and setting out some specific methods to deal with enterprises showing signs of wage arrears. According to incomplete information, Yichang City of Hubei, Tianjin, Jiangmen City of Guangdong and Zhangjiagang City of Jiangsu have put in place a wage arrearage early warning system. Some localities have looked into the possibility of implementing a protection system from wage arrears, a system that has been formally implemented in Shenzhen, Shanghai, Heilongjiang and Ningbo City of Zhejiang. Local governments attach importance to serious wage arrearage problems in the construction sector. The documents they issued demand that the construction enterprises take vigorous measures, such as better management of labor contracts, establishment of wage arrearage protection system and more effective management of the tender and bidding process, to solve the problem of wage arrears.

**Plans for the next step:**

First, the government will be more proactive in urging and guiding local authorities to take practical measures to implement the CCCPC and State Council documents on wage arrearage to farmer workers, with particular emphasis on the issues of delayed payment of project expenses and deduction and arrears in farmer workers' wages in the construction sector.

Second, efforts will be made to strengthen relevant legislation. Enacting the Regulations on the Supervision for Labor and Social Security should be accelerated. Amendment to Regulations on Enterprise Wages should be stepped up so that it will be submitted to the State Council for review in good time.

Third, guidance will be given to local authorities on the development of a comprehensive wage payment monitoring system with emphasis on precaution and prevention, and to central cities where conditions are ripe on the establishment of a wage arrearage protection system for the long-term solution of the problem.

Fourth, efforts will be made to step up enforcement by building protection and

oversight agencies within the competent departments of city and county governments staffed with full-time and part-time workers, and the measure would be extended, where appropriate, to urban neighborhood committees, towns, townships and grassroots communities.

Fifth, efforts will be kept up in public information and education so as to improve employers' compliance with the law in wage payment and laborers' awareness of rights protection in accordance with law.

**Article 8: Rights to organize trade union**

***19. Please indicate whether there are legislative provisions in China on the right to organize trade unions that are independent of the All China Federation of Trade Unions (ACFTU), the public authorities and of the ruling party.***

There is no such a provision in China. The Chinese Constitution and laws provide full guarantee for the Chinese citizens' freedom of association. Article 35 of the Constitution stipulates in clear terms, "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration." Like any other country in the world, China's constitutional principles must be provided for in specific laws. Based on the reality of the Chinese workers' movement, the Trade Union Law provides, "The All-China Federation of Trade Unions shall be established as the unified national organization. ...The establishment of basic-level trade union organizations, local trade union federations, and national or local industrial trade union organizations shall be submitted to a higher-level trade union organization for approval." In accordance with that provision, only ACFTU and its affiliated trade unions are lawful trade union organizations in China, and all other so-called trade unions are not lawful.

***20. Please provide statistics on the legal handling of Chinese workers who have been criminally charged for violating restrictions on the right to organize, including the number of the workers subjected to administrative punishments, such as "re-education through labor" (laodong jiaoyang).***

No Chinese worker has been criminally punished or subjected to "re-education through labor" for exercising the right to organize trade unions. China is a socialist country, and the working class is the leading class of the state. Workers, together with other laborers, are masters of the state enjoying extensive political rights in accordance with law.

China's Constitution provides for citizens' freedom of association. The Trade Union Law and the Labor Law also explicitly provide for workers' rights to organize and join trade unions and the legal responsibility for acts of obstructing workers' right to organize and join trade unions. Therefore, Chinese workers' rights to organize and join trade unions are fully guaranteed.



The Trade Union Law stipulates, “The All-China Federation of Trade Unions shall be established as the unified national organization.” This is determined by the historical development of China’s workers’ movement and the wish of the Chinese workers, which serves the fundamental interest of the Chinese workers. The history and reality of international trade union movement demonstrates that the strength of the working class lies in their unity and solidarity, which is essential to the realization of their interests. The world is a diversified and colorful place. The way that a country’s trade union is organized should be based on respect for the country’s conditions and the wish and choice of the union members. No foreign country should try to make unwarranted accusations or interferences in this regard.

Nor has any Chinese worker been seized or detained for involvement in labor activities. As for those who have broken the law by committing violence or other crimes, they should naturally be brought to justice. China’s trade unions stand firmly to protect workers’ rights and interests in accordance with law, but will never protect the law-breakers who committed violence and other crimes. What’s more, China’s trade unions stand firmly against breaches of law under the cover of trade union activities.

***21. Please provide further information on the number of work stoppages or slow-down strikes that have taken place in the last five years, and please describe how these strikes have been handled by the Government.***

The Chinese workforce is on the whole stable. However, some incidents involving large numbers of workers did take place in China as workers’ legitimate rights and interests were infringed upon. For example, some enterprises failed to observe relevant laws, regulations and policies in the reform process and made critical decisions concerning workers’ immediate interests without going through required democratic procedures such as discussion with the workers, or failed to pay their workers in full and on time. Trade unions in China pay a great deal of attention to such incidents. They act in a timely way on facts-finding, make recommendations on solutions in accordance with laws and policies, pass on workers’ appeals and demands to governments at the same level and enterprises’ management, step up cooperation with relevant quarters on behalf of the workers in dispute settlement, and work vigorously to serve the workers together with the government and maintain workers’ legitimate rights in the interest of labor stability as well as social and political stability.

The Constitution and laws of China do not provide for citizens’ right to strike, nor do they ban strikes. Under the Labor Law and other relevant regulations, labor disputes may be resolved through democratic consultations, or in accordance with the country’s statutory provisions on labor disputes.

China’s trade unions stand firmly to protect workers’ legitimate rights and interests. No law or decree in China restricts the freedom to strike. However, China is not in favor of addressing contradictions in labor relations through strikes, for such a

practice not only proves useless for solving any problem, but will also bring adverse impact on the country, the enterprise, the workers, as well as society and other citizens. China's workforce, in general, is stable. The work stoppages and other incidents involving large numbers of workers as found in some areas and enterprises are due to certain conflicts of interests. In the view of Chinese trade unions, these problems should be resolved through equal-footed consultation on the basis of collective contract system, workers' congress system, the tripartite conference system, and labor dispute mediation and arbitration system, in the interest of harmonious labor relations, the legitimate rights and interests of workers, and a healthy development of the enterprises. In the event of such incidents, trade union organizations would work actively to find out the truth, convey the views and demands of the workers when dealing with the local government and the enterprise management, and maintain the legitimate rights and interests of the workers in accordance with law. The trade union organizations always urge the relevant parties to meet the legitimate concerns and requests of the workers.

***22. Please provide information on the number of labor cases brought to courts and labor tribunals by the All China Federation of Trade Unions (ACFTU) on behalf of its members.***

According to legal proceedings in China, litigation is a right that a stake-holder exercises of his own accord. In particular, the principle of civil litigation is one of "no trial without complaint". The trade unions represent the interests of workers, but they cannot substitute individual workers when it comes to exercising their rights. In other words, trade unions cannot file lawsuit at a court on specific cases involving workers' interest without direct authorization. However, trade unions may be entrusted and requested by workers to represent them in litigations. As the leading body of trade unions across the country, ACFTU generally does not act as an attorney in any specific cases. If workers need help in a lawsuit, generally speaking, they may ask the grassroots trade union organizations to represent them or ask local trade union organizations above the county level to provide legal services or legal aid. For years, trade union organizations at all levels have taken an active part in the arbitration and mediation of labor disputes and offered extensive legal advice and legal aid to the workers in accordance with the Trade Union Law and other laws and regulations. By the end of June 2002, 13 Chinese provincial and municipal federations of trade unions had set up 739 trade union legal aid and service stations, employing 2298 full-time and part-time staff and raising nearly three million yuan in legal aid funds. From 1999 to June 2002, trade union legal aid and legal service stations at all levels offered free legal consulting services 178 thousand person/times, gave escrow and non-litigation services in over 14 thousand cases, represented workers in 4168 labor dispute arbitration and litigation cases, and provided legal aid in 196 thousand cases. A total of 218 thousand persons have benefited from such services.

**Article 9: The right to social security**

***23. Please provide information on the unemployment benefits, health insurance and pensions made available to laid-off as well as retired workers in the public sector.***

In 1998, China began to reform the state-financed labor and healthcare system and built a basic health insurance system for urban employees. After several years' efforts, a multi-layered health insurance system with the basic health insurance for urban employees as the mainstay has been put by and large in place across the country. Different ownerships do not constitute any distinction since the basic health insurance system covers all urban employees and retirees as well workers on odd-jobs, including migrant workers from the countryside. By June 2004, 116.28 million people had come under the coverage of the basic health insurance for urban employees. Keeping a balanced sheet, the insurance fund operates smoothly, meeting the basic health needs of all the insured.

The Chinese government is always concerned about the basic livelihood and health insurance need of the laid-off workers. The Decision on the Establishment of the Basic Health Insurance System for Urban Employees, issued by the State Council in 1998, stipulates that laid-off workers under the care of the reemployment centers are entitled to healthcare benefit based on 60% of the local average wage level paid by the centers, those reemployed in new units shall have their health insurance relations reinstalled in accordance with relevant regulations, and those who work on odd-jobs may join the insurance scheme in their individual capacity.

In view of the special circumstances of the retired workers in the transitional period, China's current health insurance system for urban employees provides certain preferential policies for retirees joining the scheme. They are not required to pay premiums out of their own pockets, and they can enjoy a higher percentage in their individual accounts and a higher rate of reimbursement in the socialized scheme than the serving employees. As retirees tend to have greater incidence of chronic diseases and larger healthcare bills, many localities have made their outpatient and large medical bills eligible for socialized scheme coverage, thus easing their personal burdens in healthcare. By June 2004, a total of 31.31 million retirees had been covered by the basic health insurance, accounting for 27% of all the insured.

Since China began its basic health insurance system only a few years ago, a sizable portion of state-owned enterprises and public institutions that are not yet covered by the system continue to follow the original state-financed healthcare and labor-protection systems.

**Basic subsistence guarantee for laid-off workers:**

In May 1998, the CCCPC and the State Council called a national conference on the basic subsistence guarantee and reemployment for SOE laid-off workers and issued

the Circular on Ensuring Effective Work on Basic Subsistence Guarantee and Reemployment for Laid-off Workers from State-owned Enterprises (Zhong Fa [1998] No.10). According to the circular, all SOEs that have workers laid off must set up reemployment centers, put the laid-off workers under their care and let the centers provide basic subsistence allowances to the workers and meet payments for social security contributions on workers' behalf. The required funding was paid in a three-way fashion, with one third coming from enterprise, another from socialized pooling (mainly from the unemployment insurance fund), and the remaining from the government. If the enterprise or socialized pooling schemes cannot meet the targets, the government will be responsible to pay the balance. In principle, laid-off workers must not stay in the reemployment centers for more than three years. At the end of the third year, the workers must discontinue their labor relations with their previous employers, and then, if appropriate, they can receive unemployment insurance benefits and urban subsistence allowances.

During the five years from 1998 to 2003, China raised 122.6 billion yuan for the basic subsistence guarantee for laid-off workers, including over 53 billion yuan in subsidies from the central government (beginning 2000, the central government provided about 10 billion yuan a year in subsidies to local governments). During the five years, a total of over 28 million SOE workers were laid off, 24 million of whom were placed under the care of reemployment centers enjoying basic subsistence guarantee. Starting 2001, as laid-off workers began to "graduate" from the centers and as the basic subsistence guarantee system began to gradually merge into the unemployment insurance scheme, the size of laid-off workers began to dwindle year by year. By the end of June 2004, there were only 1.94 million SOE laid-off workers, 1.2 million of whom were with the reemployment centers enjoying full and timely provision of basic subsistence guarantee benefits. The system made a big contribution to successful SOE reforms and maintenance of social stability in China.

***24. Please provide information on any delays on payment in wages, pensions and benefits for workers in State-owned enterprises, and on any measures taken by the Government to rectify the situation.***

China is in the middle of an ongoing economic restructuring. As SOE reform goes deeper, some SOEs have begun suffering business losses, with production suspended or semi-suspended and difficulties in capital turnover. That gave rise to the problem of wage arrears for the employees. There are basically three different cases. One is enterprise closure or bankruptcy, such as an exhausted mine whose remaining assets are not enough to pay for wage arrears. Another is enterprise with production running only half of the capacity, which can only meet payment of current wages without extra capacity to pay for the arrears. The third is enterprise running on inadequate funds, which can only meet purchases of needed raw materials without cash to pay for wages.

The Chinese government sets great store by resolving wage arrears for workers

and has taken differentiated measures in the light of the different cases in the SOEs. For those SOEs in serious insolvency and having no hope for a turnaround, the government allows them to go under to prevent new arrears. Their liquidized assets, first and foremost, go to the workers who have not been paid. As to those bankrupt enterprises having no enough assets to pay for wage arrears, active coordinative efforts are made to get them fiscal help from government. For those SOEs with a basically normal operation, whose wage arrears problems were caused by turnover difficulties, the government would require them to set aside a portion of sales revenue in a special account for prioritized payment of wages, thus ensuring the timely payment of their workers. For those SOEs operating normally, the government would help them to plan for the settlement of wage arrears and monitor the implementation. At the same time, the government has introduced a basic approach to resolving the wage arrears problem after in-depth studies, that is, control the new arrears while settling the old ones and take a differentiated solution in light of different circumstances. By “control the new arrears while settling the old ones”, it means that the new wage arrears must be strictly controlled and past arrears can be sorted out and resolved gradually. By “take a differentiated solution in light of different circumstances”, it means that there must be selected policy options for different wage arrears problems in SOEs. The fundamental solution to this problem of wage arrears lies in deepening of SOE reform and parallel economic restructuring that can help improve enterprises’ economic returns. At the policy level, China plans to combine short-term and long-term solutions to address both the symptoms and root causes of the problem. The short-term solutions will include all kinds of provisional measures aimed at easing the impact of wage arrears in the interest of greater social stability. The long-term solutions will include development of institutionalized mechanisms to ensure that the problem will be addressed effectively.

By the end of 2003, a total of 155.06 million Chinese had joined the basic old-age pension scheme for enterprise employees, up by 7.7 million over the year before. Among the 155.06 million insured, 116.46 were active employees and 38.6 million retirees. Since 1998, enterprise retirees have generally been able to receive their pensions in full and on time, with the amount of pension benefits also increasing. In 2003, the average pension benefit for an enterprise retiree with honor was 1500 yuan, and that for an ordinary retiree 621 yuan. Some 29.33 million, or 84.5% of the total, were covered by socialized pension scheme, 14.99 million more than the previous year. A total of 368 billion yuan of premium was collected, up by 19.3% over the previous year, with government contribution amounting to 53 billion yuan, of which 47.43 billion yuan coming from the central government.

***25. Please provide statistics on the proportion of the Chinese population who enjoy the right to social security benefits, disaggregated according to provinces as well as urban/rural residency.***

No such disaggregated statistics are available. Please refer to attached Chart 1-5.

## **Article 10: Protection of the family, mothers and children**

*26. Please describe actions taken by the State party to combat violence against women and children, in particular in the home. Please provide information on legislative measures and other government initiatives addressing prevention and psychological rehabilitation of victims, as well as educational campaigns for the general public, and penalties for offenders. Please indicate whether the State party envisages amending the existing legislation to include marital rape as a criminal offence and adopting specific legislation on domestic violence.*

China always attaches importance to protecting the rights of women and children, and has adopted in recent years a series of measures to combat violence against women and children, with preventing and stopping domestic violence as the main focus.

First, formulating statutes and regulations against domestic violence at the local level.

### **Legislation on preventing domestic violence and educating the public:**

Paragraph 1 of Article 49 of the Constitution stipulates, "Marriage, the family and mother and child are protected by the state." Paragraph 4 of the same Article stipulates, "Maltreatment of old people, women and children is prohibited."

Paragraph 2, Article 3 of the Marriage Law, adopted at the third session of the Fifth National People's Congress on 10 September 1980 and amended on 28 April 2001, stipulates, "Family violence shall be prohibited. Maltreatment and desertion of one family member by another shall be prohibited." Paragraph 4, Article 21 of the law stipulates, "Infanticide by drowning, abandonment of infants and all other acts causing serious harm to infants shall be prohibited." Article 43 stipulates, "Where a person indulges in family violence or maltreats a family member, the victim shall have the right to advance a request; the neighborhood committee, villagers committee or the unit where they belong to, shall persuade the person to stop doing it and conduct mediation. Where a person is committing family violence, the victim shall have the right to advance a request; the neighborhood committee or the villagers committee shall persuade the person to stop doing it; the public security organ shall stop such violence. Where the victim advances a request, the public security organ shall, in accordance with the legal provisions on administrative penalties for public security, impose an administrative penalty on the person who commits family violence or maltreatment of a family member." Article 45 of the Marriage Law stipulates, "The person who commits bigamy, family violence, maltreatment or abandonment of a family member, if it constitutes a crime, shall be investigated for criminal responsibility in accordance with law. The victim may, in accordance with relevant provisions of the Criminal Procedure Law, lodge a private prosecution with People's Court; the public security organ shall investigate the case in accordance with law, and

the People's Procuratorate shall institute public prosecution in accordance with law." Article 46 stipulates that when a couple gets divorced because family violence is committed, "the unerring party shall have the right to claim compensation".

Article 33 of the Law on the Protection of Rights and Interests of Women stipulates, "The State shall guarantee that women enjoy equal rights with men relating to their persons." Article 34 stipulates, "Women's freedom of the person shall be inviolable. Unlawful detention or deprivation or restriction of women's freedom of the person by other illegal means shall be prohibited; and unlawful body search of women shall be prohibited." Article 35 stipulates, "Women's right of life and health shall be inviolable. Drowning, abandoning or cruel infanticide in any manner of female babies shall be prohibited; discrimination against or maltreatment of women who gave birth to female babies or women who are sterile shall be prohibited; superstition or violence shall be prohibited; maltreatment or abandonment of aged women shall be prohibited." Article 36 of the same law stipulates, "Abduction of and trafficking in, or kidnapping of women shall be prohibited; buying of women who are abducted and trafficked in, or kidnapped shall be prohibited. People's governments and departments concerned must take timely measures to rescue women who are abducted and trafficked in, or kidnapped. If such women have returned to their former places of residence, nobody may discriminate against them, and the local people's governments and departments concerned shall well settle the problems arising thereafter." Paragraph 2, Article 37 of the law stipulates, "It is prohibited for anyone to organize, force, seduce, shelter or introduce a woman to engage in prostitution or employ or shelter a woman to engage in obscene activities with others."

Paragraphs 1 and 3 of Article 5 of the Law on the Protection of Minors, adopted by of the Standing Committee of the Seventh National People's Congress at its 21<sup>st</sup> Meeting on 4 September 1991, stipulate, "The State shall protect the rights of the person and property as well as other lawful rights and interests of minors from violation. ...Any organization or individual shall have the right to dissuade or stop any act encroaching upon the lawful rights and interests of minors, or report to or complain before a department concerned thereagainst." Article 8 of the law stipulates, "The parents or other guardians of minors shall fulfill their responsibility of guardianship and their obligations according to law to bring up the minors. They shall not maltreat or forsake the minors, nor shall they discriminate against female or handicapped minors. Infanticide and infant-abandoning shall be forbidden." Article 15 stipulates, "Teaching and administrative staff in schools and kindergartens shall respect the personal dignity of the minors, and may not enforce corporal punishment or corporal punishment in disguised forms, or any other act that humiliates the personal dignity of the minors." Article 46 stipulates, "Where the lawful rights and interests of a minor is infringed, the infringed or his or her guardians shall have the right to request the department concerned to deal with the matter or bring a suit in a people's court according to law." Article 48 stipulates, "Where teaching and administrative staff in schools, nurseries or kindergartens subject minor students or children to corporal

punishment or corporal punishment in disguised forms, and if the circumstances are serious, disciplinary sanctions shall be given by their units or the authorities at higher levels.” Article 52 of the same law stipulates, “Where an encroachment upon the right of the person of other lawful rights of a minor constitutes a crime, criminal responsibility shall be investigated according to law. Whoever maltreats a minor family member in a vicious manner shall be investigated for criminal responsibility in accordance with provisions (on crime of maltreatment)...of the Criminal Law. Judicial personnel who, in violation of the rules or regulations on prison management, subject imprisoned minors to corporal punishment or maltreatment, shall be investigated for criminal responsibility in accordance with the provisions (on crime of maltreating people in custody) of the Criminal Law. ...Whoever commits infanticide shall be investigated for criminal responsibility in accordance with the provisions (on crime of homicide) of the Criminal Law.”

Paragraph 2, Article 16 of China’s Compulsory Education Law stipulates, “It shall be forbidden to inflict physical punishment on students.” On 31 October 1993, the Standing Committee of the Eighth National People’s Congress adopted the Teachers Law at its fourth meeting. Article 8 of the law stipulates that teachers have the obligation “to stop acts that are harmful to students and other acts that encroach upon students’ legitimate rights and interests”. Article 37 of the law stipulates that teachers shall “be given administrative sanctions or dismissed” if and when they “impose corporal punishments on students and refuse to mend their way after being criticized”; and that they shall “be investigated for criminal responsibility according to law” if “the circumstances are serious enough to constitute a crime”.

On 29 December 2001, the Standing Committee of the Ninth National People’s Congress adopted the Population and Family Planning Law at its 25<sup>th</sup> Meeting. Article 22 of the law stipulates, “Discrimination against and maltreatment of women who give birth to baby girls or who suffer from infertility are prohibited. Discrimination against, maltreatment, and abandonment of baby girls are prohibited.”

#### **Legislation on punishing violence against women and children:**

Article 22 of the Regulations on Administrative Penalties for Public Security, adopted by the Standing Committee of the Sixth National People’s Congress at its 17<sup>th</sup> Meeting on 5 September 1986 and revised in 1994, stipulates that whoever commits acts of “maltreating family members, when the victims thereof ask for disposition”, or “coercing or inveigling a person under the age of eighteen to give frightening or cruel performances, ruining the person’s physical and mental health”, but “not serious enough for criminal punishment”, “shall be detained for a maximum of fifteen days, fined a maximum of two hundred yuan or given a warning”.

China’s Criminal Law also provides criminal penalties for acts of violence against women and children, particularly in cases of domestic violence.



Article 236 of the Criminal Law addresses the crime of rape. It stipulates, “Whoever rapes a woman by violence, coercion or any other means shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years. Whoever has sexual intercourse with a girl under the age of 14 shall be deemed to have committed rape and shall be given a heavier punishment. Whoever rapes a woman or has sexual intercourse with a girl under the age of 14 shall, in any of the following circumstances, be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death: (1) the circumstances being flagrant; (2) raping a number of women or girls under the age of 14; (3) raping a woman before the public in a public place; (4) raping a woman with one or more persons in succession; or (5) causing serious injury or death to the victim or any other serious consequences.”

Article 358 of the Criminal Law addresses the crime of forcing women to engage in prostitution. It stipulates, “Whoever arranges for or forces another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; whoever falls under any of the following categories shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property: (1) making arrangements for another person to engage in prostitution and the circumstances being serious; (2) forcing a girl under the age of 14 to engage in prostitution; (3) forcing a number of persons to engage in prostitution or repeatedly forcing another person to engage in prostitution; (4) forcing the victim to engage in prostitution after raping her; or (5) causing serious injury, death or other serious consequences to the person who is forced to engage in prostitution. Whoever falls under any of the categories mentioned in the preceding paragraph, if the circumstances are especially serious, shall be sentenced to life imprisonment or death and shall also be sentenced to confiscation of property. Whoever assists in arranging for another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.”

Article 237 of the Criminal Law addresses the crime of indecent act and insult against women and children. It stipulates, “Whoever acts indecently against or insults a woman by violence, coercion or any other forcible means shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.” “Whoever gathers a number of people to commit the crime mentioned in the preceding paragraph or commits the crime before the public in a public place shall be sentenced to fixed-term imprisonment of not less than five years.” “Whoever acts indecently against a child shall be given a heavier punishment in accordance with the provisions of the preceding two paragraphs.”

Article 240 of the Criminal Law addresses the crime of abducting and trafficking in women and/or children. It stipulates, “Whoever abducts and traffics in a woman or

child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property: (1) being a ringleader of a gang engaged in abducting and trafficking in women and children; (2) abducting and trafficking in three or more women and/or children; (3) raping the woman who is abducted and trafficked in; (4) enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution; (5) kidnapping a woman or child by means of violence, coercion or anesthesia for the purpose of selling the victim; (6) stealing a baby or an infant for the purpose of selling the victim; (7) causing serious injury or death to the woman or child who is abducted and trafficked in or to her or his relatives or any other serious consequences; or (8) selling a woman or a child out of the territory of China.”

Article 241 of the Criminal Law addresses the crime of buying abducted women and/or children. It stipulates, “Whoever buys an abducted woman or child shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.” “Whoever buys an abducted woman and forces her to have sexual intercourse with him shall be convicted and punished in accordance with the provisions of Article 236 of this Law.” “Whoever buys an abducted woman or child and illegally deprives the victim of his or her personal freedom or restricts his or her personal freedom, or commits any criminal acts such as harming and humiliating the victim, shall be convicted and punished in accordance with the relevant provisions of this Law.” “Whoever buys an abducted woman or child and commits the criminal act as specified in the second or third paragraph of this Article shall be punished in accordance with the provisions on combined punishment for several crimes.” “Whoever buys an abducted woman or child and sells the victim afterwards shall be convicted and punished in accordance with the provisions of Article 240 of the Law.”

To combat crimes of domestic violence, Article 260 of the Criminal Law stipulates, “Whoever maltreats a member of his family, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance.” “Whoever commits the crime mentioned in the preceding paragraph and causes serious injury or death to the victim shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years.”

The Criminal Law was revised in 1997 when additions and amendments were made in the light of the situation and characteristics of acts of violence against women and children. The law provides, as a result, a rather adequate legal basis for our efforts to effectively contain and combat acts of violence, including domestic violence, against women. The Supreme People’s Court of China has also provided detailed

judicial interpretations on the application of the crime of rape and other provisions in the Criminal Law in the light of the actual judicial practice of punishing the crime of rape and other crimes. These interpretations can well meet the needs of fighting crimes. At present, China does not see any major problem that might affect its fight against crimes or require new amendments to the law.

Second, intensifying interagency coordination. A national council on the protection of rights and interests of women and children has been established by 23 agencies and NGOs, including the Supreme People's Procuratorate, the Supreme People's Court and the Ministry of Public Security, with the provinces, autonomous regions and municipalities also setting up their corresponding local councils.

Third, employing multiple measures and means to help women victims. In 1996, the Ministry of Justice and the All-China Women's Federation (ACWF) jointly issued the Circular on Protecting Women's Legitimate Rights and Interests and Ensuring Effective Legal Aid for Women, requiring legal aid agencies, law firms, public notary offices and grassroots legal service agencies to accept, readily and without unjustifiable delay, lawsuits, complaints and reports on cases of infringement of women's rights and interests and provide free legal services or at preferential rate where appropriate to female litigants with economic difficulties. At present, China has 2389 government-run legal aid agencies at the national, provincial, city and county levels in 31 provinces, autonomous regions and municipalities directly under the central government. Hotline services for women's rights protection have been opened across the country, with over 750 hotlines at the city level and more than 5300 at the county level, adding a new channel for women to air grievances and complaints. China's first forensic clinic on domestic violence has been opened in Beijing. An evaluation center for injuries caused by domestic violence has also been set up in Qingdao.

Fourth, giving greater play to the role of media and bringing about a favorable atmosphere of public opinion for the elimination of violence against women. News media in China have stepped up exposure of violence against women in recent years. Court trials on typical cases of infringement of women's rights and interests are broadcast live on television, such as domestic violence, illegal detention of women and abducting and trafficking in women. Judges explain laws through individual cases, cautioning people against the encroachment of women's rights and interests and stressing the futility for any criminal to try to escape justice. Columns and features on women's concerns are opened by media to gather people, male and female alike, for topical discussions on hotspot issues such as violence against women in family and society and teach women how to protect themselves from domestic violence and other acts of violence. Early in 2002, China's first TV series on domestic violence was put on screen, arousing wide attention from various social sectors.

Fifth, giving scope to all sections of society and NGOs in fighting violence against

women. Chinese NGOs are very active in this campaign. Over 7000 employees with women's federations have served as special jurors in courts. Women's federations at all levels work in close cooperation with local judicial departments to set up legal aid branches and joint councils for the protection of women's rights and interests. Jiangsu Legal Aid Center for Women's Rights and Interests, Heilongjiang Legal Aid Center's women's rights and interests department, and Fujian Legal Aid Center's women aid station are just some of the examples. These agencies provide shelter, medical care, counseling and legal advice to women suffering from acts of violence, and help them obtain legal aid in accordance with law. Since the first national women's hotline was opened in 1992 by the Women Research Center of the China Management Science Institute, the ACWF and all its subsidiary women's federations have established many women's hotlines and complaints boxes and stations, providing assistance to victims. In the meantime, some institutions of higher learning and NGOs have set up legal aid centers. In Tangshan City, Hebei Province, the local women's federation has made fighting domestic violence its priorities in protecting women's rights and interests as it goes about setting up more than 270 anti-domestic violence associations at the city, county, township/neighborhood and village/residents committee levels, offering women legal services. NGOs and other non-governmental groups have opened and operated nearly 1000 hotlines on women's concerns, and according to statistics from 10 provinces and municipalities, women federations alone have set up 48 legal aid centers.

***27. Please explain the factors causing the disproportionately high rate of suicide among women in China as reported in table 11 of the report, and what action the Government has taken to counteract this phenomenon.***

Suicide in China has two important features: One is that the rural is higher than the urban and the other is that women are higher than men. The high suicide rate among women is mainly caused by the high suicide rate among rural women. Some have cited the low social status of rural Chinese women as the reason for their high suicide rate. This, however, fails to explain the uniquely high suicide rate among women in China since it is not uncommon for women in developing countries to have low social status and suffer from frequent domestic violence. In addition to those who had serious mental diseases, most women who committed suicide acted on a moment of impulse, in face of sudden irritating events. Poisons, such as organophosphorus pesticide and weed killer, are easily accessible in the countryside and they become convenient and effective tools for those who want to kill themselves. Moreover, timely and professional treatment is often unavailable due to poor medical conditions in the countryside and lack of experience in treating mental disease and skills to handle suicide cases on the part of the grassroots doctors.

Suicide presents a serious public health threat and an acute social problem in China. The Chinese government is taking a series of effective measures to bring down the suicide rate. First, monitoring and control of deadly poisonous pesticide are

strengthened to make access to it more difficult. Second, high risk groups are closely monitored with counseling and intervention offered by women's organizations and health facilities. Third, training is provided to grassroots doctors in regions with a high suicide rate and to emergency wards doctors in large and medium-sized cities on mental health and treatment of poisoning cases. And fourth, a campaign is underway to improve treatment of mental disease, educate the public in the importance of mental health and make counseling available to those who need it.

***28. Please describe to what extent there is a problem of domestic and cross-border trafficking of women and of children, as well as the kidnapping and abduction of children in China.***

In China, trafficking of women and children often takes place in the rural areas, especially places with a backward economy and rough natural conditions. The victims in most cases are rural women and children and places they are sold to are mainly rural areas. Most of the trafficked women are forced to marry their buyers or into prostitution, and the children are often adopted illegally. In recent years, however, trafficking has spread from the countryside to towns and cities. There are also some cases of international trafficking of women where Chinese women are sold abroad and foreign women into China. In such cases, the traffickers on both sides of the border often collaborated to cheat young women to go for courtship, marriage, contract labor, overseas travel, or overseas study, and then throw them into prostitution or bring foreign women into China on falsified marriages. International trafficking of women now involves mainly Viet Nam, Thailand, Myanmar and Russia.

Unlike trafficking, abduction of children is often motivated by ransom taking or revenge. The kidnappers take advantage of the parents' reluctance to report to the police for fear that their children may be killed, and they often target helpless minors. Cases of kidnapping children are reported all over the country with ransoms demanded by kidnappers keep rising steadily.

***29. Please describe "diligent work and economical study" (qingong jianxue) in which primary and middle school children engage in manufacturing and/or agricultural labor to contribute to their school's operating budget.***

Compulsory education in China is free, and the students only pay a small amount of miscellaneous charges or fees. Senior middle school education, however, requires tuitions at a reasonable level. Statistics of 2002 show that the average miscellaneous fee per year was 98 yuan for a primary school student, 187 yuan for a junior middle school student and 898 yuan for a senior middle school student.

Primary and middle schools are permitted by China's Temporary Regulations on Work-Study Programs in Primary and Middle Schools to conduct work-study programs. The purpose is to combine school education with working and social

experience, cultivate an outlook and ability of work, and at the same time, contribute to improvement of education facilities of the school and help students from poor families. Schools are required to incorporate work-study programs into regular curriculums with fixed time slots. The programs must be suitable for and within the physical capability of students. Safety measures must be observed to prevent student from doing poisonous, hazardous, dangerous or physically demanding work that may compromise their health.

**Article 11: The right to an adequate standard of living**

***30. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living reported the demolition of historic buildings and housing complexes in Lhasa, Tibet, and the forced eviction of residents, mostly indigenous Tibetans (E/CN.4/2003/5,para.25). Please provide an update on the situation.***

The account does not tally with facts. The Chinese Government has all along attached importance to and made great efforts for civic development and heritage protection in Lhasa. From early 1980s to late 1990s, more than 300 million yuan were allocated for the maintenance of cultural relics and ancient buildings in the city. A special fund of 330 million yuan was earmarked in 2002 for the maintenance of the three key heritage sites of Potala Palace, Sagya Monastery and Norbulingka.

The government of the Tibetan Autonomous Region gives special attention to protecting traditional housing in urban renewal work of the old towns. Barkhor Bazaar in the city center of Lhasa is a good example. Since the 1970s, the Tibetan Autonomous Region and Lhasa city spent 450 million yuan on maintaining and repairing this district in accordance with strict rules. With special attention and care, the repaired buildings are more solid, better equipped and safer to live in, yet they retain their ancient features and stand testimony to the unique culture of Tibet. For those who are no longer content with the conditions of the old district, they move to a new district complete with new, Tibetan-style homes or buy low-cost housing provided by the government. Lhasa has adopted in recent years a number of local laws and regulations on urban development, which made urban development and preservation of historical sites in the city more scientific and law-based.

***31. Please provide detailed information on the extent of homelessness in China, and information regarding forced evictions and demolitions (chaiqian) of people's homes in China's cities by State and private actors.***

The Chinese government has given top priority to the housing issue for urban dwellers and carried out housing reforms and development to improve the housing conditions in the cities. Along with rapid economic and social development and a fast urbanization process, housing development has visibly accelerated with housing

conditions constantly improving and housing needs of middle- and low-income people effectively met. Between 1998 and 2003, a total of 4.1 billion square meters of urban housing was built, with an average of 680 million square meters completed every year, enough to give more than 50 million urban households a roof on top. By the end of 2003, the per capita floor space in cities increased to 23.7 square meters from the 1998 level of 18.6, a net increase of 5.1 square meters.

The main measures that have been taken include:

First, vigorously developing low-cost housing. For low-cost housing projects, the government exempts the land transfer fee, reduces administrative charges by half and limits the profits developers can make in order to lower the development costs. From 1998 to 2003, more than four million middle- and low-income households bought low-cost housing.

Second, encouraging cooperative and privately-funded housing development. Since 1998, about 1.5 million middle- and low-income families have moved into housing built with government incentives and managed by the residents themselves.

Third, meeting the need of the extra low-income families by providing low rent housing. Families which cannot afford even low-cost housing or participate in cooperative housing plans can get subsidized low-rent apartments. They can rent at an affordable price apartments built or bought by the government.

Fourth, speeding up the renovation of rundown and old housing. Governments at all levels offer preferential land and tax policies to encourage developers to go for renovation plans, with a view to improving the quality of housing and living environment of low-income families.

Fifth, opening second-hand housing market. Measures are adopted to simplify the procedures and lower the threshold of the market so that low-income families and young working people can buy affordable and suitable housing in the second-hand market.

Sixth, implementing housing monetization plans. Low-income families will be in a better financial position to buy housing when they receive housing subsidies. Now housing monetization plans have been launched in most of the 35 large- and medium-sized cities. Some employees have already bought new housing with subsidies.

Seventh, beefing up the housing provident fund to help urban dwellers buy homes. By the end of 2003, 604.5 million employees, or 57% of China's workforce in the cities, had set up provident fund accounts, which helped 3.27 million working families buy homes. The provident fund system plays a key role in improving the housing

conditions of the citizens.

Eighth, providing tax relief to middle- and low-income families buying homes. For households who buy non-luxury homes for their own use, the housing purchase tax will be halved. For those who sell non-luxury housing that they have owned and lived in for over a year, sales tax is exempted. If they have lived there for less than a year, sales tax is only applied to the difference between the selling price and the original purchasing price. In case a single-family housing used by the family for over five years needs to be sold, the earning from the sales is exempted of personal income tax.

While pushing for housing development in the urban areas, the Chinese government has also paid great attention to rural housing development. Steady development in village housing has led to constant improvement of living conditions and environment for villagers and township residents. Every year, over 600 million square meters of rural housing construction were completed and by the end of 2003, the rural average per capita floor space had reached 27.2 square meters. The focus in rural housing development has gradually shifted from increasing floor space to improving quality and functions. The percentage of multi-story buildings increased every year to reach the present 67% of new housing start.

The Chinese government attaches great importance to the legal protection of the lawful rights and interests of those whose housing is affected by development. Relevant provisions can be found in the Constitution, Law on the Administration of Urban Real Estate, and Land Administration Law. The Regulations on Management of Urban Housing Demolition and Relocation provide standard procedures for demolition and protection of the legitimate rights and interests of people subjected to relocation. Such documents as the Regulations on Management of Urban Demolition Units, the Guidelines on Evaluation of Demolished Housing and the Procedures on Administrative Ruling on Urban Demolition subject the behavior of demolition units to certain rules, establish administrative ruling and compulsory demolition hearing system, limit the scope of compulsory demolition and more effectively protect the legitimate rights and interests of people affected. Local governments have formulated, in accordance with Regulations on Management of Urban Housing Demolition and Relocation, corresponding regulations consistent with the local economic situations.

Policies on protecting the rights and interests of residents affected by demolition include:

First, administrative permit system for demolition and relocation. Given their impact on the lives of the relocated, the demolition and relocation projects must obtain government permit. The demolition unit must go through prescribed procedures and go about its job only after receiving the necessary permit.

Second, monitoring system for the demolition fund. The competent government



offices must exercise strict oversight over the use of the compensation fund and ensure its full and timely delivery.

Third, agreement system for relocation arrangement. The demolition unit and the relocated must reach agreement on the method and amount of compensation, place of relocation, floor space of relocated housing, deadline for moving, method and duration of transition between demolition and relocation, and others.

Fourth, appraisal system for compensation and relocation. The amount of compensation in term of money is determined by assessed price level in the real estate market in accordance with the location, function, floor space and other factors of the demolished housing. It should be consistent with the principle of exchange of equal values and convenient for the relocated to buy new housing suited to their taste.

Fifth, clearance system for transfer of demolition projects. Transfer of projects where compensation and relocation obligations have not been fulfilled will be permitted only after clearance by the competent authorities, with a view to protecting the lawful rights and interests of the relocated from possible jeopardy by the project transfer.

Sixth, safeguard mechanism to protect the basic right to housing of the relocated poor families. Safeguard measures include speeding up construction of middle and low-cost, non-luxury commercial apartments of reasonable size that are suitable for the relocated to buy so as to ease shortages of relocated housing, and making low-rent housing available to the poorest relocated families.

Seventh, administrative and legal relief system. In case of disagreement on the evaluation findings, the relocated may appeal for reassessment by an evaluation experts' committee. Conclusions of the experts' committee may be used as a basis for compensation. In case of challenging the issue of demolition license or result of administrative ruling, the relocated may apply for administrative review or file a lawsuit of administrative proceedings to protect their legitimate rights and interests.

To regulate compulsory demolition procedures, China has promulgated Procedures for Administrative Ruling on Demolition and Relocation in Urban Areas, which provides: (a) application for compulsory demolition must be accompanied by relevant documents to prove the case; (b) no compulsory demolition shall be carried out without administrative ruling; (c) no compulsory demolition shall be carried out if the demolition unit fails to provide cash compensation or housing up to national safety standards as required by the opinion of the administrative ruling; (d) the department responsible for housing demolition should inform the relocated residents fifteen days in advance, explain carefully and persuade the residents to move voluntarily; and (e) compulsory demolition based on administrative ruling must proceed in strict accordance with law, with representatives of the neighborhood committee (or residents

committee) and the employer of the relocated residents serving as witnesses and the public notary's office keeping record of the demolished housing and items within.

The Regulations on Management of Demolition and Relocation in Urban Areas make the rules on compulsory demolition and relocation more clear. First, if any party to the demolition project disagrees with the findings of the administrative ruling, it may file a lawsuit with the people's court, but the demolition will not stop during litigation. Second, after the compensation agreement is signed, if the relocated residents (or tenants) refuse to relocate within the period specified in the agreement, the demolition unit may apply for arbitration or file a lawsuit with the people's court. In case of a lawsuit, the demolition unit may request a court ruling for the continuation of the project.

Given the fast urbanization in China, the scale and pace of demolition and relocation are unprecedented, resulting in better looks of cities, better housing conditions and faster economic development. But this process is not without problems, such as operational irregularity, slow compensation delivery and compressed compensation, problems that have harmed, to certain extent, the legitimate rights and interests of the relocated and triggered some petitions. The Chinese government therefore pays close attention to the issues and, by improving relevant policies, regulates the practice to ensure that violations are investigated and dealt with seriously. It is believed that petitions caused by problems in demolition and relocation will be resolved.

***32. Please describe the positive measures taken to sustain adequate living standards, including livelihood opportunities, for people who have been resettled to make way for large dam projects such as the Three Gorges Project.***

The year 2003 was an important and extraordinary year for China's development, a year that saw remarkable achievements in reform, opening up and socialist modernization drive. The battle against SARS was won with flying colors. The economy grew robustly. GDP increased 9.1% over the previous year, reaching 11.67 trillion yuan. Per capita GDP exceeded US\$ 1000 at current exchange rate level, crossing a key threshold. The financial strength of the country grew significantly, with national revenue reaching 2.17 trillion yuan, an increase of 278.7 billion yuan over the previous year. Foreign trade grew by leaps and bounds, totaling US\$ 851.2 billion, up 37.1% on the year. China's standing as a trading nation rose from the fifth to the fourth place in the world. More jobs were created than expected, with 8.95 million new entrants in the job market in cities and towns and 4.4 million lay-offs finding new jobs. Citizens' income increased. Disposable income of urban residents registered a net increase of 9% and the net income of the farmers rose 4.3% in real terms. The year ended on a high note with a resounding success of China's first manned space mission.

The successes were attributable to the following measures.

First, resolute measures were taken to fight SARS with pooled strengths. A serious SARS epidemic hit China in spring last year. The CCCPC and the State Council made health and lives of the people their top priority and took timely measures for SARS treatment and prevention. The Law on the Prevention and Treatment of Infectious Diseases was implemented and the newly-enacted Regulations on Public Health Emergencies identified SARS as an infectious disease subject to statutory control. Accurate information on the epidemic was released regularly and the people across the country were mobilized to fight SARS. Steering offices for SARS prevention and treatment were set up in the State Council and local governments to channel personal, material and financial resources under unified command and bring into full play the role of grassroots organizations in both urban and rural areas. These measures ensured intense but orderly anti-SARS efforts to go ahead with significant progress made in diagnosis, treatment and epidemic control. Free treatment was offered to SARS patients who were farmers to prevent the disease from spreading further.

Second, appropriate measures were taken at the right time to readjust the economy for stable and rapid growth. The policy for expanded domestic demand, proactive fiscal policy and prudent monetary policy continued. Timely measures were taken to readjust the economy so as to address new problems in economic development. When SARS wreaked havoc and great energy was devoted to disease control, efforts on economic development did not waiver. The priority was put on key development projects with renewed vigor to promote industrial production, ensure smooth logistics, support sectors severely hit by the epidemic through tax breaks and concessional loans and introduce policies aimed at creating jobs and increasing farmers' income. These measures went a long way towards minimizing the impact of SARS on the economy.

A combination of economic and legal tools was employed to guide and regulate non-public investment. Efforts were made to rectify the order of the land market by reviewing all kinds of development zones and putting a brake on unauthorized requisition and use of agricultural land. Financial institutions' reserve requirement was raised to an appropriate level to curb the excessively fast growth in money and credit. Fine-tuning and differentiated approaches were applied in macro-economic measures.

As part of the efforts to address issues related to agriculture, the rural area and farmers, timely measures were adopted to protect grain production areas and farmers' enthusiasm for grain farming. Various economic sectors were well coordinated to increase supply, guide a rational growth of demand and ease shortages of coal, electricity, petroleum, transportation capacity and key raw materials.

Consistent with the strategic economic restructuring, a host of key capital projects were given close attention because of the roles they played in boosting economic growth and adjusting the economic structure, particularly, the development of hydro-power, energy and transportation projects. The third phase of the Three Gorges

Project was underway after the successful completion of the second phase. The eastern section of the gas pipeline, which brings natural gas from the west to the east, was completed. Tracks were laid for the main line of the Qinghai-Tibetan railway. More electricity generated in the west was transmitted to the east. Construction started for the eastern and central routes of the water diversion project. While the strategic development of China's west was deepened, the strategy to invigorate the old industrial bases in Northeast China was set in motion.

Third, special attention was given to coordinated development and faster social development. The SARS episode unveiled the woes of the unbalanced economic and social development. It prompted the government to reprioritize its work and areas of budget spending with greater emphasis on faster social development. Spending by the central government on education, public health, science, technology, culture and sports reached 85.5 billion yuan, up by 12.4% over the previous year. A total of 16.3 billion yuan of treasury bond was issued in support of social undertakings, up nearly two times.

Taking disease prevention and control and the rural area as the key, efforts were made to beef up the national public health network. Plan for National Public Health Monitoring Information Network and Plan for Medical Treatment Network for Public Health Emergency were promulgated and implemented. A mechanism of early warning and emergency response for public health was established. Efforts to strengthen public health facilities focused on the establishment of disease prevention and control networks at the provincial, municipal and county levels. More rural clinics were built with joint contributions from the central and local governments. Pilot projects on a new type of rural cooperative medical service system and medical relief system were conducted.

The State Council adopted the Decision on Further Strengthening Rural Education as increasing resources from the central government coffer and treasury bond proceeds went into rural education, mainly paying rural teachers' wages in the central and west regions, renovating rundown school facilities and developing distant learning in middle and primary schools, and helping students from poor families. Many cities took the initiative to help children of the migrant workers with their needs of schooling.

Important progress was made over the past year in basic research, strategic hi-tech research and commercialization of hi-tech achievements. The State Council began compiling medium and long-term national plans for scientific and technological development and organized large numbers of experts to take part in the feasibility study. Some important results were achieved.

Work on population and family planning was further strengthened. Tremendous efforts were made in management of land and natural resources to protect the environment, develop forestry and preserve the eco-system.

Fourth, job creation and social security were promoted to improve people's livelihood. Special attention was paid to problems in people's livelihood and production, particularly in protecting the interests of the poor. Governments at all levels earnestly implemented the central government's measures on job creation and reemployment by increasing financial input and stepping up policy support. An additional funding of 4.7 billion yuan was given by the central government in support of job creation and reemployment. A more effective guidance was provided on placement work of the first batch of graduates who went to college after the enrollment enlargement program. An employment rate of 83% was achieved for college graduates, 600 thousand more than the previous year.

In 2003, the central government spent 70 billion yuan, 19.9% more than the previous year, on the old-age pension, unemployment insurance and other benefit programs. The amount that went to urban subsistence allowance guarantee increased from 4.6 billion yuan in 2002 to 9.2 billion yuan, and 22.35 million urban residents had benefited from it. From 2003 and onward, the central government made special funding available every year to support local governments' programs of helping enterprise employees and raised the level of benefits for ex-military personnel with disabilities and families of revolutionary martyrs and servicemen.

Rural poverty reduction through development was strengthened with greater financial input aimed at improving living and production conditions in poor regions. Sparing no efforts to meet the needs for disaster relief, the central government spent 80.3 billion yuan on flooding, water-logging, drought, earthquake and other disasters, up by 63.9% over the previous year, and 2.79 billion yuan on post-disaster reconstruction. Life and production in the disaster areas quickly returned to normal with reconstruction proceeding smoothly. Local governments of various levels paid close attention to the issue of wage arrears for farmer workers and their efforts to address the issue produced initial results.

Fifth, important steps were taken on institutional restructuring to ensure faster reform and opening up. Reform of the State Council was conducted in accordance with the plan approved by the First Session of the Tenth National People's Congress, and its agencies, both reorganized and new, were operating normally. Major progress was made in the development of macroeconomic regulation system, administration of state-owned assets and the development of banking sector oversight. Domestic and foreign trade was brought under unified management. Food safety and workplace safety systems were set up. Restructuring of the provincial governments was basically completed. Reform of the administrative review and approval system was deepened.

The reform of introducing the share-holding system to state-owned enterprises move forward as reforms in the power industry, telecom and civil aviation sectors accelerated. Economic returns of state-owned industrial enterprises or those with

controlling shares held by the state improved substantially, with profits reaching 378.4 billion yuan, up by 45.2% over the previous year. Reforms in the banking, securities and insurance sectors moved ahead steadily. Pilot reforms of transforming state-owned commercial banks into joint stock banks were implemented. The clearance system for IPO was reformed. Marked progress was registered in turning state-owned insurance companies into share-holding ones. Reforms of the rural credit cooperatives were carried out after years of deliberation in eight provinces and municipalities on an experimental basis. Pilot rural reform of taxes and administrative fees was expanded to the whole nation. Policies and measures aimed at promoting the non-public economic sector were implemented. More efforts were made to rectify and regulate the order in the marketplace, cracking down on such breaches of laws as producing and selling fake and shoddy products and smuggling, sorting out the market environment and protecting the legitimate rights and interests of both consumers and producers.

China honored its accession commitments to the WTO, continued to bring down the level of tariffs and opened its service sector to foreign competition. More companies were allowed to operate foreign trade. The reform of the export tax rebate mechanism was implemented, and the long-standing problem of export tax rebate arrears was being resolved gradually. Stronger efforts were made to respond to anti-dumping investigations by foreign countries and to address existing trade disputes. Mix of imports and exports continued to be optimized. In 2003, China attracted and used US\$ 53.5 billion in FDI. With the renminbi exchange rate remaining stable, the country reported foreign exchange reserves of US\$ 403.3 billion at year end, US\$ 116.8 billion more than the beginning of the year. Economic ties between the mainland and Hong Kong and Macao were strengthened with the signing of Closer Economic Partnership Arrangements.

Sixth, stronger measures were taken to improve government endeavor for the rule of law and maintain social stability in the country. The State Council proposed five draft legislations, such as the law on regulation and management of banks and the amendment to the Foreign Trade Law. It promulgated 28 administrative statutes, including the Provisional Regulations on the Administration of State-Owned Assets. Targeting the problems in detention and repatriation work, it formulated and implemented the Measures on the Relief and Management of Homeless Vagrants and Beggars in Cities. The enacting of the Regulations on Legal Aid helped the poor when they needed to file lawsuits.

Comprehensive efforts were made to strengthen law and order, especially in places where lawlessness persisted. Public order was improved as crackdown on crimes, violent crimes in particular, was carried out. The people-first principle was followed in law enforcement with the police subjected to strict discipline. Major efforts were made to address extended detention, abuses of coercive measures, so as to protect the legitimate rights and interests of the citizens. Law enforcement forces were strengthened, and important role of the public security apparatus and the armed police

units in maintaining social stability was given greater play.

### **Progress in Resettlement Work in the Three Gorges Reservoir Area**

First, resettlement has gone smoothly in the past decade.

Beginning in 1993, the resettlement has been, on the whole, effective and smooth in the past ten years and can ensure the scheduled completion of the second phase of the project.

#### **1. Overall resettlement has moved ahead faster than planned.**

The resettlement plans foresaw 1.1056 million people resettled and 36.878 million square meters of housing rebuilt. By the end of 2002, 705.7 thousand people had been resettled and 25.2932 million square meters of housing reconstructed (excluding additional floor space), representing 63.83% and 68.59% of the planned jobs. Most of the cities and towns where people resettled have been completed with infrastructure, including networks of transportation, electricity, telecommunications and radio and television, and 71.65% of the resettlement plan had been fulfilled, 15.19 percentage points faster than planned.

Rural population resettlement: The plan foresaw resettlement of 405 thousand rural people with production conditions in place, 440 thousand people with livelihood facilities, and 11.7462 million square meters of housing rebuilt. Statistics show the completion of 314.3 thousand for the first category, 281.8 thousand in the second category and 7.8356 million square meters in the third category, representing 77.62%, 64.03% and 66.71% of the plan respectively. An overall completion rate of 70.87% was achieved.

Urban (county-seat) reconstruction: The Dam, when completed, will have 12 cities (county seats) submerged. Under the plan, the resettlement construction will use 4727.55 hectares of land with 12.9883 million square meters of new housing for 533.2 thousand people. By now, 4903.13 hectares of land had been acquired, 347.1 people resettled and 8.8435 million square meters of new housing constructed, accounting for 103.71%, 65.09% and 68.09% of the plan respectively. Of the planned infrastructure, 82.87% has been completed, and 76.67% of the resettlement and construction plan fulfilled, 14.4 percentage points faster than scheduled. Seven county seats, including Zigui, Xingshan, Badong, Wushan, Fengjie, Yunyang and Fengdu, have been relocated in total. Infrastructure of Wanzhou and Zhongxian were basically in place. Fuling, Kaixian and Changshou, cities with a higher altitude, now have new functional districts basically ready.

Township reconstruction: A total of 114 towns in the Three Gorges area will be relocate, and 53 of them have completed relocation. Under the plan, township

reconstruction will need 1144.62 hectares of land (including 5.4 hectares for the enlargement of Badong) with 4.6846 million square meters of new housing for 125.1 thousand people. By now, 1070.27 hectares of land have been acquired, 70.6 thousand people resettled and 2.8201 million square meters of new housing built, accounting for 93.5%, 56.48% and 60.2% of the plan respectively. Infrastructure in most new towns is basically in place and 65.41% of the township resettlement and construction plan fulfilled, 1.43 percentage points faster than scheduled.

Relocation and reconstruction of industrial and mining enterprises: A total of 1,559 industrial and mining enterprises will be submerged after the Dam is completed and 7.4589 million square meters of factory floor need to be rebuilt. By now, 1105 enterprises including 535 subject to closure have been relocated with 5.794 million square meters of factory housing built, accounting for 70.88% and 77.68% of the plan respectively. A completion rate of 76.46% of the industrial and mining relocation plan was achieved, 26.5 percentage points faster than scheduled.

Reconstruction of special projects: The Three Gorges Area needs reconstruction of 966.83 kilometers of roads, 2,927.17 kilometers of high voltage power transmission line, 2592 kilometers of communications line and 4701.64 kilometers of radio and television cable line. By now, 840.06 kilometers of roads, 2,298.34 kilometers of high voltage power transmission line, 2519.48 kilometers of communications line and 4207.16 kilometers of radio and television cable line have been completed, accounting for 86.89%, 78.52%, 97.2% and 89.49% of the plan respectively. For the construction of river ports, 50.61% of the plan was completed. The overall plan completion rate of the special projects was 70.81%, 2.14 percentage points slower than scheduled.

2. People living below the 135-meter water level have basically been resettled to ensure scheduled completion of the second phase of the Three Gorges project for water storage, power generation and river navigation.

The 12 counties with areas to submerge under the 135-meter water level had a task of relocating 386.2 thousand people and building 16.0402 million square meters of new housing. By the end of 2002, 385.9 thousand people had been resettled and 15.8476 million square meters of housing built, accounting for 99.91% and 98.8% of the plan respectively. The remaining part of the task of relocating 337 people and building 192.6 thousand square meters of housing would be accomplished in the first quarter of 2003. The progress in work was fast enough to meet the 135-meter deadline.

The task of rural resettlement from places below the 135-meter water level involved 127.8 thousand people and 3.6853 million square meters of housing. By now, all the people had been resettled and housing construction of 3.6753 million square meters completed, accounting for 99.73% of the plan with 10 thousand square meters left unfinished.



Nine county seats will be affected by the 135-meters deadline, with a task of resettling 209.2 thousand people and building 5.9983 million square meters of housing. By now, 208.8 thousand people or 99.84% of the plan have been resettled with only 337 people left, and 5.9225 million square meters of new housing or 98.74% of the plan built with only 75.8 thousand square meters left. Seventy-six towns with a population of 46.2 thousand will be affected by the 135-meter deadline, and they need 2.1129 million square meters of new housing. By now, these people have all been resettled. With 2.0972 million square meters of new housing built, accounting for 99.26% of the plan, with only 15.7 thousand square meters left.

A total of 797 industrial and mining enterprises below the 135-meter water level with a combined floor space of 4.2437 million square meters need to be relocated. By now, 776 of them have been relocated and 4.1526 million square meters of factory housing built, accounting for 97.37% and 97.85% of the plan respectively with 21 enterprises and 91.1 thousand square meters of housing to be worked on.

Most of the special projects affected by the 135-meter deadline, such as roads, power transmission line and telecommunications line, have been finished. Most resettled areas are now served by the rebuilt infrastructure and utilities. The unfinished task will not be affected by the 135-meter deadline.

3. Reservoir bed clearing for the second-phase was basically completed and acceptance inspections have been under way.

Clearing the reservoir bed for the second-phase was a key link before the scheduled water storage and also an important task in the 2002 resettlement work. The task, which involved physical structure removal, sanitation, solid waste disposal and forest removal on the reservoir bed, had been basically fulfilled by the end of 2002. In the 12 districts and counties affected by the deadline, 11.9821 million square meters of buildings or 99.99% of the plan had been removed. All the cable poles totaling 3,915.6 kilometers had been removed. Eighty other structures had been removed, accounting for 36.7% of the plan. The remaining structures are basically bridges, pumping stations and tourism facilities, such as berths and navigation signs that are still in use. They will be removed in time for the final acceptance inspection and will not affect the scheduled water storage. The sanitation effort targeted 3.5512 million square meters generally contaminated areas, which had been sterilized. Areas contaminated with contagious pollutant were estimated to be 1.385 million square meters with an actual space of 976.7 thousand square meters, all of which had been sterilized. Rat-elimination campaign was done once with another one planned before the scheduled water storage by all localities concerned. The forest removal involved 31.6665 thousand mu (2,111.1 hectares) of wooded land, of which 27.3565 thousand mu (1,823.8 hectares) is done, accounting for 86.39% of the plan. Fruit trees totaling 1.016095 million have been basically eliminated, leaving only small patches of orange trees subject to elimination after harvest. And 4.7132 million tons of solid waste has been disposed of.

By now, the 12 districts and counties have conducted self-inspections or initial acceptance inspections of their work in reservoir bed clearing. The four in Hubei province had basically finished self-inspections and were undergoing initial acceptance inspections. In Chongqing, all except Fengdu have completed self-inspection. With Shizhu, Yunyang and Zhongxian passing initial acceptance inspections, Chongqing Municipal Resettlement Bureau is conducting initial acceptance inspections in Wanzhou, Fuling, Wushan and Fengjie counties.

4. Resettlement accelerated economic development in the Three Gorges Reservoir area, and the resettled population was generally stable.

The resettlement process went smoothly and the economy in the reservoir area enjoyed fairly rapid development thanks to the enormous investment from the state and the vigorous support from other provinces and departments. Statistics show that from 1992 to 2001 the GDP of the Three Gorges Reservoir area grew by 371.28% (inflation-adjusted growth rate of 208.94%), its revenue increased by 613.56% (345.28% after allowing for inflation), and average per capita net income for resettled rural population rose from 436 yuan in 1992 to 1924 yuan in 2001 (210.24% after allowing for inflation). Housing conditions for resettled rural population were visibly improved. Before, 64.4% of the people lived in log-and-brick type of housing. Now, most of them resettled into brick-and-concrete housing units. Their per capita living space increased from 25 square meters to 35 square meters. Tap water was available to 62.74% of the resettled, 36.31 percentage points higher than before. For resettled urban dwellers, most of them moved into brick-and-concrete buildings with per capita living space increasing from 23.26 square meters to 27.86 square meters. Surveys show that human habitat now is much better than before thanks to improved access to water, electricity, roads, schools and hospitals, and the resettled population is generally content with new life.

Second, the resettlement policy was well implemented and the resettlement process went smoothly.

Resettlement is key to a successful Three Gorges Project. The smooth progress in the resettlement work is mainly attributable to the earnest implementation of the relevant policies of CCCPC on the part of the State Council Three Gorges Project Construction Commission (TGPCC), governments at all levels in the Three Gorges area and the officials and people in their great numbers.

1. The “double-responsibility” system generally worked well with resettlement funds basically matching the size of resettlement job.

The CCCPC and the State Council made an important decision to make units charged with resettlement jobs to be wholly responsible for using the resettlement

funds allocated to them. This key policy has been earnestly implemented over the decade. The estimated compensation investment for the resettlement jobs totaled 35.5353746 billion yuan (including 2.4157259 billion yuan of additional funding). Ten years later, the accumulative static investment reached 25.7045452 billion yuan, accounting for 72.34% of the estimated investment. Compared with the overall completion rate of 71.65%, the funds and jobs done basically matched. Given the fact that fund surplus in the hands of units were not adjustable, job completion rate could be 2.8 percentage points lower than the fund completion rate. Of the different categories of units, industrial and mining enterprises, cities and town did a better job in spending funds within means thanks to clearly defined responsibilities. Regarding rural resettlement (because of policy adjustment) and town relocation and special projects (because of terrain, geology, shifting scale and standards) in some districts and counties, the job completion rate was lower than fund completion rate.

2. The “two readjustments” policy was a success.

In 1999, the State Council made two major readjustments to the resettlement policy by stepping up rural resettlement in distant places and industrial and mining enterprises restructuring. The policy had a far-reaching bearing on ecological health of the Yangtze River valley and long-term viability of the reservoir. In the past four years, the TGPPC and governments at all levels in the reservoir area vigorously promoted the implementation of the policy and achieved remarkable results. Rural resettlement went smoothly with 140 thousand farmers (147.7 thousand by comprehensive monitor, including individuals moving out on their own). Living and production conditions were basically guaranteed. The restructuring of industrial and mining enterprises progressed fairly quickly, with 1105 units completing their relocation and 535 of which being closed down for good. A large number of environmentally unfriendly, low-tech and unproductive enterprises were eliminated to make room for better assets through transformation, reorganization, merger, creating jobs for resettled employees and laying a fair foundation for economic development and restructuring in the reservoir area.

3. The “two preventions” policy made major progress.

In 2001, the State Council made an important decision to strengthen prevention of geological disasters and water pollution in the reservoir area. The policy was welcomed by local governments and resettled people and produced significant results.

According to the comprehensive monitor, 198 slip sites in the reservoir area were to be cleared up and 72 embankment sites repaired. The job was later readjusted to 178 slip sites and the rest to be averted through resettlement. By the end of 2002, five such slip sites had been cleared up, accounting for 2.81% of the plan. Slip sites and embankment sites under repair numbered 150 and 62 respectively, accounting for 84.27% and 86.11% of the plan. Twenty-one sewerage treatment plants were under

construction in the 12 county seats, two of which were finished, seven 70% finished, two 50-70% finished and six 30-50% finished. Seventeen waste burial sites were under construction, nine of which were over 50% finished.

4. Policies in all major areas of resettlement program were sound with the quality of management improving continuously.

The resettlement management system has a three-tiered structure with the central government exercising overall leadership, the provinces overseeing the implementation and the counties handling the specific jobs. Sichuan and Chongqing, as well as the districts and counties under their jurisdictions, have committed persistently to the resettlement job and ensured its success. Strict oversight has been exercised over construction projects. Four specific measures have been taken, including quality control, project manager responsibility, tender and bidding, construction supervision and contract management. Statistics show that 91.91% of new projects valued at 300 thousand yuan or above was done through bidding process in 2002, 25.71 percentage points higher than 1998; and 90.6% of new projects valued at 500 thousand yuan or above was under construction supervision, 44 percentage points higher than 1998. Thanks to sound management, the quality of the resettlement projects was generally satisfactory and, by the end of 2002, 12771 such projects were implemented, of which 10870, or 85.11%, had been checked and accepted. The rest was mainly 2002 new starts, the town housing projects and special projects commissioned before 2002. The use of settlement funds was subject to strong oversight, completed with an accounting system and more effective auditing measures and investigation system. Safety of fund use was further improved thanks to a number-canceling system.

#### Resettlement work in areas outside of the reservoir area

To ease the shortage of agricultural land and better protect the ecology in the reservoir area, the State Council readjusted its resettlement policy in 1999, encouraging more rural residents to resettle outside of the Three Gorges reservoir area. Out of the total of 125 thousand rural people slated for resettlement outside of the reservoir area, Hubei will take in 25000, instead of the original 12000, and Chongqing will take in 100000, instead of the original 71000. Of this total, according to the new plan, 20000 would resettle in non-reservoir counties within Chongqing, 10000 would resettle on their own and the remaining 70000 would resettle outside of the municipality, with government's assistance, in 11 economically more developed provinces along the Yangtze or China's east coast. Nine thousand of them would go to Sichuan, 7000 each to Jiansu, Zhejiang, Shandong, Hubei and Guangdong, 5500 each to Shanghai and Fujian and 5000 each to Anhui, Jiangxi and Hunan.

Pilot projects of outbound resettlement program started in 2000 with 7451 people resettled in that year alone. More massive outbound resettlement began in 2001 and

completed in 2002. The TGPCC resettlement plan in 2001 was to relocate 40000 people from Chongqing to distant places as the follows: 4000 each to Shandong, Zhejiang, Jiangsu and Hubei, 3000 each to Shanghai, Jiangxi, Hunan and Fujian, 3600 to Guangdong, 3400 to Anhui, and 5000 to Sichuan. The rural population to be relocated came from Wushan (8000), Fengjie (8000), Zhongxian (8000), Yuanyang (11000) and Kaixian (5000) in Chongqing's reservoir area.

In 2001, 103 counties outside the Three Gorges reservoir area became destinations of resettled farmers. They came by bus (more than 7500 rides), special trains (in more than 160 car loads and 16 trips) and boat (118 trips). The resettlement work involved many Party and government departments, such as migration, public security, transportation, railway, civil affairs, agriculture, land and resources, health, family planning and publicity, as well as military units and non-governmental organizations. With concerted efforts of all sectors, 43707 rural people from Chongqing completed resettlement outside of the municipality in 2001.

By September 2002, a total of 140 thousand people had left the reservoir area and completed resettlement to distant places, 12 percentage points higher than planned, of which 72000 left Chongqing for eleven provinces, 43000 people resettled in non-reservoir counties of Hubei and Chongqing and 25000 resettled in various places on their own. In just two years, the resettlement work accumulated rich experience:

First, the three-tiered management structure with overall central leadership, well-defined responsibility for the provinces, and the counties as basic operators. Under the unified command of the State Council, the TGPCC was made the sole policy-designer and principal director of the resettlement program. Local governments of the resettled population were responsible for "moving people out", while the local governments of the receiving provinces were responsible for "making people stay and prosper gradually". To coordinate resettlement work at provincial levels, the TGPCC set up the Resettlement Coordination Department under the Migration and Development Bureau. Chongqing's Migration Bureau set up the Outbound Resettlement Office, and similar offices at different levels were set up in various receiving provinces, resulting in a stronger organizational backing for the resettlement work.

Second, carrying out resettlement in accordance with law. The TGPCC General Office and Migration Bureau issued up to ten policy documents. To enhance funding transparency and popular supervision, they formulated the Measures for Management of Funds for Outbound Resettlement of Rural Population in Chongqing's Reservoir Area and its Additional Rules strictly separating compensations to migrants from fundings allocated to governments of the receiving provinces. The TGPCC Migration Bureau also signed fund management responsibility agreements with resettlement agencies of the receiving provinces and with banks handling the resettlement funds. The receiving provinces drew out detailed rules of implementation as well as local

documents. Chongqing and its counties issued facts sheets for outbound migrants and used legal services such as contracts and notarization to make resettlement work more legal-based. There were rules available in every key aspect of the resettlement process. Outbound migrants must have a complete set of documents, including certificate for land contract, land use license for housing or housing ownership certificate, permit for household registration transfer, contract for outbound resettlement, power of attorney for housing construction, letter of approval for outbound resettlement, resettlement roster and resettlement agreement. Some provinces also established fairly complete resettlement archives.

Third, land- or agriculture-oriented livelihood. Four measures were employed to ensure that each re-settler would get one mu (one fifteenth of a hectare) of contracted land. (a) Most provinces met the target by readjusting the contracted land stock of the local population; (b) Shanghai and Zhejiang made the land available from local collective land reserves; (c) Anhui resettled migrants in groups on state-owned farms; (d) Jiangsu allowed migrants to buy idle housing from local residents on the condition that the owner transfer the land contract right to the buyer. In addition to ensuring access to contracted land, many local governments gave vigorous support to migrants helping them to plant new crops and develop secondary or tertiary industries permitted by the local conditions.

Fourth, scattering the re-settlers to the villages and neighborhoods. In Jiangsu, Shanghai, Zhejiang, Sichuan, Shandong and Guangdong, each neighborhood usually took in three to five or no more than a dozen families and mingled them with the locals. The scattering method had four merits: (a) increasing the capacity of resettlement without increasing potential conflict of interest over contracted land between the migrants and locals. In villages where there were extra land slots of collective reserves, migrants could usually get contracted land without readjustment in local land distribution; (b) allowing migrants to enjoy the existing infrastructure, thus saving spending on water, electricity and roads; (c) making it possible for local villages to directly help migrants overcome their difficulties; (d) facilitating contacts between the migrants and the local population in the interest of faster integration.

Fifth, ensuring housing quality through a variety of ways. Receiving provinces have made every effort to ensure adequate housing for the re-settlers: (a) constructing new housing in the unified way, such as in Shanghai, Shandong, Fujian, Hunan and Guangdong; (b) contracting housing construction to local developers or building it by migrants themselves, such as in Jiangxi, Anhui, Zhejiang and Sichun; (c) purchasing idle housing by migrants, such as is the case of 183 migrants in Dafeng city of Jiangshu. Those who build or buy houses can get local governments' support in two ways: funding from infrastructure spending and tax and fee benefits with a required ceiling on construction costs. On the whole, the housing conditions of the re-settlers have reached the medium or upper medium levels of local housing, and a far way from their previous conditions.

Sixth, vigorously assisting the migrants to settle in their new environment and become prosperous. (a) Efforts were made to draw up plans on technical training for migrants, particularly on agricultural production in local conditions. (b) Preferential policies were introduced to support migrants, such as exemption of agricultural tax and special agricultural product tax for three years and reduction or canceling of village reserve and miscellaneous schooling charges. (c) Multiple forms of loving care were given to migrants and their families.

***33. Please provide information on the availability and accessibility of institutions for older persons, such as old-age homes and day centers, and on their enjoyment of social security and insurance benefits.***

Information relating to care accorded to the elderly by social welfare institutions is referred to in paragraph four on page 25 of the report. Details are as follows: By the end of 2003, social welfare institutions for older people in China had totaled 37368, with 1.205 million beds accommodating 880 thousand older persons. At present, the Chinese population above the age of 60 is 134 million, namely 8.99 beds per one thousand, or if calculated by the number of persons above the age of 65 (approximately 94 million), 12.82 beds per one thousand. Of all the welfare institutions for older persons, 1508 are of comprehensive nature in cities, with approximately 110 thousand beds, 32291 are in towns with 927 thousand beds, 1065 are privately-run with 75 thousand beds, 1,298 are listed as “homes for the honored” with 49 thousand beds, 673 other service providers with 20 thousand beds, and 533 are community-based facilities with 24 thousand beds.

Providing older persons with all-dimensional service including accommodation, medical care, rehabilitation and recreation, welfare institutions in China are an effective supplement to the Chinese mode of family care for the aged. Generally speaking, welfare institutions as such are not sufficient to meet the needs of older persons. Based on effective forecasting, the Ministry of Civil Affairs is formulating the 11<sup>th</sup> Five-Year Plan for the development of elderly welfare institutions. According to this plan, the total number of welfare beds for older persons will increase by 10% annually, reaching 2.2 million by 2010, which will basically meet the needs.

At present, older persons already housed in the institutions can be divided into two categories: those who without physical labor, income and legal support must depend entirely on government-provided resources (in some places, they are covered by subsistence allowance system); and those who, though having families and source of income, are unable to get proper care. In this case, the welfare institutions will charge them for certain fees.

## **Article 12 The Right to Health**

***34. Paragraph 167 of the initial report indicates that the health-care system in agricultural villages, especially in areas inhabited by minority peoples, remains sub-standard. By the State party's own account, a serious shortage of investment in health facilities in rural communities makes it difficult to guarantee the provision of public health and preventive health services. Please update the information on the Government plans to improve the quality of the health care provided and the access by the rural population to health-care services.***

Paragraphs 167-170 of the initial report shall be revised as the follows:

“Para.167. In China’s vast rural areas, particularly in central and western regions inhabited by ethnic minorities, owing to a comparatively backward economic development and the impact of the natural and geographical environment, the healthcare work is relatively sub-standard. Along with economic restructuring and improvement of social life in rural areas, great changes have taken place in people’s living standards including the population’s needs for healthcare. However, health management and service systems, as well as general spending on healthcare in these areas adapt poorly to the changes. In poor agricultural villages, the relatively high incidence rate of some major infectious and local diseases poses a serious threat to the health of rural residents. For instance, TB, which was kept under effective control for decades, is coming back with patients suffering from the disease increasing notably. Typical local diseases like the big joint ailment, local fluorine poisoning and snail fever spread widely in the poor, backward, remote and minority-inhabited areas of central and western China, and are extremely hazardous. Inadequate investment in healthcare facilities in rural communities makes it difficult to guarantee the provision of public healthcare and preventive health services. In rural areas, particularly those with sizable poor population, curves showing rural residents health improvement have flattened out noticeably, and the health gap between urban and rural residents has further widened.”

“Para.168. The Chinese Government has made comprehensively achieving the objectives of the Program of Developing Primary Healthcare in the Rural Areas (2001-2010) the priority in rural health work. Taking prevention as the key, efforts should be made to step up the building of medical and healthcare institutions at the county level and actively guide clinics at the township level to change their mode of service giving greater emphasis on public health, preventive healthcare and basic medical service. In more urbanized rural areas, efforts should be made to help township clinics develop community-based health service. While stepping up prescribed immunization services, efforts should be made to improve midwifery service in township clinics and set a ceiling for childbirth hospitalization charges in rural clinics. In the meantime, efforts should be intensified to push forward the Health Promotion Campaign for Farmers, with a view to raising their awareness of



self-protection and encouraging a scientific, civilized and healthy lifestyle.”

“Para.169. In 2002, the Chinese Government issued the Decision on Further Strengthening Healthcare in Rural Areas, calling for establishment of a rural healthcare system and a rural cooperative medical service across the country that is compatible with the socialist market economy and socio-economic development in rural areas. Main elements include: establishing a rural health service network complete with basic facilities, forming a rural health workforce with relatively high professional aptitude, and training healthcare workers for the countryside by giving college vocational education to junior middle school graduates for five years or to senior middle school graduates for three years. All clinical service personnel in township clinics by 2005 and most rural doctors by 2010 should possess work qualification of, or above, that of assistant doctors. On-job training should be given to current health workers with a view to getting all health management personnel at the county and township levels and technical personnel in township and village clinics trained at least once within five years. Governments at all levels should keep spending more in the health sector year after year at a rate not lower than rises in budgetary spending of the corresponding period. From 2003 to 2010, spending increases in the health sector by governments at the central, provincial, city and county levels must be used primarily for the development of rural health services. Under the coordination and guidance of the government and consistent with the principle of voluntary participation, a new type of rural cooperative medical service and rural medical relief system should be established with the socialized pool against catastrophic sickness as the principal component. The central government, through special transfer payment schemes, would provide an annual subsidy of 10 yuan to every farmer in China’s central and western regions who has participated in the cooperative medical service, and subsidies from local budgetary schemes for the same purpose must not be less than 10 yuan.”

“Para.170. In 2001, the Ministry of Health issued the Suggestions on Strengthening Healthcare in Western Regions, which called for continued increases in health spending, greater central government support to special financial allocations and projects in poor areas and faster development of health-related infrastructure in the west. Efforts should be made to mobilize the national health system to give counterpart support to the western regions in the areas of personnel training, technical guidance, mobile medical service and facilities acquisition while strengthening training, health education, public health campaign and law enforcement in key areas of health work. Governments of the provinces, autonomous regions and municipalities directly under the central government worked in cooperation with the health institutions above the city level to give support to rural health units in their localities. They also set up teams complete with vehicles and equipment to go on itinerant medical tours to poor, far-flung and minority-inhabited areas. In 2001, the central government provided 80 million yuan to subsidize rural health development, spent 120 million yuan to set up 116 health-related projects in poor counties across the country and invested 670 million yuan for the development of disease prevention and control agencies at the

provincial, prefecture and county levels in the west.”

***35. Please provide updated information on the situation of the recent severe acute respiratory syndrome (SARS) epidemic, including in the Tibet Autonomous Region (TAR); Furthermore, please describe the measures taken and resources committed by the State party to address this problem.***

In the first half of 2003, 24 provinces, autonomous regions and municipalities directly under the central government were hit by a SARS epidemic with 5327 reported cases, 349 deaths, plus 19 deaths caused by other diseases, and 4959 cure cases. Tibet, together with 6 other provinces, autonomous regions and municipalities, reported no cases of SARS. The sudden and unexpected outbreak of the epidemic seriously threatened people’s health and life, and affected China’s economic development, social stability and exchanges with other countries.

In face of the epidemic, the Central Committee of the Party and the State Council, sizing up the situation and acting resolutely, put people’s health and safety above anything else and made prevention and treatment of SARS the top priority. By taking a series of important measures, they led the whole nation into a determined fight against SARS and won major conclusive victories. The State Council dispatched working groups to all 31 provinces, autonomous regions and municipalities including Tibet to inspect and direct the anti-SARS efforts there. Anti-SARS headquarters were set up at the State Council and all local governments in the interest of stronger better leadership and more effective interagency coordination. An enormous amount of human and material resources were channeled into the fight by the governments at all levels, relevant departments and units. The Law on the Prevention and Treatment of Infectious Diseases put SARS on the list of diseases subject to control. The Regulations on Response to Public Health Emergency and the Measures for SARS Prevention and Treatment were promulgated, bringing efforts to fight the epidemic onto a law-based, scientific and effective track. Measures were taken to reinforce monitor of the epidemic and make reporting more open and transparent. Such measures as “early discovery, early report, early quarantine and early treatment”, and such principles as “on-spot diagnosis, on-spot quarantine and on-spot treatment”, were faithfully abided by. Through intensified publicity campaign on prevention and treatment knowledge, the broad masses were mobilized to join in efforts to curb the epidemic’s further spread to the countryside. By intensifying scientific research and improving technical standards on prevention, diagnosis, treatment, decontamination, epidemiological investigation and laboratory testing, important progress was achieved in diagnostic reagent and vaccine research. China conducted extensive international and regional exchanges and cooperation with WHO, ASEAN and relevant countries, and joined the WHO global SARS epidemiology, laboratory and clinic treatment network, inviting WHO experts to go on consulting trips to China on many occasions. China also stepped up information sharing, academic exchanges and cooperation with its Hong Kong, Macao and Taiwan regions.

In the latter half of 2003, while earnestly summing up the experience in SARS prevention and treatment, China's local health departments continued their effective measures, such as monitoring and daily reporting of the disease, to prevent a possible recurrence and spread. The Ministry of Health revised the technical program for the diagnosis, treatment, prevention and control of SARS, carried out extensive exchanges and cooperation with WHO, ASEAN and relevant countries and strengthened information-sharing, academic exchanges and cooperation with Hong Kong, Macao and Taiwan.

Towards the end of December 2003, SARS was discovered again in Guangzhou city. The Guangdong Province and the Ministry of Health took resolute medical measures, promptly looked into the epidemiological history and imposed quarantine and medical observation measures on those who had had close contacts with the affected. The Ministry of Health immediately informed WHO and foreign embassies in China and carried out extensive international technical cooperation in the area of laboratory diagnosis. The Ministry of Health released information on the disease on the daily basis as to to keep the public well informed in the interest of social stability. To prevent humans from being contaminated by virus carried by animals, Guangdong acted on the principle of "prevention first" by closing down all markets selling wildlife, strictly banning the capture, trafficking, sale, slaughter and eating of wild animals, calling on citizens to change their unhealthy way of life and launching a vigorous campaign to clean the environment with emphasis on eliminating rats. Meanwhile, the Ministry of Health, holding two close-circuit television conferences of the health system, made arrangement on prevention and treatment work, including the establishment of a joint alert and response mechanism with five provinces in North China, Guangdong and its neighboring provinces. In the meantime, efforts were intensified across the country to monitor the disease and beef up quarantine measures, with focus on massive population movement during the forthcoming Spring Festival travel season to forestall a possible long-distance spread. By the end of January 2004, the four established cases in Guangzhou had been cured and released from hospital. None of those coming into close contact with them had been found infected.

On 22 April 2004, cases of suspected SARS infection were reported in Beijing. Similar cases were also discovered in Anhui Province. Upon receipt of the reporting, the Ministry of Health immediately set in motion of its anti-SARS emergency mechanism in accordance with the established program of SARS prevention and treatment, demanding all localities to move promptly to resume their daily zero-case reporting system, intensify monitor on fever-running cases, report all sick and death cases of lung inflammation of unknown causes and protect medical personnel in real earnest. The Ministry of Health dispatched expert groups to Beijing and Anhui to assist in their work of diagnosis and epidemiological investigation. At the same time, the Ministry also sent working groups to other provinces to beef up oversight. The health departments of Beijing and Anhui conducted rigorous epidemiological investigations,

traced the people believed to have made close contacts with SARS virus and kept possible sources of contamination under control. The Ministry also organized experts to locate the sources of SARS virus, buttressing safety measures at laboratories. While working on prevention and treatment, the Ministry released SARS information in a timely, complete and objective manner, kept WHO and relative countries and regions informed and carried out international and regional cooperation in this regard. Thanks to these measures, the outbreak of SARS was quickly brought under effective control. By the end of May, Beijing reported 7 confirmed cases, and Anhui 2 confirmed cases, of SARS infection. Except for one death, all had been discharged from hospital fully recovered. It was confirmed after investigation that the outbreak of SARS this time was caused by a contamination incident at the Virus Prevention and Control Institute of China Disease Prevention and Control Center.

***36. Please describe the extent of the high incidence of HIV/AIDS infection in China, including the extent to which intravenous drug use or poor sanitation in China's blood-collecting industry have contributed to the spread of HIV/AIDS.***

Since China reported its first AIDS case in 1985, spread of the epidemic has been accelerated. In 2003, China carried out a nation-wide epidemiological investigation on HIV/AIDS. A preliminary analysis indicates that at present China has about 840 thousand infected with HIV. About 80 thousand are tested and officially confirmed AIDS patients. The main characteristics of the disease are: (a) Extensive spread, with HIV carriers found in all 31 provinces, autonomous regions and municipalities directly under the central government, and particularly high incidence in certain regions and source populations; (b) high incidence and death peaks facing certain regions; (c) HIV carriers move from high-risk groups to general population; (d) people infected are mostly young and middle-aged rural residents.

In 1989, Yunnan became the first province to report a HIV case, a drug user. Since 1995, similar cases have been reported in Sichuan, Xinjiang and other provinces, autonomous regions and municipalities. By the end of 2002, all 31 provinces, autonomous regions and municipalities on the mainland had reported similar cases. According to statistics from on-spot monitoring and epidemiological investigation, a relatively serious spread of HIV/AIDS could be ascertained in intravenous drug users, with over 5% infection rate in Yunan, Xinjiang, Guangxi, Guangdong, Sichuan, Hunan, Guizhou, Jiangxi and Beijing. In 2001, intravenous drug users in 5 of the 24 monitoring spots reported a HIV infection rate of over 10%. Other surveys showed that intravenous drug users in Sichuan, Guizhui and Guangxi reported HIV infection rates of 50%, 43.1% and 34.8% respectively. Among some intravenous drug users in Xinjiang and Yunnan, the HIV infection rate reached as high as 80%.

In response to spread of AIDS through intravenous drug use, relevant departments in China looked for better ways to sensitize and intervene among high-risk groups. In 2002, an experimental project on "marketable syringe" was launched in Guangxi and

Guangdong, whereby health and quarantine departments supervised the recovery of used needles and the addicts purchased clean needles at designated pharmacies at a below-market price. The health departments stepped up publicity among the drug addicts, persuading them to kick the dangerous habit of needle sharing. The experience was considered rather successful and will be popularized gradually.

Around 1995, illegal and substandard practice of blood (plasma) collection and supply in some provinces in central China led to the high incidence of HIV infection. Epidemiological investigations indicated that in some counties, townships and villages of Henan, Anhui, Shanxi, Shaanxi, Hubei, Hebei, Shandong and Guizhou, where the practice of paid blood collection and supply was rather commonplace, HIV infection rates among the blood donors have reached between 10-20%, or even as high as 60%.

China's central and local governments attach importance to the safety of blood and its products. A series of laws and regulations to ensure blood safety have been promulgated since 1995, such as the Law on Blood Donation and the Regulations on the Management of Blood Products. Illegal blood collection and supply stations were outlawed, together with moves to standardize the code of conduct in plasma collection. Moreover, a HIV-testing system has been introduced at blood banks and the gratis blood donation system established in the nation-wide blood-supply network while ensuring a sound development of blood banks and better management of blood quality. In 2001, the state invested 1.25 billion yuan in treasure bond, coupled with 1 billion yuan from localities, on infrastructure and equipments of blood banks in central and western China. A total of 459 blood stations and blood banks were constructed or renovated, providing a basic guarantee for the safety of blood and blood products.

***37. Please describe the situation of persons infected with HIV/AIDS and the assistance the Government provides for them, including initiatives to facilitate the formation of support groups and associations to help those suffering from HIV/AIDS. Please describe how they are protected from discrimination, in law and in practice, particularly in employment, marriage, residence and the use of public facilities.***

The Chinese government is highly concerned with the prevention and treatment of HIV/AIDS, regarding it a work of strategic importance bearing on national destiny social stability, economic development and national security. It has made the work a key agenda item and taken effective measures to initially put in place an anti-AIDS regime consistent with China's national conditions.

The state has launched model projects on comprehensive prevention and treatment in selected key areas, carrying out treatment, care and health education and promoting the implementation of all measures. At present, 127 such project areas have become operational, with each area acting on its specific guidelines and achieving initial progress.

Governments at all levels and various departments concerned are actively implementing the “four frees and one care” policy of the State Council, i.e. free medicine for poor HIV/AIDS patients not covered by rural or urban basic medical insurance, free testing and counseling for HIV-infected citizens on voluntary basis, free testing and treatment for expectant mothers to prevent mother-to-child transmission of HIV, and free schooling for AIDS orphans; and care for patients and families affected by HIV/AIDS with government aid programs, providing them with relief, encouraging the able-bodied to engage in production for more income and promoting publicity for HIV/AIDS prevention and treatment and against discrimination.

Over recent years, relevant institutions and organizations have initiated community-based development projects for persons infected with HIV/AIDS in areas of high-rate incidence, including poverty alleviation and support in education, nutrition, employment and healthcare. The Sino-British project, for example, conducted following experiments in some communities of Sichuan: children from infected families get free schooling, their agricultural taxes are exempted and they can borrow small-sum loans. With help from UNICEF, Henan, Guizhou, Shanxi and Jilin launched “Project Hope and Help” and gained successful experience in encouraging the infected to seek development through self-reliance, mobilizing families and relatives of the infected to participate and minimizing impact of infection on families and children. In August 2000, Wenxi County of Shanxi Province, with financial assistance from the local government, established its first “Warm Home” - a showcase base for care and help to persons infected with HIV/AIDS. Through voluntary participation of the infected and volunteers in counseling and training activities, an atmosphere of community care and support to the infected was generated, helping them to acquire production capability for self-help. The “Warm Home” initiative was also popular in Hubei and other provinces. The “Mangrove Support Group” (MSG) under the China Association for the Prevention and Treatment of STD and HIV/AIDS is the first network founded by persons infected with HIV/AIDS. Its main purpose is to improve the quality of life of HIV-infected and full-blown AIDS patients through training of skills of living and participating in anti-AIDS publicity. The organization has participated in many functions in Beijing and extended its projects to Guangdong, Sichuan and Henan. Taking its health center for women and children in Ruili of China’s Yunnan Province at the basis, the British Children-Support Society established a pilot project on comprehensive AIDS care, gaining some experience in Anti-AIDS publicity and AIDS care in the countryside.

At present, the Ministry of Health is involved in revising the Law on the Prevention and Treatment of Infectious Diseases and drafting the Regulations on the Prevention and Control of HIV/AIDS. It is expected that the anti-discrimination element will be incorporated into both documents, bringing to the level of law.

The impact of HIV/AIDS on labor security is profound and significant. On the one

hand, since persons infected with HIV/AIDS are mostly young and middle-aged, it will inevitably have a big impact on labor security, which takes laborers as its main target, and involve multiple aspects ranging from employment, training, appraisal, promotion, to adjustment of labor relations, labor security legislation and social security system. One direct consequence of rampant spread of AIDS is the enormous loss of human resources and a huge medical expenditure. On the other hand, workplaces are important checkpoints for AIDS prevention and treatment. Carrying out education and popularizing knowledge among the laborers and enhancing their self-consciousness are effective ways for HIV/AIDS prevention and treatment. Particularly in high-risk places where drug use and commercial sex deals take place, as well as in the huge migrant workforce and people working on high-mobility jobs, it is all the more necessary to build a tight defense against the spread of HIV/AIDS by developing capacity to recognize the high-risk practices and establishing mechanisms for social intervention and self-restraint. At the same time, it is necessary to create a social environment of caring for the HIV-infected and AID patients, eliminating bias and discrimination against them and safeguarding their legitimate rights, including rights to employment, medical insurance, social safety net and relief.

Article 21 of the Regulations on Monitoring and Controlling AIDS, which was issued by Ministry of Health and six other ministries in December 1987 with the approval of the State Council, stipulates, "No unit or individual shall discriminate against AIDS patients and persons infected with HIV and their families. Information relating to their names and addresses shall not be made public." This was the earliest rule in China that bans discrimination against AID patients, HIV-infected and their families..

On 1 December 1994, Governments of 42 countries including China solemnly declared in the Declaration of Paris Summit on AIDS to "undertake in our national policies to protect and promote the rights of individuals, in particular those living with or most vulnerable to HIV/AIDS, through the legal and social environment, fully involve non-governmental and community-based organizations as well as people living with HIV/AIDS in the formulation and implementation of public policies, ensure equal protection under the law for persons living with HIV/AIDS with regard to access to health care, employment, education, travel, housing and social welfare."

In April 1999, the Ministry of Health clearly identified the rights, obligations and responsibilities of AIDS patients in the Suggestions on the Management of Persons Infected with HIV/AIDS. The document said, "Persons infected with HIV/AIDS and their family members are not to be discriminated against. They are entitled to the rights and social welfare in accordance with law. They shall not be deprived of their rights to work, study, receive medical care and participate in social activities, nor shall their children be deprived of their rights to enter kindergartens and schools and to be employed."

In 2001, the International Labor Organization issued the ILO Code of Practice on HIV/AIDS and the World of Work. The document provides guidance to governments, employers and workers' organizations in conceiving and implementing AIDS-control measures at workplaces. The Chinese government, enterprises and trade unions have worked in close cooperation with ILO in conducting many activities.

In March 2004, the State Council issued a circular, explicitly incorporating HIV/AIDS drugs into the basic urban medical insurance coverage, the rural cooperative medical service coverage and the country's medical relief coverage, qualifying them for reimbursement. It also called for providing free anti-HIV medicine to poor AIDS patients in both cities and countryside and reducing their medicine costs on other diseases. This was a major measure in China's anti-AIDS efforts, which will significantly improve the shortage in treatment and medicine for the HIV/AIDS patients.

To protect the rights of the HIV-infected and AIDS patients to work, the following will be done:

First, to formulate a code of practice or a set of regulations on anti-discrimination and HIV/AIDS-related workplaces, taking into consideration the top concerns of the HIV/AIDS infected on discrimination and right to employment.

Second, to formulate a medical insurance policy that is compatible with the features of irregular employer units, bringing those employed in these units into medical insurance coverage, and to give guidance to research and formulation of socialized healthcare schemes that cover HIV/AIDS, to be incorporated into medical insurance systems when conditions are ripe.

Third, to make HIV/AIDS-control a key subject of medical training and popularize such knowledge for better public understanding of the disease. The work should focus on the vast number of laborers so as to enhance their awareness of possible channels of HIV transmission.

***38. Please provide information on how the international aid and funding from international organizations are used to combat the widespread diseases such as HIV/AIDS, sexually transmitted diseases (STDs), viral hepatitis and tuberculosis. Please describe the results obtained and the progress achieved.***

First, China has carried out active cooperation with, and received vigorous financial and technical support and assistance from, relevant international organizations and friendly countries in its efforts to combat HIV/AIDS and STDs. These organizations include multilateral groups, bilateral governmental agencies and foreign NGOs. Among the international cooperation projects, the China-Britain cooperation project, the nine health-related projects of the World Bank and the World



Foundation AIDS projects are of considerable size. These projects cover most of China's provinces. Their main activities include the best intervention measures (practices) for prevention and care, such as public information, popular use of condoms, STD management, voluntary consultation and testing of STD and HIV patients, prevention of MTCT, high-risk group intervention, anti-discrimination, care and support, opportune risk factors and antiviral treatment, capacity-building in leadership and personnel, as well as comprehensive monitoring network development. These projects, critical and highly effective to China's efforts against HIV/AIDS and STDs, have helped China immensely to achieve the objectives of its overall policy framework.

Second, about financing for projects between China's Ministry of Health and GAVI. In order to speed up control of viral hepatitis and ensure equal opportunities to vaccination of all new-born babies, the Ministry of Health and Ministry of Finance jointly issued Circular on Incorporating Viral Hepatitis Vaccine into the Program on Children's Planned Immunization in December 2001, asking all provinces, municipalities and autonomous regions to incorporate viral hepatitis vaccination in their planned immunization programs as of 2002. To facilitate safe vaccination in western provinces and poor areas in other provinces, the central government allocated special funds to support them in the 10<sup>th</sup> Five-Year-Plan period. Meanwhile, the Chinese government has secured support from GAVI and Children's Vaccine Foundation in this respect and launched the GAVI project. Successful implementation of this project has played a highly positive role in hastening China's control of viral hepatitis, thus protecting children's health in the poor areas, ensuring a smooth implementation of the west development strategy and promoting China's economic growth.

The GAVI project, stretching five years from 2002 to 2007, covers all counties in Sichuan, Guizhou, Yunnan, Tibet, Chongqing, Shaanxi, Gansu, Qinghai, Ningxia, Xinjiang, Guangxi and Inner Mongolia, as well as the state-level poor counties in Hunan, Hubei, Shanxi, Jiangxi, Anhui, Henan, Heilongjiang, Hainan, Hebei and Jilin. The project targets all new-born babies in the above-mentioned places throughout the duration of the project. According to statistics of 2003, the project covered 1301 counties in 22 provinces with a total population of 470 million, and the number of new-born babies in that year totaled 5.84 million.

The GAVI project provides new-born babies with viral hepatitis vaccine complete with self-destructive syringe and safety container. The cost incurred is shared equally by the Chinese government and GAVI, and the share of the Chinese side is borne jointly by central government coffer and the relevant provincial budget.

The central government allocates 36 million yuan every year during the 10<sup>th</sup> Five-Year-Plan period, totaling 180 million yuan in five years. And GAVI provides US\$37.878918 million (equivalent to 313 million yuan) during 2002-2007 fiscal years

to be used for purchasing viral hepatitis vaccine, self-destructive syringe and safety containers. In addition, GAVI provides US\$800 thousand as administrative expenditure by the state-level project office. The sum total amounts to US\$38.678918 million.

According to the implementation program of the GAVI project, funding from Chinese central government and GAVI will meet the needs of all the counties (cities, districts) in the 12 western provinces and the state-level poor counties in the 6 central provinces for the viral hepatitis vaccine and 70% of the syringe for vaccination and other planned immunization materials, with the rest 30% to be met by financial authorities of the relevant provinces. GAVI funding provides the state-level poor counties in Heilongjiang, Hainan, Hebei and Jilin with 50% of the viral hepatitis vaccine, syringe and related materials, with the relevant provinces meeting the other 50% of the expenditure.

About progress of the GAVI project. In February 2003, the Ministry of Health, Ministry of Finance and the State Drug Administration jointly issued the Implementation Program of the GAVI Project, giving guidance to the project-related work in the target areas. The provinces, combining the Implementation Program with local conditions, worked out local implementation programs and made massive preparations in policy, management, technology and logistics. Governments at all levels are strongly committed to the project. All 1301 counties (cities, districts) set in motion the GAVI project in 2003. To follow the progress, the Ministry of Health conducted inspections in the 12 western provinces between March and April of 2003 and all 22 target provinces between April and June of 2004. The inspections found that by the end of June, 2004, 18 out of the 22 provinces had completed requirements for the self-destructive syringe and associated materials and 19 of them had allotted funding for their share of the project. Inoculation of viral hepatitis increased remarkably in most target areas, particularly in the poor areas where inoculation rate soared from a very low level caused by economic difficulties. Newborn babies in many areas receive the first shot of viral hepatitis vaccine within 24 hours of their birth, which plays a significant role in the prevention of MTCT. In the mean time, publicity campaigns are conducted extensively to enhance the public's awareness of the importance of inoculation. Efforts are also intensified to train grassroots doctors with a view to bettering their knowledge and skills. On the other hand, owing to complexity of the work itself and inadequate public health system at the grassroots level, the project is seriously tested, which includes: (a) Income and benefits of rural doctors are not effectively guaranteed. The stability and quality of health workers at the grassroots level have a direct bearing on the quality of the regular immunization service. At present, rural doctors in many areas earn very little, leading to absenteeism, poor service and lack of enthusiasm for work. Such a state has hampered progress in project implementation. (b) Funding for grassroots services is not sufficient. Some cities and most counties and townships in central and western provinces have not been properly funded, making some key programs, such as training, technical instruction

and on-spot supervision hard to go on and problems hard to discover and resolve in a timely fashion.

Third, progress in international cooperation project on tuberculosis and relevant experience. This project contains five parts: (a) The seven-year TB control project in 16 provinces, municipalities and autonomous regions with US\$104 million of World Bank loan and British donation starting 2002; (b) The three-year TB control project in 12 provinces and autonomous regions with US\$63.08 million of Japanese grant starting 2002; (c) The three-year project with US\$2.34 million donation from Canadian Ministry of International Development in support of TB control efforts in three provinces starting 2002; (d) The Belgian Damian Fund schemes in support of TB control in Tibet since 1995, in Inner Mongolia since 2001 and in Qinghai since 2003, with US\$300 thousand each very year; (e) The five-year China TB control project in 24 provinces under the first global fund for HIV/AIDS, TB and Malaria with US\$48 million starting 2003, and the five-year China TB control project in 24 provinces under the fourth global fund for HIV/AIDS, TB and Malaria with US\$56 million starting 2005.

Major elements and results of the funding projects: Money mainly goes to purchasing of medicines and equipment for TB patients free of charge, the identification and management of TB patients, training of personnel, publicity, education and supervision of anti-TB work. International support has helped national program of TB prevention and control. Among others, the rate of TB prevention and treatment agencies increased from 81% in 2002 to 99.6% in 2003. The coverage of DOTS increased from 42% in 2001 to 85% in 2003, and identification rate of patients increased from 31% in 2002 to 45% in 2003.

Main experience gained from the implementation of the projects: (a) Government commitment is the pre-requisite and guarantee of project success. The remarkable achievements of implementing DOTS in China and some other countries and regions show that TB control is not a pure technical issue, but more importantly a political commitment. Chinese governments at all levels attach great importance to TB control projects, render them active support and pledge to make it their responsibility to protect people's health. They have incorporated TB control into their overall health programs, set up project taskforce composed of officials from health, financial and planning departments and exercised strong leadership throughout the implementation. In the early 1990s, the central government promulgated statutory documents on the prevention and treatment of infectious diseases and management of TB prevention and treatment. During the 9<sup>th</sup> Five-Year-Plan period, the state put TB on the list of major diseases subject to control. The Ministry of Health upgraded TB from a category-C infectious disease to a category-B one, and issued corresponding documents in this respect. The provinces did the same thing. Facts prove that in areas where leadership commitment is ensured, project implementation will be successful. Otherwise, difficulties will crop up in the implementation. (b) Guaranteed funding is the

foundation of project success. Governments at all levels have incorporated TB prevention and control into their annual budget to ensure funding availability. In many places, funding obligation is divided so that each level of government will meet its obligation under the supervision by the government of the next higher level. This practice ensures timely funding availability, normal operation of the institutions and smooth implementation of the project. The uninterrupted supply of funds makes project implementation possible, just like a river always getting water from its source. The period in which the project is implemented coincides with China's largest investment in TB control, the largest number of TB patients identified and best performance in the country's efforts against TB. (c) A sound TB control service system is essential to project success. China's experience of many years shows that without an institutional setup and a contingent of personnel dedicated to TB control, there can be no success in this regard. It also shows institutional building and capacity building at the county level is indispensable for a successful TB control in the localities. For example, only 70.7% of the counties in 13 project-targeted provinces had some TB control setup before the project, and the percentage increased to 98.9% after the project. County-level personnel working on TB control also increased from 6478 to 12072, nearly doubled. Training programs at different levels and along different disciplines have brought forth an anti-TB army of competent skills and equipped the localities with basic tools, thus ensuring a smooth implementation of the project. (d) Implementation of DOTS is the key to project success. Stronger quality control on the check of tuberculin and sputum has increased the discovery rate of TB cases. Stressing discovery and cure of infectious TB patients, giving them free treatment and guided chemotherapy and providing them with unified doses of medicine are strictly followed. Setting up standard and easily operable information system has enabled authorities to get accurate and reliable information for timely assessment and guidance. The supervision and guidance at various levels and the introduction of a bonus system for rural doctors have helped standardize the management of the project. Facts prove that the DOTS is highly efficient, feasible and compatible with China's conditions. Its popularization outside the project-targeted areas is also well-received, as it shared Chinese practices with other countries. (e) Strengthened education in TB-related health issues and extensive social participation are effective means to ensure project success. As the project involves more than TB control and the health departments, the government takes the overall charge and get the support and cooperation from all relevant agencies, making implementation of the project more effective. Large-scale publicity campaigns were launched at the beginning and throughout the duration of the project to rally extensive public attention and increase people's awareness of TB's danger to society and economic development. The efforts have enhanced public interest in self-protection, developed people's abilities to identify TB themselves, and galvanized their enthusiasm to participate in TB control programs. (f) Active external exchanges and cooperation promote progress in project implementation. The project has won support from WHO, World Bank and other relevant international organizations. Project-related cooperation and exchanges have not only won China needed international financing, but also helped it to learn more about the outside world,

thus updating itself with prevailing international practices and changing itself both in outlook and way of doing things. In the meantime, the world has got to know China better, especially its achievements and experience. (g) Succeeded in bringing TB control into the rural primary healthcare network. Taking into account different geographical conditions, transportation and level of economic development in mountainous, pastoral or other areas, the localities have worked out supervisory and guided chemotherapies and procedures that are consistent with local characteristics so as to increase the project coverage to the entire areas and ensure satisfactory management and treatment.

**39. Please provide statistics on maternal mortality resulting from unsafe abortions.**

China so far has had no accurate statistics on maternal mortality resulting from unsafe abortions. However, the 2003 national survey on the health of women and children contains the following statistics on maternal mortality:

<b>III. Major Causes of Maternal Death in China 2003</b>						
<b>IV. Mortality Rate (1/100,000) and Percentage (%)</b>						
Causes	<u>Whole Nation</u>		<u>Cities</u>		<u>Countryside</u>	
	mortality	%	mortality	%	mortality	%
obstetrical bleeding	21.2	41.4	6.9	25.0	29.4	44.9
gestosis	6.1	11.9	4.4	15.9	7.3	11.1
hydramnious embolism	5.1	10.0	3.8	13.7	6.0	9.2
heart disease	4.9	9.6	0.0	0.0	7.6	11.6
hepatitis	2.0	4.0	1.9	6.8	2.2	3.4
puerperal infection	1.0	2.0	1.3	4.5	0.9	1.4
others		21.1		34.1		18.4
total		100.0		100.0		100.0

**Articles 13 and 14: The right to education**

**40. Please indicate what percentages of the central State and local administration budgets were earmarked for education during the past five years, and whether there has been any reduction of the education spending as a share of GDP in recent years.**

China's education spending consists of two parts - education undertakings and capital construction. Education budget, therefore, is also divided into budget for educational undertakings and budget for education-related capital investment. Financial and planning departments of governments at all levels are responsible for drafting the education budget, which shall be examined and approved by people's

congresses at the corresponding levels. Once approved, no department or individual shall have the right to make any change without the authorization of the people's congress concerned. In the course of implementing the education budget, government financial departments are responsible for appropriation on education undertakings and government planning departments for appropriation on capital investment.

Regarding education as an important undertaking underpinning the country's overall economic and social development, the Chinese government has made substantial increases in education spending since 1990. The 2001 spending totaled 463.766 billion yuan, six times that of the 1991 figure. With increased government spending on education, school conditions have notably upgraded characterized by higher teachers' salaries and benefits, breakthroughs in reforms of socialized logistics in college facilities and impressive improvement in students' board and lodging facilities. Over the past few years, the state has given effective help to college students from poor families through government-financed scholarships and other financing schemes like "stipend in support of west development strategy".

In 2002, China's education spending totaled 548.003 billion yuan, up by 18.16% from the previous year's 463.766 billion yuan. Of the total, 349.140 billion yuan was characterized as budgetary spending on education, up by 14.21% over the previous year's 305.701 billion yuan. That spending level amounted to 3.41% of China's GDP of the year, up by 0.22 percentage point as compared with the previous year's 3.19%, the highest since the index was taken in 1989. The Chinese government aims to increase that figure to 4% within the shortest possible time.

Basic Statistics on Educational Funds by Regions  
(Table)

20-35 各地区教育经费情况  
Basic Statistics on Educational Funds by Region

单位: 万元

(10 000 yuan)

年 份 地 区	Year Region	合 计 Total	国家财政性 教育经费 Government Appropriation for Education	预 算 内	社会团体 和公民个人 办学经费 Funds of Social Organizations and Citizens for Running Schools	社会捐资 和集资 办学经费 Donations and Fund-raising for Running Schools	学费和杂费 Tuition and Miscellaneous Fee	其他教育 经 费 Other Educational Funds
				* 教育经费 Budgetary				
	1991	7315028.2	6178286.0	4597308.1		628209.7	323475.6	185056.9
	1992	8670490.5	7287505.8	5387381.7		696285.2	439319.3	247380.2
	1993	10599374.4	8677618.3	6443914.0	33322.7	701856.1	871476.9	315100.4
	1994	14887812.6	11747395.6	8839794.7	107795.2	974487.1	1469228.1	588906.6
	1995	18779501.1	14115233.3	10283930.0	203671.5	1628414.0	2012422.5	819759.8
	1996	22623393.5	16717045.5	12119133.6	261998.9	1884189.5	2610391.2	1149798.4
	1997	25317325.7	18625416.3	13577262.1	301746.4	1706587.6	3260792.0	1422783.4
	1998	29490592.0	20324526.0	15655917.0	480314.0	1418537.0	3697474.0	3569741.0
	1999	33490416.4	22871756.1	18157597.3	628957.1	1258694.2	4636107.9	4094901.1
	2000	38490805.8	25626055.7	20856792.0	858537.2	1139556.9	5948304.3	4918351.7
	2001	46376626.2	30570099.5	25823761.9	1280895.2	1128851.8	7456013.5	5940766.2
北 京	Beijing	3192212.0	2160968.1	1973772.7	30074.6	76185.5	319944.9	605038.9
天 津	Tianjin	859240.6	534954.6	458512.4	41856.9	5936.6	113425.2	163067.3
河 北	Hebei	1779336.2	1212157.6	1013142.2	58635.4	34901.5	344971.8	128669.9
山 西	Shanxi	978974.8	689074.0	574416.5	28309.1	28848.9	153759.1	78983.7
内 蒙 古	Inner Mongolia	719313.3	558750.4	466137.2	6661.6	3994.0	100693.3	49214.0
辽 宁	Liaoning	1703898.7	1131081.6	967952.8	47361.2	5252.9	294026.2	226176.8
吉 林	Jilin	1051755.8	748477.2	625730.5	13238.4	27941.4	168592.4	93506.4
黑 龙 江	Heilongjiang	1426565.1	1003535.6	764916.1	25531.5	5629.4	209099.7	182768.9
上 海	Shanghai	2320452.2	1533925.9	1306651.7	79303.2	39468.2	328207.2	339547.7
江 苏	Jiangsu	3370588.2	1988589.9	1730964.5	108214.5	189364.9	523547.8	560871.1
浙 江	Zhejiang	2829570.4	1714621.8	1276846.5	193331.2	133237.1	360262.7	428117.6
安 徽	Anhui	1342105.4	874985.3	805656.7	16496.4	18280.0	24845.8	147497.9
福 建	Fujian	1451135.5	984196.0	889224.7	44969.2	47157.2	205212.3	169600.8
江 西	Jiangxi	987384.8	613926.4	527729.9	39593.7	12163.3	187332.1	134369.3
山 东	Shandong	2880702.1	1908783.2	1523456.0	83810.1	76917.3	514686.6	296504.9
河 南	Henan	1959174.3	1346540.0	1113695.0	41144.2	45413.0	338009.6	188067.5
湖 北	Hubei	1990721.0	1140396.9	906239.7	16813.4	59464.5	399774.1	374272.1
湖 南	Hunan	1771611.8	997202.3	797038.7	35993.6	39885.2	451554.2	246976.5
广 东	Guangdong	4213486.9	2566792.4	2218268.6	201897.3	114834.8	843063.0	486899.4
广 西	Guangxi	1123494.1	782554.7	663989.1	15553.7	11575.5	183424.1	130386.1
海 南	Hainan	256623.1	172822.5	135157.4	9320.1	8133.4	40883.3	25463.8
重 庆	Chongqing	867751.6	540814.5	479263.7	13814.9	33956.5	113281.4	165884.3
四 川	Sichuan	2028689.8	1337988.7	1131403.4	26634.4	40987.2	286006.5	337073.0
贵 州	Guizhou	672764.1	506803.7	443419.3	7416.4	6586.7	98826.4	53130.9
云 南	Yunnan	1157531.5	976141.7	885747.5	13811.6	20838.0	81618.0	65122.2
西 藏	Tibet	103044.9	95944.1	95738.4		1303.2	3265.0	2532.6
陕 西	Shaanxi	1354170.5	864832.2	758456.1	61683.7	27552.1	269315.0	130787.5
甘 肃	Gansu	686750.1	520918.3	442921.7	4401.3	7427.9	104027.1	49975.5
青 海	Qinghai	164561.8	139900.1	128853.6	621.9	907.5	14995.6	8136.7
宁 夏	Ningxia	195102.0	152583.3	137895.7	623.6	1280.7	21650.7	18963.7
新 疆	Xinjiang	937913.6	769836.5	580563.6	13778.1	3427.4	97712.4	53159.2

***41. The Committee on the Elimination of Discrimination against Women in its concluding observations (A/54/38, paras.251-336) of February 1999 stated that it was concerned about the disproportionate persistence of illiteracy among women, especially women in rural and remote areas, and among ethnic and religious minority women. In addition to the information in paragraph 220 of the initial report, please indicate whether any initiatives have been taken by the Government to address this problem. In addition, please provide disaggregated statistical information on literacy rates, by region.***

The Chinese government has taken the following measures to eliminate illiteracy:

First, in 1992 it set forth the grand goal of basically popularizing the nine-year compulsory education in the country and basically eliminating illiteracy among the young and middle-aged by the end of 2000.

Second, in 1993, it promulgated the Outline on the Reform and Development of China's Education, calling for, among others, bringing down the illiteracy rate of the young and middle-aged throughout the country to below 5% by the end of the century. In the same year, the State Council revised the Regulations on the Elimination of Illiteracy, giving greater responsibility to governments at all levels for meeting the new standards in anti-illiteracy campaign, i.e. a unit (county, township or village) would be accepted as anti-illiteracy unit only when its literacy rate of the young and middle-aged population reached 95% or above.

Third, in 1994, the State Education Commission proposed, in its Suggestion on the Goal of Basically Popularizing Nine-year Compulsory Education and Basically Eliminating Illiteracy Among the Young and the Middle-aged throughout the Country in the 1990s, a three-step approach on anti-illiteracy campaign. The first step was to bring down illiteracy rate to below 5% by 1996 in the 10 provinces (municipalities) with good economic and educational conditions and 33% of the nation's population. The second step was to bring down illiteracy rate to below 5% by 1998 in the 14 provinces (autonomous regions) with relatively good economic and educational conditions and 52% of the nation's population. The third step was to bring down illiteracy rate to below 15% in the 6 provinces (autonomous regions) with rather inadequate economic and educational conditions and 15% of the nation's population. And Tibet was expected to reach the third-step objectives after 2000.

Fourth, in 1994, the National Anti-illiteracy Campaign Coordination Group composed of 10 central ministries, commissions and organizations was established by the State Council to take charge of anti-illiteracy efforts.

Fifth, a system of supervision, examination, acceptance, evaluation, guidance and rewarding was established. The evaluation and supervision system featured the central, provincial, county and township government assessing and inspecting the



anti-illiteracy work of the next lower level of government. On the basis of examination and acceptance records, the Ministry of Education conducted over 20 spot-checks from 1996 to 2000 on the anti-illiteracy work in various provinces (autonomous regions and municipalities), giving a powerful impetus to the anti-illiteracy campaign among the young and middle-aged. In 1996, the Ministry of Education and Ministry of Finance established a rewarding system, giving out 5 million yuan every two years to advanced anti-illiteracy areas. The Ministry of Education established the China Anti-Illiteracy Award, and between 1996 and 2000, it gave out awards once every year to teachers and grassroots personnel with excellent anti-illiteracy record. The Ministry of Education and All-China Women's Federation jointly established the Women's Anti-Illiteracy Award in 1990, and have since made citations once every two years for units and individuals who performed excellently in anti-illiteracy campaign among women.

Sixth, efforts are made to secure adequate funding of the anti-illiteracy campaign. In their joint circular, the Ministry of Finance and State Education Commission required that a certain percentage of supplementary spending in rural education be used for anti-illiteracy purpose. Government financial departments, townships and villages were also required to contribute. The Ministry of Finance allocated a total of 18 million yuan in four batches to reward provincial and county units for their good performance with anti-illiteracy campaign.

Seventh, since 1988, the Ministry of Education has sponsored a conference or workshop once a year on anti-illiteracy education, summing up experience, brainstorming the problems and making arrangements.

Eight, educational departments at the central, provincial, prefecture and county levels have established anti-illiteracy offices. Township and town governments have got full-time personnel or teachers to work on anti-illiteracy matters. Villagers committees are charged with organizing the illiterates to receive anti-illiteracy education by teachers employed by rural primary or secondary schools.

Ninth, contents of the anti-illiteracy education are closely linked with production and daily life that students could easily associate with. Teaching would take multiple forms and the materials used in anti-illiteracy campaign are carefully developed so as to suit the various needs of the recipients.

With respect to anti-illiteracy work among women in the early years of the 21<sup>st</sup> century, the Chinese government will do the following:

First, governments at all levels will build on the previous achievements and make new progress in anti-illiteracy efforts. The Chinese government attaches importance to anti-illiteracy work among women. The State Council has approved the Suggestions on Anti-illiteracy Work During the 10<sup>th</sup> Five-Year-Plan Period put forward by the Ministry of Education and 11 other agencies. This year, the State Council has launched

the plan to meet the requirements with respect to popularizing the nine-year compulsory education and eliminating illiteracy among the young and the middle aged in the western regions, setting 2007 as the deadline for the job and making it an important mission of this government under the west development strategy. Local governments at all levels are required to focus on arresting the emergence of new illiterates, eliminating remaining illiterates and consolidating achievements in this respect. In provinces (autonomous regions) where the goal of basically eliminating illiteracy among the young and the middle aged is not met, an anti-illiteracy project will be carried out. Among 22 ethnic groups with small population, community-based anti-illiteracy projects will be carried out. In provinces (autonomous regions and municipalities) that have already achieved the goal of basically eliminating illiteracy among the young and the middle aged, women's anti-illiteracy projects will be carried out with emphasis on eliminating illiteracy among women, enabling them to get more help in education and healthcare and achieve a better overall quality so as to serve women's empowerment and extensive participation in social development.

Second, efforts will be taken to reduce the girls' dropout rate and consolidate the anti-illiteracy achievements. To popularize the nine-year compulsory education system and gradually reduce and finally end the phenomenon of dropout among girls is an important way to minimize the emergence of new illiterates. Local primary and secondary schools are responsible for the make-up education of illiterates under the age of 15, enabling them to reach the literacy standard set by the state. The role of rural adult schools should be brought into full play. Based on the principle of combining political, cultural and technical education, all young and middle-aged people who have received anti-illiteracy education before will be trained in rotation so as to reinforce their anti-illiteracy achievements and develop self-learning capacity. Women should be helped to learn new knowledge, master new skills and adapt to new changes under these programs.

Third, an anti-illiteracy education mechanism geared to the learning needs of adult illiterates will be set up. Such mechanism should be responsive to the 21<sup>st</sup> century and able to meet their basic needs to learn skills and improve the quality of anti-illiteracy efforts. Steps will be taken to gradually move from learning how to read and write to learning general knowledge. In curriculum designing, women and their special needs should be made the focus. Continued education courses will be set up in rural primary, secondary and adult schools to provide an opportunity for further study to those who have become literate. Contents of anti-illiteracy education should become wider to include applicable techniques, policies and laws, hygiene and health, family education, environmental protection and other aspects that are closely related to people's life. Efforts will be made to explore more functional ways and means of anti-illiteracy education that are suitable to women's characteristics. The appraisal method of anti-illiteracy education should be reformed and more attention should be paid to appraising the process of anti-illiteracy education. The old method of counting how many characters one could read should be phased out and be replaced by the process

evaluation method with emphasis on the student's practical ability.

Fourth, all sections of society will be mobilized to participate in the anti-illiteracy campaign. Better-staffed, well-coordinated institutions work with one another in a joint endeavor as specific responsibility is assigned to each of them. Anti-illiteracy work among women will be made a responsibility of villages and specific individuals. The state will continue to reward units and individuals with outstanding performance in this respect. The additional funds used by the state for reward purposes will be used mainly on women-related anti-illiteracy efforts.

Illiterate and Semi-Literate Population Aged 15 and Over by Sex and Region  
(Table)

4-8 各地区分性别的15岁及15岁以上文盲半文盲人口  
Illiterate and Semi-Literate Population  
Aged 15 and Over by Sex and Region

本表是2002年人口变动情况抽样调查样本数据, 抽样比为0.988%。

Data in this table are obtained from the Sample Survey on Population Changes in 2002. The sampling fraction is 0.988%.

单位: 人, %

(person,%)

地区 Region	15岁及 15岁以上 人口 Population Aged 15 and Over	男 Female		文盲, 半文盲 人口 Illiterate and Semi- literate	男 Female		文盲半文盲 占15岁及以 上人口的比重 % to Total Aged 15 & Over	男 Female	
		Male	Female		Male	Female		Male	Female
全国 National Total	990974	499149	491825	115284	32074	83210	11.63	6.43	16.92
北京 Beijing	12154	6448	5706	650	144	506	5.35	2.23	8.87
天津 Tianjin	8511	4200	4311	574	129	445	6.74	3.07	10.32
河北 Hebei	52391	26246	26145	4091	1095	2996	7.81	4.17	11.46
山西 Shanxi	24847	12756	12091	1591	499	1092	6.40	3.91	9.03
内蒙古 Inner Mongolia	18989	9727	9262	2556	819	1736	13.46	8.42	18.74
辽宁 Liaoning	35077	17605	17472	1811	462	1349	5.16	2.62	7.72
吉林 Jilin	22350	11174	11176	974	319	655	4.36	2.85	5.86
黑龙江 Heilongjiang	31380	15976	15404	2051	656	1395	6.54	4.11	9.06
上海 Shanghai	14296	7000	7297	1170	249	921	8.18	3.56	12.62
江苏 Jiangsu	59252	29232	30020	8477	1979	6498	14.31	6.77	21.65
浙江 Zhejiang	38248	19161	19088	5177	1528	3649	13.54	7.97	19.12
安徽 Anhui	47593	23887	23706	8510	2478	6032	17.88	10.37	25.45
福建 Fujian	26930	13875	13055	3680	881	2799	13.67	6.35	21.44
江西 Jiangxi	31332	15668	15664	3371	813	2558	10.76	5.19	16.33
山东 Shandong	72804	36380	36423	8180	2004	6176	11.24	5.51	16.96
河南 Henan	72133	35991	36142	6592	1784	4808	9.14	4.96	13.30
湖北 Hubei	45591	22902	22690	6896	1910	4985	15.13	8.34	21.97
湖南 Hunan	52114	26633	25481	4352	1191	3161	8.35	4.47	12.41
广东 Guangdong	57744	29217	28528	4045	801	3244	7.01	2.74	11.37
广西 Guangxi	37014	18973	18041	3498	774	2725	9.45	4.08	15.10
海南 Hainan	5860	3011	2849	520	109	410	8.87	3.62	14.39
重庆 Chongqing	24695	12440	12255	2547	695	1852	10.31	5.59	15.11
四川 Sichuan	67689	33464	34225	9171	2748	6424	13.55	8.21	18.77
贵州 Guizhou	27497	14126	13371	5152	1528	3625	18.74	10.82	27.11
云南 Yunnan	32138	16414	15724	7425	2244	5181	23.10	13.67	32.95
西藏 Tibet	1949	920	1029	854	311	543	43.82	33.80	52.77
陕西 Shaanxi	28186	14305	13881	4385	1504	2881	15.56	10.51	20.75
甘肃 Gansu	19375	9842	9533	4090	1419	2670	21.11	14.42	28.01
青海 Qinghai	3851	1970	1881	954	291	663	24.77	14.77	35.25
宁夏 Ningxia	4093	2087	2006	716	222	495	17.49	10.64	24.68
新疆 Xinjiang	14891	7519	7373	1223	487	736	8.21	6.48	9.98

注:本表“文盲, 半文盲人口”指15岁及15岁以上不识字及识字很少人口。

a) Illiterate and semi-illiterate population in this table refers to the population aged 15 and over, who are unable or very difficult to read.

***42. Please provide information on the provision of human rights education in school curricula, if any, at all levels of education. Please provide the information on human rights training provided to: inter alia, teachers, health workers, judges, law enforcement officers, civil servants and military personnel.***

### **Training Provided to Teachers**

In primary and secondary education period, human rights education is conducted mainly in two ways: (a) Human rights education is merged into regular arrangement of school curriculums and teaching activities. China is now pushing a new basic education program geared to the need of development in the 21<sup>st</sup> century. Giving priority to students' development, the Reform Outline on the Basic Education Program approved by the State Council states, "It is important to show respect for students' personality, care for their individual differences and meet their diverse needs for independence and personal initiative," with a view to promoting the overall development of every student, helping him to be a responsible and participatory citizen while living a healthy life. The new basic education program aims to lay a solid foundation for the viability and development of every student, helping him to learn how to be a person of integrity, how to acquire knowledge and how to adapt to the society. (b) Human rights education is conducted as a special segment in school-based courses of ethics, social and human studies, such as "Integrity and Life" for grade-one and grade-two and "Integrity and Society" for grade-three to grade-six in primary schools, "Thinking and Ethics" in junior middle schools and "Thinking and Politics" in senior middle schools. For instance, in the standard teaching instruction for "Integrity and Life" for grade-one and grade-two students in primary schools, it is suggested that the value of childhood should be cherished, the right of the child respected and children should be guided to love life and become a moral person. In the standard teaching instruction for "Integrity and Society" for grade three to grade-six students in the primary schools, helping students to learn how to participate in social activities and become a moral person is made the core element of the course, aiming to enable them to understand children's fundamental rights and duties and form an initial concept of democracy, legality and rules. In the standard teaching instruction for "Thinking and Ethics" for junior middle school students, helping students to learn how to become responsible citizens and live a positive and healthy life is the key, highlighting such information as protection by family, school society and the law, equality of all in personality and legal status, relationship between rights and duties, respect for the rights of others and discharge of one's duties, etc. In addition, responding to the characteristics of primary and secondary school students, the Ministry of Education has also prepared reading materials on legal education for these students, incorporating human rights-related information into these materials, which are rich in illustrated pictures and account of real legal cases. The practice is highly successful in helping primary and secondary school students to learn more about law and human rights.

In secondary vocational schools, human rights education is given in the course of

“Laws ABC”, which include references to political rights and freedoms, freedom of religious belief, freedom of the person, rights to make criticisms, suggestions, appeals, charges and reports, social and economic rights, educational, scientific and cultural rights and freedom, etc.

In colleges, human rights education is conducted mainly in two ways. The first is through human rights contents in required and optional courses as well as colorful on-campus activities. For instance, in the course of “Introduction to Law”, there are lectures on the concept, origin and evolution of human rights, and China’s basic position and viewpoint on human rights issues. In the course of “Constitution”, there are lectures on the relations and differences between human rights and the people’s rights, and respect for and protection of human rights and rights of citizens being the fundamental principles of the Constitution. Human rights education is also conducted during teachings of other courses. As a result of human rights education, students have acquired a sense of human rights, a stronger appreciation of the development of human rights in China and a determination to protect and advance human rights. Meanwhile, human rights education has penetrated into campus life of the students. For example, students’ cadres and deputies to students’ congresses are chosen through competitive elections. Dorms are run by committees elected for self-administration. The second way of human rights education is through human rights courses and special lectures. In a number of key universities, such as the Beijing University, the Chinese People’s University, the Beijing Normal University, Fudan University, Wuhan University and the China University of Political Science and Law, there are human rights education and research centers established since 1990s responsible for human rights education in required courses. In China’s institutions of higher learning of legal sciences, jurisprudence, constitutional science and international law are compulsory courses which all provide certain amount of class hours on human rights education. In recent years, some universities have updated their postgraduate curriculums to include “International Human Rights Law” as a required course for the MA program of international law, and “Theories and Practices of Human Rights” as a required course for MA program of jurisprudence. In 2004, the Beijing University Law School offered a program on Master of Human Rights. And the Wuhan University and some other universities or colleges have made “International Human Rights Law” as a direction for MA and PhD programs of public international law.

New faculty members in universities or colleges, before taking up their new jobs, are required to go through professional ethics training, including elements of care and love for the students and respect for their rights and interests. Teachers already employed also go through training on teachers’ professional ethics and legality. The Ministry of Education compiled legal reading materials, which contain elements of human rights education, to help raise teachers’ awareness of rule of law.

A considerable portion of China’s colleges teachers teaching human rights have had experience of studying abroad. Others have participated in human rights

workshops or training programs at home or abroad. On August 6- 24, 2001, the Center of Theoretical Legal Studies of Jilin University, Raoul Wallenberg Institute of Human Rights and Humanitarian Law of Lund University of Sweden (hereinafter referred to as Wallenberg Institute), the Norway Human Rights Institute of Oslo University, the Denmark Human Rights Research Center and the Jilin University Law School jointly sponsored the “China-Nordic Teachers’ Advanced Workshop on International Human Rights Law”(hereinafter referred to as the Advanced Workshop). Twenty-five teachers and researchers from 20 Chinese law and legal research institutions, with background of public international law, jurisprudence, constitutional law, administrative law, procedural law and criminal law participated in the training program. In 2002 and 2003, the Institute of Human Rights and Humanitarian Law of China University of Political Science and Law (CUPSL), and the Hunan University co-sponsored respectively the 2<sup>nd</sup> and 3<sup>rd</sup> Advanced Workshops with the Wallenberg Institute and Norway Human Rights Institute of Oslo University. From February 1 to October 31 of 2003, the Institute of Human Rights and Humanitarian Law of CUPSL smoothly carried out the project of “qualification training of university teachers in the field of human rights law”, which was supported by the European Commission. Twenty-five teachers, researchers and PhD candidates from 14 universities and research institutes participated in the training program. In August 2004, the Institute of Human Rights and Humanitarian Law of CUPSL, Wallenberg Institute, the Norway Human Rights Institute of Oslo University and the Denmark Human Rights Research Center jointly sponsored the 4<sup>th</sup> Advanced Workshop. These training programs of diverse forms have improved the knowledge level of Chinese college teachers about human rights.

### **Training provided to health workers**

Training on professional ethics, medical ethics and continued education in medical sciences is provided to in-service health workers after their graduation from schools or universities. Particularly after the promulgation of the Regulations on Handling Medical Accidents, many provinces and municipalities conducted a wide variety of training classes for management personnel of medical facilities and health workers in general, helping them to meet the requirements of handling such accidents in an open, fair, reasonable, timely and customer-friendly manner, correctly understand the legislative intent of the regulations, accurately appreciate the principles, scope and procedures as well as the rights and obligations of persons concerned, enhance their sense of law in work, change their outlook in service, respect the right to know by the patients and families, standardize medical services and constantly improve service quality and technical standard.

### **Training provided to civil servants**

China attaches great importance to training civil servants in the context of human rights. First, ideas and concepts of human rights as reflected in such mottos as “exercising power in the interest of the people, showing concern for the people and

working for the good of the people”, the scientific concept of development and the “people first” approach are incorporated into the four types of civil servants training programs, i.e. preliminary training for beginners, post-specific training, professional knowledge training and knowledge-updating training. Second, civil servants are required to study, in addition to the Constitution, laws, regulations and institutions that bear directly on people’s interests, including the Law on Administrative Licenses, State Compensation Law, Administrative Reconsideration Law, Administrative Penalty Law, which embodies such human rights spirit as serving the people, helping the people and working in the interest of the people. Third, to improve the quality and capability of civil servants in the less developed western regions so as to further promote socio-economic development and guarantee citizens’ rights to development and other human rights in these regions, China’s personnel departments have since 2000 organized counterpart training programs bringing civil servants from both the east and west of China together. More than 4700 principal civil servants from western regions were trained in the past five years, which effectively helped socio-economic development in these regions. Fourth, different departments carry out human rights-related training in the light of their specific circumstances. For instance, civil servants in such departments as public security, judiciary, industrial and commercial administration, and taxation are given training on strict, fair and polite enforcement of laws and regulations. The Chinese government commits to greater human rights contents in future trainings of civil service.

### **Training provided to judges**

The in-service training and professional training of court judges given by China’s court system and its affiliated training facilities, protection of human rights is heavily emphasized. For example, the State Judges Institute held special judges’ training programs with curriculums on judicial protection of human rights. When the Constitution was amended with the addition of human rights references in 2004, many courts conducted training courses with special lectures on human rights. For instance, the Higher People’s Court of Jilin sponsored three three-hour training classes in April and May 2004, giving training to a total of 633 judges. The Higher People’s Court of Sichuan organized in May 2004 a one-day workshop on the constitutional amendment with a major part of it devoting to the subject of human rights. The Intermediate People’s Court of Dongying City of Shandong sponsored in April 2004 a one-day lecture on the history of human rights and protection of human rights in criminal procedures in the light of the constitutional amendment, and more than 40 judges participated in the lecture. In 2000, the Supreme People’s Court held a national human rights workshop for courts across the country, and sent a delegation to an international human rights seminar held in Sweden. In 2002, it sent judges to Ireland on a human rights training program. These activities have enhanced judges’ understanding of human rights, sensitized their consciousness about human rights protection, and made them more attentive to protecting citizens’ lawful rights and interests when they preside over court proceedings, particularly those of the vulnerable groups in society.



### **Training provided to police**

The Chinese government has all along attached importance to police training, regarding it as an important aspect of developing a police federation. To ensure institutionalization and standardization of police training, China promulgated the Regulations on the Ranks of Police in 1992, which for the first time made promotion-related training of the police a regular training. Article 29 of the People's Police Law promulgated in 1995 stipulates, "The state shall develop educational undertakings to provide systematic training in the field of political ideology, legal system and police profession to the people's police." The Regulations on the Training of People's Police of Public Security Organs, promulgated by the Ministry of Public Security in 2001, set forth the basic tasks and overall framework of police training. All these have provided a legal basis for police training in China.

In recent years, the Ministry of Public Security and police departments at all levels have made education, training and improvement of professional quality of the police a key measure in the building of a public security contingent. Police training, including beginners training, promotion-related training and professional training, has increased steadily in scale. From 2000 to the end of 2002, a total of 1.434 million person/times were completed, which was equivalent to training every police officer once. Training of multiple forms at the various levels has enhanced the force's self-consciousness for strict, fair and polite enforcement of the law and improved the officers' capability to fight crimes in defense of social stability and human rights of the citizens. Police training in the context of human rights includes the following elements.

First, make education in professional ethics the priority focus of police training. The Constitution stipulates that all powers of the People's Republic of China belong to the people. The public security organs are, therefore, the people's organs, with all their powers given by the people. They are required to carry out the will of the people and protect their interests. Serving the people whole-heartedly is what the very nature of the public security organs requires of them. In view of this, police training programs always contain courses of political theories and professional ethics, teaching police officers to strictly comply with the Standards on Professional Ethics for People's Police and making people's satisfaction the fundamental yardstick for their job performance.

Second, make education in rule of law an important part of police training with a view to improving their capability to protect people's lawful rights and interests in accordance with law. The training programs of various types pay close attention to the cultivation of a sense of law in police officers. Courses on laws, statutory regulations and rules must make up more than 30% of the total class hours. To help police officers learn about the latest changes in the country's laws and regulations so as to better perform their duties in protecting the public's interests, China requires that its police

receive timely training for professional knowledge update, which includes studying newly released laws, statutory regulations and rules.

Third, step up caution and admonition in an effort to ensure fair enforcement and safeguard the interests of the country and general public. Fair enforcement of the law is what the public wants of the police in all countries. Abuse of police power in law enforcement not only tarnishes the image of individual policemen but gives bad publicity to police agencies and the entire force. China set up courses on the police caution and admonition system. Through watching videotapes, organizing discussions and holding special lectures, the training programs educate the police in the need to cultivate a correct outlook on the world, life and value judgment. By showing the trainees some typical cases of police violations of the law, the vast number of officers will draw useful lessons and develop capacities to resist corrupt practices and wrongdoings and better safeguard the interests of the country and general public.

Fourth, improve police skills in actual combat so as to reduce police casualty in enforcement while enhancing their capability to serve the public. In beginners training, professional training and promotion-related training, it is required that training in actual combat skills take no less than 50% of total training hours. Different departments and different sectors of the police force step up their combat skill training in keeping with their functions, characters and priorities. In particular, the patrol police, security police, criminal police and anti-riot police have carried out tactical research and simulated exercises in capturing, wrestling, shooting, driving, searching, interrogation, apprehension, interception, hostage rescuing, and management of emergencies, incidents involving large numbers of people and terrorist violence, with emphasis on improving self-defense and fighting criminals more effectively so as to better protect the public, the nation and the police force itself. The Chinese government also pays attention to the experience of other countries in police training, and has added, in response to the need of the public, elements that will help police better serve the people. For instance, in view of the practice of the developed countries to include knowledge and skills of medical self-rescue and mutual assistance in their police training after the 1980s and the ensuing decline of mortality in epidemic or other emergencies, the Chinese government requires that medical self-rescue and mutual assistance be included as compulsory courses in the training of civil police on UN peacekeeping missions, as well as in the beginners training, professional training and promotion-related training of the police force.

It is provided by law in China that prisons are administered by the police. Currently, there are over 280,000 prison police officers. The quality of prison administration has a great deal to do with the competence of the officers. The Chinese government has always attached importance to the education and training of the prison police. In every prison, there is a permanent training class and nationwide, 20 secondary and tertiary training institutes for prison police officers. The Ministry of Justice has established the Central Institute of Judicial Police. Together, they form a

three-level education and training network covering the country's entire prison system. Under the guideline of differentiated training management and responsibility, the permanent training class attached to each prison is responsible for training junior prison officers, the provincial-level secondary or tertiary police training institutes are responsible for training middle-ranking prison police officers, the Central Institute of Judicial Police is responsible for training senior prison officers.

To step up education and training of prison police, the Ministry of Justice formulated the 2001-2005 Program for Prison Police Training and its Three-Year Outline, putting forward explicit requirements for training to prison police at all levels, including a 10-day, off-duty training to all prison officers, with emphasis on laws and policies, professional ethics, human rights, job knowledge and skills.

In recent years, the Ministry of Justice has conducted a wide variety of concentrated training programs to prison police across the country. In the quality training program featuring basic knowledge, skills and job performance from August 1999 to August 2002, 99.98% of the prison police officers participated, and 97.8% of them passed the qualification examination. These education and training programs have helped the prison police to do a better job and improved the overall state of the prison work.

China values human rights education in the work of the prison police, regarding it as a crucial component of police training.

### **Training provided to military personnel**

First, incorporate human rights education into the educational programs of China's armed forces, including the teaching programs at its military schools of various levels. Military officers receive human rights education under regular programs or at special study sessions. Human rights-related curriculums are offered in military academies and schools, such as international law, constitution, jurisprudence, labor law, ethnicity and religion, as well as courses relating to international human rights instruments, human rights protection in special fields, China's human rights positions and practices, China's ethnic and religious policies and responsibility in the context of human rights. Some military schools also hold training classes on armed conflict law from time to time.

Second, conduct extensive academic exchanges with foreign countries on human rights. Since 1991, China's military schools have joined the International Committee of the Red Cross (ICRC) in sponsoring seven workshops of Instructors on war and armed conflict legislations. More than 250 military officers attended these training workshops. Military officers have participated in academic seminars on humanitarian law and armed conflict law both at home and abroad on many occasions. For example, some Chinese military officers and instructors attended the armed conflict law

knowledge competition and the international military workshop on armed conflict law sponsored by the San Remo International Institute of Humanitarian Law in Italy. Experts from ICRC and its East Asian Office have been invited to give lectures on humanitarianism at China's military schools. Over the past decade and more, about 11 thousand military officers have benefited from human rights education in this way, helping bring about a backbone force in the dissemination of international humanitarianism. This year, China's military and ICRC worked together to hold an Asia-Pacific seminar on the armed conflict law, which further promoted academic exchanges in the field of human rights.

Third, give guidance to human rights education in military units. From the Central Military Commission to military headquarters and military schools, efforts have been made to popularize the knowledge about human rights in all military units, giving study sessions to senior officers on armed conflict law, ethnic policies and religious policies, providing consulting and other services to the men and women in uniforms and guaranteeing adequate supply of teachers. Since 2000, each army group, division or brigade of China's ground force has got a post of military attorneys, and the system of examination for legal profession through self-study programs was opened in some military schools. More than 30 thousand officers and soldiers took part in the programs, providing China's military with a large army of people well versed in armed conflict law and human rights knowledge.

**Article 15: The right to take part in cultural life and to enjoy the benefits of scientific progress and protection of authors' rights**

*43. Please indicate the extent to which restrictions are imposed on the publication of academic research, in particular in the social sciences and humanities.*

The Constitution of China stipulates, "The state promotes the development of the natural and social sciences, disseminates knowledge of science and technology, and commends and rewards achievements in scientific research as well as technological innovations and inventions." "The state promotes the development of art and literature, the press, radio and television broadcasting, publishing and distribution services, libraries, museums, cultural centers and other cultural undertakings that serve the people and socialism, and it sponsors mass cultural activities." "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration." They "enjoy the freedom of scientific research, of literary and artistic creation and other cultural activities. The state encourages and assists citizens in their creative work useful to the people in scientific, technological, cultural, artistic and other cultural undertaking." These provisions lay a legal foundation for the citizens to publish their achievements in field of social sciences. At the same time, the Constitution stipulates, "Citizens of the People's Republic of China, in exercising their freedoms and rights, may not infringe

upon the interests of the state, of society or of the collective, or upon the lawful freedoms and rights of other citizens.” This means that China’s laws and statutory regulations can lay down the rules for publication.

The Regulations on the Administration of the Publishing Industry stipulates, “Any citizen may, in accordance with these Regulations, freely express in publications his/her opinions and wishes concerning state affairs, economic and cultural undertakings, and social affairs, or freely publish his/her achievements in respect of scientific research, literary and artistic creation and other cultural pursuits. Lawful publications shall be protected by law, and no organization or individual may illegally disturb, impede or sabotage the publishing of publications.”

The following elements are subject to restrictions in publication: (a) those that are against the basic principles enshrined in the Constitution; (b) those that endanger national unity, sovereignty or territorial integrity; (c) Those that divulge state secrets, endanger national security or damage national dignity and interests; (d) Those that incite ethnic hatred or discrimination, undermine ethnic harmony, or infringe upon ethnic customs and habits; (e) Those that advocate destructive cults or superstition; (f) Those that disrupt public order or sabotage social stability; (g) Those that advocate obscenity, gambling and violence or instigate crimes; (h) Those that insult or slander others, or infringe upon the lawful rights and interests of others; (i) Those that undermine public ethics or fine cultural traditions; (j) Others that are prohibited by laws, administrative regulations or other provisions of the state.

To protect the physical and mental health of minors, publications catering to minors shall not include any elements that may entice minors to imitate acts in violation of public ethics and acts of an illegal or criminal nature, nor shall they include elements that may harm the physical and mental health of minors such as terror, cruelty, etc.

To protect the lawful rights and interests of citizens from infringement by an abuse of freedom of publication, the Regulations stipulate, “Where the content in a publication is not true or not just, thus infringing upon the lawful rights and interests of a citizen, a legal person or any other organization, the publishing entity shall make a public correction, eliminate the bad consequences, and bear other civil liabilities in accordance with the law. Where the contents in the works published by a newspaper or a periodical is not true or not just, thus infringing upon the lawful rights and interests of a citizen, a legal person or any other organization, the party concerned is entitled to demand the relevant publishing entity to make a correction or plea, which the publishing entity shall publish in the recent newspaper or periodical; otherwise, the party concerned may bring a lawsuit to the people’s court.”

To ensure the quality of national education, the examination and determination of textbooks for primary and secondary schools shall be organized by the administrative

department for education under the State Council, and the units for their publication, printing and distribution shall be decided by the agencies responsible for publication, education and price regulation of the government at and above the provincial level through a bidding process or other open and fair processes. No other units or individuals shall engage in the business of publishing, printing or distributing textbooks for primary and secondary schools.

It is necessary to point out that China has no specific legal restrictions on the publication of research in social science and humanities.

***44. Please provide information on the measures undertaken by the State party regarding the recommendations made by UNESCO in August 2003 towards mitigating the negative impact on the value of historic properties declared as World Heritage sites, brought about by the urban development plan in the Tibetan capital of Lhasa.***

Governments at all levels in the Tibet Autonomous Region (TAR) attach great importance to the recommendations mentioned in the question. Principal measures adopted include:

First, identify and publicize the scope of protection so as to effectively retain the architectural style. The TAR government has successively released the protection scopes and control areas at the Jokhang Temple, Potala Palace and Norbulingka. Any construction within the protected areas is subject to prior examination and verification by TAR agencies responsible for historical relics and the approval of the city planning authorities. New buildings, including their height, size, color and style, must be consistent with the original structures and their environmental features.

Second, formulate and promulgate a series of control measures to effectively protect the heritage complex of Potala Palace and its surrounding environment. Since 1995, TAR and Lhasa City have promulgated the Regulations on City Planning of Lhasa, Protection Plan of the Historical and Cultural City of Lhasa, Provisional Regulations on the Protection and Management of the Old Town of Lhasa, and Protection Plan of the Snow Town within the Key Protection Scope of Potala Palace, which provided critical legal basis for the protection and planning of the old town of Lhasa. From 2002 to 2004, TAR and Lhasa City carried out the project of Research on the Protection and Planning of Barkhor Bazaar Area, Potala Palace and Surrounding Areas, and stepped up formulation of the Protection Plan of Barkhor Bazaar Area of Lhasa, thus providing an important legal basis for strengthened protection and management of the heritage complex of Potala Palace and the old district around Barkhor Bazaar.

Third, invest heavily in projects of protection, renovation and improvement. The state has allocated huge amount of financial resources for key heritage buildings at the

Potala Palace, Jokhang Temple and Norbulingka, with good results.

The Chinese government stressed the all too important harmony between the new buildings in the Lhasa City and its historical environment, and has since formulated strict rules for Tibetan-style architectural design, together with training programs for business people on the concept and knowledge of architectural design and heritage protection.

The Chinese government attaches great importance to publicity work on heritage protection by releasing information in a timely fashion, listening attentively to views and opinions of the local residents and relevant departments and improving transparency in decision-making.

The Chinese government welcomes the help provided by UNESCO and the International Council of Ancient Relics in heritage protection schemes in Tibet, encourages the local agencies to go for a variety of exchanges with World Heritage sites in other countries. A TAR delegation was to visit France and Portugal in September 2004 to study the protection and management of World Heritage sites.

The Chinese government, as required by the 27<sup>th</sup> World Heritage Conference, submitted in January and June, 2004 to World Heritage Center the report on the protection of historical architectural complex of Potala Palace and made a presentation on relevant information at the 28<sup>th</sup> World Heritage Conference.

***45. Please provide information on the positive measures taken by the State party to preserve the indigenous culture of the Mongolian as well as the Tibetan populations residing in the Dulan county, Tsunub “Mongol and Tibetan prefectures”, affected by the “China Western Poverty Alleviation Project”, in particular the construction of a water storage dam and large-scale irrigation schemes in Qinghai.***

In the process of implementing the west development strategy, China pays special attention to the protection of cultural heritage of ethnic minorities. The Office of the State Council Leading Group for West Development said in its 10<sup>th</sup> Five-Year-Plan Period Program that it was necessary to carry forward the fine cultures of all ethnic communities, attach importance to the protection, exploration and sorting out of their folk cultures and reinforce the protection of historical sites and relics. The Office proposed in its policy paper that the special funds of the state for the protection of key cultural relics should be used in favor of such key units of cultural relics in the western regions, the major storehouses of cultural relics and the major archeological excavation projects, focusing on salvage, maintenance, repair, protection, excavation and systemization of relics in these units.

The Dulan county of the Mongol and Tibetan Prefecture of the Qinghai Province

is located at the southeastern corner of the Qaidam Basin with the southern route of the ancient silk road running through it from east to west. It used to be the political, economic and cultural center of the ancient Tuyuhun Kingdom and also an important post-house on the silk road. Recent excavations uncovered more than 100 ancient tombs dating back at least 1500 years (believed to be ancient Tibetans), as well as East Roman gold coins, Persian silver coins and more than 350 pieces of precious silk objects. Since 1982, Qinghai has carried out salvage archaeological excavations here on a large scale. To reinforce protection of Dulan's ethnic cultural heritage, Qinghai has spent more than two million yuan to establish a research institute – Tibet (Tuyuhun) Culture Protection Center. The presence of the institute is highly helpful for long-term, spot-specific archaeological surveys by improving excavation and research conditions, providing easier access to information and facilitating the fight against tomb robbers. Protecting cultural heritage of China's ethnic groups is an integral part of the country's overall west development strategy. Economic development in China's west, the booming infrastructure development included, will not be pursued at the expense of ethnic cultural heritage.

The area west of the Qinghai Lake (Haixi) has a typical continental climate with severe winter and dry summer. The serious water shortage has gravely stymied agriculture and animal husbandry in the area. The Party committee and government of the prefecture made the decision three years ago to harness the Bayin River and Germu River, construct Xujixia, Dulanwayan, Liushahe and Ulanxiawan reservoirs, remodel at Heishishan, Ulanxisai, Dulanxiariha and Chahanwusu irrigation systems and repair four morbid reservoirs at Heishishan, Huaitoutala, Dulanhe and Dulanxitai. After more than two years of efforts, work on harnessing the two rivers is underway, with repair work on three morbid reservoirs completed, and the remodeling work of the four irrigation systems starting last year as part of national scheme of large irrigation systems overhaul. The four reservoirs are important water conservancy projects badly needed in Haixi. By now, the preparation work of the project has been completed waiting for the approval by the relevant ministries and commissions. The construction in question has been well thought out and strictly evaluated, and it will be pursued on the basis of preserving local ethnic cultures without causing any damage to the heritage.

***46. Please provide information on the enjoyment of the right to freedom of religion as a dimension of cultural rights, by people belonging to minority groups in China, in particular Protestant and Catholic groups, Muslim Uighurs, Tibetan Buddhists and Falun Gong practitioners.***

China's religious policy and legal regime provide for full protection of citizens' freedom of religious belief.

As things stand now, China has five major religions, namely, Buddhism, Taoism, Islamism, Catholicism and Protestantism. Chinese citizens are free to choose and



express their beliefs and reveal their religious identity. According to incomplete statistics, currently there are more than 100 million believers in China with over 100 thousand venues of religious activities, some 300 thousand clergy and over three thousand religious organizations. These religious organizations all together run 77 religious schools to train clergy.

Buddhism has been in China for more than 2000 years. There are now more than 13 thousand Buddhist monasteries with about 200 thousand monks and nuns, including 120 thousand Tibetan Buddhism clergy with 1700 Living Buddhas and 3000 lamaseries, and nearly 10 thousand elders, bhiksus of the Pali Buddhism with over 1600 temples and 32 seminaries.

Taoism originated in China with a history of more than 1700 years. At present, China has 1500 Taoist temples, over 25 thousand Taoist priests and nuns and two Taoist seminaries.

Islamism came to China around the 7<sup>th</sup> century AD and is now followed by the majority of 10 ethnic groups, namely, Hui, Uighur, Kazak, Uzbek, Kerkz, Tajik, Tartar, Dongxiang, Bao'an and Shala. Muslim population in China is about 20 million, mostly living in Xinjiang, Gansu, Ningxia and Qinghai, with the rest scattering in all provinces, autonomous regions and municipalities directly under the central government and forming compact communities around mosques.

China now has over 400 Islamic associations at provincial, municipal, regional, prefecture and county levels across the country, 10 Islamic theological schools, more than 30 thousand mosques, 40 thousand Imams, and scripture learners of more or less the same number. Many famous religious personages became deputies to the people's congresses or CPPCC members at different levels. Showing great respect for the diet habits and funeral ceremonies of Muslim minority groups, the Chinese government has formulated regulations on the production of Muslim food and established Muslim cemeteries. In recent years, China's judicial organs dealt with a number of cases involving publications that seriously hurt the religious feelings of Muslims, thus safeguarding the lawful rights and interests of the Muslim population.

In Xinjiang, over 10 million minority people are Muslims. There are more than 23 thousand venues of religious activities (two thirds of the county's total), about 30 thousand Mawlas and Imams, and 78 local Islamic associations. The Autonomous Region runs a scripture-teaching institute and a scripture-storage institute. Local Islamic associations at prefecture and county levels also run similar schools.

For nearly 150 years from its 1807 introduction into China to the founding of the People's Republic, the Protestant Church in China grew to some 700 thousand. Now, according to incomplete statistics by the China Christian Three-self Patriotic Movement Committee and China Christianity Association, Chinese Protestants total

some 16 million, with some 50 thousand gathering places including 22 thousand churches. Some 35 million copies of the Bible have been printed and distributed, including editions in the Korean, Miao, Jinpo, Lisu, Yi, and Lagu and other minority languages as well as Chinese and English editions and Braille. Also published are more than 14 million copies of the Hymn, more than 6 million theological books and over 2 million audio and video products. The Protestant Church has 15 thousand clergy, 110 thousand volunteer lay workers, 18 seminaries at the national, provincial and local levels with some 1500 students and 5000 graduates employed at churches and theological schools around the country. More than 50 provincial-level training centers for volunteer lay workers have been set up, giving training to 500 thousand person/times to the grassroots church workers.

Catholicism was introduced into China in more modern times, particularly after the 1840 Opium War. China before 1949 had 143 parishes and sub-parishes, of which 29 had Chinese bishops, and among the 20 general parishes, there were only three Chinese bishops. The Chinese Catholic Church at the time was completely controlled by Western colonialists and foreign churches, and Chinese clergy was in a powerless position. Since the founding of the People's Republic, the clergy of the Chinese Catholic Church has persisted in the principle of self-administration and achieved rehabilitation and development. At present, the Chinese Catholic Church has over 90 parishes, 70 bishops, 1200 priests and 1000 sisters, and nearly 5 million believers. It also has nearly 5000 churches and meeting places, and 12 seminaries. Since 1958, China's Catholic Church has elected and consecrated more than 140 bishops. And since the beginning of reform and opening up in 1978, the Church has trained and consecrated some 1000 young priests, baptized 50 thousand every year and printed more than 3 million copies of the Bible.

In China, religious organizations at the national level consist of the China Buddhist Association, China Taoist Association, China Islamic Association, China Catholic Patriotic Association, China Catholic Patriarch Association, China Christian Three-self Patriotic Movement Committee and China Christianity Association. These religious organizations elect their leaders and governing bodies in accordance with their respective charters or constitutions.

Politically, Chinese religious believers enjoy equal democratic rights as the people in other circles. Religious personages participate in the deliberation and administration of state affairs at the people's congresses and CPPCC committees at the various levels. At present, more than 17 thousand religious figures are elected deputies to people's congresses or members of CPPCC committees across the country. They take part in the discussion of important public affairs and social issues, and put forward views, suggestions, criticisms, proposals or motions on the work of the government concerning religious affairs. In recent years, the Religious Affairs Administration has handled more than 50 proposals and suggestions by NPC deputies and members of National Committee of CPPCC.

Different religions in China are equal in status and they live side by side harmoniously without coming into strife or conflict. Believers and non-believers respect each other coexisting in unity and harmony. Such a state is attributable to the time-honored spirit of tolerance and forbearance enshrined in China's traditional culture, and also to the Chinese government's firm commitment to freedom of religious belief, and its persistent endeavor for a harmonious relationship between church and state in the light of China's national conditions.

In China, religions enjoy certain preferential tax treatment. For example, religious sites are exempted from business tax on their tickets earnings, and from land use tax and property tax.

China is a united multi-ethnic country. The Chinese government pursues a policy of ethnic equality, solidarity and mutual assistance, respects and protects the ethnic minorities' rights to freedom of religious belief and to their customs and habits. China's Law on Self-government of Ethnic Autonomous Areas stipulates, "The organs of self-government agencies of ethnic autonomous areas shall guarantee the freedom of religious belief of citizens of all ethnic groups."

While working for greater progress in the economy, culture, education and other undertakings in the areas inhabited by ethnic minorities and improvement in the quality of material and cultural life of ethnic minorities, their religious believers included, the Chinese government pays special attention to respecting the religious belief and protecting the cultural heritage of the ethnic minorities. Efforts have made to survey, gather, sort out, study and publish works of cultural heritage and folk art including religious culture. The state has spent heavily in the maintenance and refurbishment of monasteries and religious sites of important historical and cultural values.

Tibet is an ethnic autonomous region of China. Most Tibetans believe in Lamaism. Since the peaceful liberation of Tibet in 1951, particularly since China began its reform and opening-up program, the right to freedom of religious belief has been implemented fully in Tibet. China's central government has, beginning in 1980s, allocated over 200 million yuan of special funds for the maintenance and refurbishment of the Potala Palace, Jokhang Temple, Tashilhunpo Monastery, Sangye Monastery and other famous religious sites. The state has also allocated funds to support gathering, editing and publishing of such important classics as the Tripitaka and the establishment of the China Senior College of Tibetan Buddhism in Beijing and the Tibetan Buddhism Seminary in Lhasa.

At present, there are over 1700 activity places of Lamaism in Tibet, with 46 thousand resident clergy. In the home of every believer, one can find a niche for a statue of Buddha or a room for Buddhist scriptures. The number of believers making

pilgrimage to Lhasa every year could reach a million. Everywhere one turns in Tibet, he can see believers engaged in Buddhist activities with sutra streamers and Mani mounds of stones inscribed with scriptures scattering all over the place. Religious activities, such as the annual Shotaan (Yoghurt Festival), Pilgrimage to Snow Mountain in the Year of the Horse and Pilgrimage to the Holy Lake of Namco in the Year of the Sheep, have been practiced smoothly with the respect of all social circles.

It is necessary to point out here that Falun Gong as referred to in the question is not a religion. Even its founder has admitted this. It is none other than Falun Gong itself that prohibits its practitioners from believing in any religion, thus seriously violating the religious freedom of these practitioners. Something about the freedom of religious belief of the Falun Gong practitioners:

First, the Falun Gong practitioners are entitled to freedom of religious belief as provided for by law. Article 36, Chapter Two of China's Constitution stipulates, "Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion." Falun Gong practitioners, like all other Chinese citizens, fully enjoy the right to religious belief provided for by the Constitution.

Second, Falun Gong prohibits its practitioners from religious belief. The Chinese government wishes to let them know that they are entitled to religious belief and encourages them to rid themselves from the spiritual control of Falun Gong.

Third, as for the former practitioners who have already shaken off the spiritual control by FalunGong, they are entirely free to believe, or not to believe, in any religion. The Chinese government fully respects their freedom of religious belief.

*(Translated from Chinese)*

## **PART II**

**V. Second report of the Hong Kong Special Administrative Region,  
People's Republic of China,**

**VI. under the International Covenant on Economic, Social and Cultural  
Rights**

**VII. Response to the list of issues presented by the Committee on  
Economic, Social and Cultural Rights on 21 May 2004**

### **I. General legal framework within which the Covenant is implemented**

**1. Please provide information on the extent to which the public at large is aware that the Covenant may be invoked before the courts of the Hong Kong Special Administrative Region. Please cite cases in the past five years when the Covenant has actually been invoked before the courts.**

Taking the two questions one at a time:

(a) **Public awareness that the Covenant may be invoked before the courts:** as we explained in paragraphs 52 and 53 of Part I of our Report (the country profile), we have made extensive efforts to foster public awareness of the Basic Law, our constitutional document, article 39 of which entrenches the provisions of the two Covenants (the present one and the International Covenant on Civil and Political Rights) as applied to Hong Kong at the constitutional level. Later this year, we plan to air a new television advertisement (known as an Announcement in the Public Interest) to ensure the widest possible publicity for the two Covenants.

These things said, any lack of awareness on the part of individual members of the public will not, in practice, be to their detriment should they bring actions involving any of the Covenant's provisions. Their legal advisers (counsel) will take full account of those provisions in preparing their advice and, should the matter come to court, will adduce the Covenant

HR/CESCR/NONE/2004/9

GE.04-44623 (E) 180305 010405

principles in argument. In practical terms, almost all Covenant provisions are provided for in Hong Kong statutory law, such as the ordinances relating to employment, health, welfare,

education, and so forth. Thus, Covenant rights will be defended in the courts, even if the Covenant itself is not directly invoked (but see (b) below);

(b) **Examples of cases in which the Covenant has been invoked:** the following appear in chronological order.

### **Court of Final Appeal**

(i) *Tam Nga Yin & Others v. Director of Immigration* [2001] 2 HKLRD 644 (July 2001)

***Before the Court of Appeal and the Court of Final Appeal, the applicants invoked articles 10 and 11 of the Covenant on protection of family life.***

### **Court of First Instance**

(ii) *Chan Mei Yee v. Director of Immigration, Wong Kam Ping v. Director of Immigration and Secretary for Security*, HCAL 77 & 99 of 1999 (July 2000)

***One of the issues in this case is the effect of the application of the Covenant in the Hong Kong Special Administrative Region with particular reference to article 10 of the ICESCR on the protection of family.***

(iii) *Mok Chi Hung and Another v. Director of Immigration* [2001] 2 HKLRD 125 (January 2001)

The applicants invoked the Government's obligation under article 10 of the Covenant on protection of family.

(iv) *Chan To Foon and Others v. Director of Immigration and Another* [2001] 3 HKLRD 109 (April 2001)

Again, the applicants invoked article 10 of the Covenant on protection of family.

(v) *Wong Yan Hong and Chung So Mui v. Hong Kong Housing Authority and Appeal Tribunal*, HCAL 1711/2000 (May 2001)

***The applicants invoked articles 10 and 11 of the Covenant on the protection of family.***

We have listed only cases in which the *judgements* made specific reference to the Covenant. There may be other cases in which the applicants invoked the Covenant in their submissions (either written or oral) but the judgements make no reference to such issues. Thus the number of cases in which the Covenant has been invoked is not limited to those listed.

**2. Please describe the measures taken by the Hong Kong Special Administrative Region to**

**safeguard the independence of the Equal Opportunities Commission (EOC) and provide information on any interventions, if any, made by private or public actors on the EOC's operations.**

The Equal Opportunities Commission is a statutory body established under Part VII of the Sex Discrimination Ordinance (chapter 480 of the Laws of Hong Kong), which prescribes its powers and functions. The law provides that the Chief Executive of the Hong Kong Special Administrative Region shall appoint the Chairperson and Members of the Equal Opportunities Commission.

The Government provides adequate funding for the Commission's operation, and considers its advice on the three anti-discrimination ordinances, including proposals for legislative amendments. It does not intervene in the internal affairs of the Commission. There have been no cases of intervention by private actors.

**3. Please indicate what change in the circumstances would indicate to the Hong Kong Special Administrative Region that there is a need for a national human rights institution based on the Paris Principles (1991) and the Committee's general comment No. 10 (paragraph 356 of the report).**

As the Committee is aware, an institution purporting to be a national human rights institution must conform to the Paris Principles in order to secure international recognition as such an institution. At a minimum, therefore, such an institution would need:

- Its independence to be guaranteed by statute or constitution;
- Autonomy from Government;

- A broad mandate based on universal human rights standards;
- To be pluralistic, including in membership;
- To have adequate powers of investigation; and
- To have sufficient resources.

Additionally, though not a requirement of the Paris Principles, there would need to be:

- A broad range of anti-discrimination legislation; and
- The power to initiate legal action.

We do not, at present, see an obvious need for such an institution but our minds are open and we are keeping the matter in view. In Hong Kong, the institution that most nearly embodies the Paris Principles is the Equal Opportunities Commission, which conforms quite closely to the requirements in respect of independence, autonomy, pluralism, powers of investigation, resources, and the initiation of legal action. But the EOC's mandate is restricted to the scope of the equal opportunities ordinances (namely the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, and the Family Status Discrimination Ordinance). In principle, it might be feasible to extend that mandate to include additional forms of discrimination and even the oversight of universal human rights standards in Hong Kong. Having examined the issues in detail (in the light of the Committee's concluding observations of 2001), and having carefully considered the implications, we do not envisage significantly extending the EOC's mandate in the near future, nor are we ready to take the steps necessary for the establishment of an institution that fully meets the requirements of the Paris Principles.

That said, we are taking steps to ensure greater transparency in the public scrutiny of human rights by developing new channels of communications between human rights "watchdogs" (such as NGOs) and the Government, and by increasing the participation and transparency of older ones. Thus, we have extended the NGO/civil society membership of the Committee on the Promotion of Racial Harmony, which we established in 2002 to advise Government on the delivery of services to the minority communities and to propose effective



publicity strategies. Additionally, we have subsumed the former Nepalese Community Forum into the newer Ethnic Minorities Forum, so ensuring that all the principal minority communities have the opportunity to air their concerns and to have those concerns acted on by the Government. A similar forum for the discussion of sexual minority rights is currently at the planning stage and we hope to convene the first meeting in September 2004. Also being planned is a Forum for NGOs engaged in community building at the grass-roots level. The latter will complement the existing NGO Human Rights Forum, which has its origins in the pre-drafting consultation meetings that we convene before drafting reports under the Covenant and the other major human rights treaties. All these bodies are/will be open to the media.

Together, these measures will ensure a high level of public participation in the formulation of human rights policies and the delivery of human rights in action. They will also subject the Government to an increased and increasing level and intensity of public scrutiny in the performance of its obligations under the international human rights treaties.

## **II. Issues relating to general provisions of the Covenant (ARTS. 1 TO 5)**

### **VIII. Article 2.2. Non-discrimination**

**4. Please provide some example of “potentially far-reaching implication” that might result from prohibiting discrimination on the basis of age (paragraph 354 of the report).**

Legislation against age discrimination in employment would have potentially far-reaching implications for the local economy. Given the diversity of jobs that may genuinely require workers of specific attributes that are related to age (for example, number of years of experience), such legislation could impose rigidities on recruitment. To avoid being held liable for breaching the law, businesses would have to maintain comprehensive records of all recruitment exercises. This could increase business costs, especially for small and medium-sized enterprises, which constitute some 98 per cent of all enterprises in Hong Kong.

There are concerns that such legislation could hinder the free play of market forces, and impose rigidities on employers' operations and so constitute a disincentive for business

investment in Hong Kong. There are also concerns that such legislation could affect the ability of the economy and the labour market within it to respond to externally induced fluctuations. It could therefore diminish the growth potential of the local economy over the longer term.

Our carefully considered view is that legislating against age discrimination would not be the best way to address the problem of age discrimination. Indeed, there is no consensus in the local community or in the Legislative Council on the effectiveness of, or need for, such legislation. We believe that the most effective way of addressing age discrimination is to nurture a culture of respect and equality. To this end, we will continue to promote equal employment opportunities through education and publicity.

**5. Please provide updated information on the ongoing analysis towards resolving the question of legislation against racial discrimination in the private sector (paragraph 351 of the report).**

In June 2003, having completed the analysis of our findings, we announced that we intended to introduce legislation against racial discrimination into the Legislative Council in the 2004-05 legislative session. At the time of finalizing this response, we were preparing to initiate public consultations on the contents of the proposed law. The consultations will begin in September and end in December 2004. The drafting process is currently under way and will be finalized in the light of the consultations.

**6. Please describe the public education initiatives undertaken by the Hong Kong Special Administrative Region to combat discrimination against those with mental disabilities as recommended by the CESCR in its concluding observation on the Hong Kong Special Administrative Region's initial report in 2001 (E/C.12.1/Add.58, para. 20).**

The position is essentially as explained in paragraph 659 to 661 [12.60 to 12.62] of the report. In 2003/04, we spent over HK\$ 2 million<sup>i</sup> on public education and publicity campaigns to foster public acceptance of people with disabilities. The annual public education programme includes television and radio campaigns, poster campaigns, television dramas, radio talks, seminars and awards to good employers. In October each year, some 20 government

departments and NGOs collaborate to organize a territory-wide “Mental Health Month” to promote public awareness of mental health and the integration of ex-mental patients. The theme of this year’s Mental Health Month is “Think Positive, Live Positive”. The purpose of the programme is to foster awareness of mental health issues among students and their families and to encourage schools to promote a culture of “Caring for Mental Health”. Over 100 primary schools will participate in the “Caring School” Programme in which they will organize seminars, visits to rehabilitation centres, or interactive activities with the participating NGOs. The schools are also encouraged to organize school-based activities relating to mental health. In addition, a televised API<sup>ii</sup> will be produced to optimize media exposure.

### **IX. Article 3. Equal rights of men and women**

**7. Please provide updated information on the amendments of the Sex Discrimination Ordinance as proposed by the Equal Opportunities Commission and in particular, the extent to which the Hong Kong Special Administrative Region has accepted these amendments (paragraph 378 of the report).**

We are still considering how best to take forward the recommendations that we have accepted. At the time of finalizing this reply, we were thinking of incorporating some of the recommendations in the proposed legislation against racial discrimination (see the reply to question 5) and then to make corresponding amendments to the existing anti-discrimination ordinances, so widening their scope and ensuring consistency.

### **III. Issues relating to specific provisions of the Covenant (ARTS. 6 TO 15)**

**8. Please describe measures undertaken to address the growing problem of unemployment within the middle-aged and unskilled labour sector.**

As we explained in paragraphs 385 to 389 of our report in relation to article 6 of the Covenant, we provide a wide range of free employment services to job-seekers, including the middle-aged. New initiatives include:

(a) **The Re-employment Training Programme for the middle-aged:** introduced to assist unemployed persons aged 40 and above to seek employment. Under this initiative, employers

who engage Programme participants on a full-time basis and provide them with on-the-job training receive a monthly training allowance of HK\$ 1,500 (US\$ 190) for up to three months;

(b) **The Special Incentive Allowance Scheme for local domestic helpers:** we introduced this in June 2003 for eligible local domestic helpers to address the current mismatch in supply and demand arising from geographic locations and working hours. These helpers are encouraged to fill vacancies in districts where there is a constant surplus of job opportunities, or that require them to work at unsocial hours (that is, between 5 p.m. and 9 a.m.). Helpers who fill such vacancies may apply for a daily allowance of \$50 (US\$ 6.4) and up to a maximum of \$1,200 (US\$ 154) per month and \$7,200 (US\$ 920) per year. The Scheme also benefits low-skilled, middle-aged workers;

(c) **The Continuing Education Fund:** we have set aside HK\$ 5 billion (US\$ 640 million) to subsidize adults wishing to pursue continuing education. The aim is to help people pursue continuous learning, thereby preparing the workforce for the knowledge-based economy;

At the same time, the longer-established measures that we explained in the report continue to operate to good effect. Specifically:

(d) **The Employees Retraining Board**, discussed in paragraph 388 of the report, continues to assist the unemployed to re-enter the labour market and to provide skills training and placement services for persons aged 30 or above with no more than lower secondary education. The Board provided over 112,000 retraining places in 2003/04 and, since its inception in 1992, over 740,000 retrainees have benefited from its services; and

(e) **Other initiatives to help upgrade the workforce:** there have been several of these, one example being the “Skills Upgrading Scheme”, which we introduced in May 2001, around the time of the hearing of our initial report.<sup>iii</sup> We introduced this in response to the ongoing restructuring of our economy, to provide focused skills training for in-service workers with lower education attainment to enhance their skills and thence their competitiveness in the

labour market. The Scheme covers 20 industries and between its inception and 30 June 2004 had benefited the figure is 89,500 workers. Funding reserved for the Scheme totals HK\$ 400 million (US\$ 51 million).

**X. Article 7. Right to just and favourable conditions of work**

**9. Please provide information on the effects of the HK\$ 400 reduction in 2003 of the Minimum Allowable Wage for foreign domestic helpers and the concurrent HK\$ 400 tax imposed on employers of foreign domestic helpers.**

The primary objective of the Minimum Allowable Wage is to protect foreign domestic helpers against exploitation. We regularly review the level of the Wage in the light of a basket of economic indicators that provide an overall and comprehensive picture of Hong Kong's economic and employment situation, especially that of lower-skilled workers like foreign domestic helpers.<sup>iv</sup> In 1999, the Wage was reduced in line with those indicators, following a downturn in the local economy. Between 1999 and 2002, the median monthly household income of local households with foreign domestic helpers fell by 17 per cent and the median monthly employment earnings of workers in elementary occupations declined by around 16 per cent. Because of this, in 2003 the Wage was further reduced in accordance with the "basket" indicators, reflecting the depressed state of the local economy.

The (roughly 11 per cent) downward adjustment should not affect the spending power of foreign domestic helpers in Hong Kong as the Consumer Price Index (A)<sup>v</sup> (CPI(A)) fell by around the same percentage over the same period and a further 1.6 per cent in April 2003 and May 2004. The Wage now stands at HK\$ 3,270 (US\$ 420) per month, which compares favourably with the wages for foreign domestic helpers elsewhere in the region.

The adjustment of the Minimum Allowable Wage and the imposition of the levy on employers of foreign domestic helpers were two completely separate matters. The fact that the amount of the two adjustments was identical was simply a matter of coincidence. The adjustment to the Wage would have been made irrespective of the levy because the indicators overwhelmingly pointed to a downward revision. On the other hand, the amount of the levy - HK\$ 400 (US\$ 51.3) per month - has been at the same level since 1992.<sup>vi</sup> It should be noted that

the levy is imposed on the employers of foreign domestic helpers, *not* the helpers themselves. It will be used solely for the training and retraining of local workers to enhance their employability and to ensure that they keep pace with Hong Kong's economic restructuring.

**10. Please clarify further how the Hong Kong Special Administrative Region intends to protect and fulfil the rights under article 7 of the Covenant in the absence of legislation regarding inter alia, maximum working hours, statutory overtime pay and rest days (para. 410 of the report).**

Article 7 rights are protected by some 16 legislative provisions, most notably the Employment Ordinance (chap. 57), and the promotional measures described below. The Employment Ordinance prescribes comprehensive employment rights and benefits for both local employees and overseas workers, including foreign domestic helpers. Those rights include wage protection, rest days, holidays with pay, annual leave with pay, sickness allowance, maternity protection, severance payment, long service payment, provisions for the termination of employment contracts, protection against anti-union discrimination, and employment protection. The Ordinance also provides that any term of a contract of employment that purports to extinguish or reduce any right, benefit or protection conferred upon the employee by the Ordinance shall be void.

Employees can lodge claims with the relevant authorities if their contractual or statutory employment rights and benefits are infringed. The Labour Department provides a free conciliation service to help them resolve disputes with their employers. Where cases cannot be resolved by conciliation, the complainants may seek adjudication through independent judicial proceedings. Where there is sufficient evidence of an offence under the Employment Ordinance, the Labour Department will initiate prosecution against the offending employer.

The Labour Department organizes numerous activities to promote the employment benefits and protection conferred by the Employment Ordinance, and to promulgate the adoption of good management practices that are employee-oriented, fair, and promote equality between employees. Employers are encouraged to adhere to these principles when they set terms and conditions of employment, including the working hours and wage levels.

**11. Please provide information on the results of the 2001 Equal Opportunities Commission study regarding "gender based pay inequalities" (para. 411 of the report).**

The study - which is entitled “Equal Pay for Work of Equal Value” - is being conducted in three phases, respectively covering:

- **Phase I:** public sector jobs and implementing public education programmes; and
- **Phases II and III:** private sector jobs.

The consultancy study for Phase I has been completed and the Equal Opportunities Commission’s Task Force - which it established to oversee the study - has also provided comments on the consultants’ report. The Commission will seek its members’ views and will brief the Legislative Council on the state of progress in due course.

**12. Given the wide disparity between male and female workers both in terms of income level and occupational types in the Hong Kong Special Administrative Region, what measures have been taken to address such disparities, particularly in terms of fair wages and equal pay for work of equal value?**

Guideline 12.2 of the Equal Opportunities Commission’s “Sex Discrimination Ordinance: Code of Practice” states that “in respect of the terms and conditions of employment, employers should maintain the principle of equal pay for equal work and equal pay for work of equal value”. That is, a female employee is entitled to equal pay when she is doing “like work” or the same work as that of a man. And guideline 12.6 provides that, “where women undertake work as demanding as that of their male colleagues, even though the work is different, women should receive the same pay and benefits”. That is, jobs of equal value warrant equal pay.

For these reasons, we consider that the Sex Discrimination Ordinance already covers the principle of equal pay for equal work and equal pay for work of equal value. Persons who consider that they are being discriminated against because of their sex may complain to the Equal Opportunities Commission.

**13. Given the absence of a minimum wage, how does the government of the Hong Kong Special Administrative Region determine whether the actual earnings are commensurate with the cost of living for workers and their families?**

As one of the world’s most open and externally-oriented economies, Hong Kong’s wage mechanism is market-driven, which allows us the necessary flexibility to adjust quickly to

changing economic circumstances. We believe that, in the long-term, workers will benefit most if measures are taken to enhance their employability so that they can earn higher incomes. To that end, we have invested heavily in education, training and retraining (as explained in our responses to question 8) with a view to enhancing the skills and competitiveness of our workforce.

Low-income and unemployed individuals and families who are in need may apply for assistance under the Comprehensive Social Security Assistance (CSSA) Scheme, which provides a social safety net enabling recipients to meet essential needs. Adjustments to the standard payment rates are made periodically with reference to the movements in the Social Security Assistance Index of Prices.<sup>vii</sup> The index is updated once every five years by means of data collected from the Household Expenditure Survey to reflect changes in the expenditure pattern of CSSA households.

## **XI. Article 9. Right to social security**

**14. Please provide information on the extent to which the Ending Exclusion Project has been effective in helping Comprehensive Social Security Assistance (CSSA) single parent recipients with young children to be self-reliant and integrated into society.**

As we explained in paragraph 452 [9.11] of the report, the “Ending Exclusion Project” was introduced in March 2002 to encourage and help CSSA single parent recipients whose youngest child was aged under 15 to maximize their chances of participating in social and economic activities. The intention was to help them build better lives for themselves and their children and so reduce the risk of social exclusion. The Project comprises a package of measures including voluntary employment assistance through advice-focused interviews and other support and services such as referrals to appropriate service units as well as provision of free After School Care Programme places.

As at the end of June 2004, 467 (15.5 per cent) of the 3,005 participants in the Project had secured employment, 109 of them had become totally independent and left the CSSA net.

A longitudinal study conducted to evaluate to what extent the objectives of the Project had been achieved indicated that participants exhibited more job-seeking behaviour and subsequently secured more part-time employment. They also became less isolated and more actively involved, both at work for the project and in the search for new jobs. The Project has been well received by participants generally and is endorsed by relevant parties. In the light of this success, the Social



Welfare Department is continuing with the programme and will explore new approaches to helping single parents achieve self-reliance. In this way, the Department aims to help more single parent recipients to improve their and their children's family life.

**15. Please indicate to what extent the reductions of basic rates of assistance paid through the Comprehensive Social Security Assistance (CSSA) scheme in 1999 and 2003 can continue to provide for an adequate standard of living for the recipients, including children and older persons.**

### **The 1999 measures**

As explained in paragraph 448 [9.6] of the report, we introduced the 1999 measures after extensive public consultation. The measures included the Support for Self-reliance Scheme, which was designed to:

- (a) Provide active employment assistance for able-bodied unemployed CSSA recipients;
- (b) Strengthen controls against fraud and abuse;
- (c) Tighten the special grants and supplements for able-bodied recipients to guard against reliance on welfare becoming a preferred option; and
- (d) Rationalize benefit levels for larger households to take account of economies of scale.

The elderly, the disabled, and recipients medically certified to be in ill-health were not affected by any of these measures.

With the implementation of these measures, average monthly CSSA payments remained close to the average monthly expenditures of non-CSSA households in the lowest 20 per cent expenditure group, attesting to the adequacy of the benefit levels to meet the recipients' basic and essential needs.

### **The 2003 adjustment**

The standard CSSA rates are adjusted with reference to the movement of the Social Security Assistance Index of Prices (SSAIP), a price index compiled by the Census and Statistics Department to measure the effect of price changes on the expenditure pattern of CSSA recipients.

Despite continuous deflation since 1999, the CSSA standard rates remained frozen until 2003, when the Legislative Council approved an 11.1 per cent reduction to take account of deflation by

reference to the movement of the SSAIP to March 2002. Following the reduction, the average monthly CSSA payments again remained close to the average monthly expenditures of non-CSSA households in the lowest 20 per cent expenditure group.

The purpose of the reduction was to return the purchasing power of the benefits to their originally intended levels in accordance with the established mechanism. It was not, and should not be seen as, a welfare cut. We remain committed to providing an effective and sustainable safety net to meet the basic and essential needs of those who are unable to support themselves financially.

**16. What measures has the Hong Kong Special Administrative Region adopted to ensure that domestic workers who are mostly women and who are excluded from the Mandatory Provident Fund scheme will be able to enjoy retirement benefits of a comparable level with others who are covered by this scheme?**

As explained in paragraph 466 of the report, persons - such as domestic helpers - who are not covered by the Mandatory Provident Fund Scheme can provide for their future needs by

investing in savings schemes or similar forms of investment that are readily available in the market. Local and international insurance companies are highly proactive in promoting such schemes to foreign domestic helpers. The CSSA and the SSA provide a safety net for any local helpers who cannot avail themselves of those options.

As also explained in the report (para. 467), the rationale for exempting domestic employees is that enforcement would be extremely difficult. We do not wish to inconvenience families in their homes, which we would have to do in order to investigate suspected cases of non-compliance. A further consideration is that employers are required to maintain records of such things as contribution payments. Clearly, these measures are necessary to ensure compliance. But they would impose a considerable burden on families should the scheme be extended to domestic employees and we therefore do not propose extending the Scheme to them.

## **XII. Article 10. Protection of the family, mothers and children**

**17. Please indicate what the risk factors that lead to suicide among the youth, and provide updated information on the positive results of the various measures undertaken to address the high incidence of youth suicide (paragraphs 486 to 496 of the report).**

### **Risk factors**

Research has identified several risk factors that lead to youth suicide in Hong Kong. These include psychopathology, substance abuse, and poor family relationships. These factors are associated with relatively generic characteristics such as low self-esteem and impulsive character. But causal relationships cannot easily be established as the various factors are inter-correlated.

At a standardized suicide death rate of 10.4 per 100,000 for the 12 to 24 age group,<sup>viii</sup> the incidence of youth suicide in Hong Kong is no higher than in other developed countries. But we are concerned about the well-being of young people and - as explained in paragraphs 487 to 495 [10.19 to 10.27] of our report - apply a multidisciplinary cross-sectoral approach to the provision of support for young people and their families in dealing with life's challenges.

### **Outcome of measures**

These include:

(a) **The Understanding the Adolescent Project:** as we explained in paragraph 489 of the report [10.20], this project was launched in phases from the 2001/02 school year. Its aim is to

increase the capacity of students, parents, and teachers to address the needs of young people. An evaluative study conducted by the Centre for Epidemiology and Biostatistics of the Chinese University of Hong Kong has confirmed the effectiveness of the primary preventive programme in improving students' anger management, conflict resolution, problem solving, communication with others, relationship with teachers, classroom behaviour, belongingness to family and school, optimism, sense of responsibility and willingness to help others. Teachers and parents have reported greater willingness and ability to understand and communicate with the students.

In view of the project's evident success, resources have been allocated to ensure its continuation in all secondary schools in the 2004/05 school year. At the same time, the primary school pilot project described in paragraph 489 of the report will be brought into full operational effect, the target being to cover 500 primary schools by 2006/07, or about 64 per cent of the 785 such schools in 2003/04;

(b) **The Suicide Crisis Intervention Centre of the Samaritan Befrienders Hong Kong:** as at mid-2004, the Centre had handled 1,800 cases with high/moderate suicidal risk and conducted 1,000 outreach/on-site visits. Some 350 of those cases involved young persons aged between 10 and 29, one of which ended in completed suicide; 89 per cent of the cases became low-risk after intervention. Evaluation of the Centre is under way and the results will be available in 2005;

(c) **The Life Education Centre of the Samaritan Befrienders Hong Kong:** has conducted over 120 activities, such as talks or workshops on life education, for over 24,000 participants, 70 per cent of whom were children and young people. Additionally, 130 students have participated in 10 peer-learning groups. The Centre has also recruited 60 young persons as Life Ambassadors to assist in launching activities. Programme evaluation of the Centre is expected to commence in 2005;

(d) **The Centre for Suicide Research and Prevention of the University of Hong Kong:** provides a one-year certificate course on suicide crisis intervention for professionals. It has offered workshops and seminars to develop the knowledge and skills of frontline social workers and school personnel in handling young persons at risk of suicide. There were 580 participants and feedback was positive. An e-learning module is also available. The Centre has distributed a manual to schools entitled "Suicide Prevention Programme - A manual for school teachers".

Evaluation of the work of the Centre will be completed in the second half of 2005;

(e) **The Early Assessment Service for Young People with Psychosis:** aims to improve the long-term treatment outcome of psychosis in young persons aged 15 to 25 through early detection and treatment. Since its introduction in 2001, the Service has screened over 5,000 young persons and provided treatment to over 2,000. To enable teachers, parents, social workers, and so forth to identify early symptoms of psychosis, the programme also provides public education for people who have contact with young people.

Additionally, generic measures - to provide support for young people, to promote resilience and family solidarity, to strengthen social network, and so forth - also contribute towards the prevention of youth suicide. These include, inter alia, the:

- (a) Formation of Integrated Family Service Centres with a “child-centred, family-focused and community-based” ethos;
- (b) Enhancement of school-based education psychologist service; and
- (c) Development of school curricula to cultivate positive attitudes.

**18. Please provide updated information on the Juvenile Offenders (Amendment) Bill 2001 that was being studied by the Legislative Council at the time the report was being drafted (paragraph 507 of the report).**

The recommendation was brought into effect in July 2003, following the enactment of the Juvenile Offenders (Amendment) Ordinance 2003.

**19. Please provide detailed information on the progress of the right-of-abode claims and its impact on the situations of split families.**

We assume that this question refers to the Committee’s recommendation in paragraph 40 of the 2001 concluding observations that the Hong Kong Special Administrative Region reconsider extending the “concession” made by the Hong Kong Special Administrative Region following the interpretation of 26 June 1999 by the Standing Committee of the National People’s Congress.

The concession was announced by the Chief Executive on the principle that the judgement previously rendered should not be affected by the Standing Committee’s interpretation. Parties falling outside the concession must return to the Mainland to lodge and establish their claims for right of abode according to the law.

In the case of Ng Siu Tung (2002 5 HKCFAR 1), some 5,000 right-of-abode claimants

challenged, *inter alia*, the scope of the concession, claiming that they should benefit from the concession policy and their right-of-abode claims should be verified in accordance with the Court of Final Appeal's judgements of 29 January 1999. In January 2002, the Court of Final Appeal decided that, insofar as the concession policy was concerned, the criteria adopted by the Director of Immigration in determining whether a right-of-abode claimant falls within the concession (and thus not affected by the Standing Committee's interpretation) were reasonable and rational. Those criteria are: (1) whether the claimant had lodged any right-of-abode claim with the Immigration Department during the relevant period (that is, from 1 July 1997 to 29 January 1999); (2) whether the claimant was physically present in Hong Kong when the right-of-abode claim was made; and (3) whether the Immigration Department has any record of such a claim. The Court of Final Appeal asked the parties to the proceedings to consult together with a view to disposing of the appeals in accordance with the judgement in respect of each of the representative applicants and of each person represented by them. Most of the cases were resolved by consultation (the claimants either agreeing to have their appeals withdrawn or dismissed, or the Government agreeing to have their appeals allowed and to a declaration that they fall within the concession, thus enabling their right-of-abode claims to be verified in accordance with the Court of Final Appeal's judgements of 29 January 1999). On 30 July 2002, the Court of Final Appeal ordered that:

(a) The remaining outstanding 200-odd cases in which the parties had failed to reach an agreement be remitted for determination by the Court of First Instance of specifically identified issues on the facts of each particular case; and

(b) The Court of First Instance to report its determination to the Court of Final Appeal for ultimate disposal of these outstanding cases. At the time of finalizing this response, the Court had yet to dispose of 176 cases.

Having carefully considered the recommendation in paragraph 40 of the 2001 concluding observations - with regard to all relevant factors including our domestic laws and international obligations - we concluded that extending the concession would not be in Hong Kong's interests. We advised the Committee of this decision through the Permanent Representative of the People's Republic of China to the United Nations on **26 July 2002**.

As explained in paragraph 217 of our initial report and paragraph 482 of the second report, persons who claim that they have the right of abode in Hong Kong under article 24 (2) (3) of the Basic Law must have that claim verified while they remain outside Hong Kong under the Certificate of Entitlement Scheme. As at June 2004, the Scheme had facilitated the speedy and orderly admission of more than 150,000 Mainland residents whose right of abode in Hong Kong has been verified, 17,000 more than the 133,000 recorded in paragraph 482 of our report. Mainland residents who wish to come to Hong Kong for settlement may apply under the One-way Permit Scheme administered by the Mainland authorities. By the same date, the total number of Mainland residents entering under the One-way Permit Scheme since July 1997 exceeded 370,000, over 74,000 more than the total of 296,000 recorded in paragraph 478 of our report.

Mainland residents may visit their families in Hong Kong under the Two-way Permit Scheme administered by the Mainland authorities. Parents, spouses and children of Hong Kong residents may apply for multiple-entry visit endorsements when they wish to visit Hong Kong.

### **XIII. Article 11. Right to an adequate standard of living**

**20. Please provide information on the issues critical to the formulation of urban development related to the Hong Kong 2030, and how the Hong Kong Special Administrative Region intends to effectively address these issues.**

The HK2030 Study identified three major priorities that are critical to the future development of Hong Kong and formulated initial ideas as to how these issues should be addressed. The issues and the initial ideas are:

(a) Providing a quality living environment

For several decades, Hong Kong has been subject to intense development pressure resulting from rapid economic and population growth. We have responded to that pressure through massive programmes of land production, public housing, and infrastructure development. This has led to a substantial rise in living standards and there is a clear community desire to pay more attention to improving the quality of our physical environment.

Enhancing the quality of our living environment is therefore fundamental to all future development and cannot be compromised. To that end we are striving to meet the following key requirements:

- **Good urban design through better landscaping and greening:** this includes the provision of open space networks and pedestrian friendly environments, fostering a more attractive and interesting city form with due regard to local character, topography, and enhanced comfort of living;
- **Protection of the Victoria Harbour:** we aim to achieve this with a vision of making the harbour more attractive, vibrant, accessible, and symbolic of Hong Kong. This will entail the enhancement of waterfront areas for the enjoyment of local people and tourists alike;



- **Conservation of natural resources:** these include such things as our countryside and outlying islands, which include areas of outstanding natural beauty. In tackling this objective, we will explore how best to balance the competing claims of development and conservation;
- **Conservation of our cultural heritage resources:** this entails a holistic approach to the protection of historical relics, in terms of both individual buildings and of their immediate surroundings; and
- **Sustainable use of land resources:** we will pursue this through further urban renewal, better use of obsolete industrial buildings and better planning and management of rural land.

(b) Enhancing economic competitiveness

In the light of growing globalization and rising competition among cities and regions, it is important to capitalize on our advantages and to sustain our economic growth. To achieve this, we need to upgrade our financial services, logistics, tourism, and producer and professional services. We also need to support the development of other important growth sectors, such as the creative industries.

(c) Strengthening links with Mainland China

The “Greater Pearl River Delta (PRD) Region”, which includes such major cities as Guangzhou, Shenzhen, Zhuhai, Macao, and Hong Kong, will become a more integrated regional economy. More Hong Kong people will invest, spend, acquire property, travel, and settle in the region. And more people from Mainland China will visit and do business in Hong Kong.

To facilitate regional growth and the convenient movement of people and goods in the Greater PRD Region, it is important that different ports and airports in the region are well connected by expressway and/or rail networks. Our transportation network, particularly the cross-boundary links, will be planned with due regard to the regional and national networks to ensure accessibility and efficiency in connecting Hong Kong to strategic transport nodal points in the PRD and other parts of the Mainland.

**21. Please indicate the reasons for the continuing non-existence of an official poverty line**

**that would provide a basis for evaluating the progress of the Hong Kong Special Administrative Region in its plan to combat poverty and narrow domestic disparities in incomes and wealth.**

The reasons are those explained in paragraphs 596 to 598 [11.38 to 11.40] of our report, from which we see no reason to depart. That is, there are no universally agreed definitions or measurements of poverty, and any attempt to define poverty inevitably involves subjective value judgement. Some groups have defined poverty in relative terms and attempted to draw a poverty line by relative levels of wages or family income between different groups in the same economy. However, this approach would mean that even the most affluent societies will always have a group of people regarded as “poor”, and we consider it unsound. Others have defined poverty in terms of income distribution. However, such analyses take no account of intangible income derived from government spending on housing, education, health and welfare etc., thus understating the economic effectiveness of social services in improving household income and its distribution.

Our goal is to provide support to the disadvantaged. In Hong Kong, the eligibility criteria for Comprehensive Social Security Assistance define the disadvantaged members of society whom we consider should receive support and assistance to meet their basic and essential needs. The needy also receive assistance in the form of welfare services, education, housing and health care. Each programme is governed by prescribed criteria that define who qualifies for the services it offers. An official poverty line would not affect those criteria. In other words, those who are eligible for such assistance now would continue to be eligible, regardless of whether there is a poverty line.

**22. Please provide updated situation on the number of inadequately housed persons in the Hong Kong Special Administrative Region, and describe the steps taken to improve the living conditions of squatters in interim housing, in cubicles and in non-self-contained housing.**

The number of inadequately housed households continues to decrease steadily. As at the first quarter of 2004, the number of households living in temporary housing, non-self-contained flats, or involuntarily sharing accommodation with other households in private housing, stood at 98,000. We remain committed to improving the living conditions of low-income families through the provision of subsidized public rental housing. Inadequately housed households whose income

and assets do not exceed the prescribed means eligibility limits are encouraged to register on the Waiting List for public rental housing. No one will be denied reasonable accommodation because of lack of means.

We are endeavouring to maintain the average waiting time at around three years. Interim housing flats (all of which are self-contained) can be provided upon request to households that are already registered on the Waiting List, so immediately improving their living conditions. Households who have special needs can immediately be rehoused in public rental housing on compassionate grounds. That said, some families living in inadequate, private sector, accommodation do so mostly because of their own choice, usually for convenience of location, or other personal considerations. While we respect their individual preferences, we endeavour to ensure that the accommodation in question meets minimum safety requirements through, for example, the Hotels and Guesthouse Accommodation Ordinance (chap. 349), the Bedspace Apartments Ordinance (chap. 447), and/or through other programmes and initiatives to promote better building management. In short, the position is as explained in paragraph 592 of our report in relation to article 11 of the Covenant.

#### **XIV. Article 12. Right to physical and mental health**

**23. Please clarify further why the Hong Kong Special Administrative Region disagrees with the usefulness of a Mental Health Council as recommended by the Equal Opportunities Commission, in the light of the fragmented mental health-care policies currently in place.**

The reasons are those given in paragraph 617 [12.18] of the report. That is, the Health Welfare and Food Bureau is responsible for coordinating all government policies and programmes on mental health. The Bureau works closely with the Department of Health and the Hospital Authority in formulating policy and the delivery of mental health services. The system has worked well and ensures that, *pace* the Equal Opportunities Commission, our policy is not

fragmented. On the contrary, our approach to the provision of medical care and rehabilitation services to the mentally ill is multidisciplinary and cross-sectoral. Persons with mental illness receive coordinated, comprehensive and personalized services. The Health Welfare and Food Bureau will continue to strengthen its coordinating role in matters pertaining to mental health, including its collaboration with the Department of Health, the Hospital Authority, and NGOs. We therefore see no obvious need for a Mental Health Council.

**24. Please provide detailed information on the protection against discrimination of people with HIV/AIDS, homosexual men and sex workers, particularly with regard to their enjoyment of health care, as well as their access to HIV/AIDS prevention services.**

In Hong Kong, people with HIV/AIDS, homosexual men, and sex workers are protected from discrimination by means of both legislation and public health care. In 1991, homosexuality was decriminalized by means of an amendment to the Crimes Ordinance (chap. 200). The Disability Discrimination Ordinance, enacted in 1995, protects HIV/AIDS patients against all forms of discrimination in employment, accommodation, and education, and so forth. And the Equal Opportunities Commission promotes these principles and investigates complaints.

HIV/AIDS patients, homosexual men and commercial sex workers are treated no differently from members of the general public in their access to primary and secondary health care:

- Ten Department of Health Social Hygiene Clinics provide services to all clients irrespective of their sexual orientation or involvement in the sex trade. These clinics take care of about 30,000 diseases a year;
- The Clinics offer free HIV tests as do 20 methadone clinics and the Voluntary Counselling and HIV Testing clinic. The latter provides free and anonymous services to the general public. In 2003, it handled 41,268 calls and performed about 1,300 HIV tests; and
- The Hospital Authority provides a comprehensive range of prevention, treatment and counselling services to people with HIV/AIDS, homosexual men, and sex workers in the same way as it delivers health-care services to other categories of patients.

Confidentiality of patient information is strictly observed to protect patients from possible discrimination.

The AIDS Trust Fund, established in 1993 with a one-off grant of \$350 million, provides assistance to HIV-infected haemophiliacs, and to strengthen medical and support services for HIV/AIDS patients and public education on AIDS. The Fund also subsidizes NGOs that provide counselling and HIV testing to people with HIV/AIDS, homosexual men, and sex workers.

#### **XV. Articles 13 and 14. Right to education**

**25. Please describe support mechanisms that are in place, if any, to assist ethnic minority students in schools to cope with subjects that are taught using Chinese as the medium of instruction. What monitoring mechanisms are in place, if any?**

The measures are as follows:

### **(A) Support measures for all schools (including those with large intakes of minority children)**

(a) **Setting a clear direction in curriculum development:** the curriculum has been developed through years of wide-ranging consultation and represents the expected learning outcomes of students in Hong Kong so as to equip them for future challenges in life, work, and academic pursuit. It is designed with a view to relevance in the social and cultural context of Hong Kong without regard to race or religion. It is recommended for use by all schools in Hong Kong, though there are a number of international schools that follow other curricula. Schools are advised to adapt the central curriculum to suit their own particular circumstances, which include such things as the special needs, abilities, and interests of their students, institutional missions and goals, and so forth;

(b) **Providing professional development opportunities:** every year a wide range of training and professional development activities are conducted to develop teachers' capacity to plan and teach effectively. These cover such themes as the theory and practice of curriculum planning, pedagogy and teaching skills, assessment, and so forth;

(c) **Providing curriculum resources:** learning and teaching resources have been

developed to support teachers in the implementation of their school-based curricula;

(d) **Developing an e-sharing platform:** the Curriculum Development Institute is developing a web page to provide a platform for all language teachers to share their experiences in the development of school-based curricula and resources to cater for the different needs of learners. The sharing process will include exchanges of experience with such things as the learning needs of non-Chinese-speaking students, successful learning motivation strategies/learning experiences, curriculum development plans, learning and teaching materials developed by teachers, useful articles and reference materials, and so forth;

(e) **The Intensive Remedial Teaching Programme (IRTP):** the Programme is designed for ordinary primary school pupils (including minority children) with low academic achievement in the basic subjects of Chinese, English, and mathematics. It provides support to pupils with specific learning difficulties in such areas as reading, writing, and/or mathematics. The Education and Manpower Bureau has also initiated a pilot programme to help schools not covered by the IRTP to support students - such as minority children with learning difficulties - with special educational needs. The assistance takes the form of an Intensive Learning Support Grant, which the recipient schools may use flexibly to hire additional staff or services to provide the type of support that best meets their students' needs;

(f) **The Student Guidance Grant:** we introduced this at the start of the 2002/03 school year in order to improve the manning ratio of student guidance personnel in aided primary schools. The Grant has enabled the schools to upgrade their developmental, preventive, and remedial student guidance services, including support for minority children and their parents. It

also enables the recipient schools to organize whole school programmes to promote a “caring school culture” and small group activities to help minority children and their parents adjust to the new school environment;

(g) **The School-based Support Scheme:** this comprises grants made to schools that admit newly arrived minority children. The grants are calculated per capita (per newly arrived child admitted within each school year). Schools can use the grant flexibly to run school-based support programmes for the children to help them integrate into the education system, for example, by running supplementary language classes;

(h) **Induction programme:** a 60-hour programme run by NGOs with government subvention. The programme contents include knowing the environment, basic learning skills, and Chinese language;

(i) **Initiation programme:** a full-time, six-month programme to provide newly arrived children with real classroom experience so as to raise their Chinese and English language standards, helping them adjust to Hong Kong society, and to foster their personal development. Newly arrived children may choose to attend the programme before joining mainstream schools. Placement assistance is provided after completing the programme.

## **(B) Specific support measures for schools with a large intake of ethnic minority children**

(j) **Providing school-based support:** the Curriculum Development Institute provides on-site support to schools with large intakes of non-Chinese-speaking students to help them develop school-based curricula. Officers visit them regularly and work in collaboration with the teachers to tailor/adapt the curriculum to the needs of their students and to give advice on curriculum planning, teaching, learning and assessment strategies, and the effective use of learning and teaching resources;

(k) **Forming a mutual support network:** recently, the eight primary schools with a large intake of non-Chinese-speaking students have been networked to form a learning community. Through the sharing sessions organized by EMB on themes of common concern, teachers can learn

from the experience of other schools and from experts being invited;

## **(C) Measures to be introduced from the summer of 2004**

(l) **Bridging programme:** this will run for four weeks during the summer vacation. The aim is to help minority children entering the first year of local primary schooling (“Primary 1”) to adapt to their new learning environment and to widen their learning experience of/exposure to being taught in Cantonese;

(m) **Assessment of language standards:** in April 2004, primary schools with non-Chinese speaking students in their Primary 6 classes were given an assessment tool (a standardized test) to assess their students’ Chinese standards. The purpose was to enable parents to make informed choices in the Secondary School Places Allocation (SSPA) exercise;

(n) **Information for schools:** in September/October 2004, there will be an experience sharing for schools that are allocated non-Chinese speaking children to provide background information on the traditions, cultures, and habits of the children concerned and to inform them of some of the good practices of those schools that have experience of teaching such children;

(o) **Language support:** the Education and Manpower Bureau will help the schools to which minority children are allocated to network with one another for mutual support and to share good practices. Officers with experience in teaching Chinese to children whose first language is not Chinese will provide on-site curriculum support for these schools; and

(p) **Central supervision:** the Education and Manpower Bureau will liaise closely with schools to which minority children are allocated to attend to the needs of schools, their minority pupils, and their parents and to provide support as appropriate.

### **26. Please provide disaggregated data over the past five years on the ratio of applications vis-à-vis admissions into tertiary level institutions in the Hong Kong Special Administrative Region.**

Admission to the tertiary institutions is on merit. The institutions are autonomous statutory bodies that set and administer their own admission criteria. Admission to degree and sub-degree programmes at the institutions funded by the University Grants Committee (UGC) is primarily through the Joint University Programmes Admissions System (JUPAS).



The following table shows the number of student places offered and the number of applicants of full-time, self-financed, post-secondary programmes and UGC-funded programmes from the academic year 2000/01 to 2004/05.

Types of programme Numbers by academic year	Self-financing post-secondary programmes	Programmes funded by the UGC
<i>No. of student places at intake level<sup>1</sup></i>		
2000/01	Not available	20 584
2001/02	7 444	20 755
2002/03	9 798	21 205
2003/04	12 845	21 066
2004/05	Not available	20 154
<i>No. of applicants<sup>2</sup></i>		
2000/01	Not available	33 918
2001/02	17 247	34 724
2002/03	21 077	35 199
2003/04	20 604	34 616
2004/05	Not available	33 995

## Remarks

<sup>1</sup> The number of student places for programmes funded by the UGC for the 2004/05 academic year is a planned figure that may be subject to further adjustments.

<sup>2</sup> The number of applicants for programmes funded by the UGC is based on the information provided by the Office of the JUPAS. They do not cover non-JUPAS applicants.

**27. Please provide information on the total number of mainland children who have no legal right to remain in Hong Kong and therefore are not allowed to enrol in local schools. Further, to what extent does the Hong Kong Special Administrative Region also extend its “humanitarian and compassionate grounds” to those children who do not have pending verification of their residential status (paragraph 739 of the report).**

As explained in paragraph 739 [13.58] of our report, Mainland children with no legal right or permission to remain in Hong Kong as residents are not allowed to enrol in schools. They are repatriated to the Mainland, just as other Mainland residents with no right to stay in

Hong Kong. However, where there are humanitarian or compassionate grounds, such as where it is foreseen that the removal of the children is unlikely to take place for an extended period of time, they may be allowed to take up study temporarily on a case-by-case basis.

Between August 1997 and 30 June 2004, we approved 1,890<sup>ix</sup> such applications. As at 30 June 2004, there were 133 Mainland children on recognizance in Hong Kong, of whom 96 had applied to be permitted to attend school. We approved 79 of those applications and rejected 17.

**XVI. Article 15. Right to take part in cultural life and to enjoy the benefits  
of scientific progress and protection of authors' rights**

**28. Please provide information on why the Cultural and Heritage Commission has been dissolved and what institutions are in place as an alternative.**

In its Policy Recommendation Report of April 2003, the Culture and Heritage Commission stated that, with the submission of that report, it had completed its main task. The Commission suggested that the Government should consider the need to establish a consultative body to advise the Home Affairs Bureau on cultural policy. The Bureau responded in February 2004, accepting the Commission's recommendations and undertaking to establish three advisory committees respectively dealing with performing arts, museums, and libraries. At the time of finalizing this response, we were in the process of preparing the groundwork for their establishment.

**Notes.**

## **PART III**

### **XVII. Report of the Macao Special Administrative Region, People's Republic of China,**

#### **XVIII. under the International Covenant on Economic, Social and Cultural Rights**

#### **XIX. Responses to the list of issues presented by the Committee on Economic, Social and Cultural Rights on 21 May 2004**

#### **I. General legal framework within which the Covenant is implemented**

**1. Please provide information on the extent to which the public at large is aware that the Covenant may be invoked before the courts of the Macao Special Administrative Region. Please cite cases in the past five years when the Covenant has actually been invoked before the courts.**

As mentioned in Part III of China's report, the Covenant has been widely publicized in the Macao Special Administrative Region, and in recent years the population of the Region has certainly gained an increased appreciation of the nature and extent of individual rights and freedoms.

Besides publishing the Covenant in the *Official Gazette* in both official languages, the Macao Special Administrative Region Government has used several other means of dissemination, such as television broadcasts, radio advertisements, newspaper articles, free brochures and leaflets, fun fairs, promotional activities and seminars directed at schools, to increase public awareness of the rights the Covenant establishes.

Furthermore, there is a special entity in the Regional Government, the Division of Legal Dissemination in the Legal Affairs Department, whose primary responsibility is to spread awareness of the law, including the Covenant and other applicable international treaties which are an integral part of the Region's legal system, among the general public.

In accordance with article 40 of the Basic Law, the provisions of the Covenant are implemented through the laws of the Macao Special Administrative Region. Indeed, most of the rights enshrined in the Covenant already existed under the Macao legal system and were - and still are - fully safeguarded. For instance, civil law regulates equality of rights between men and women, such as freedom of marriage, freedom to enter into contracts and equal rights to succession, while labour law ensures equal working conditions, equal remuneration for male and female workers and the legal framework governing educational policy ensures the right to free education without discrimination.

Both residents and non-residents have the right of recourse to the law and access to the courts, to legal assistance and to judicial remedies. Access to law and to the courts comprises legal information, legal protection, legal consultation and legal aid. No one is restrained from or obstructed in seeking justice.

Thanks to the lack of discrimination, anyone who can demonstrate that they do not possess sufficient financial means to pay a lawyer's fees or to meet part or all of the legal costs of a law suit is entitled to legal assistance, which can take the form of legal advice or legal aid. The legal aid system covers partial or full exemption from payment of legal costs, or postponement of payment and the appointment of a lawyer free of charge.

Concretely in relation to cases brought before Regional courts within the past five years, it should be stressed that, as the rights provided for in the Covenant are similarly enshrined and regulated in other laws, litigants tend to invoke the latter before the courts. Since 20 December 1999, however, the Court of Second Instance has tried two cases in which the provisions of the Covenant were directly invoked, although in a very abstract manner.

Those two cases were criminal appeals involving a request to invalidate an accessory penalty. The defendants worked at a casino and were accused of illegal money lending. They were tried with due process of law, found guilty and sentenced; as an accessory penalty, they were forbidden to enter any casino in Macao for a fixed period of time. The Covenant

provisions on the right freely to choose one's occupation were directly quoted in the appeals. However, the Court considered that the accessory penalty did not contravene the right freely to choose one's occupation and, thus, the appeals were denied.

**2. Please indicate which institutions in Macao Special Administrative Region are responsible for the protection of the rights stipulated in the Covenant.**

The main Macao Special Administrative Region institutions responsible for the protection of the rights stipulated in the Covenant are the following:

- Publication, public awareness and dissemination of the Covenant - the Legal Affairs Department;
- Right to work - the Labour and Employment Department and the Public Administration and Civil Service Department;
- Right to social security - the Macao Pension Fund and the Social Security Fund;
- Protection of the family - the Social Welfare Institute, the Education and Youth Affairs Department and the Minors Institute;
- Right to an adequate standard of living - the Social Welfare Institute, the Civic and Municipal Affairs Institute, the Health Department and the Housing Institute;
- Right to health - the Health Department, the Civic and Municipal Affairs Institute and the Environment Council;
- Right to education - the Education and Youth Affairs Department, the Social Welfare Institute, the Civic and Municipal Affairs Institute, the Macao Polytechnic Institute, the Minors Institute, the Macao University of Science and Technology and the University of Macao;
- Right to cultural life and science progress - the Cultural Institute, the Historical Archives, and the Civic and Municipal Affairs Institute.

**II. Issues relating to general provisions  
of the Covenant (ARTS. 1 TO 5)**

**XX. Article 2.2. Non-discrimination**

**3. Please provide information on the conditions in which migrant workers work and live in Macao Special Administrative Region and whether there are special measures taken by the Government to protect the full range of their economic, social and cultural rights.**

One of the main characteristics of the Macao Special Administrative Region is its high population density.

People of different nationalities live together and share a wide variety of ethnic, religious, linguistic and cultural backgrounds. Every ethnic group has the same dignity and it is entitled to its own cultural life, to profess and practise its own religion and to use its own language.

As stated in Part III of China's report, all persons in the Region other than Macao residents, including migrant workers, enjoy in accordance with the law the rights and freedoms of Macao Special Administrative Region residents prescribed in Chapter III of the Basic Law.

There are no special measures to protect the economic, social and cultural rights of migrant workers. Equality and non-discrimination are fundamental principles of the Region's legal system and are binding on the legislature, administration and judiciary. Discrimination is censured at all levels, including by means of criminal law. Several criminal offences related to hatred and discrimination based on nationality, ethnicity, race or religion are provided for and severely punished. Complaints, whether administrative or judicial, lodged by migrant workers are dealt with in exactly the same manner as any other complaints lodged by residents.

**4. Please describe the practical application of article 25 of the Basic Law, which prohibits all forms of discrimination including on the grounds of sex, and describe the difficulties encountered in the implementation of the law, if any.**

As mentioned above, all individuals are equal before the law and enjoy the same rights and freedoms regardless of their sex. Several examples and concrete information given in Part III of China's report relate to the full enjoyment of the rights established in the Covenant.

The basic right not to be discriminated against, including the ban on discrimination on grounds of sex set out in article 25 of the Basic Law, is repeated and regulated in many other laws. Theoretically, there are no difficulties in their implementation. In practice, as in any other free and developed society, it depends upon the individuals concerned and their willingness to assert their rights.

At present, the persistence of gender inequalities is due solely to cultural factors, mainly the population's level of education. It should be stressed that the Macao Special Administrative Region Government has long had a strong policy of supporting education, in particular through the institution and extension of the compulsory education system, the allocation of funds to schools and students and the granting of other benefits.

The situation is gradually improving. Women are getting more and better education. In recent years, total numbers of female and male students at different educational levels have been almost the same and the female drop-out rate is much lower than that of male students. As a result, the proportions of men and women in senior positions have become more equitable. In unskilled jobs, the trend is not yet inverted.

**XXI. Article 3. Equality between men and women**

**5. What legislative provisions are in place to address sexual harassment in the workplace in Macao Special Administrative Region?**

There is no specific law on sexual harassment in the workplace, but the Criminal Code covers offences

generally associated with sexual harassment such as rape, sexual coercion, sexual abuse and exhibitionism. Moreover, article 171 of the Code, which applies to all criminal offences against sexual freedom and sexual autonomy, provides for stiffer penalties whenever an offence is committed by taking advantage of the victim's hierarchical, economic or work-related dependent situation.

There is no register of complaints or reports of sexual harassment in the workplace.

### **III. Issues relating to specific provisions of the Covenant (ARTS. 6 TO 15)**

#### **XXII. Article 8. Trade union rights**

##### **6. Please provide information on the decrees introduced in 1999 which replaced the laws protecting workers' rights to collective bargaining and their freedom of association.**

No legislation affecting workers' rights to collective bargaining and association has been enacted since the establishment of the Macao Special Administrative Region. Act No. 2/99/M of 9 August, which regulates the right of association, is still in force.

Nonetheless, it is worth mentioning that labour law is currently under revision and will include a new chapter on collective bargaining.

#### **XXIII. Article 10. Protection of the family, mothers and children**

##### **7. Please provide updated information on the issue of family reunification.**

In the Macao Special Administrative Region, the issue of family reunification is closely linked to the issues of residence status and the right of abode.

According to article 24 of the Basic Law, the concept of Macao residents includes permanent residents, who have the right of abode and are qualified to obtain Macao permanent identity cards, and non-permanent residents, who are qualified to obtain Macao identity cards in accordance with the laws of the Region but have no right of abode. Act No. 8/1999 on permanent residents and the right of abode, Act No. 8/2002 and Administrative Regulation 23/2002 establishing, respectively, the resident identity card regime and the related regulations, and Act No. 4/2003 and Administrative Regulation 5/2003 establishing, respectively, the general principles governing entry, stay and residence in the Macao Special Administrative Region and the related regulations, have since been enacted.

The Region's Government planned carefully for the smooth introduction of these laws, especially as regards children in Mainland China born to parents who were permanent residents (at the time of their birth) of the Macao Special Administrative Region. In 2000, the competent authorities of the Central People's Government and the Macao Special Administrative Region Government agreed to establish a separate quota of 400 persons per month for this category of immigration and an efficient channel for confirming eligibility. The first child arrived in the Macao Special Administrative Region in 2001 and the arrangement has operated satisfactorily so far. Various departments of the Regional Government (Health, Social Welfare, Housing, Migration and Identification) have taken steps to enhance coordination and cooperation so as to facilitate the

integration of all the new migrants from Mainland China (including the above-mentioned children) into Macao society.

According to the above-mentioned laws, residents of Macao who were:

- Born in Macao to either a father or a mother who, at the time of the birth, was a resident of Macao, are Macao residents; if neither the father nor the mother was a resident of Macao at the time of the birth and they are at present resident on the Mainland, they may apply to the Public Security Department at their place of residence for permission to move to Macao; if neither the father nor the mother was a resident of Macao at the time of the birth and they are at present resident in other regions or countries, they may apply to the Macao Special Administrative Region Chief Executive/Migration Department for a residence permit;
- Born outside Macao (excluding the Mainland) but have verified permanent resident status, may directly apply for a Macao permanent resident identity card; those found not to have permanent resident status may apply to the Macao Special Administrative Region Chief Executive/Migration Department for a residence permit;
- Born in the Mainland but cannot acquire the status of Mainland residents may, if they have verified permanent resident status in Macao, apply directly for a permanent resident identity card in the Macao Special Administrative Region; those found not to have permanent resident status of Macao may apply to the Chief Executive/Macao Special Administrative Region Migration Department for a residence permit;
- Born in the Mainland with the status of Mainland residents may apply to the Public Security Department at their place of residence on the Mainland for permission to move to Macao.

Applications from other persons for permission to reside in the Macao Special Administrative Region must state the applicant's actual or intended professional activity, the purpose and feasibility of residence, means of subsistence and nuclear family members (if any), and must include a valid travel document, a certificate of previous residence, the applicant's police record, and a formal declaration that he/she will abide by the laws of the Macao Special Administrative Region.

Furthermore, the Chief Executive of the Region can grant special permission to stay for purposes of family reunification or in other duly substantiated situations, and an exceptional residence permit for humanitarian reasons or in duly substantiated exceptional cases.

Between 20 December 1999 and 17 June 2004, a total of 48,257 individuals obtained their first Macao resident identity cards, 30,440 of them (63 per cent of the total) in order to reunite with their families. Of these 30,440 individuals:

- 15,040 were born in Macao to parents who were Macao residents;



- 14,000 had a Single Departure Permit issued by the authorities in Mainland China to move to the Macao Special Administrative Region: 5,500 entered to reunite with their fathers or mothers and 8,100, to reunite with a spouse or other family members (children, etc.);
- 2,000 applied for a residence permit to live in the Region: 300 entered to reunite with their fathers or mothers and 1,500, to reunite with a spouse or other family members (children, etc.).

**8. Please indicate the extent of the problem of trafficking of women into the Macao Special Administrative Region from the neighbouring Asian countries and provide information on the initiatives taken by the Government to address the situation.**

It is very difficult to assess the scale of trafficking of women into the Macao Special Administrative Region: trafficking in the Region is widely recognized to be connected with prostitution, which is not a criminal offence under Regional law. In the absence of complaints and/or crimes, only estimates are possible.

Procurement, however, is a criminal offence, and by repressing procurement the law enforcement authorities have been actively engaged in efforts to combat trafficking in human beings, women in particular. Effective steps have also been taken to strengthen border control, and a working group has been set up with the neighbouring regions of Hong Kong and Guangdong to share information about criminal investigations and provide specific training on cross-border activities.

The penalty for procurement - living or profiting by exploiting another person's state of abandonment or hardship to cause, promote or facilitate their prostitution or performance of sexual acts - is one to five years' imprisonment. Using violence, serious threats, deceit or fraud for the purpose, or taking advantage of the victim's mental incapacity, constitutes another criminal offence - aggravated procurement - for which the penalty is two to eight years' imprisonment.

Complaints of sexual crimes against women				
Offence	2000	2001	2002	2003
Rape (article 157 of the Criminal Code)	6	9	13	13 <sup>1</sup>
Procurement (article 163 of the Criminal Code)	23	20	22	18 <sup>2</sup>
Sexual Coercion (article 158 of the Criminal Code)	0	2	1	1
Others crimes against sexual liberty	2	3	0	0
Total	31	34	36	32

Source: Office for Security Co-ordination, 2004.

Notes

<sup>1</sup> 13 cases involving 14 victims: 4 from the Macao Special Administrative Region, 3 from Viet Nam and 7 from Mainland China.

<sup>2</sup> 18 cases involving 41 victims: 8 cases of procurement connected with voluntary prostitution, involving 21 women from Mainland China and 2 from Viet Nam; and 10 cases of procurement connected with involuntary prostitution (misleading or luring with false promises of work), involving 11 women from Mainland China and 7 women

*from Viet Nam.*

**9. In Macao Special Administrative Region the rights of children are currently protected only in the general framework of civil and political rights legislation that is aimed to protect all citizens at large. Please indicate whether the State party intends to introduce legislation that is specifically aimed to protect children.**

The Macao Government does intend to introduce new legislation specifically aimed at protecting children.

The legal framework for adoption is being revised in order to modernize it and ensure its compliance with the 1993 Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption. The main aspects are the following:

- To ensure that consent to adoption is not induced by payment or compensation of any kind and is not withdrawn;
- To ensure that the consent of the mother, where required, is given only after the birth of the child;
- To criminalize the inducement of undue consent and sale for adoption, including the extension, under certain circumstances, of the criminal jurisdiction of the Macao Special Administrative Region to cover offences carried out abroad.

A law on pornographic material is also in preparation, to meet the Region's obligations under the 2000 Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography. This will establish special penalties for child pornography and rules forbidding the production, distribution, import, export, exhibition, advertisement, sale, promotion, possession and supply or commercial exploitation in any other manner of such material.

**10. To what extent does the Government provide access to education for children of migrant workers, including immigrants without official papers?**

The right to education is guaranteed to all residents of the Macao Special Administrative Region. Children of legal migrant workers are entitled to enter the Region's

educational system. People without official papers are illegal immigrants. As in any other territory or State, the law in the Macao Special Administrative Region does not tolerate illegality.

Under article 8 (1) of Act No. 4/2003 governing entry, stay and residence in the Macao Special Administrative Region, people may exceptionally be authorized to stay in the Region for tertiary education, family reunification or other purposes worthy of consideration.

The Macao Special Administrative Region Government bears responsibility under the applicable international treaties, including the Covenant, for guaranteeing children the right to education. Pursuant to an Order from the Region's Secretary for Social Affairs and Culture, on 16 January 2002 the Education and Youth Affairs Department sent a memo informing all schools in the Region that anyone authorized to stay in the Macao Special Administrative Region for over 90 days is permitted to enrol in the Region's non-tertiary educational institutions for the duration of his/her legal stay, all educational expenses being met by the individual concerned.

## **XXIV. Annex 1**

### **Women's Rights and Interests Act**

**XXV. (Approved on 3 April 1992 by the Seventh National People's Congress  
at its fifth annual session)**

#### **XXVI. Chapter I. General principles**

Article 1. The purpose of this Act is to safeguard women's legitimate rights and interests, to promote equality between men and women, and to enable women to play an active role in socialist modernization in the light of the Constitution and prevailing conditions in China.

Article 2. Women shall enjoy the same rights as men in political, economic, cultural, social and family life.

The State shall protect the special rights and interests granted to women by law and gradually perfect a social protection system for women.

Discriminating against, abusing or injuring women is prohibited.

Article 3. Protecting women's legitimate rights and interests is a responsibility shared by the whole of society. State organs, social organizations, commercial and non-commercial institutions and autonomous mass organizations at the grass-roots level in urban and rural areas must protect women's rights and interests in accordance with this Act and related laws.

The State shall adopt effective measures to enable women to exercise their rights in accordance with the law.

Article 4. The State Council and provincial, autonomous region and municipal people's governments shall arrange to coordinate efforts among the relevant departments to protect women's rights and interests. The specific bodies in charge of this work shall be designated by the State Council and the provincial, autonomous regional and municipal people's governments.

Article 5. The All-China Women's Federation and women's federations at all levels shall protect women's rights and interests, representing and safeguarding the interests of women of all ethnic originals and from all walks of life.

Trade unions and Communist Youth Leagues must do everything within their power to help protect women's rights and interests.

Article 6. The State shall encourage women to have respect for and confidence in themselves, to stand on their own feet, to improve themselves, and to use the law to defend their legitimate rights and interests.

Women must observe the laws of the State, respect social morals and fulfil their legal obligations.

Article 7. People's governments and pertinent departments at all levels shall commend and reward organizations and individuals that distinguish themselves in protecting women's legitimate rights and interests.

#### **XXVII. Chapter II. Political rights**

Article 8. The State shall guarantee women the same political rights as men.

Article 9. Women shall be entitled to manage State affairs, economic or cultural ventures and social

affairs through any channel and in any manner.

Article 10. Women shall have the same right as men to vote and to stand for election.

The National People's Congress and local people's congresses at all levels shall comprise appropriate numbers of female members and shall gradually increase the proportion of female members.

Article 11. The State shall actively cultivate and promote women cadres.

State organs, social organizations, enterprises and institutions must observe the principle of equality between men and women when appointing cadres, and take care to train and select women cadres for leading positions.

The State shall take care to train and promote women cadres from ethnic minorities.

Article 12. Women's federations and their members at all levels may recommend women cadres to State organs, social organizations, enterprises and institutions.

Article 13. The departments concerned must listen to and accept criticism and reasonable suggestions about the protection of women's rights and interests; they must investigate and deal with complaints, accusations and reports of women's rights and interests being violated, and no organization or individual may suppress or retaliate against such complaints, accusations or reports.

### **XXVIII. Chapter III. Cultural and educational rights and interests**

Article 14. The State shall guarantee women the same right as men to education.

Article 15. Schools and the related departments must, pursuant to the relevant State regulations, guarantee women the same rights as men as regards school admission, graduation from one school level to the next, job assignment on graduation, the award of academic qualifications and selection for study abroad.

Article 16. In view of the particular requirements of teenage girls, schools must take steps in matters of education, management and facilities, to guarantee teenage girls' healthy physical and mental development.

Article 17. Parents or other guardians must ensure that school-age girls receive compulsory education.

Except where the local people's government has granted authorization on grounds of illness or other special circumstances, parents or guardians who do not ensure that school-age girls attend school shall be liable to education through criticism and effective action to enforce compliance from the local people's government.

Given the practical difficulties faced by school-age girls, the Government, society and schools shall take effective steps to ensure that school-age girls receive compulsory education for the full duration established for the region concerned.

Article 18. People's governments at all levels shall, in keeping with the regulations, incorporate work to fight illiteracy and semi-illiteracy among women into their anti-illiteracy plans and continuing education programmes. They shall adopt arrangements and working methods suited to women's particular requirements and oversee their implementation by the departments concerned.

Article 19. People's governments and the relevant departments at all levels shall make arrangements for women to undergo vocational education and skills training.

Article 20. State organs, social organizations, commercial and non-commercial institutions, pursuant to

the relevant State regulations, shall guarantee women the same rights as men in the pursuit of scientific, technological, literary, artistic and other cultural activities.

#### **XXIX. Chapter IV. Right to work**

Article 21. The State shall guarantee women and men equal rights to work.

Article 22. No employer shall refuse to hire women except for types of work or positions unsuitable for women, or shall set higher standards for hiring women on the grounds of their sex.

Recruiting female workers under 16 years of age is prohibited.

Article 23. Men and women shall be paid equally for equal work.

In matters of housing allocation, material benefits and remuneration, men and women shall be treated equally.

Article 24. The principle of equality between men and women shall be upheld and no discrimination against women shall be allowed in career advancement, promotion or the assessment of special skills and responsibilities.

Article 25. All employers shall protect women's safety and health at work as required by the law with due regard for women's particular requirements. Women shall not be assigned work unsuitable for them.

Women shall be given special protection during menstruation, pregnancy, childbirth and breastfeeding.

Article 26. No employer may dismiss a female worker or unilaterally terminate an employment contract on grounds of marriage, pregnancy, maternity leave or breastfeeding.

Article 27. The State shall develop social insurance, social relief and health-care systems to provide material assistance for women who are old, sick or unable to work.

#### **XXX. Chapter V. Property rights**

Article 28. The State shall guarantee women property rights equal to men's.

Article 29. Women's legal rights to the community property of their marriages and homes shall not be infringed.

Article 30. Women and men have equal rights to farm fields assigned to them under the contract system and subsistence plots in rural areas, and to obtain land for housing construction; the women's legal rights shall not be infringed.

A woman's contract-system fields, subsistence plot and land for housing construction shall be protected if she marries or divorces.

Article 31. Women and men have equal rights to inherit property, which shall be protected by law. Women shall not be discriminated against in the order of legal inheritance.

Widowed women have the right to dispose of their inherited property without interference from any quarter.

Article 32. Widowed women who have been the principal providers for one or both of their parents-in-law shall be the latter's first legal heirs, and their right of inheritance shall not be affected by the

rights of inheritance of the parents-in-law's issue.



### **XXXI. Chapter VI. Personal rights**

Article 33. The State shall guarantee women the same personal rights as men.

Article 34. Women's personal rights shall not be infringed. Detaining women unlawfully or otherwise unlawfully restricting or depriving them of their personal freedom is prohibited; unlawfully searching a woman's body is prohibited.

Article 35. Women's rights to life and health shall not be infringed. Drowning, abandoning or wantonly injuring baby girls is prohibited. Discriminating against or abusing women who give birth to girls or are childless is prohibited. Wantonly injuring or killing women by superstitious or violent means is prohibited. Abusing or abandoning elderly women is prohibited.

Article 36. Kidnapping or abducting women for sale, and purchasing abducted or kidnapped women, is prohibited.

People's governments and the relevant departments shall take prompt action to rescue abducted or kidnapped women. Women returning to their hometowns after being kidnapped or abducted shall not be discriminated against, and the local government and relevant departments shall deal appropriately with the aftermath.

Article 37. Prostitution and visiting prostitutes are prohibited.

Organizing, coercing, luring or introducing women into prostitution, keeping women for prostitution or hiring or keeping women to engage in lewd acts with others is prohibited.

Article 38. A woman's right to her likeness shall be protected by law. A woman's likeness may not be used for profit in advertisements, trademarks, exhibitions, displays, books or magazines without her consent.

Article 39. A woman's reputation and human dignity shall be protected by law. Damaging a woman's reputation or human dignity by means of insults, slander or invasion of privacy is prohibited.

### **XXXII. Chapter VII. Marriage and family rights**

Article 40. The State shall guarantee women the same rights in marriage and the family as men.

Article 41. The State shall uphold a woman's right to marry the partner of her choice. Interfering in women's freedom to marry and divorce is prohibited.

Article 42. If a woman terminates a pregnancy to meet family planning demands, her spouse shall not divorce her in the six months following the termination, this rule shall not apply if the woman seeks a divorce of if a people's court deems it necessary to grant her spouse's application for divorce.

Article 43. Women shall enjoy the same rights as their spouses, regardless of their respective incomes, in the possession, use, proceeds from and disposal of property defined by law as belonging jointly to both.

Article 44. The State shall protect divorced women's ownership of housing.

A jointly-owned house shall, in the event of divorce, be divided by agreement between the spouses; in the absence of agreement, a people's court shall make a determination based on the specific circumstances of the parties with due consideration for the rights and interests of the wife and children, unless the spouses have contracted otherwise.

If the couple jointly rent a house, accommodation for the wife in the event of a divorce shall be determined by agreement, with due consideration for the rights and interests of the wife and children. If the couple live in housing provided by the husband's employer and, upon divorce, the wife will have no accommodation, the husband shall be under an obligation to help her out of her difficulties.

Article 45. Parents shall have equal guardianship over their minor children.

If, because of death, incapacity or other reasons, the father cannot serve as guardian, no one else shall interfere with the mother's guardianship.

In the event of divorce, the matter of the children's upbringing shall be settled in accordance with the wife's reasonable requests, subject to the rights and interests of the children, if, because of sterilization or for other reasons, the wife is no longer able to bear children.

Article 47. Women have the right to bear children subject to the relevant State regulations.

They are also free not to bear children.

Couples of child-bearing age shall practice family planning in accordance with the relevant State regulations. The departments concerned shall provide them with safe, effective contraceptive drugs and devices and shall guarantee the health and safety of women undergoing birth-control surgery.

### **XXXIII. Chapter VIII. Legal responsibility**

Article 48. If their lawful rights and interests are infringed, women shall have the right to request the departments concerned to remedy the matter or institute proceedings before a people's court.

When their lawful rights and interests are infringed, women may seek assistance from women's organizations. The women's organizations shall request the departments or employers concerned to investigate and uphold the injured parties' rights and interests.

Article 49. Infringements of women's rights and interests in violation of this Act may be punished under other laws and regulations containing the appropriate provisions.

Article 50. In the event of any of the following violations of women's rights and interests, corrective action shall be ordered and, depending on the specific circumstances, disciplinary action may be taken by the employer or higher authorities against those directly responsible:

(a) Evading responsibility for, stalling on or suppressing and failing to investigate complaints, accusations or reports of violations of women's rights and interests;

(b) Refusing to hire women when required to do so by law or regulations, or raising hiring standards for women;

(c) Violating the principle of equality between men and women and infringing women's lawful rights and interests in the allocation of housing, in promotion or in the assignment of specialized jobs;

(d) Firing female workers on grounds of marriage, pregnancy, maternity leave or breastfeeding;

(e) Violating the principle of equality between men and women and infringing women's lawful rights and interests in allocating fields for cultivation under the contract system, subsistence plots or land for housing construction; and

(f) Violating the principle of equality between men and women and infringing women's lawful rights and interests in school admission, job assignment on graduation, the award of academic qualifications or selection for study abroad.

In the event of retaliation against complaints, accusations or reports of conduct violating women's rights and interests, corrective action shall be ordered or disciplinary action shall be taken by the employer or higher authorities; if retaliation by a State employee amounts to a criminal offence, the culprit shall be held accountable pursuant to article 146 of the Penal Code.

Article 51. Persons hiring or keeping women to engage in lewd acts with others shall be dealt with under article 19 of the regulations governing offences against public order. If the offence is serious enough to qualify as criminal, it shall be punishable under article 160 of the Penal Code.

Article 52. Any infringement of women's lawful rights and interests resulting in loss of property or other injury shall be compensated for or otherwise attract civil reparation in accordance with the law.

#### **XXXIV. Chapter IX. Supplementary articles**

Article 53. The appropriate State Council departments may formulate regulations pursuant to this Act and submit them to the State Council for approval and implementation.

The standing committees of provincial, autonomous region and municipal people's congresses may formulate implementation procedures pursuant to this Act.

The people's congresses of autonomous minority areas may make adaptations or formulate supplementary provisions based on the principles of this Act to suit the situation of local minority women. The provisions adopted by autonomous regions shall be submitted to the Standing Committee of the National People's Congress for the record. The provisions adopted by autonomous prefectures and autonomous counties shall be submitted to the standing committees of provincial or autonomous regional people's congresses for approval, then forwarded to the Standing Committee of the National People's Congress for the record.

Article 54. This Act shall take effect on 1 October 1992.

**XXXV. Annex 2**

**Protection of Minors Act**

**XXXVI. (Adopted on 4 September 1991 by the Standing Committee of the Seventh National People's Congress at its 21st meeting)**

**XXXVII. Chapter I. General principles**

Article 1. The purpose of this Act is to protect minors' physical and mental health, safeguard their lawful rights and interests, promote their all-round moral, intellectual and physical development, and train them to become idealistic, moral, well-educated, disciplined successors to the socialist cause, in accordance with the Constitution.

Article 2. "Minors" as referred to in this Act are citizens under the age of eighteen.

Article 3. The State, society, schools and families shall educate minors in ideals, morality, culture, discipline and the legal system and in patriotism, collectivism, internationalism and communism, foster among them the social ethics of loving the motherland, the people, labour, science and socialism, and fight against the corrosive influence of bourgeois, feudal and other decadent ideologies.

Article 4. The protection of minors shall follow the following principles:

- (a) Safeguarding minors' lawful rights and interests;
- (b) Respecting minors' personal dignity;
- (c) Accommodating the particular characteristics of minors' physical and mental development; and
- (d) Combining education with protection.

Article 5. The State shall guarantee minors' personal and property rights and other lawful rights and interests against violation.

It is the common responsibility of State organs, the armed forces, political parties, social organizations, commercial and non-commercial institutions, self-governing mass organizations at the grass-roots level in urban and rural areas, minors' guardians and other adult citizens to protect minors.

Any organization or individual is entitled to discourage or stop any act infringing the lawful rights and interests of minors, or to make a report or lodge a complaint about such act with the appropriate department.

The State, society, schools and families shall educate and help minors to safeguard their lawful rights and interests by legal means.

Article 6. The central and local State authorities shall, within the bounds of their functions and responsibilities, ensure the protection of minors.

The State Council and the people's governments of the provinces, autonomous regions and directly administered municipalities shall arrange as necessary for coordination among the departments concerned in protecting minors.

The Communist Youth League, women's federations, trade unions, youth federations, student federations, young pioneers' organizations and other social organizations shall assist people's governments at all levels in ensuring the protection of minors and safeguarding their lawful rights and interests.

Article 7. People's governments and the relevant departments at all levels shall confer awards on organizations and individuals with distinguished records of protecting minors.

### **XXXVIII. Chapter II. Protection by the family**

Article 8. Minors' parents or other guardians shall in accordance with the law fulfil their responsibilities of guardianship and upbringing, and shall not maltreat or abandon the minors. They shall not discriminate against female or handicapped minors. Infanticide and child abandonment are prohibited.

Article 9. Minors' parents or other guardians shall respect the minors' right to education, must ensure school-age minors receive compulsory education as required by the relevant regulations, and shall not withdraw minors receiving compulsory education from school.

Article 10. Minors' parents or other guardians shall through healthy thought, conduct and appropriate methods educate and guide the minors towards activities conducive to their physical and mental development, and shall prevent and prohibit them from smoking, excessive drinking, vagrancy, gambling, drug-taking and engaging in prostitution.

Article 11. Minors' parents or other guardians must not permit or force the minors to marry, and shall not promise them in marriage.

Article 12. Minors' parents or other guardians who refuse to perform their duties as guardians or infringe the lawful rights and interests of the minors under their guardianship shall be held to account in accordance with the law.

Minors' parents or other guardians guilty of the conduct referred to in the preceding paragraph who fail to mend their ways after education may, upon application by the person(s) or work unit(s) (employer(s)) concerned, be disqualified as guardians by a people's court; new guardians shall be appointed pursuant to article 16 of the

General Principles of Civil Law.

### **XXXIX. Chapter III. Protection by the school**

Article 13. Schools shall fully implement State education policy, giving minor students a moral, intellectual, physical, aesthetic and work education, guidance in social life and education about puberty.

Schools shall show concern for and take good care of minor students; they shall give patient education and help to those with behavioural or learning difficulties, and must not discriminate against them.

Article 14. Schools shall respect minor students' right to education and may not arbitrarily expel minor students.

Article 15. Teaching and administrative staff in schools and kindergartens shall respect minors' personal dignity; they may not inflict corporal punishment or corporal punishment in disguised forms, or otherwise injure minors' dignity.

Article 16. Schools must not let minor students engage in any activity in schools or other educational facilities that endangers their personal safety or health.

No organization or individual may disrupt orderly teaching in schools or occupy or damage school grounds, accommodation or facilities.

Article 17. Collective activities organized by schools and kindergartens for minor students and children, such as taking part in rallies, recreational activities and social events, shall be conducive to the children's healthy growth; accidents endangering personal safety shall be prevented.

Article 18. Minors sent to reformatory schools for their compulsory education pursuant to State regulations shall be given an ideological, cultural, labour-skills and vocational education.

Teaching and administrative staff at reformatory schools shall show concern for, take good care of and respect the pupils and shall not discriminate against or reject them.

Article 19. Kindergartens shall provide good nursery care and education, promoting children's harmonious development in physical and intellectual ability and moral values.

### **XL. Chapter IV. Protection by society**

Article 20. The State shall encourage social organizations, commercial and non-commercial institutions and other organizations and citizens to conduct various forms of social activities conducive to minors' healthy growth.

Article 21. People's governments at all levels shall enable premises and facilities suited to minors' cultural needs to be established and improved.

Article 22. Museums, memorial halls, science and technology centres, cultural centres, cinemas and theatres, stadiums and gymnasiums, zoos, parks and other such facilities shall be open to primary and secondary school pupils on a preferential basis.

Article 23. The competent authorities and business managers shall take steps not to admit minors to premises such as commercial dancing halls where activities unsuitable for minors take place.

Article 24. The State shall encourage news, publishing, broadcasting, film and television, literature- and

art-producing work units (employing organizations), writers, scientists, artists and other citizens to create or provide works beneficial to minors' healthy growth. The State shall support the publication of books, newspapers, magazines and audio-visual products specially designed for minors.

Article 25. It is strictly prohibited for any organization or individual to sell, rent, or otherwise distribute to minors books, newspapers, magazines or audio-visual products injurious to minors and depicting pornography, violence, wanton killing, horror, etcetera.

Article 26. Food, toys, utensils and recreational facilities for children must not be harmful to children's safety or health.

Article 27. No one may smoke in the classrooms, dormitories or recreation rooms of primary and secondary schools or kindergartens, or in other indoor areas where minors gather for activities.

Article 28. No organization or individual may hire a minor under the age of sixteen other than as regulated by the State.

Any organization or individual hiring minors over sixteen but under eighteen in accordance with State regulations shall respect the regulations as regards types of work, working hours, intensity of labour and protective measures, and shall not assign the minors to any over-strenuous, intoxicating or harmful work or any dangerous operation.

Article 29. Civil affairs or other pertinent departments shall bear responsibility for returning vagrant and runaway minors to their parents or other guardians; the welfare organizations for children established by civil affairs departments shall take in and care for those whose parents or guardians cannot be immediately identified.

Article 30. No organization or individual may disclose a minor's personal secrets.

Article 31. No organization or individual may conceal or destroy a minor's mail; except where the investigation of a criminal offence necessitates the inspection of mail by a public security organ or a people's procuratorate in accordance with the law, or parents or other guardians open mail on behalf of a minor without capacity to act, no organization or individual may open a minor's mail.

Article 32. Departments of public health and schools shall provide minors with the necessary sanitary and health-care conditions, and shall strive to prevent disease.

Article 33. Local people's governments at all levels shall actively develop childcare, shall strive to run nurseries and kindergartens well, shall encourage and support State organs, social organizations, enterprises, institutions and other social forces in the establishment of nursing rooms, nurseries and kindergartens, and shall advocate and support the establishment of household nurseries.

Article 34. Departments of public health shall establish a preventive vaccination certificate system for children, make efforts to prevent common and frequently encountered childhood diseases, strengthen supervision and control over the prevention and treatment of infectious diseases and give greater professional guidance on sanitation and health care in nurseries and kindergartens.

Article 35. People's governments and the relevant departments at all levels shall train and drill childcare and teaching staff at nurseries and kindergartens in many different ways and give them greater political,

ideological and professional instruction.

Article 36. The State shall protect minors' intellectual achievements and their right to the credit for them in accordance with the law.

The State, society, families and schools shall create conditions favourable to the healthy development of minors with special talents or outstanding achievements.

Article 37. The relevant government departments, social organizations, commercial and non-commercial institutions shall, in the light of actual conditions, provide minors who have completed the prescribed period of compulsory education and will not go on to higher education with vocational training, and enable them to find employment.

### **XLI. Chapter V. Judicial protection**

Article 38. A policy of education, persuasion and redemption shall be applied to juvenile offenders and punishment shall be kept subordinate to education.

Article 39. The parents or other guardians of juvenile offenders aged fourteen or over who are not subject to criminal penalties because they are not yet sixteen shall be ordered to discipline them; when necessary, such minors may also be taken in for rehabilitation by the Government.

Article 40. Public security organs, people's procuratorates and people's courts shall, in dealing with crimes committed by minors, take the minors' particular physical and mental characteristics into consideration and may, where necessary, set up special bodies or designate special persons to handle such cases.

Public security organs, people's procuratorates, people's courts and reformatories for juvenile offenders shall respect minors' personal dignity and safeguard their lawful rights and interests.

Article 41. Public security organs, people's procuratorates and people's courts shall hold minors in custody pending trial separately from adults in custody.

Minors sentenced to prison by the people's courts shall be confined and supervised separately from adults serving sentence.

Article 42. Crimes committed by minors over fourteen but under sixteen years old shall not be tried in public. Crimes committed by minors over sixteen but under eighteen years old shall not generally be tried in public.

In cases involving juvenile offenders, the minors' names, addresses, photographs and other information which might reveal their identity shall not, before judgement is handed down, be disclosed in news reports, newsreels, television programmes or other openly circulated material.

Article 43. Families, schools and other units concerned shall work together with reformatories and similar units where juvenile offenders are held to educate and redeem the delinquent minors.

Article 44. Minors exempted from prosecution by people's procuratorates or from criminal penalties by people's courts, minors given suspended sentences by people's courts and minors released from reformatories or after serving terms of imprisonment shall not be discriminated against when resuming schooling, graduating from one school level to the next or seeking employment.



Article 45. People's courts shall, in handling cases concerning inheritance, protect minors' rights of inheritance in accordance with the law.

In handling cases of divorce, if disputes arise between the parties over the support of a minor child or children and no agreement can be reached, people's courts shall rule so as to safeguard the rights and interests of the child or children, given the specific circumstances of the parties.

### **XLII. Chapter VI. Legal responsibility**

Article 46. Where the lawful rights or interests of a minor are infringed, the injured party or his or her guardians are entitled to request the departments concerned to deal with the matter or to bring suit in a people's court in accordance with the law.

Article 47. Infringement of the lawful rights and interests of a minor, causing him or her material loss or other injury, shall be compensated for in accordance with the law or otherwise render the culprit civilly liable.

Article 48. Teaching or administrative staff in schools, nurseries or kindergartens who subject minor students or children to corporal punishment or corporal punishment in disguised forms shall, if the circumstances are serious, be subject to disciplinary penalties from their work units or higher authorities.

Article 49. Commercial and non-commercial institutions or individual industrialists and businessmen who illegally hire minors under sixteen shall be fined and ordered to take corrective action by the labour department; if the circumstances are serious, the administrative departments for industry and commerce shall revoke their business licences.

Article 50. Commercial dancing halls and similar premises where activities unsuitable for minors take place which admit minors shall be ordered by the competent departments to take corrective action, and may be fined.

Article 51. The sale, rental or distribution to minors by other means of pornographic books, newspapers, magazines, audio-visual products or other published material shall be severely punished in accordance with the law.

Article 52. Infringements of the personal or other lawful rights of a minor which amount to criminal offences shall be treated as crimes in accordance with the law.

Gross ill-treatment of a minor family member shall be treated as a crime under article 182 of the Criminal Code.

Corporal punishment or ill-treatment of imprisoned minors by judicial personnel in violation of the rules or regulations on prison management shall be treated as a crime under article 189 of the Criminal Code.

Gross dereliction of a duty to support a minor shall be treated as a crime under article 183 of the Criminal Code.

Infanticide shall be treated as a crime under article 132 of the Criminal Code.

Failure to take action in the full knowledge that school premises are in danger of collapse, leading to the collapse of the said premises and injuries or deaths, shall be treated as a crime under article 187 of the Criminal Code.

Article 53. Incitement of a minor to crime shall be severely punished in accordance with the law.

Enticement, incitement or coercion of a minor into taking or injecting drugs or into prostitution shall be severely punished in accordance with the law.

Article 54. Any party objecting to administrative sanctions ordered pursuant to this Act may in the first instance request a review by a higher administrative body or the administrative body prescribed by the relevant laws or regulations. If dissatisfied by the decision on review, the party may then bring suit in a people's court. The party may also bring suit directly in a people's court. Where the relevant laws or regulations stipulate that parties may not bring suit in a people's court before requesting review by an administrative body, cases shall be handled accordingly.

If a party neither requests a review of administrative sanctions ordered nor brings suit in a people's court within the prescribed period, but does not comply with the order, the ordering body may either apply to a people's court to enforce execution or may enforce the order in accordance with the law.

### **XLIII. Chapter VII. Supplementary provisions**

Article 55. The appropriate State Council departments may formulate regulations pursuant to this Act and

submit them to the State Council for approval and implementation.

The standing committees of provincial, autonomous region and directly administered municipality people's congresses may make implementation arrangements pursuant to this Act.

Article 56. This Act shall take effect on 1 January 1992.

**XLIV. Annex 3**

**protection of the disabled act**

**XLV. (Adopted on 28 December 1990 by the Standing Committee of  
the Seventh National People's Congress at its 17th meeting)**

**XLVI. Chapter I. General provisions**

Article 1. The purpose of this Act is to protect the lawful rights and interests of, and to develop facilities for, disabled persons, ensuring they can participate fully and as equals in the life of society and share the material and cultural benefits in accordance with the Constitution.

Article 2. A disabled person is one with a mental, physiological or anatomical abnormality or loss of function rendering him or her wholly or partly unable to perform an activity in the normal way.

Disabled persons include those with visual, hearing, speech, physical or intellectual disabilities, mental disorders, multiple disabilities and other disabilities.

The criteria for disability shall be established by the State Council.

Article 3. Disabled persons have the same rights as other citizens in the political, economic, cultural and social fields, in family life and in other matters. The civil rights and personal dignity of disabled persons shall be protected by law. Discriminating against, abusing or injuring disabled persons is prohibited.

Article 4. By means of supplementary methods and supportive measures, the State shall give disabled persons special assistance in alleviating or eliminating the effects of their disabilities and external impediments, and shall guarantee the exercise of their rights.

Article 5. The State and society shall give special protection, preferential treatment and pensions to wounded and disabled servicemen, persons disabled in the line of duty and other persons disabled while defending the interests of the State and people.

Article 6. People's governments at all levels shall incorporate facilities for disabled persons into plans for economic and social development, list the expenditure in their budgets and overall plans, strengthen leadership, coordinate comprehensively and take steps to ensure that facilities for disabled persons develop in coordination with economic and social progress.

The State Council and the people's governments of provinces, autonomous regions and directly administered municipalities shall arrange to coordinate the efforts of the departments concerned in creating facilities for disabled persons. The establishment of specific institutions shall be decided upon by the State Council and the people's governments of provinces, autonomous regions and directly administered municipalities. The relevant departments of people's governments at all levels shall keep in close contact with disabled persons, solicit their opinions and work hard on their behalf in accordance with their individual mandates.

Article 7. Society as a whole must display a socialist humanitarian attitude, understand, respect, care for and assist disabled persons and support work on their behalf. State bodies, organizations, commercial and non-commercial, institutions and urban and rural grass-roots level institutions must work hard on behalf of disabled persons within their fields of competence. State employees and other personnel working with disabled persons must fulfil their lofty duties and strive in the service of the disabled.

Article 8. The China Disabled Persons' Federation (CDPF) and its local branches shall represent the common interests of disabled persons, protect their lawful rights and interests, unite and educate disabled persons and work on their behalf. CDPF shall undertake tasks assigned to it by the Government, conduct work for disabled persons and mobilize social forces in the development of facilities for disabled persons.

Article 9. The persons designated by law to provide for disabled persons must fulfil their duty of care towards their charges. The guardians of disabled persons must fulfil their duty of guardianship and protect their charges' lawful rights and interests. Disabled persons' families and guardians must encourage and help them to increase their self-reliance. Maltreatment or abandonment of disabled persons is prohibited.

Article 10. Disabled persons shall respect the law, honour their obligations, observe public order and respect social morality. They must display an optimistic and enterprising spirit, have self-respect, self-confidence, self-control and self-reliance, and contribute to socialist construction.

Article 11. The State shall make planned efforts to prevent disability, strengthen its leadership in this regard, publicize and popularize the elements of good prenatal and post-natal care and disability prevention, formulate laws and regulations on heredity, disease, drug poisoning, accidents, disasters, environmental pollution and other such disability-inducing factors, organize and mobilize social forces and take action to forestall the occurrence and spread of disability.

Article 12. The Government and the relevant departments shall grant awards to disabled persons with notable achievements in socialist construction and work units or individuals with distinguished records of safeguarding disabled people's lawful rights and interests or of developing facilities and providing service for disabled persons.

## **XLVII. Chapter II. Rehabilitation**

Article 13. The State and society shall take rehabilitative action to help disabled persons regain or compensate for lost functions, thus enhancing their ability to participate in social life.

Article 14. The work of rehabilitation shall, depending on the actual situation, combine modern rehabilitation techniques with traditional Chinese techniques, with rehabilitation institutions as the core, community-based rehabilitation as the foundation and disabled persons' families providing support. Emphasis shall be laid on rehabilitation projects which are practical, easy to realize and widely beneficial. Efforts shall also be made in the research, exploration and application of new rehabilitation techniques so as to provide effective rehabilitation services for disabled persons.

Article 15. The Government and the relevant departments shall plan and establish rehabilitation departments (units) in hospitals, set up such special rehabilitation institutions as are necessary, conduct clinical practice and drills, scientific research and personnel training and offer

technical guidance in the field of rehabilitation. People's governments and the relevant departments at all levels shall organize and direct urban and rural community service networks, health-care and preventive care networks, disabled persons' organizations and families and other social forces in carrying out community-based rehabilitation. Education authorities, welfare enterprises and institutions and other service organizations for disabled persons shall create conditions permitting rehabilitation drills to take place. Under the guidance of professional personnel and with help from the appropriate staff, volunteers and family members, disabled persons shall actively engage in exercises to improve their functional abilities, self-reliance and work skills. The State Council and the relevant departments shall rank rehabilitation projects by priority, formulate plans and marshal the forces for their implementation.

Article 16. Medical colleges, schools and other such educational institutes shall plan and offer rehabilitation courses and set up specialist rehabilitation training for rehabilitation personnel at all levels. The State and society shall provide various forms of technical training for personnel engaged in rehabilitation work, popularize knowledge of rehabilitation among disabled persons, their family members, the relevant staff and volunteers, and shall teach them rehabilitation techniques.

Article 17. The relevant governmental departments shall organize and support research into and the production, supply and maintenance of rehabilitation equipment, self-help appliances, special utensils and other aids for disabled persons.

### **XLVIII. Chapter III. Education**

Article 18. The State shall guarantee the right of disabled persons to education. People's governments at all levels shall make the education of disabled persons a component of the State educational programme, include it in their overall planning and provide greater leadership. The State, society, schools and families shall ensure disabled children and adolescents receive compulsory education. The State shall exempt disabled students in compulsory education from tuition fees and, depending on their actual circumstances, may reduce or waive miscellaneous fees. The State shall set up tuition funds to assist poor disabled students.

Article 19. The education of disabled persons shall be based on their physical and psychological characteristics and needs and shall be conducted in accordance with the following requirements:

(a) It shall, at the same time as providing ideological and cultural education, offer intensified instruction in physical and psychological compensation and vocational skills;

(b) It shall employ ordinary or special methods of education for different categories of disability and for disabled persons of different assimilation capacities;

(c) Special courses, teaching materials and methods and the age requirements for school admission and attendance may be applied with appropriate elasticity.

Article 20. The principle of combining popularization with improved quality shall be applied to the education of disabled persons, with emphasis on popularization. Priority shall be given to compulsory education and vocational and technical training, while actively promoting pre-school education and gradually developing education at and above the senior middle-school level.

Article 21. The State shall set up educational institutions for disabled persons and encourage social forces to run schools and donate funds for schools.

Article 22. Ordinary educational institutions shall provide education for disabled persons who are able to undergo an ordinary education. Ordinary primary schools and junior middle schools must admit disabled children and adolescents who are able to adapt to life and study there. Ordinary senior middle schools, secondary polytechnic schools, technical schools and institutions of higher learning must admit disabled students who meet the State admission requirements and shall not deny them admission because of their disabilities; if denied admission, the individuals concerned or their families or guardians may appeal to the relevant authorities, which shall instruct the schools concerned to admit the students. Ordinary pre-school institutions shall admit disabled children who are able to adapt to the life there.

Article 23. Pre-school institutions for disabled children, classes for disabled children attached to ordinary pre-school institutions, pre-school classes at special schools, welfare



institutions for disabled children and the families of disabled children shall provide pre-school education for disabled children. Special schools at or below the junior middle-school level and special classes attached to ordinary schools shall provide compulsory education for disabled children and adolescents unable to undergo an ordinary education. Special schools and special classes attached to ordinary schools at or above the senior middle-school level and vocational training institutions for disabled persons shall provide cultural education at or above the senior middle-school level and vocational training for eligible disabled persons.

Article 24. The relevant government departments, work units employing disabled persons and society shall carry out anti-illiteracy campaigns, vocational training and other forms of adult education for disabled persons and encourage them to develop their talents on their own.

Article 25. The State shall plan and institute various forms of special-education teacher-training colleges and specialized occupations at all levels, and special education classes (units) attached to ordinary normal schools, to educate and train teaching staff for special education. Ordinary teacher-training colleges shall offer courses or lectures on special education so that teachers in ordinary education can learn the essentials of special education. Special-education teachers and sign-language interpreters shall be paid special-education allowances.

Article 26. The relevant government departments shall organize and support research into and applications of Braille and sign language, the compilation and publication of teaching materials for special education and research on and the manufacture and supply of teaching apparatus and other aids for special education.

#### **XLIX. Chapter IV. Employment**

Article 27. The State guarantees disabled persons the right to work. People's governments at all levels shall formulate overall plans for the employment of disabled persons and create conditions enabling disabled persons to find jobs.

Article 28. The employment of disabled persons shall follow the principle of combining concentration with dispersion. Preferential policies and measures of support and protection shall be adopted with a view to gradually popularizing, stabilizing and rationalizing the employment of disabled persons through many channels, at many levels and in many forms.

Article 29. The State and society shall set up welfare enterprises, work-rehabilitation centres, chiropraxis centres and other commercial and non-commercial welfare institutions for disabled persons, thus providing concentrated employment for disabled persons.

Article 30. The State shall promote the employment of disabled persons by all work units; people's governments and the relevant departments at all levels shall make arrangements and provide guidance to this effect. State organs, non-governmental organizations, commercial and non-commercial institutions and urban and rural collective economic organizations shall employ a certain proportion of disabled persons in suitable jobs and positions. The specific ratio may be determined by the people's governments of provinces, autonomous regions and directly administered municipalities in the light of prevailing conditions.

Article 31. The relevant government departments shall encourage and assist disabled persons in finding employment by means of voluntary organization, or in opening individual businesses.

Article 32. Local people's governments at all levels and rural grass-roots organizations shall organize and support disabled persons in rural areas engaging in farming, livestock-raising, handicrafts and other forms of productive labour.

Article 33. The State shall apply a policy of tax reduction or exemption to commercial and non-commercial welfare institutions for disabled persons and self-employed disabled workers in urban and rural areas, and shall provide assistance with production, management, technology, capital, materials supply, working sites and other matters. Local people's governments and the related departments shall identify items suitable for production by disabled persons, arrange preferentially for welfare enterprises for disabled persons to produce them, and gradually identify items to be produced exclusively by such enterprises. The relevant government departments shall, in determining quotas for the recruitment and employment of workers, allot a certain proportion of the quota to disabled persons. In verifying and issuing business licences, they shall give priority to disabled persons who apply for licences as self-employed workers or businessmen and give them preferential treatment in allotting work sites, loans and so forth. They shall provide disabled persons engaged in any kind of productive labour in rural areas with assistance with production services, technical guidance, supply of agricultural inputs, purchases of farm produce and by-products, and loans.

Article 34. The State shall protect the property rights and the managerial autonomy of commercial and non-commercial welfare institutions for disabled persons, whose lawful rights and interests shall not be violated. No discrimination shall be practised against disabled persons in recruitment, employment, acquisition of regular status, promotion, conferment of technical or professional titles, remuneration, welfare, labour insurance or other matters. No work unit shall reject disabled graduates assigned to it by the State from institutions of higher learning, vocational middle schools or technical schools on the grounds of their disabilities; if rejected, disabled graduates may appeal to the appropriate departments, which shall instruct the work unit concerned to accept them. Work units employing disabled persons shall provide them with appropriate working conditions and labour protection.

Article 35. Work units employing disabled persons shall provide them with in-service technical training to improve their skills and techniques.

## **L. Chapter V. Cultural life**

Article 36. The State and society shall encourage and help disabled persons to take part in cultural, sporting and recreational activities of all kinds and shall strive to satisfy their intellectual and cultural needs.

Article 37. Cultural, sporting and recreational activities for disabled persons shall cater to the needs of the grass roots and fit in with common social cultural life; they shall be adapted to disabled persons' various particular requirements and needs, so as to secure extensive participation by disabled persons.

Article 38. The State and society shall take the following action to enrich disabled persons' intellectual and cultural lives:

(a) Serve disabled persons by means of radio broadcasts, films, television programmes, newspapers and magazines, books etcetera reflecting their lives;

(b) Organize and support the production and publication of reading material in Braille, talking books for the blind, reading material for deaf-mutes and reading material for the mentally deficient, start television programmes in sign language, and add subtitles and captions to some television programmes and films;

(c) Organize and support the development of mass cultural, sporting and recreational activities, the staging of special art displays and sports gatherings and participation in important international competitions and exchanges by disabled persons;

(d) Provide facilities and make allowance for disabled persons at the venues of public cultural, sporting, recreational and other events; plan and establish such venues for disabled persons.

Article 39. The State and society shall encourage and help disabled persons to engage in literary, artistic, educational, scientific, technological and other creative endeavours of benefit to the people.

## **LI. Chapter VI. Welfare**

Article 40. The State and society shall offer support, relief and other welfare provision to guarantee and improve the quality of disabled persons' lives.

Article 41. The State and society shall through a variety of channels provide disabled persons facing hardship with relief and assistance. They shall provide support and relief to disabled persons unable to work, with no means of supporting themselves or with no source of livelihood.

Article 42. Disabled persons' families and work units and urban and rural grass-roots level organizations with disabled persons shall encourage and help disabled persons to join the social insurance scheme.

Article 43. Local people's governments at all levels and welfare and other socially run care institutions taking in and caring for disabled persons in accordance with the regulations shall gradually improve the quality of the disabled persons' lives.

Article 44. Public services shall offer preferential and supplementary service to disabled persons. Public means of transport used by disabled persons must be rendered convenient and easy to use; essential auxiliary devices that disabled persons carry with them shall be transported free of charge. The blind may ride urban buses, trains, underground railways and ferry services free of charge. Consignments of material in Braille shall be posted and delivered free of charge. People's governments at the county and rural level shall, depending on prevailing conditions, exempt disabled persons in rural areas from voluntary labour, the payment of fees to public non-commercial institutions and other social charges. People's governments at all levels shall gradually increase the other beneficial arrangements and other support they offer to disabled persons.

## **LII. Chapter VII. Environment**

Article 45. The State and society shall gradually construct a favourable environment, improving living conditions for disabled persons in society.

Article 46. The State and society shall gradually introduce design regulations for urban roads and structures that accommodate disabled persons, and shall take action to remove obstacles.

Article 47. The State and society shall foster reciprocal understanding and communication between disabled persons and other citizens, shall publicize the cause and promote the achievements of disabled persons, shall propagate a spirit of tireless self-betterment by disabled persons and shall instil social habits of solidarity, amity and mutual assistance.

Article 48. The third Sunday in May every year shall be National Help the Disabled Day.

### **LIII. Chapter VIII. Legal responsibility**

Article 49. If a disabled person's lawful rights and interests are infringed, the injured party or his or her representative is entitled to request the competent authorities to deal with the matter or to bring suit in a people's court in accordance with the law.

Article 50. If, through breach of the law or dereliction of duty by a State employee, the lawful rights and interests of a disabled person are infringed, the employee shall be ordered by his or her work unit or a higher authority to rectify matters or shall be subject to disciplinary action.

Article 51. Infringement of a disabled person's lawful rights and interests that causes material or other loss or damage shall be compensated for or otherwise render the culprit civilly liable.

Article 52. Taking advantage of a disabled person's disability to violate his or her personal rights or other lawful rights and interests is a crime which shall be severely punished under the relevant provisions of the Criminal Code.

Openly humiliating a disabled person through violence or by other means shall, if the circumstances are grave, render the culprit liable under article 145 of the Criminal Code; in relatively trivial cases it shall be punishable under article 22 of the Public Security Regulations. Ill-treatment of a disabled person shall be punishable under article 22 of the Public Security Regulations; in odious cases the culprit shall be liable under article 182 of the Criminal Code.

Persons with a duty to support disabled persons incapable of living alone who refuse to provide such support shall, if the circumstances are grave, or if they abandon the disabled person concerned, be liable under article 183 of the Criminal Code. Seduction of a disabled person unaware, owing to defective intelligence or a mental disorder, of what he or she is doing shall be construed as rape and be punishable under article 139 of the Criminal Code.

#### **LIV. Chapter IX. Supplementary provisions**

Article 53. The appropriate State Council departments shall formulate regulations pursuant to this Act and submit them to the State Council for approval and implementation.

The standing committees of provincial, autonomous region and directly administered municipality people's congresses may make implementation arrangements pursuant to this Act.

Article 54. This Act shall take effect on 15 May 1991.

#### **LV. Annex 4**

### **RIGHTS AND INTERESTS of the elderly Act**

#### **LVI. (Adopted on 29 August 1996 by the Standing Committee of the Eighth National People's Congress at its 21st meeting)**

#### **LVII. Chapter I. General principles**

Article 1. The purpose of this Act is to protect the rights and interests of the elderly, to develop facilities for the elderly and to propagate the Chinese national virtues of respecting and providing for the elderly, in accordance with the Constitution.

Article 2. "The elderly" as referred to in this Act means citizens aged 60 or older.

Article 3. The State and society shall take steps to perfect the system of social safeguards for the elderly and gradually improve and safeguard the quality of their lives and health and the conditions under which they participate in the development of society, ensuring that they are provided for, receive medical care, and have

things they can do, learn and enjoy.

Article 4. The State shall protect the legal rights and interests of the elderly.

The elderly are entitled to receive material assistance from the State and society, and to enjoy the fruits of social development.

Discrimination against and abuse, ill-treatment or abandonment of the elderly are prohibited.

Article 5. People's governments at all levels shall incorporate facilities for the elderly into plans for the State economy and social development, gradually increase inputs into facilities for the elderly and encourage inputs of every kind from society so as to develop such facilities in concert with the development of the economy and society.

The State Council and the people's governments of the provinces, autonomous regions and directly administered municipalities shall make arrangements to coordinate efforts by the

departments concerned to guarantee the rights and interests of the elderly; the specific institutions shall be designated by the State Council and the people's governments of the provinces, autonomous regions and directly administered municipalities.

Article 6. Guaranteeing the lawful rights and interests of the elderly is the collective responsibility of the whole of society.

State authorities, non-governmental organizations, commercial and non-commercial institutions shall safeguard the rights and interests of the elderly in accordance with their individual obligations.

Residents' committees, peasants' committees and legally established associations of the elderly shall reflect the requirements of the elderly, protect their lawful rights and interests and work in their service.

Article 7. Society as a whole shall propagate educational and publicity campaigns promoting respect and provision for the elderly, and shall instil social habits of esteem, concern and help for them.

Youth associations, schools and kindergartens shall inculcate in their charges the virtues of respect and provision for the elderly and instruct them in the legal system protecting the lawful rights and interests of the elderly.

Voluntary service for the elderly is to be encouraged.

Article 8. People's governments at every level shall commend or offer encouragement to organizations, families and individuals with outstanding records of upholding the lawful rights and interests of, and respecting and providing for, the elderly.

Article 9. The elderly shall respect and obey the law and comply with their legal duties.

## **LVIII. Chapter II. Family support and provision**

Article 10. Elderly persons in retirement shall principally rely on their families, and family members shall care for and attend to the elderly.

Article 11. Providers for elderly persons shall honour their duties of economic provision, day-to-day care and spiritual comfort and shall show consideration for the elderly's particular requirements.

Providers shall be the offspring of the elderly persons concerned together with others under a legal duty of provision.

Providers' partners shall assist providers in honouring their duty of provision.

Article 12. Providers for elderly persons who fall sick shall nurse them and meet the costs of their medical treatment.

Article 13. Providers shall arrange proper accommodation for the elderly and must not coerce them into moving into poorer housing.

Children and other relatives must not take over and occupy housing owned or rented by elderly persons nor alter property rights or rental obligations without authorization.

Providers have a duty to keep housing owned by the elderly in good repair.

Article 14. Providers have a duty to cultivate fields allocated to the elderly under the contract system, to tend their woodlands and livestock, and to turn the proceeds over to the owners.

Article 15. Providers shall not decline to honour their duty of provision on the grounds that they have renounced their rights of succession or for other reasons. Elderly persons shall be entitled to require providers who do not honour their duty of provision to pay the costs of provision.

Providers shall not require elderly persons to perform work that is beyond their capabilities.

Article 16. Elderly persons and their spouses have a reciprocal duty of support.

Upon reaching maturity, younger siblings who have been supported by their older siblings shall, provided they are able, bear a duty to support unprovided-for older siblings in their old age.

Article 17. The consent of an elderly person to any agreement that may be reached among providers about honouring their duty of provision must be sought and obtained. The neighbourhood committee, peasants' committee or providers' employing organization shall superintend compliance with any such agreement.

Article 18. Elderly persons' freedom to marry shall be protected by law. Children and other relatives shall not interfere in elderly persons' divorces, remarriages or lives after marriage.

Providers shall not be exonerated from their duty of provision by a change in an elderly person's marital ties.

Article 19. Elderly persons are entitled to divide their personal property in accordance with the law; children and other relatives shall not interfere or forcibly extort their belongings from them.

Elderly persons are entitled to succeed to property from their parents, spouses, children and other relatives in accordance with the law, and to receive gifts.

### **LIX. Chapter III. Social security**

Article 20. The State shall establish a welfare system for the elderly to guarantee them the rudiments of life.

Article 21. The elderly shall, in accordance with the law, receive old-age pensions and other appropriate guarantees of support. The relevant organizations shall make full and timely payment of old-age pensions, and must not fall into arrears without cause or divert the funds.

The State shall raise old-age pensions in the light of economic development, increases in people's living standards and growth in labourers' wages.

Article 22. Besides establishing welfare systems for the elderly in the light of prevailing circumstances, rural communities may, if conditions permit, make a welfare base of all the land, woodland, marshland and water owned by the collective that has not been attributed by contract, and use the proceeds to provide for the elderly.

Article 23. Elderly persons in urban areas shall, if they are incapable of work, have no source of livelihood and no one to provide for or support them, or if their providers and supporters are incapable of offering provision or support, be afforded relief by the people's governments of their home communities.

Elderly persons in rural communities shall, if they are incapable of work, have no source of livelihood and no one to provide for or support them, or if their providers and supporters are incapable of offering provision or



support, be fed, clothed, housed, given medical care and buried at the expense of the community; in villages, ethnic villages and towns, the people's governments shall be responsible for making arrangements for them.

Article 24. Agreements between citizens or organizations and elderly persons on provision or other support shall be encouraged.

Article 25. The State shall establish a wide variety of health insurance schemes to guarantee elderly persons' basic health-care requirements.

In determining how health insurance will operate, the relevant ministries shall take elderly persons into consideration.

The health-care treatment to which the elderly are legally entitled shall be guaranteed.

Article 26. If an elderly person falls sick and both he/she and his/her providers are genuinely unable to meet the costs of treatment, the local people's government may, depending on the circumstances, provide suitable assistance or may advocate social relief.

Article 27. Health-care institutions shall offer facilities for elderly persons to consult a doctor and shall give priority in such consultations to persons over 70. Where conditions permit, sickbeds may be set up in ailing elderly persons' homes and mobile medical teams may operate.

The provision of free outpatient services shall be encouraged.

Article 28. The State shall take action to step up research into and personnel training for geriatric care, and to improve standards of prevention and treatment of, and scientific research on, geriatric complaints.

A wide variety of forms of health education shall be practiced to make elderly persons generally aware of health protection and their responsibility for their own health.

Article 29. In allocating, regulating or putting housing up for sale, associations including elderly persons shall take account of the elderly persons' needs in the light of the actual circumstances and the relevant standards.

Article 30. The particular needs of the elderly shall be taken into consideration in the construction and conversion of urban facilities, residential districts and dwellings, and such construction shall allow a full complement of amenities for elderly persons' lives and activities.

Article 31. The elderly shall be entitled to continue to receive education.

The State shall develop education for elderly persons and encourage society to operate educational facilities of all sorts for them.

People's governments at all levels shall strengthen leadership and make unified plans for elderly persons' education.

Article 32. The State and society shall take steps to develop mass cultural, sporting and recreational activities suitable for elderly persons and enrich the intellectual and cultural lives of the elderly.

Article 33. The State shall encourage and support public organizations and individuals in setting up welfare homes, old people's homes, housing for the elderly, nursing homes and cultural and sporting facilities for elderly persons.

People's governments at all levels shall, depending on local levels of economic development, gradually boost investment in welfare institutions and set up welfare facilities for elderly persons.

Article 34. People's governments at all levels shall direct commercial institutions to develop, manufacture and maintain items for elderly persons' use and to make provision for elderly persons' needs.

Article 35. Community services shall be developed and services, cultural and sporting events, medical care and nursing services and networks suited to the needs of the elderly shall gradually be established.

Full use shall be made of the tradition of neighbourly assistance, and neighbours shall be urged to care for and assist elderly persons in difficulties.

Public volunteers working in the service of the elderly shall be encouraged and supported.

Article 36. Local people's governments at all levels may, depending on local conditions, give priority and consideration to the elderly in such matters as visits, sightseeing excursions and travel on public transport.

Article 37. Elderly persons in rural communities need not perform voluntary labour or labour accumulation work.

Article 38. Radio, films, television, newspapers, magazines, etc. must reflect the lives of the elderly, promote the notion of defending elderly persons' legitimate rights and interests, and work in the service of the elderly.

Article 39. Elderly persons facing genuine financial difficulties because of the costs of bringing legal action when their legitimate rights and interests are infringed may have the costs deferred, reduced or waived; if they need the assistance of a lawyer but cannot afford the fees, they may obtain legal aid.

#### **LX. Chapter IV. Participation in social development**

Article 40. The State and society must value and cherish elderly persons' knowledge, skills, revolutionary experience and experience of construction, respect their high moral qualities and give full play to their professional expertise and functions.

Article 41. The State shall establish conditions permitting the elderly to participate in the promotion of socialist material progress. In the light of social needs and capacities, the elderly shall be encouraged to engage, voluntarily and insofar as their own abilities permit, in the following activities:

- (a) Offering children and young people a sound traditional education in socialism, patriotism, collectivism and struggling against adversity;
- (b) Passing on cultural and technical knowledge;
- (c) Providing advisory services;
- (d) Participating in accordance with the law in the development and application of technology;
- (e) Engaging in accordance with the law in management and production;
- (f) Setting up public non-commercial institutions of public benefit;
- (g) Helping to protect public order and to resolve personal disputes;
- (h) Taking part in other public activities.

Article 42. Elderly persons in receipt of lawful income from labour shall be under the protection of the

law.

### **LXI. Chapter V. Legal responsibility**

Article 43. If the legitimate rights and interests of an elderly person are infringed, the injured party or his or her representative shall be entitled to request the competent ministry to deal with the matter or may bring suit before the people's courts in accordance with the law.

The people's courts and competent ministries shall, as the law requires, deal promptly with appeals and reports relating to the infringement of elderly persons' legitimate rights and interests, without procrastinating or seeking to evade responsibility.

Article 44. If ministries or organizations disregard their duty to uphold elderly persons' legitimate rights and interests, their parent ministries shall subject them to criticism and education and instruct them to mend their ways.

State employees whose dereliction of duty harms the legitimate rights and interests of an elderly person shall be instructed by their employing organization or higher institution to mend their ways or shall be subject to disciplinary action; if their conduct amounts to a criminal offence, they shall be held accountable in accordance with the law.

Article 45. If a dispute arises between an elderly person and a family member or members over provision, support or residential property, the family members' employing organization or residents' committee may be asked to settle it or the matter may be taken directly before the people's courts.

When disputes are settled as mentioned in the preceding paragraph, any family members who are at fault shall be subjected to criticism and education and instructed to mend their ways.

People's courts may decide to give priority to applications from elderly persons seeking the costs of provision or support.

Article 46. Publicly humiliating an elderly person, violently or otherwise, or making up stories about, slandering or ill-treating an elderly person shall, if inconsequential, be punishable under the regulations on offences against public order; if such conduct amounts to a criminal offence, the culprit shall be held accountable in accordance with the law.

Article 47. Violent interference with an elderly person's freedom to marry or refusal to honour a duty of provision or support towards an elderly person shall, if serious enough to constitute a criminal offence, render the culprit accountable in accordance with the law.

Article 48. Theft, seizure, extortion or deliberate destruction of an elderly person's property by a family member shall, if inconsequential, be punishable under the public order regulations; if such conduct amounts to a criminal offence, the culprit shall be held accountable in accordance with the law.

### **LXII. Chapter VI. Supplementary provisions**

Article 49. The people's congresses of the ethnic autonomous regions may, on the basis of this Act, adapt or supplement the above provisions in accordance with the legally prescribed procedure to accommodate the specifics of local ethnic custom and practice.

Article 50. This Act shall take effect on 1 October 1996.

## **LXIII. Annex 5**

### **National fatal accident statistics 2002**

#### **LXIV. 1. National industrial accidents - basic situation**

There were 1,073,434 accidents of all kinds in China in 2002, 57,181 (5.6 per cent) more than in the previous year; they caused the deaths of 139,393 people, 4,977 (3.7 per cent) more than in the previous year. There were 2,629 accidents (up 349, or 15.3 per cent) in which 3-9 people died, making a total of 10,054 deaths (up 1,096, or 12.2 per cent). There were 128 (down 12, or 8.6 per cent) in which 10 or more people died, making a total of 2,341 deaths (down 215, or 8.4 per cent). Of the latter, 116 (8, or 6.5 per cent, fewer than in the previous year) killed between 10 and 29 people, making a total of 1,718 deaths (down 131, or 7.1 per cent); and 12 (down 4, or 25 per cent) killed over 30 people, making a total of 623 deaths (down 84, or 11.9 per cent).

#### **LXV. A. Industrial and mining enterprises**

Fatal accidents at industrial and mining enterprises nationwide totalled 13,960 (up 1,826, or 15 per cent), killing 14,924 people (up 854, or 6.1 per cent). There were 612 accidents (up 3, or 0.5 per cent) in which 3-9 people died, making a total of 2,544 deaths (down 111, or 4.2 per cent). There were 55 (down 4, or 6.8 per cent) in which between 10 and 29 people died, making a total of 843 deaths (down 70, or 7.7 per cent). There were 10 especially serious accidents, the same number as in the previous year, which killed over 30 people, making a total of 454 deaths (down 36, or 7.4 per cent).

##### **(i) Coal mining**

Fatal coal mining accidents nationwide totalled 4,344 (up 530, or 13.9 per cent), killing 6,995 people (up 263, or 3.9 per cent). This represented 5 deaths per million tonnes of coal mined, a decrease of 17 per cent. There were 321 accidents (down 3, or 4.5 per cent) in which 3-9 people died, making a total of 1,423 deaths (down 164, or 10.3 per cent). There were 47 (up 6, or 14.6 per cent) in which between 10 and 29 people died, making a total of 750 deaths

(up 108, or 16.8 per cent). There were 9 especially serious accidents, one more than in the previous year, which killed over 30 people, making a total of 417 deaths (up 44, or 11.8 per cent).

**(ii) Mining other than coal**

Fatal mining accidents (other than coal) nationwide totalled 1,634 (up 321, or 24.4 per cent), killing 2,052 people (up 120, or 6.2 per cent). There were 91 accidents (down 23, or 20.2 per cent) in which 3-9 people died, making a total of 342 deaths (down 137, or 28.6 per cent). There was one (7, or 87.5 per cent, fewer than in the previous year) accident in which between 10 and 29 people died: in actual fact, 12 died. There was one especially serious accident, the same number as in the previous year, in which 37 people died: this was 44, or 54.3 per cent, fewer than in the previous year.

**(iii) Industrial other than mining**

There were 7,982 fatal accidents in non-mining industry (up 975, or 13.9 per cent), which killed 5,877 people (up 471, or 8.7 per cent). There were 200 accidents (up 41, or 25.8 per cent) in which 3-9 people died, making a total of 779 deaths (up 190, or 32.3 per cent). There were 7 (down 3, or 30 per cent) in which between 10 and 29 people died, making a total of 81 deaths (down 57, or 41.3 per cent). There was no accident in which more than 30 people died.

**LXVI. B. Fires**

Fires (not counting forest and prairie fires) nationwide totalled 258,315 (up 43,031, or 19.2 per cent), killing 2,393 people (up 59, or 2.5 per cent). There were 121 (down 12, or 9 per cent) that killed 3-9 people, making a total of 463 deaths (down 29, or 5.9 per cent). There were two, the same number as in the previous year, in which between 10 and 29 people died, making a total of 36 deaths (down 5.3 per cent). There was no fire in which more than 30 people died.

**LXVII. C. Road transport**

Nationwide there were 773,137 traffic accidents (up 18,218, or 2.4 per cent), killing 109,381 people (up 3,451, or 3.3 per cent). There were 1,838 major accidents killing 3-9 people (up 355, or 23.9 per cent), making a total of 6,777 deaths (up 1,207, or 21.7 per cent); there were 41 (up 6, or 17.1 per cent) in which between 10 and 29 people died, making a total of 583 deaths (up 81, or 16.1 per cent). There was no accident in which more than 30 people died.

**LXVIII. D. Water transport**

Nationwide accidents associated with water transport totalled 735 (up 91, or 14.1 per cent), killing 463 people (down 27, or 5.5 per cent). There were 46 major accidents that killed 3-9 people, the same number as in the previous year, making a total of 212 deaths (up 22, or 11.6 per cent). There were three (down 5 or 40 per cent) accidents in which between 10 and 29 people died, making a total of 48 deaths (down 97, or 41.5 per cent), and one (one fewer than the previous year) especially serious accident that killed 40 people.

**LXIX. E. Railways**

Nationwide rail accidents totalled 11,922 (down 413, or 3.3 per cent), killing 8,217 people (down 192, or 2.3 per cent). There were six major accidents killing 3-9 people (down 2, or 25 per cent), making a total of 32

deaths (down 15, or 31.9 per cent); there was no accident in which 10 or more people died.

### **LXX. F. Air transport**

In total, civilian airlines suffered three crashes together killing 134 people. There was one accident in which 30 or more people died: 129 were killed.

### **LXXI. 2. The accident situation in non-mining industry**

A. Building industry: 1,948 accidents killing 2,014 people, up respectively 16.4 per cent and 24 per cent over the previous year.

B. Engineering industry: 1,823 accidents (up 11.2 per cent) killing 755 people (down 9.7 per cent).

***C. Chemical industry: 417 accidents killing 401 people, up respectively 3.7 per cent and 27.7 per cent over the previous year.***

D. Light industry: 668 accidents killing 414 people, up respectively 12.1 per cent and 27 per cent.

E. Building materials: 481 accidents killing 443 people, up respectively 32.9 per cent and 46.2 per cent.

F. Electricity industry: 273 accidents killing 270 people, up respectively 28.1 per cent and 38.5 per cent.

G. Metalworking industry: 454 accidents killing 165 people, up respectively 42.3 per cent and 11.5 per cent.

H. Trade: 132 accidents (down 2.9 per cent) killing 117 people (up 15.8 per cent).

I. Textiles: 254 accidents killing 112 people, up respectively 35.1 per cent and 53.4 per cent.

J. Oil industry: 46 accidents killing 51 people, up respectively 15 per cent and 50 per cent.

K. Non-ferrous metals: 84 accidents (up 31.3 per cent) killing 45 people (down 4.7 per cent).

L. Geology: 32 accidents (down 8.3 per cent) killing 55 people (up 25 per cent).

M. Pharmaceuticals: 52 accidents (up 2 per cent) killing 20 people (down 9.1 per cent).

N. Telephones: 16 accidents killing 19 people, down respectively 20 per cent and 17.4 per cent.

O. Irrigation: 15 accidents killing 20 people, up respectively 36.4 per cent and 100 per cent.

P. Forestry: 117 accidents (up 4.7 per cent) killing 65 people (down 4.4 per cent).

Q. Military industry: 9 accidents (down 50 per cent) killing 13 people (up 43.5 per cent).

***R. Tobacco industry: 10 accidents killing 3 people, down respectively 28.6 per cent and 25 per cent.***

S. Postal services: 6 accidents killing 5 people, up respectively 100 per cent and 25 per cent.

***T. Tourism: 10 accidents killing 7 people, an increase of 133.3 per cent.***

**LXXII. Comparative table of fatal accidents, 2002**

					3-9 dead				10 or more dead			
			% change from previous year				% change from previous year				% change from previous year	
	Accidents	Deaths	Accidents	Deaths	Accidents	Deaths	Accidents	Deaths	Accidents	Deaths	Accidents	Deaths
	1 073 434	139 393	5.6	3.7	2 629	10 054	15.3	12.2	128	2 341	-8.6	-8.4
A. Mining and industry	13 960	14 924	15.0	6.1	612	2 544	0.5	-4.2	65	1 297	-5.8	-7.6
1. Coal	4 344	6 995	13.9	3.9	321	1 423	-4.5	-10.3	56	1 167	14.3	15
2. Mining other than coal	1 634	2 052	24.4	6.2	91	342	-20.2	-28.6	2	49	-77.8	-77.1
3. Other than mining	7 982	5 877	13.9	8.7	200	779	25.8	32.3	7	81	-36.4	-53.5
B. Firefighting	258 315	2 393	19.2	2.5	121	463	-9.0	-5.9	2	36		-5.3
C. Road transport	773 137	109 381	2.4	3.3	1 838	6 777	23.9	21.7	41	583	5.13	-8.8
D. Water transport	735	463	14.1	-5.5	46	212	0.0	11.6	4	88	-42.9	-45.7
E. Railways:												
on-track	69	92	102.9	130.0	5	23	400.0	475.0				
off-track	11 922	8 217	-3.3	-2.3	6	32	-25.0	-31.9				
F. Civil aviation	3	134			1	3			1	129		
G. Agriculture	14 608	3 062	-27.7	26.3								
H. Other communications	7	106	-36.4	-23.7					7	106	-36.4	-23.7
I. Other water-borne	678	621	-3.0	7.3					8	102	-11.1	-12.1



## **LXXIII. Annex 6**

### **Safety in production nationwide, 2003**

2003 saw a decline both in the number of accidents of all kinds in China, and in the number of fatalities. The national safety in production situation is, overall, stable, but especially serious accidents are common in certain parts and industries, leaving the nationwide situation grim.

#### **LXXIV.1. Basic nationwide safety in production and accident situation**

The statistics show there were a total of 963,976 accidents in China in 2003, i.e. 112,963 (10.5 per cent) fewer than in the previous year, and they killed 136,340 people, 2,625 (1.9 per cent) fewer than in the previous year. There were 2,613 accidents (down 12, or 0.5 per cent, from the previous year) in which 3-9 people died, making a total of 10,066 (up 47, or 0.5 per cent) deaths. There were 129 especially serious accidents (up 1, or 0.8 per cent) in which 10 or more people died, making a total of 2,566 deaths (up 225, or 9.6 per cent). Of these, there were 115 (down 1, or 0.9 per cent) in which between 10 and 29 people died, making a total of 1,736 deaths (up 18, or 1.1 per cent), and 14 (up 2, or 16.7 per cent) in which 30 or more people died, making a total of 830 deaths (up 207, or 33.2 per cent).

#### **LXXV. A. Industrial and mining enterprises**

In industry and mining nationwide there were 15,597 fatal accidents (up 1,442, or 10.2 per cent), killing 17,315 people (up 2,383, or 16 per cent). There were 572 accidents (down 41, or 6.7 per cent) in which 3-9 people died, making a total of 2,360 deaths (down 187, or 7.3 per cent). There were 55, the same number as in the previous year, in which between 10 and 29 people died, making a total of 860 deaths (up 17, or 2 per cent). There were 10 especially serious accidents, the same number as in the previous year, which killed over 30 people, making a total of 680 deaths (up 226, or 49.8 per cent).

##### **(i) Coal mining**

Fatal coal mining accidents nationwide totalled 4,143 (down 353, or 7.9 per cent), killing 6,434 people (down 561, or 8 per cent). There were 286 accidents (down 35, or 10.9 per cent) in which 3-9 people died, making a total of 1,257 deaths (down 166, or 11.7 per cent). There were 44 (down 3, or 6.4 per cent) in which between 10 and 29 people died, making a total of 701 deaths (down 49, or 6.5 per cent). There were seven especially serious accidents, two (22.2 per cent) fewer than in the previous year, which killed over 30 people, making a total of 360 deaths (down 57, or 13.7 per cent).

##### **(ii) Mining other than coal**

Fatal mining accidents (other than coal) nationwide totalled 2,283 (up 645, or 39.4 per cent), killing 2,890 people (up 836, or 40.7 per cent). There were 67 accidents (down 24, or 26.4 per cent) in which 3-9 people died, making a total of 253 deaths (down 89, or 26 per cent). There were three (two more than in the previous year) especially serious accidents in which between 10 and 29 people died, making a total of 47 deaths (up 35, or 291.7 per cent). There was one accident, the same number as in the previous year, in which 243 people died: this was 206 more than in the previous year.

**(iii) Industrial other than mining**

There were 9,171 fatal accidents in non-mining industry (up 1,150, or 14.3 per cent), which killed 7,991 people (up 2,108, or 35.8 per cent). There were 219 accidents (up 18, or 9 per cent) in which 3-9 people died, making a total of 850 deaths (up 68, or 8.7 per cent). There were eight (up 1, or 14.3 per cent) in which between 10 and 29 people died, making a total of 112 deaths (up 31, or 38.3 per cent). There were two accidents (two more than the previous year) in which more than 30 people died, making a total of 77 deaths.

**LXXVI.B. Fires**

Fires (not counting forest and prairie fires) nationwide totalled 254,811 (down 3,504, or 1.4 per cent), killing 2,497 people (up 104, or 4.4 per cent). There were 104 (down 17,

or 14.1 per cent) that killed 3-9 people, making a total of 411 deaths (down 52, or 11.2 per cent). There were four, two more than in the previous year, in which between 10 and 29 people died, making a total of 61 deaths (up 69.4 per cent). There was one fire in which 33 people died.

#### **LXXVII. C. Road transport**

Nationwide there were 667,507 traffic accidents (down 105,630, or 13.7 per cent), killing 104,372 people (down 5,009, or 4.6 per cent). There were 1,874 major accidents killing 3-9 people (up 36, or 2 per cent), making a total of 7,040 deaths (up 263, or 3.9 per cent); there were 39 (down 2, or 4.9 per cent) in which between 10 and 29 people died, making a total of 580 deaths (down 3, or 0.5 per cent). There were two accidents, two more than the previous year, in which more than 30 people died: the death total was 65.

#### **LXXVIII. D. Water transport**

Nationwide accidents associated with water transport totalled 634 (down 46, or 6.8 per cent), killing 498 people (up 35, or 7.6 per cent). There were 42 major accidents that killed 3-9 people, the same number as in the previous year, making a total of 164 deaths (down 13, or 7.3 per cent). There were two accidents, the same number as in the previous year, in which between 10 and 29 people died, making a total of 44 deaths (up 3, or 7.3 per cent), and there was one, the same number as in the previous year, in which more than 30 people died: there were in fact 52 deaths, 12 (30 per cent) more than in the previous year.

#### **LXXIX.E. Railways**

Nationwide, fatal rail accidents totalled 12,640 (up 718, or 6 per cent), killing 8,530 people (up 313, or 3.8 per cent). There were eight major accidents killing 3-9 people (up 2, or 33.3 per cent), making a total of 28 deaths (down 4, or 12.5 per cent); there was no accident in which 10 or more people died.

### **LXXX. F. Air transport**

Civilian airlines suffered no accidents.

### **LXXXI.G. Agricultural machinery**

Nationwide, there were 12,102 accidents involving agricultural machinery, 5,869 (32.7 per cent) fewer than in the previous year, in which 2,312 people (down 300, or 11.5 per cent) died.

### **LXXXII. H. Fisheries**

Nationwide, there were 597 accidents on fishing boats, 73 (32.7 per cent) fewer than in the previous year; 535 people died (22, or 4.3 per cent, more than in the previous year).

### **LXXXIII. 2. The accident situation in non-mining industry**

- A. Building industry: 2,634 accidents killing 2,788 people, up respectively 34.9 per cent and 36.3 per cent over the previous year.
- B. Engineering industry: 1,840 accidents (up 0.4 per cent) killing 1,133 people (up 50.1 per cent).
- C. Chemical industry: 464 accidents killing 440 people, up respectively 11.3 per cent and 9.7 per cent over the previous year.
- D. Light industry: 665 accidents (down 1.9 per cent) killing 467 people (up 12.8 per cent).
- E. Building materials: 669 accidents killing 662 people, up respectively 37.9 per cent and 39.8 per cent.
- F. Electricity industry: 320 accidents killing 315 people, up respectively 17.2 per cent and 16.7 per cent.
- G. Metalworking industry: 360 accidents (down 20.7 per cent) killing 263 people (up 59.4 per cent).
- H. Trade: 172 accidents (up 28.4 per cent) killing 169 people (up 39.7 per cent).
- I. Textiles: 240 accidents (down 7.7 per cent) killing 134 people (up 19.6 per cent).
- J. Oil industry: 49 accidents (up 6.5 per cent) killing 44 people (down 13.7 per cent).
- K. Non-ferrous metals: 85 accidents, the same number as the previous year, killing 68 people (up 51.1 per cent).
- L. Geology: 39 accidents (up 21.9 per cent) killing 44 people (up 37.5 per cent).
- M. Pharmaceuticals: 58 accidents (up 11.5 per cent) killing 26 people (up 30 per cent).
- N. Telephones: 48 accidents killing 57 people, in each case up by 200 per cent.
- O. Irrigation: 16 accidents (up 6.7 per cent) killing 17 people (down 15 per cent).
- P. Forestry: 143 accidents (up 20.2 per cent) killing 101 people (up 55.4 per cent).

***Q. Military industry: 16 accidents (up 77.8 per cent) killing 11 people (down 15.4 per cent).***

- R. Tobacco industry: no accidents.
- S. Postal services: 6 accidents, the same as the previous year, killing 6 people (up 20 per cent).

***T. Tourism: 10 accidents (up 42.9 per cent) killing 16 people, an increase of***

*128.6 per cent.*

**LXXXIV. Comparative table of fatal accidents**  
**LXXXV. January-December 2003**

	2003		Compared to previous year				2003		3-9 dead				2003		10 or more dead			
	Accidents	Deaths	Accidents		Deaths		Accidents	Deaths	Accidents		Deaths		Accidents	Deaths	Accidents		Deaths	
			+,-	+-%	+,-	+-%			+,-	+-%	+,-	+-%			+,-	+-%		
Total	963 976	136 340	-112 963	-10.49	-2 625	-1.89	2 613	10 066	-12	-0.46	47	0.47	129	2 566	1	0.78	225	9.61
Mining and industry	15 597	17 315	1 442	10.19	2 383	15.96	572	2 360	-41	-6.69	-187	-7.34	65	1 540			243	18.74
1. Coalmining	4 143	6 434	-353	-7.85	-561	-8.02	286	1 257	-35	-10.9	-166	-11.67	51	1 061	-5	-8.93	-106	-9.08
2. Mining other than coal	2 283	2 890	645	39.38	836	40.7	67	253	-24	-26.37	-89	-26.02	4	290	2	100	241	491.84
3. Other than mining	9 171	7 991	1 150	14.34	2 108	35.83	219	850	18	8.96	68	8.7	10	189	3	42.86	108	133.33
Firefighting	254 811	2 497	-3 504	-1.36	104	4.35	104	411	-17	-14.05	-52	-11.23	5	94	3	150	58	161.11
Road transport	667 507	104 372	-105 630	-13.66	-5 009	-4.58	1 874	7 040	36	1.96	263	3.88	41	645			62	10.65
Water transport	634	498	-46	-6.76	35	7.56	42	164			-13	-7.34	3	96	1	50	31	47.69
Rail transport	12 640	8 530	718	6.02	313	3.81	8	28	2	33.33	-4	-12.5						
Civil aviation			-1	-100	-129	-100									-1	-100	-129	-100
Agricultural machinery	12 102	2 312	-5 869	-32.66	-300	-11.49	11	57	11		57							
Fishing	597	535	-73	-10.9	22	4.29												
Miscellaneous	88	281			-44								15	191	-2		-40	

## **LXXXVI. Appendix**

### **Tables**

1. Subscribers to basic pension insurance by region
2. Subscribers to basic health-care insurance by region
3. Subscribers to unemployment insurance by region
4. Work injury insurance by region
5. Maternity insurance by region
6. Rural social old-age insurance by region
7. Laid-off workers in State-owned enterprises by region, 1998
8. Laid-off workers in State-owned enterprises by region, 1999
9. Laid-off workers in State-owned enterprises by region, 2000
10. Laid-off workers in State-owned enterprises by region, 2001
11. Laid-off workers in State-owned enterprises by region, 2002

**LXXXVII. Table 1**



表4 历年八地区基本养老金参保人数  
SUBSCRIBERS TO BASIC PENSION INSURANCE BY REGION  
HISTORIC FIGURES OF CONTRIBUTORS OF BASIC PENSION INSURANCE BY REGION

单位: 万人 (10000 persons)

地 区 Region	1998		1999		2000	
	合 计	离休、退休、 退职人员	合 计	离休、退休、 退职人员	合 计	离休、退休、 退职人员
	Total	Retirees	Total	Retirees	Total	Retirees
全 国 National	11203.1	2727.3	12485.4	2983.6	13617.4	3169.9
北 京 Beijing	351.7	106.5	378.8	108.8	391.7	116.3
天 津 Tianjin	263.8	74.6	274.3	76.2	288.2	80.1
河 北 Hebei	532.3	113.1	544.9	118.9	634.3	137.4
山 西 Shanxi	337.1	71.4	365.7	79.1	416.1	78.0
内 蒙 古 Inner Mongolia	256.5	55.5	285.6	61.2	295.1	62.5
辽 宁 Liaoning	895.1	242.6	945.3	257.7	1030.0	281.0
吉 林 Jilin	365.7	87.1	399.5	89.5	387.5	93.6
黑 龙 江 Heilongjiang	600.4	145.6	617.1	150.9	624.9	158.5
上 海 Shanghai	583.8	189.6	662.6	225.3	675.3	234.2
江 苏 Jiangsu	790.8	176.4	821.6	188.5	890.3	200.3
浙 江 Zhejiang	378	96.6	516.5	106.8	561.7	114.4
安 徽 Anhui	349.9	77.7	389.2	86.9	415.2	93.3
福 建 Fujian	202.9	49.7	219.7	52.3	230.7	56.0
江 西 Jiangxi	299.8	64.1	313.2	66.7	327.4	72.6
山 东 Shandong	713.2	134.3	939.1	169.9	1008.6	180.0
河 南 Henan	599.5	115.9	677.3	124.6	729.5	135.0
湖 北 Hubei	520.5	107.4	577.7	122.4	597.1	131.5
湖 南 Hunan	412.6	101.9	419.5	105.1	438.8	111.5
广 东 Guangdong	599.9	143.4	766.4	161.3	1172.0	173.7
广 西 Guangxi	221.5	46.4	263.6	60.2	239.4	54.5
海 南 Hainan	85.8	23.8	111.5	29.5	129.1	29.9
重 庆 Chongqing	247.3	67.0	264.5	74.6	270.5	78.4
四 川 Sichuan	494.9	138.0	527	148.5	571.7	159.5
贵 州 Guizhou	131.5	34.2	149	37.9	165.4	40.5
云 南 Yunnan	208.9	59.7	223.5	63.1	252.3	68.2
西 藏 Tibet	6.7	1.8	7.1	2.1	7.3	2.1
陕 西 Shaanxi	278.4	70.7	274.2	73.8	296.3	78.0
甘 肃 Gansu	174.5	39.7	184.2	41.6	187.1	43.4
青 海 Qinghai	47	11.8	49.5	12.7	50.5	14.1
宁 夏 Ningxia	52.6	11.4	55.4	12.0	57.0	12.5
新 疆 Xinjiang	118.1	30.0	135	33.8	140.3	35.0
新疆生产建设兵团 Production and Construction Crops	106.4	36.3	106.5	38.9	111.2	40.9

表1 续表 continued

单位:万人 (10000 persons)

地 区 Region	2 0 0 1		2 0 0 2		2 0 0 3	
	合 计	离休、退休、 退职人员 Retirees	合 计	离休、退休、 退职人员 Retirees	合 计	离休、退休、 退职人员 Retirees
	Total		Total		Total	
全 国 National	14182.5	3380.6	14736.6	3607.8	15506.7	3860.2
北 京 Beijing	425.9	124.3	436.2	133.2	448.5	141.5
天 津 Tianjin	281.4	85.2	296.0	91.4	283.3	97.6
河 北 Hebei	641.4	145.3	643.5	151.0	665.5	163.6
山 西 Shanxi	365.6	81.8	361.8	85.4	364.4	88.1
内 蒙 古 Inner Mongolia	290.6	65.3	292.9	70.8	300.9	72.6
辽 宁 Liaoning	1022.7	288.9	1039.2	302.2	1070.4	315.5
吉 林 Jilin	389.1	99.6	397.7	104.9	427.0	115.5
黑 龙 江 Heilongjiang	692.5	178.5	689.8	187.4	714.3	196.0
上 海 Shanghai	683.5	239.9	699.8	246.9	715.6	254.6
江 苏 Jiangsu	888.1	212.7	1063.5	252.9	1135.2	271.4
浙 江 Zhejiang	610.4	125.1	701.1	132.6	801.2	144.2
安 徽 Anhui	432.7	98.5	432.3	102.8	456.6	113.6
福 建 Fujian	242.0	58.4	285.1	61.6	364.2	79.4
江 西 Jiangxi	328.8	78.2	339.8	82.6	355.9	93.4
山 东 Shandong	1022.6	191.3	1043.0	205.3	1135.9	219.3
河 南 Henan	736.6	141.9	757.8	161.5	751.1	171.0
湖 北 Hubei	612.1	137.7	628.8	147.2	732.4	177.9
湖 南 Hunan	603.4	148.0	616.5	157.7	636.2	167.5
广 东 Guangdong	1370.3	187.0	1405.4	193.5	1482.2	203.8
广 西 Guangxi	248.9	58.7	257.2	63.5	264.8	66.3
海 南 Hainan	108.2	30.5	111.2	31.9	116.7	33.6
重 庆 Chongqing	270.3	82.3	280.3	87.8	280.0	92.4
四 川 Sichuan	578.9	169.4	589.2	178.1	605.5	187.5
贵 州 Guizhou	159.0	42.4	168.9	44.9	168.0	48.0
云 南 Yunnan	243.1	69.6	252.1	74.1	257.3	77.8
西 藏 Tibet	7.1	2.6	7.0	2.6	7.3	2.8
陕 西 Shaanxi	345.4	83.4	352.0	90.8	362.4	97.4
甘 肃 Gansu	188.4	45.3	188.0	48.1	192.0	51.2
青 海 Qinghai	51.9	14.9	54.2	15.0	56.4	15.9
宁 夏 Ningxia	57.9	13.2	59.0	13.7	60.7	14.3
新 疆 Xinjiang	148.1	35.7	152.1	36.5	160.0	39.4
新疆生产建设兵团 Production and Construction Crops	110.3	41.9	110.0	43.1	109.2	43.5

LXXXVIII. Table 2

表2 历年分地区基本医疗保险年末参保人数

SUBSCRIBERS TO BASIC HEALTH-CARE INSURANCE BY REGION

单位: 万人

(10000 persons)

地 区 Region	1 9 9 9		2 0 0 0		2 0 0 1	
	合 计 Total	离休、退休、 退职人员 Retirees	合 计 Total	离休、退休、 退职人员 Retirees	合 计 Total	离休、退休、 退职人员 Retirees
全 国 National	2065.4	555.9	3786.9	924.2	7285.9	1815.2
北 京 Beijing	235	75.5	232.6	81.9	240.7	89.4
天 津 Tianjin	20.2	3.1			139.6	46.8
河 北 Hebei	32.3	7	159.9	35.4	282.5	61.5
山 西 Shanxi	78	11.5	72.1	11.4	157.3	34.4
内 蒙 古 Inner Mongolia	13.4	2.4	103.7	22.1	196.9	45.5
辽 宁 Liaoning	63.9	21.7	109.5	36.6	313.6	90.4
吉 林 Jilin	46.1	8.7	40.2	8.5	124.2	27.8
黑 龙 江 Heilongjiang	38.3	9.5	52.1	15.1	308.3	89.2
上 海 Shanghai	555.6	197.3	569.6	204.3	680.5	238.9
江 苏 Jiangsu	56.5	15	307.3	71.9	456.0	113.5
浙 江 Zhejiang	200.1	52.9	228.0	67.5	352.7	100.0
安 徽 Anhui	5.7	1	61.5	13.3	232.8	53.6
福 建 Fujian	4.2	1.4	77.8	18.9	171.0	38.3
江 西 Jiangxi	51.6	7.3	61.4	9.5	71.6	12.2
山 东 Shandong	216.2	44.2	253.3	48.7	490.2	86.0
河 南 Henan	36.6	10	296.2	58.4	460.3	94.8
湖 北 Hubei	24.2	4.9	133.9	11.6	255.4	54.5
湖 南 Hunan	8.6	3.4	127.3	30.4	351.6	83.7
广 东 Guangdong	124.1	16.3	350.3	41.6	544.8	84.4
广 西 Guangxi	8.6	1.6	10.2	2.1	150.1	33.4
海 南 Hainan	17.8	3.6	33.9	5.1	40.9	8.5
重 庆 Chongqing	10.1	2.3	9.7	2.4	36.8	9.7
四 川 Sichuan	197.9	50.6	261.2	74.1	437.6	128.3
贵 州 Guizhou					31.1	6.9
云 南 Yunnan			69.5	15.9	185.7	45.6
西 藏 Tibet						
陕 西 Shaanxi	14.5	3.7	130.5	28.2	231.4	49.4
甘 肃 Gansu	4	0.7	5.0	1.2	109.9	23.6
青 海 Qinghai	1.9	0.3	12.7	2.6	38.3	12.6
宁 夏 Ningxia			5.4	1.1	17.2	4.0
新 疆 Xinjiang					116.2	25.3
新疆生产建设兵团 Production and Construction Crops			11.9	4.6	60.8	22.8

表2 续表 continued

单位: 万人

(10000 persons)

地 区 Region	2 0 0 2		2 0 0 3	
	合 计 Total	离休、退休、 退职人员 Retirees	合 计 Total	离休、退休、 退职人员 Retirees
全 国 National	9401.2	2475.4	10901.7	2926.8
北 京 Beijing	321.1	113.2	436.1	134.7
天 津 Tianjin	250.2	103.8	254.7	108.5
河 北 Hebei	330.4	73.0	383.2	84.7
山 西 Shanxi	216.7	49.5	245.5	51.3
内 蒙 古 Inner Mongolia	221.7	54.2	252.3	66.1
辽 宁 Liaoning	619.0	188.7	697.7	217.2
吉 林 Jilin	176.9	39.8	230.8	55.3
黑 龙 江 Heilongjiang	392.8	108.2	435.2	122.1
上 海 Shanghai	694.8	245.9	709.6	250.6
江 苏 Jiangsu	690.9	183.2	815.0	227.6
浙 江 Zhejiang	423.4	117.0	510.3	139.5
安 徽 Anhui	273.4	65.6	318.2	79.8
福 建 Fujian	230.0	54.7	247.8	61.8
江 西 Jiangxi	106.6	22.7	188.2	45.7
山 东 Shandong	625.6	119.5	691.1	138.0
河 南 Henan	537.4	115.2	567.9	126.9
湖 北 Hubei	338.1	80.6	416.6	110.1
湖 南 Hunan	398.1	108.3	423.5	116.1
广 东 Guangdong	717.7	118.8	877.0	146.4
广 西 Guangxi	201.8	54.1	235.0	66.1
海 南 Hainan	52.6	11.5	63.1	15.4
重 庆 Chongqing	58.7	18.0	121.8	41.7
四 川 Sichuan	480.6	150.1	531.2	173.8
贵 州 Guizhou	94.6	26.6	134.1	38.2
云 南 Yunnan	238.4	65.0	281.5	81.4
西 藏 Tibet			6.0	1.8
陕 西 Shaanxi	261.8	65.1	301.0	77.4
甘 肃 Gansu	124.1	26.0	146.0	32.8
青 海 Qinghai	51.1	16.3	56.4	17.8
宁 夏 Ningxia	36.8	10.1	48.1	12.7
新 疆 Xinjiang	148.1	35.6	176.4	45.2
新疆生产建设兵团 Production and Construction Crops	87.6	35.0	100.3	40.1

LXXXIX. Table 3

表3 历年分地区失业保险参保人数

SUBSCRIBERS TO UNEMPLOYMENT INSURANCE BY REGION

单位:万人

(10000 persons)

地 区 Region	1 9 9 9		2 0 0 0		2 0 0 1	
	年末参保 职工人数 Contributors at the Year-end	全年发放失业 保险金人数 Beneficiaries in the Year	年末参保 职工人数 Contributors at the Year-end	全年发放失业 保险金人数 Beneficiaries in the Year	年末参保 职工人数 Contributors at the Year-end	全年发放失业 保险金人数 Beneficiaries in the Year
	全 国 National	9852.0	271.4	10408.4	329.7	10354.6
北 京 Beijing	306.2	4.3	306.2	10.9	287.2	12.5
天 津 Tianjin	204.4	7.3	216.9	11.1	214.3	14.7
河 北 Hebei	543.2	3.3	542.2	7.2	513.2	10.5
山 西 Shanxi	257.6	2.4	254.8	3.3	286.0	4.3
内 蒙 古 Inner Mongolia	215.6	4.7	220.4	6.4	217.7	11.9
辽 宁 Liaoning	695.0	15.5	693.7	23.8	656.7	35.3
吉 林 Jilin	291.9	3.3	279.3	5.1	283.8	13.2
黑 龙 江 Heilongjiang	528.0	8.4	526.3	6.0	532.6	15.8
上 海 Shanghai	431.6	50.8	434.9	38.7	430.7	40.9
江 苏 Jiangsu	755.6	13.0	764.1	43.8	766.5	53.7
浙 江 Zhejiang	365.5	22.7	388.6	34.5	391.1	46.5
安 徽 Anhui	345.8	4.0	368.7	14.4	375.2	13.3
福 建 Fujian	146.4	3.7	167.3	7.0	239.6	12.5
江 西 Jiangxi	211.1	0.9	226.8	0.8	235.9	2.5
山 东 Shandong	624.3	12.2	715.9	18.6	700.2	28.8
河 南 Henan	631.0	5.1	671.0	9.6	676.1	17.4
湖 北 Hubei	517.6	6.8	497.9	16.5	420.8	33.1
湖 南 Hunan	353.0	5.8	346.5	4.7	352.0	8.4
广 东 Guangdong	440.7	13.0	748.5	27.3	819.5	31.3
广 西 Guangxi	225.4	3.0	224.6	3.8	217.7	6.2
海 南 Hainan	56.2	0.5	56.2	0.9	56.1	1.5
重 庆 Chongqing	204.5	4.7	210.0	4.9	210.0	10.0
四 川 Sichuan	461.9	65.2	470.2	16.2	412.2	20.4
贵 州 Guizhou	126.2	0.6	138.7	0.6	136.4	1.5
云 南 Yunnan	181.0	4.5	191.2	5.2	190.7	7.7
西 藏 Tibet	5.7		5.7		6.3	
陕 西 Shaanxi	314.0	1.1	309.8	2.3	304.9	3.8
甘 肃 Gansu	159.3	2.6	172.0	2.2	162.7	2.5
青 海 Qinghai	49.3	0.3	43.8	1.2	35.7	2.0
宁 夏 Ningxia	37.2	0.4	34.1	0.7	34.7	1.1
新 疆(含兵团) Xinjiang	166.7	1.4	182.5	1.9	188.2	5.1

表3续表 continued

单位:万人		(10000 persons)			
地 区 Region		2 0 0 2		2 0 0 3	
		年末参保 职工人数 Contributors at the Year-end	全年发放失业 保险金人数 Beneficiaries in the Year	年末参保 职工人数 Contributors at the Year-end	全年发放失业 保险金人数 Beneficiaries in the Year
全 国	National	10181.6	657.0	10372.4	741.6
北 京	Beijing	299.6	14.2	306.6	14.1
天 津	Tianjin	196.3	17.8	193.5	15.2
河 北	Hebei	488.6	14.2	484.2	13.5
山 西	Shanxi	278.9	5.1	284.1	9.9
内 蒙 古	Inner Mongolia	219.7	17.9	221.6	11.6
辽 宁	Liaoning	591.2	101.1	622.2	135.6
吉 林	Jilin	284.0	24.3	292.9	25.1
黑 龙 江	Heilongjiang	466.0	26.2	479.0	22.1
上 海	Shanghai	436.0	34.6	441.1	30.6
江 苏	Jiangsu	735.6	76.7	761.6	88.3
浙 江	Zhejiang	390.0	47.9	396.8	36.5
安 徽	Anhui	378.8	22.3	380.8	33.3
福 建	Fujian	249.5	17.7	266.4	18.1
江 西	Jiangxi	226.7	5.2	215.5	8.2
山 东	Shandong	701.2	38.4	719.1	47.6
河 南	Henan	670.4	22.5	680.0	30.1
湖 北	Hubei	416.1	33.7	390.1	35.4
湖 南	Hunan	326.6	14.1	347.5	18.3
广 东	Guangdong	890.2	41.6	954.1	46.2
广 西	Guangxi	215.5	10.2	219.1	13.8
海 南	Hainan	60.2	2.5	57.7	2.9
重 庆	Chongqing	205.3	12.9	199.5	14.2
四 川	Sichuan	402.9	21.6	400.0	22.2
贵 州	Guizhou	132.2	2.3	128.0	2.4
云 南	Yunnan	183.2	8.6	183.0	11.9
西 藏	Tibet	7.1		7.1	
陕 西	Shaanxi	315.7	8.8	323.3	11.5
甘 肃	Gansu	161.0	3.9	162.1	8.0
青 海	Qinghai	32.2	2.2	33.2	2.0
宁 夏	Ningxia	35.7	1.4	36.3	1.4
新 疆(含兵团)	Xinjiang	185.2	7.2	186.5	11.7

XC. Table 4

表4 历年分地区工伤保险基本情况  
WORK INJURY INSURANCE BY REGION

地 区 Region		1 9 9 9		2 0 0 0		2 0 0 1	
		年末参保 职工人数 Contributors at the Year-end	享受工伤待 遇的人数 Beneficia- ries of Work Injury Insurance	年末参保 职工人数 Contributors at the Year-end	享受工伤待 遇的人数 Beneficia- ries of Work Injury Insurance	年末参保 职工人数 Contributors at the Year-end	享受工伤待 遇的人数 Beneficia- ries of Work Injury Insurance
全 国 National		39602843	151736	43502744	188221	43453489	187086
北 京 Beijing				2126718	6493	2046539	1334
天 津 Tianjin		78193	8				
河 北 Hebei		1539641	5009	1522771	4001	1631029	8151
山 西 Shanxi		839458	428	773491	405	717751	152
内 蒙 古 Inner Mongolia		212967	3960	222944	3953	267209	5349
辽 宁 Liaoning		3709989	47914	4091713	48384	3905915	50162
吉 林 Jilin		674313	21150	669483	20291	307164	11206
黑 龙 江 Heilongjiang		1037972	132	1302014	478	1043613	851
上 海 Shanghai							
江 苏 Jiangsu		4542827	5607	4502482	7045	4739356	6558
浙 江 Zhejiang		2310633	1681	2120931	4624	2196715	5621
安 徽 Anhui		606369	72	747247	759	734204	2046
福 建 Fujian		1289519	1316	1329657	1875	1590411	2295
江 西 Jiangxi		1453112	1553	1370570	1654	1377713	1891
山 东 Shandong		2496937	6405	2794293	4689	2854635	6125
河 南 Henan		1698551	2825	1881505	3138	1960065	5059
湖 北 Hubei		1837949	20586	1849517	17635	1823231	13385
湖 南 Hunan		479862	1146				
广 东 Guangdong		7983202	10285	9606577	46042	9900946	51773
广 西 Guangxi		1367965	2062	1265640	1139	1240567	1000
海 南 Hainan		516324	191	739978	150	695253	267
重 庆 Chongqing		329118	1257	273511	780	250126	940
四 川 Sichuan		2252743	8521	2011111	6218	1793195	4553
贵 州 Guizhou		18666	6	17357	6	17029	6
云 南 Yunnan		996389	7753	991437	7018	972559	6028
西 藏 Tibet							
陕 西 Shaanxi		269815	416	263581	263	245033	618
甘 肃 Gansu		116003	108	83741	68	95355	176
青 海 Qinghai		92811	285	94292	160	70731	435
宁 夏 Ningxia		138658	338	123826	241	113911	290
新 疆 Xinjiang		252790	78	267937	343	305346	423
新疆生产建设兵团 Production and Construction Crops	Xinjiang	460067	554	458417	366	557888	389

表4 续表 continued

单位:人		(person)			
地 区 Region		2 0 0 2		2 0 0 3	
		年末参保 职工人数 Contributors at the Year-end	享受工伤待 遇的人数 Beneficia- ries of Work Injury Insurance	年末参保 职工人数 Contributors at the Year-end	享受工伤待 遇的人数 Beneficia- ries of Work Injury Insurance
全 国	National	44056394	265069	45748335	328508
北 京	Beijing	2210814	7227	2428990	12056
天 津	Tianjin				
河 北	Hebei	1467338	3957	1456909	4108
山 西	Shanxi	463086	582	484432	400
内 蒙 古	Inner Mongolia	238403	2431	318332	2786
辽 宁	Liaoning	3905379	59638	3458000	72825
吉 林	Jilin	365921	15438	371226	12100
黑 龙 江	Heilongjiang	1189600	9014	1309403	10952
上 海	Shanghai				
江 苏	Jiangsu	4799950	12842	5030194	17195
浙 江	Zhejiang	2260040	9787	2877043	14183
安 徽	Anhui	698037	3059	679906	3930
福 建	Fujian	1706913	2952	1722504	5954
江 西	Jiangxi	1292539	1934	1296637	2982
山 东	Shandong	2777033	10796	2818274	15192
河 南	Henan	2187900	6890	2106114	4958
湖 北	Hubei	1831567	17124	1891875	14276
湖 南	Hunan			85942	292
广 东	Guangdong	10499142	80367	11200081	96663
广 西	Guangxi	1172636	2163	1203323	3258
海 南	Hainan	688606	619	681660	993
重 庆	Chongqing	296539	733	264538	1627
四 川	Sichuan	1673945	6065	1614084	12069
贵 州	Guizhou	13464	17	12639	18
云 南	Yunnan	889603	8639	841140	12094
西 藏	Tibet				
陕 西	Shaanxi	255671	421	350523	766
甘 肃	Gansu	87342	149	79902	207
青 海	Qinghai	65518	302	66063	440
宁 夏	Ningxia	159667	471	152179	903
新 疆	Xinjiang	294482	545	410765	3811
新疆生产建设兵团 Production and Construction Crops	Xinjiang	565259	907	535657	1470



**XCI. Table 5**  
**表5 历年分地区生育保险基本情况**  
**MATERNITY INSURANCE BY REGION**

单位:人 (person)

地 区 Region	1 9 9 9	2 0 0 0	2 0 0 1	
	年末参保 职工人数 Contributors at the Year-end	年末参保 职工人数 Contributors at the Year-end	年末参保 职工人数 Contributors at the Year-end	享受待遇人数 Beneficia- ries of Maternity Insurance
全 国 National	29453554	30016395	34550557	244869
北 京 Beijing				
天 津 Tianjin	75497			
河 北 Hebei	1429444	1380158	1315476	7612
山 西 Shanxi	1216432	1131829	1080399	2500
内 蒙 古 Inner Mongolia	264619	264708	279192	2655
辽 宁 Liaoning	1981709	2288627	2277558	12016
吉 林 Jilin	565177	551065	239563	659
黑 龙 江 Heilongjiang	503179	702903	681812	1915
上 海 Shanghai			4136661	653
江 苏 Jiangsu	4465128	4576600	4834639	46015
浙 江 Zhejiang	2138565	2000168	1876402	16786
安 徽 Anhui	335164	238391	233986	1466
福 建 Fujian	996621	938275	1181935	9387
江 西 Jiangxi	1419753	1293785	1201528	8304
山 东 Shandong	2654384	3255450	3318382	34305
河 南 Henan	2160850	2002863	1963637	10676
湖 北 Hubei	1890646	1912960	1821375	10929
湖 南 Hunan	155634		37041	98
广 东 Guangdong	2103160	2315665	2500681	23655
广 西 Guangxi	1006401	1125761	1135325	12183
海 南 Hainan			107761	596
重 庆 Chongqing	247782	255546	235863	2217
四 川 Sichuan	1918669	1881954	1781030	15614
贵 州 Guizhou	11696	11148	10867	20
云 南 Yunnan	966711	954694	961061	11689
西 藏 Tibet				
陕 西 Shaanxi	57147	52622	45862	783
甘 肃 Gansu	75305	60014	50312	309
青 海 Qinghai	85381	85145	66366	540
宁 夏 Ningxia	105738	93696	86603	1466
新 疆 Xinjiang	237952	254626	305219	3299
新疆生产建设兵团 Production and Construction Crops	384810	387742	484018	6522

表5 续表 continued

单位:人		(person)			
地 区 Region		2 0 0 2		2 0 0 3	
		年末参保 职工人数 Contributors at the Year-end	享受待遇人数 Beneficia- ries of Maternity Insurance	年末参保 职工人数 Contributors at the Year-end	享受待遇人数 Beneficia- ries of Maternity Insurance
全 国	National	34882321	283105	36554162	363816
北 京	Beijing				
天 津	Tianjin				
河 北	Hebei	953849	6895	940908	4311
山 西	Shanxi	843197	3042	843391	2493
内 蒙 古	Inner Mongolia	233676	1052	403282	1735
辽 宁	Liaoning	2160980	12486	1991090	14666
吉 林	Jilin	326821	1383	340173	1180
黑 龙 江	Heilongjiang	1532309	12084	1675292	27488
上 海	Shanghai	4528525	36516	4610582	40737
江 苏	Jiangsu	4860631	40730	5040625	72415
浙 江	Zhejiang	1936861	18562	2150367	21155
安 徽	Anhui	236497	1550	238558	1868
福 建	Fujian	1237079	9639	1393519	14469
江 西	Jiangxi	1094188	6772	1087337	5640
山 东	Shandong	3227504	38441	3364535	40852
河 南	Henan	2059339	11311	1991625	11153
湖 北	Hubei	1827436	7778	1821199	6190
湖 南	Hunan	33675	470	32796	366
广 东	Guangdong	2586749	24796	3307594	30042
广 西	Guangxi	1067871	10642	1110668	12364
海 南	Hainan	231543	2197	283814	2168
重 庆	Chongqing	198767	1415	164980	688
四 川	Sichuan	1664450	11884	1651039	12790
贵 州	Guizhou	8869	55	8876	58
云 南	Yunnan	868783	10222	827883	14210
西 藏	Tibet				
陕 西	Shaanxi	54034	724	146427	1158
甘 肃	Gansu	51307	351	68207	393
青 海	Qinghai	43237	460	51843	922
宁 夏	Ningxia	150055	1749	150702	1929
新 疆	Xinjiang	297154	3745	321587	4161
新疆生产建设兵团 Production and Construction Crops	Xinjiang	566932	6154	535263	16215

表6 历年农村社会养老保险情况表  
RURAL SOCIAL OLD-AGE INSURANCE BY REGION

地 区 Region	年末参保人数(万人) Contributors at the Year-end(10000 person)					年末领取人数(万人) Beneficiaries at the Year end (10 000 person)				
	1999	2000	2001	2002	2003	1999	2000	2001	2002	2003
	全 国 National	6460.8	6172.3	5995.1	5461.8	5427.7	89.8	97.8	108.8	123.4
北 京 Beijing	34.4	38.5	34.7	32.0	33.7	0.5	1.0	0.8	1.0	1.2
天 津 Tianjin	1.7	2.5	2.5			0.2	0.2	0.2		
河 北 Hebei	309.0	265.9	275.4	231.2	233.0	1.5	2.4	2.4	3.6	3.6
山 西 Shanxi	198.5	198.5	199.2	200.0	202.0	0.5	0.5	0.5	0.6	0.7
内 蒙 古 Inner Mongolia	98.4	69.2	69.2	97.5	93.3	0.2	1.6	1.6	0.3	0.3
辽 宁 Liaoning	240.0	242.3	242.3	213.0	215.5	0.3	0.4	0.4	1.0	2.0
吉 林 Jilin	13.5	10.0	9.5	9.4	10.0	0.1	0.1	0.1	0.1	0.1
黑 龙 江 Heilongjiang	386.7	349.5	191.0	185.0	179.1	0.7	0.7	0.6	1.4	2.7
上 海 Shanghai	122.0	123.0	121.0	124.0	312.0	33.0	36.0	38.0	38.0	2.4
江 苏 Jiangsu	803.6	746.2	856.5	737.4	125.0	5.2	6.6	9.3	12.3	39.9
浙 江 Zhejiang	610.0	610.0	610.0	535.0	795.8	2.3	0.3	3.6	4.5	50.4
安 徽 Anhui	285.6	285.8	245.1	194.4	469.4	0.6	0.9	1.1	1.1	5.7
福 建 Fujian	158.7	158.9	152.1	154.6	182.2	0.6	0.7	0.9	1.1	2.5
江 西 Jiangxi	263.2	243.2	222.8	232.3	156.2	1.8	2.3	3.1	3.8	1.2
山 东 Shandong	1167.2	1167.0	1089.9	992.5	190.0	15.2	18.2	23.3	29.5	20.5
河 南 Henan	230.3	195.8	171.8	162.7	955.8	10.6	2.3	3.8	2.6	38.1
湖 北 Hubei	347.0	316.5	318.2	307.5	182.6	2.3	1.4	1.6	2.2	3.5
湖 南 Hunan	226.3	224.6	210.7	175.0	14.4	3.2	10.4	3.6	2.8	
广 西 Guangxi	187.4	185.5	185.5	184.3	173.1	0.9	1.7	1.4	1.9	2.9
海 南 Hainan	32.1	33.6	32.3	32.7	186.1	0.1	0.4	0.1	0.1	1.9
重 庆 Chongqing	45.2	46.0	45.0	39.9	34.7	0.4	0.4	0.5	0.6	0.8
四 川 Sichuan	342.8	300.8	350.7	326.0	38.4	5.3	7.6	6.6	9.7	0.9
贵 州 Guizhou	38.9	0.4	39.0	5.9	369.1	2.9				11.3
云 南 Yunnan	139.8	135.9	136.8	136.8	6.0	0.8	1.0	3.3	3.6	
西 藏 Tibet	3.1	3.1	3.1	3.1	133.2	0.01				3.2
陕 西 Shaanxi	112.2	116.5	116.5	89.7	89.7	0.37	0.7	0.7	0.4	0.4
甘 肃 Gansu	16.5	13.8	13.8	9.8	9.8	0.02				
青 海 Qinghai	10.0	13.8	13.8	13.8	13.8	0.03	0.0	0.0		
宁 夏 Ningxia	13.0	13.0	13.0	13.0	13.0					
新 疆 Xinjiang	13.4	13.1	12.7	12.6		0.02	0.0	0.1	0.2	1.1



XCIH. Table 7

表7 1998年分地区国有企业下岗职工情况

LAID-OFF WORKERS IN STATE-OWNED ENTERPRISES BY REGION, 1998

单位:万人

(10000 persons)

地 区 Region	年末实有 下岗职工 人 数 Laid-off Workers at this Year-end	男性 Male	女性 Female	按年龄分组 classified by age group		
				35岁以下 ≤35years old	35-46岁 35-46years old	46岁以上 over 46 years old
				全 国 National	567.6	314.3
北 京 Beijing	5.7	2.9	2.8	1.3	3.5	0.9
天 津 Tianjin	5.9	3.0	2.9	1.8	2.9	1.2
河 北 Hebei	18.0	10.6	7.4	6.8	7.1	4.1
山 西 Shanxi	15.2	10.0	5.2	6.3	6.3	2.6
内 蒙 古 Inner Mongolia	14.3	7.8	6.5	5.5	6.9	1.9
辽 宁 Liaoning	54.1	32.9	21.2	2.6	23.3	28.2
吉 林 Jilin	32.6	17.4	15.2	13.4	13.3	5.9
黑 龙 江 Heilongjiang	52.8	27.1	25.7	15.5	25.4	12.0
上 海 Shanghai	10.4	5.7	4.7	1.4	6.7	2.3
江 苏 Jiangsu	23.4	12.1	11.3	8.2	10.4	4.9
浙 江 Zhejiang	10.1	5.6	4.5	2.7	5.2	2.1
安 徽 Anhui	24.8	13.9	10.9	10.2	9.0	5.6
福 建 Fujian	3.1	1.7	1.4	1.0	1.3	0.8
江 西 Jiangxi	24.7	12.4	12.3	8.5	12.5	3.7
山 东 Shandong	18.1	9.8	8.3	7.9	6.9	3.3
河 南 Henan	22.5	11.8	10.7	9.9	7.7	4.9
湖 北 Hubei	35.1	18.1	17.0	11.9	16.9	6.3
湖 南 Hunan	47.5	24.6	22.9	19.1	19.3	9.0
广 东 Guangdong	19.5	12.6	6.9	5.6	7.8	6.1
广 西 Guangxi	6.8	4.0	2.8	2.5	2.6	1.7
海 南 Hainan	6.7	3.7	3.0	2.4	2.8	1.5
重 庆 Chongqing	11.1	5.8	5.3	3.8	4.7	2.5
四 川 Sichuan	27.1	15.0	12.1	11.5	10.1	5.5
贵 州 Guizhou	10.5	6.1	4.4	4.0	4.0	2.6
云 南 Yunnan	5.5	3.1	2.4	2.4	2.1	1.0
西 藏 Tibet						
陕 西 Shaanxi	30.4	19.8	10.6	20.6	8.4	1.5
甘 肃 Gansu	13.3	7.1	6.2	7.0	4.3	2.1
青 海 Qinghai	3.8	2.4	1.4	2.0	1.1	0.7
宁 夏 Ningxia	3.4	1.8	1.6	1.7	1.1	0.6
新 疆 Xinjiang	7.6	3.4	4.2	3.1	2.0	2.4

Table 8

表8 1999年分地区国有企业下岗职工情况  
LAID-OFF WORKERS IN STATE-OWNED ENTERPRISES BY REGION, 1999

地 区 Region	年末实有 下岗职工 人 数 Laid-off Workers at this Year-end (10000 persons)
全 国 National	631.4
北 京 Beijing	2.9
天 津 Tianjin	14.5
河 北 Hebei	19.7
山 西 Shanxi	20.1
内 蒙 古 Inner Mongolia	12.9
辽 宁 Liaoning	67.8
吉 林 Jilin	34.0
黑 龙 江 Heilongjiang	74.1
上 海 Shanghai	9.9
江 苏 Jiangsu	17.1
浙 江 Zhejiang	5.6
安 徽 Anhui	28.8
福 建 Fujian	2.9
江 西 Jiangxi	26.2
山 东 Shandong	14.3
河 南 Henan	26.3
湖 北 Hubei	41.5
湖 南 Hunan	52.5
广 东 Guangdong	13.5
广 西 Guangxi	12.8
海 南 Hainan	3.9
重 庆 Chongqing	13.5
四 川 Sichuan	29.6
贵 州 Guizhou	11.0
云 南 Yunnan	5.9
西 藏 Tibet	
陕 西 Shaanxi	32.5
甘 肃 Gansu	15.7
青 海 Qinghai	6.1
宁 夏 Ningxia	4.0
新 疆 Xinjiang	8.7

Table 9

XCV.

表9 2000年分地区国有企业下岗职工情况

LAI D-OFF WORKERS IN STATE-OWNED ENTERPRISES BY REGION, 2000

单位:万人 (10000 persons)

地 区 Region	年末实有 下岗职工人数 Laid-off Workers at this Year-end
全 国 National	631.1
北 京 Beijing	
天 津 Tianjin	11.9
河 北 Hebei	20.6
山 西 Shanxi	21.9
内 蒙 古 Inner Mongolia	9.8
辽 宁 Liaoning	64.2
吉 林 Jilin	41.5
黑 龙 江 Heilongjiang	69.9
上 海 Shanghai	4.8
江 苏 Jiangsu	14.1
浙 江 Zhejiang	3.2
安 徽 Anhui	25.2
福 建 Fujian	0.6
江 西 Jiangxi	32.4
山 东 Shandong	12.7
河 南 Henan	27.6
湖 北 Hubei	46.1
湖 南 Hunan	50.0
广 东 Guangdong	7.8
广 西 Guangxi	15.7
海 南 Hainan	2.5
重 庆 Chongqing	14.5
四 川 Sichuan	37.2
贵 州 Guizhou	12.0
云 南 Yunnan	5.1
西 藏 Tibet	
陕 西 Shaanxi	28.8
甘 肃 Gansu	18.2
青 海 Qinghai	9.5
宁 夏 Ningxia	4.3
新 疆 Xinjiang	9.6
新疆生产建设兵团 Production and Construction Corps	9.4

Table 10

表10 2001年分地区国有企业下岗职工情况

LA LAID-OFF WORKERS IN STATE-OWNED ENTERPRISES BY REGION, 2001

单位:万人

(10000 persons)

地 区 Region	年末实有 下岗职工 人 数 Laid-off Workers at this Year-end	男性	女性
		Male	Female
全 国 National	499.2	281.8	217.4
北 京 Beijing	1.6	0.8	0.8
天 津 Tianjin	7.1	4.0	3.1
河 北 Hebei	23.5	14.3	9.2
山 西 Shanxi	15.6	9.2	6.4
内 蒙 古 Inner Mongolia	7.9	4.0	3.9
辽 宁 Liaoning	37.0	11.6	25.4
吉 林 Jilin	27.4	15.4	12.0
黑 龙 江 Heilongjiang	49.1	31.5	17.6
上 海 Shanghai	0.5	0.5	
江 苏 Jiangsu	8.3	4.1	4.2
浙 江 Zhejiang	1.2	0.8	0.4
安 徽 Anhui	15.6	14.9	0.7
福 建 Fujian	0.1	0.0	0.1
江 西 Jiangxi	34.4	21.2	13.2
山 东 Shandong	4.7	2.6	2.1
河 南 Henan	24.0	13.4	10.6
湖 北 Hubei	43.8	23.0	20.8
湖 南 Hunan	46.1	29.5	16.6
广 东 Guangdong	4.1	3.1	1.0
广 西 Guangxi	10.9	6.8	4.1
海 南 Hainan	2.0	1.2	0.8
重 庆 Chongqing	13.0	0.0	13.0
四 川 Sichuan	35.1	20.5	14.6
贵 州 Guizhou	9.1	5.6	3.5
云 南 Yunnan	5.0	3.4	1.6
西 藏 Tibet	0.1	0.1	0.0
陕 西 Shaanxi	29.8	17.3	12.5
甘 肃 Gansu	16.6	10.4	6.2
青 海 Qinghai	6.6	3.6	3.0
宁 夏 Ningxia	4.0	2.1	1.9
新 疆 Xinjiang	8.7	4.2	4.5
新疆生产建设兵团 Xinjiang Production and Construction Corps	6.4	9.7	3.3



Table 11

表11 2002年分地区国有企业下岗职工情况

LAI D-OFF WORKERS IN STATE-OWNED ENTERPRISES BY REGION, 2002

单位:万人

(10000 persons)

地 区 Region	年末实有				
	下岗职工 人 数 Laid-off Workers at this Year-end	男性	女性		
		Male	50岁以上 50 Years and over	Female	40岁以上 40 Years and over
全 国 National	398.1	219.8	62.1	178.3	69.9
北 京 Beijing					
天 津 Tianjin	8.0	4.5	0.0	3.5	
河 北 Hebei	26.0	16.3	4.5	9.8	3.8
山 西 Shanxi	17.6	11.1	3.2	6.5	2.6
内 蒙 古 Inner Mongolia	2.5	1.3	0.9	1.2	0.9
辽 宁 Liaoning	7.4	3.6	0.5	3.7	0.4
吉 林 Jilin	19.3	11.1	2.7	8.2	3.5
黑 龙 江 Heilongjiang	44.2	24.4	5.8	19.9	10.3
上 海 Shanghai					
江 苏 Jiangsu	1.8	1.1	0.4	0.8	0.3
浙 江 Zhejiang	0.2	0.2		0.1	
安 徽 Anhui	6.9	4.4	1.0	2.6	1.1
福 建 Fujian					
江 西 Jiangxi	30.1	17.0	5.3	13.1	5.2
山 东 Shandong	4.7	0.9	0.3	0.8	0.3
河 南 Henan	23.2	13.0	3.7	10.2	3.6
湖 北 Hubei	42.5	18.4	8.5	24.1	12.1
湖 南 Hunan	39.5	21.1	6.5	18.4	5.8
广 东 Guangdong	0.5	0.3	0.1	0.2	0.1
广 西 Guangxi	5.3	3.2	1.1	2.1	1.0
海 南 Hainan	0.8	0.4	0.1	0.3	0.1
重 庆 Chongqing	11.3	7.2	1.7	4.1	1.8
四 川 Sichuan	31.2	17.4	4.8	13.7	4.8
贵 州 Guizhou	9.6	5.6	1.4	4.0	1.4
云 南 Yunnan	3.4	2.2	0.7	1.2	0.6
西 藏 Tibet					
陕 西 Shaanxi	29.2	16.4	5.0	12.9	5.7
甘 肃 Gansu	15.0	8.2	2.2	6.8	1.9
青 海 Qinghai	5.3	3.1	0.3	2.1	0.6
宁 夏 Ningxia	2.7	1.4	0.3	1.4	0.5
新 疆 Xinjiang	7.8	3.8	0.5	4.0	0.6
新疆生产建设兵团 Xinjiang Production and Construction Crops	5.2	2.5	0.5	2.7	0.6

- 
- i About US\$ 256,400.
  - ii “Announcement in the Public Interest” or “API”. A dedicated API to promote Mental Health Month 2004 will be produced in August 2004.
  - iii Not mentioned in the second report.
  - iv Indicators include the Consumer Price Index (A), nominal wage index for service workers, median monthly employment earnings of service workers and shop sales workers, median monthly employment earnings of workers in elementary occupations, median monthly household income of local households with foreign domestic helpers, Gross Domestic Product, and  
  
seasonally adjusted unemployment rate. It should be noted that in line with the job classification recommended by the International Labour Organization, resident domestic helpers (including foreign domestic helpers) are classified as “workers in elementary occupations”.
  - v The Consumer Price Index (A) is a price index of consumer goods and services calculated by the Census and Statistics Department of the HKSAR Government to reflect general changes in the price level of consumer goods and services generally purchased by relatively low-expenditure households.
  - vi The level is prescribed in the Employees Retraining Ordinance.
  - vii The Social Security Assistance Index of Prices is specially compiled by the Census and Statistics Department on a monthly basis to measure inflation/deflation according to the expenditure pattern of CSSA households.
  - viii Rate for 2002.
  - ix One child may have submitted more than one application after his previous one was rejected.