

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
36TH SESSION (NEW YORK, 7 TO 25 AUGUST 2006)**

CHINA (5TH AND 6TH PERIODIC REPORTS)

Information Submitted to the Committee

Mrs. Huang Qingy, Executive Vice Chairperson of the National Working Committee on Women and Children of the State Council, headed the Chinese delegation¹, which included members of China's Permanent Mission to the United Nations, representatives from various governmental departments and delegates from Macao.

On 10 August 2006, China presented its combined 5th and 6th periodic reports² under the *Convention on the Elimination of Discrimination against Women* (the Convention). Along with the report, China provided written responses³ to the Committee on the Elimination of Discrimination against Women's (the Committee) list of issues and questions.⁴ The report included two addendums⁵ explaining the situation in Macao and Hong Kong, which have been administered by the Chinese Government since 1999 and 1997 respectively. The report, prepared by China's National Working Committee on Children and Women, presented an overview of the major steps taken to fight discrimination against women since the last report to the Committee and outlined progress made in implementing the provisions of the Convention. The report did not address the Committee's previous recommendations and lacked statistical data disaggregated by sex, as well as analytical data that could have provided a clearer picture of the situation of women's rights in China.

In the list of issues and questions, the Committee asked the delegation to clarify the status of the Convention in domestic legislation and assess the impact of the lack of a clear legal definition of discrimination against women. The responses stated that despite having no clear definition of discrimination against women, China is upholding its obligations under the Convention, emphasising that several other laws, such as the *Law of People's Republic of China on the protection of Rights and Interest of Women*, ensure women adequate protection. The Committee also focused on trafficking and violence against women, asking the State Party to explain measures taken in this regard. The responses indicated that the Chinese Government has introduced several laws and enforcement measures and is planning to introduce a national action of plan to combat human trafficking.

Two non-governmental organisations (NGOs) presented their own reports on the situation of women in China. The Tibetan Women's Association provided an overview of the dire situation Tibetan women face, highlighting three particular areas of concern: the prohibition of the use of Tibetan language and culture in education; discrimination in employment and high rates of unemployment; and limited health services, especially for political prisoners. The Tibetan Women's Association urged the Chinese

¹ Full list of delegation see: http://www.un.org/womenwatch/daw/cedaw/cedaw36/delegation_china.pdf.

² For full report see: <http://daccessdds.un.org/doc/UNDOC/GEN/N04/403/05/PDF/N0440305.pdf?OpenElement>.

³ For full responses see: <http://daccessdds.un.org/doc/UNDOC/GEN/N06/379/77/PDF/N0637977.pdf?OpenElement>.

⁴ For list of questions and issues see

<http://daccessdds.un.org/doc/UNDOC/GEN/N06/250/09/PDF/N0625009.pdf?OpenElement>.

⁵ <http://daccessdds.un.org/doc/UNDOC/GEN/N06/469/48/PDF/N0646948.pdf?OpenElement> and <http://daccessdds.un.org/doc/UNDOC/GEN/N04/408/98/PDF/N0440898.pdf?OpenElement>.

Government to uphold its obligations under the Convention and ensure that Tibetan women enjoy their rights. The Hong Kong NGO report claimed that the Chinese Government failed to uphold its obligations under the Convention in several areas. It questioned the Government's commitment to combating violence against women, pointing to weak institutions like the Women's Commission and the lack of adequate legislation and structures, such as rape crisis centres. The report also focused on women of foreign minorities, stressing their particular vulnerability to discrimination. More generally, the NGO report claimed that many of women's basic rights were denied and urged the Government to streamline its laws and responses in that regard.

China ratified the Convention on 4 November 1980, with a reservation stating that China is not bound by paragraph 1⁶ of article 29 of the Convention.⁷ China has yet to sign and ratify the *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*.

Themes and Issues⁸

Legislation

The Committee was seriously concerned about the absence of a clear definition of discrimination. It inquired into the impact of this legal gap and requested further information on the laws and mechanisms used by the Government to comply with its obligations under the Convention despite this gap. The delegation explained that the lack of a clear definition did not hinder the protection afforded to women under current laws. Indeed, in its efforts to strengthen women's rights, the Chinese Government passed legislation to punish discrimination, prohibit violence against women and guarantee equal access to education to men and women. It further established special courts for the protection of the rights of women and children. In addition to legal protection, the State Party designated the period from 2000 to 2011 as the period for the implementation of the Programme for the Development of Chinese women and 2005 as the Year for Publicity of the Fundamental National Policy of Gender Equality in China. In its Concluding Comments,⁹ the Committee urged the State Party to educate judges and judicial employees about the Convention and undertake a widespread campaign focused on women's rights and combating discrimination against women.

Traditional Perceptions and Sex Selection

The Committee was also concerned with women's inferior status in Chinese society and urged the Government to introduce programmes that would emphasise women's rights and help end negative gender stereotypes. The State Party indicated that the Government had introduced legislation to prosecute media outlets portraying women in a negative way.

⁶ Paragraph 1 of Article 29 states that disputes in regard to the interpretation or application of the Convention between State parties should be resolved through negotiations and if the negotiations fail, the case should be submitted to arbitrations. If the arbitration fails, the case, at the request of a party, can be referred to the International Court of Justice. Full text see: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

⁷ <http://www.un.org/womenwatch/daw/cedaw/reservatopns-country.htm>.

⁸ For a summary record of the meeting see

<http://daccessdds.un.org/doc/UNDOC/GEN/N06/461/46/PDF/N0646146.pdf?OpenElement> and

<http://daccessdds.un.org/doc/UNDOC/GEN/N06/461/58/PDF/N0646158.pdf?OpenElement>.

⁹ http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/CHINA_advance%20unedited.pdf.

The 'one child' policy created imbalance between sexes in China, as strong preferences for boys led many parents to abort girl-foetuses. The sex male-female ratio is therefore too high and creates serious concern about the impact of this imbalance on future generations. In light of this, the Committee probed the State Party about its efforts to prevent sex selection and appreciate the popular value of female babies. The delegation indicated that the Government aims to reach a balance between the sexes by 2015. To achieve this, it passed the 2001 *Law on Population and Family Planning*, which prohibits non-medical sex selection and introduced the 'Care for Girls Initiative', which aims to establish proper care for girls and provide social security protection for families with girls.¹⁰

Political participation

The Committee expressed concerns about the limited participation of women in the political process, noting the low number of women in central and local Government positions. Committee members stated that China, as one of the permanent member of the Security Council, has a special role in advancing women's rights. It stressed that having women in high-ranking and decision-making position could help combat negative perceptions of women and therefore called on the Government to introduce special measures to empower women.

Labour reforms

Noting the transition of the Chinese economy from a centralised to a market economy, the Committee asked the delegation about the impact of the new economy on women and inquired about measures taken to ensure that women are not left behind. The State Party report indicated that special measures were introduced to promote employment of women, such as employment assistance for women and tax exemptions for employees hiring recently laid-off women. Furthermore, to combat work-related inequalities such as gaps in wages and opportunities, the Chinese Government recently signed the International Labour Organisation *Discrimination (Employment and Occupation) Convention*. Rights outlined in this Convention should increase worker's protection against abuse, help combat discrimination at work place and establish equal pay for equal jobs between the sexes.

Women's Rights in Macao and Hong Kong

The State Party's report on Hong Kong was compiled in cooperation with NGOs working on women's rights. According to the report, women's rights in Hong Kong are secured and women are provided opportunities in employment and the political arena. However, the report also acknowledged that the presence of gender prejudices and negative stereotyping are seriously hindering further advancement of women's rights. To combat these negative stereotypes, the Government established two advisory bodies, the Equal Opportunities Commission and the Women's Commission.

In the Macao Special Administrative Region, the Basic law guarantees the rights and duties of people and includes special protection for women's rights and interests. The Government has undertaken various programs to advance and raise awareness of women's rights.

Conclusions and Next Steps

¹⁰ <http://www.un.org/News/Press/docs/2006/wom1575.doc.htm>.

The Committee commended the State Party for its reports and the positive steps it has taken to strengthen women's rights and protection, notably by establishing women's equality as its top priority through the Program for the Development of Chinese Women.¹¹ Despite these efforts, the Committee noted that China, due to its high profile presence on the Security Council, should do more to uphold its obligations under the Convention and ensure that women enjoy equal rights and protection to men.

The Committee noted the lack of statistical data disaggregated by sex or any data to support the impact of laws on women's rights. It therefore urged the State Party to strengthen its monitoring bodies and collect sufficient data to provide an overall picture of progress or lack thereof in the advancement of women's rights in the next report. The Committee also called on the State Party to adopt a comprehensive approach, including political, legal and awareness-raising measures to inform the population about the Convention and combat prevalent negative stereotypes.

Other United Nations Treaty Monitoring Bodies have raised some of the concerns addressed during the discussion between the Committee and the State Party. The Committee on the Rights of Child took up the issue of selective abortions and infanticide, urging the Government to strengthen monitoring of compliance with laws guaranteeing women's rights and the right to life. The Committee on Economic, Social and Cultural Rights also criticised China for continuing gender inequalities in the employment and decision-making sectors.

¹¹ For the Committee's Concluding Comments see http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/CHINA_advance%20unedited.pdf.