



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-fifth session

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List of issues and questions with regard to the consideration of periodic reports

China

The pre-session working group examined the combined fifth and sixth periodic report of China and its two addenda (CEDAW/C/CHN/5-6 and Add.1 and 2).

Constitution, legislation and status of the Convention

1. The report indicates that there is no definition of discrimination in China's laws (part II, discussion of article 1). What is the impact of this lack of definition on China's compliance with its obligations under the Convention?
2. In its previous concluding comments, the Committee recommended that China enhance the structure, authority and resources of its national machinery.¹ Please provide information on the steps taken in response to that recommendation.
3. Please provide an overview of the content and number of complaints dealt with by courts and tribunals relating to violations of women's rights since the consideration of the previous report, including cases in which reference was made to the Convention.
4. The report refers to the five-year programme and ten-year programme as well as the result of mid-term and end-term evaluations of the implementation of the five-year programme for the development of Chinese women (see part II, discussion of article 3). Please describe the process used for promulgation of these programmes and conducting these evaluations, and what ministries and levels of Government were involved.

¹ *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38 (A/54/38), Part I, para. 282.*

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

Trafficking and exploitation of prostitution

6. In its previous concluding comments, the Committee recommended that the Government investigate reports of local officials' involvement in trafficking and the exploitation of prostitution.² The Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, has drawn attention to the issue of internal trafficking in women in China (E/CN.4/2003/75/Add.1, para. 964). Please describe in detail the efforts undertaken to address this issue at the national, provincial and municipal levels, including funding allocated.

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

Violence against women

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

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

Participation in political and public life

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

11. The report indicates that, with the introduction of direct elections of village committees, the percentage of women serving on village committees decreased slightly and that remedial by-elections had to be held in some villages since no women candidates had been elected (see pp. 26 and 27). What lessons have been

² Ibid., para. 291.

drawn from these results and what systemic changes is the Government contemplating to strengthen women's participation in public life?

Stereotypes and education

12. The Committee, in its previous concluding comments³ recommended that school textbooks and curricula be revised to eliminate gender stereotypes. Please provide an update on the implementation of this recommendation and, in particular, indicate how the principle of equality between women and men has been incorporated in the new curriculum referred to on page 33 of the report.

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

Employment

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

15. Please provide information, broken down by sex, on the participation rates of men and women in unemployment, pension and medical insurance schemes (see p. 39). Please also describe any measures undertaken to increase the number of women workers enrolled in these schemes.

16. The report states that "more emphasis is being placed on reforming the wage distribution system within enterprises, so that (...) the principle of equal pay for equal work is applied to both men and women" (see p. 40). Please describe the concrete measures taken to implement this principle in the public and private sectors and include sex-disaggregated data on average wage levels by sector and level of employment.

17. The report describes the establishment of a maternity insurance system (p. 40). It indicates that only 10 per cent of female workers participate in this system. Please describe this system in more detail. In particular, please indicate any plans that might exist, including a timetable, to ensure that all women workers are covered by the system.

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

Health

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

³ Ibid., para. 295.

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

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

Rural women

22. The report refers to the decreasing share of agricultural employment, and to the accelerated structural adjustment of the rural economy (see pp. 52 and 53). It also refers to the obstacles and challenges rural women face (see p. 58). Please provide an overview of targeted measures taken in support of women in the most disadvantaged rural areas.

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

24. In response to the Committee’s recommendation in its previous concluding comments,⁴ please provide detailed sex-disaggregated information on women from ethnic minorities, particularly the Uyghur and Tibetan people.

Optional Protocol

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

Hong Kong⁵

Trafficking and exploitation of prostitution

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

Employment

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

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

⁴ Ibid., para. 305.

⁵ See CEDAW/C/CHN/Add.1.

MACAO⁶

General

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

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

Violence against women

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

Stereotypes and education

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

Employment

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

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

⁶ *Ibid.*, Add.2.