



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
10 March 2021

Original: English
Chinese, English, French and
Spanish only

Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the ninth periodic report of China*

Women's rights and gender equality in relation to the pandemic and recovery efforts

1. In line with the Committee's [guidance note](#) on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate the measures implemented by the State party: to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies; and to ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts: effectively address and are aimed at preventing gender-based violence against women and girls; guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, particularly in the design and implementation of recovery programmes; and are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit the access of women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

Legislative framework

2. It is stated in paragraph 16 of the report¹ that discrimination against women is still not specifically defined in legislation. Please inform the Committee about

* Adopted by the pre-sessional working group on 5 March 2021.

¹ Unless otherwise indicated, paragraph numbers refer to the ninth periodic report of the State party.



specific action taken to adopt a comprehensive definition of discrimination against women in national legislation in order to protect women, in particular ethnic minority (Uighur) women, from both direct and indirect discrimination, in line with article 1 of the Convention. Please provide information about the separate legislation that prohibits direct and indirect discrimination against women. Please inform the Committee of the number of cases of discrimination against women addressed by the relevant authorities under each of those individual laws. Please provide information on the main activities undertaken by the mechanism established for gender equality-based review of laws and policies (para. 17) and by the provincial mechanisms for a gender equality-based evaluation of regulations and policies (paras. 18 and 28).

Data collection

3. Please provide information on the measures taken to collect, share and disseminate sex-disaggregated data in order to evaluate the impact and effectiveness of policies and programmes in terms of gender equality and women's rights. Please inform the Committee whether the new fourteenth five-year development plan includes gender-responsive data disaggregated by sex, age and disability.

National human rights institution

4. Please provide information on the measures taken to establish an independent human rights institution for China and Macao, China, to promote and protect human rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as previously recommended by the Committee.

National machinery for the advancement of women

5. Please inform the Committee whether the National Working Committee on Children and Women, established in January 2019 (para. 30), has a mandate to conduct gender-impact assessments of laws and implement gender equality policies. Please provide information on cooperation between the Working Committee and civil society, including during the 2016 midterm evaluation of the Programme for the Development of Chinese Women (2011–2020). Please provide information on the measures taken or envisaged to establish a mechanism for the implementation of concluding observations, taking into account the four key capacities of a national mechanism for reporting and follow-up: engagement, coordination, consultation and information management.

Temporary special measures

6. It is indicated in paragraph 36 that the Electoral Law of the National People's Congress and Local People's Congresses, as revised in 2015, stipulates that "deputies shall comprise an appropriate number of women, who shall account for an increasingly larger percentage". Please inform the Committee about measures taken to define the appropriate representation of women and the timeline for achieving such representation. Please also inform the Committee about the extent to which article 25 of the Organic Law of the Villagers' Committees, stipulating that women "shall constitute no less than one third of the membership of the villagers' assembly", is implemented in practice throughout the country and whether there is an implementation plan with time-bound targets. Regarding Hong Kong, China, please inform the Committee about the measures taken to accelerate the representation of women in decision-making positions at all levels.

Stereotypes and harmful practices

7. Please inform the Committee about the measures taken to regularly monitor, review and assess the impact of the efforts made to eliminate gender stereotypes, and about the government entity responsible for those measures. It is stated in paragraph 44 that, in order to curb the increasing imbalance in the sex ratio at birth to the disadvantage of girls, “countrywide special operations have been conducted to hold entities and individuals involved in these practices accountable in accordance with the law”. Please inform the Committee how these measures take women’s rights into consideration and do not result in further abuse and discrimination against women.

Gender-based violence against women

8. In relation to paragraphs 21 and 22, please provide information on the number of reported cases of violence against women, including domestic and sexual violence, and the number of offenders prosecuted and punished, disaggregated by offence. Please clarify how the reform of family trials referred to in paragraph 23 effectively protects women’s rights and ensures that criminal legislation is applied to cases of domestic violence against women. It is stated in paragraph 46 that, “by the end of 2018, courts in China had issued 3,718 restraining orders, effectively curbing the occurrence of domestic violence”. Please provide updated information on the number of protective orders requested from the courts. Please provide information about the availability of sufficient and adequately equipped shelters for women who are victims of violence at the local level. In relation to Macao, China, please provide information about the measures taken to address the lack of evidence when investigating cases of violence against women, as well as when prosecuting and punishing perpetrators. Regarding Hong Kong, China, please provide information on the review of legislation on sexual offences, including the definition of rape, to align it with international standards. Please provide detailed information about the status of the complaints filed by women against police officers for sexual violence, including rape, excessive use of force and abuses while in detention. The data should include the number of cases reported and investigated, the number of perpetrators prosecuted and the sanctions applied. Please also inform the Committee about the measures in place to guarantee the independence and effectiveness of the Complaints against Police Office and the Independent Police Complaint Council.

Trafficking and exploitation of prostitution

9. Please provide updated information on the prevalence of trafficking in persons throughout the territory of the State party. Please provide data, disaggregated by sex and age, on trafficking in women and girls, including with regard to the number of victims, cases investigated, offenders prosecuted, sanctions issued and assistance, including shelters and rehabilitation services, provided to victims. Please inform the Committee about the main results concerning women and girls of the action plan for combating trafficking in persons (2013–2020) (para. 53). In relation to paragraph 56, please provide information on the number of women and girls who received legal aid and psychological counselling for victims of trafficking and assistance and reintegration services. Please inform the Committee about the measures taken to provide compensation to women in prostitution who were subjected to re-education through labour and to abolish the custody and education programme to avoid the arbitrary detention of women in prostitution.

10. Regarding Hong Kong, China, it is stated that the State party does not plan to extend the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime to Hong Kong, China ([CEDAW/C/CHN-HKG/9](#),

para. 49). Please provide information on the measures taken to provide adequate protection and redress to women and girls who are victims of trafficking. Please also provide information on the measures taken to address the root causes of trafficking in women and girls, to undertake a comprehensive study with a view to collecting data on the extent and forms of such trafficking and to adopt comprehensive anti-trafficking legislation. Please also provide information on the measures taken to protect women in prostitution from abuse, exploitation and violence by clients and to make exit programmes available.

Participation in political and public life

11. The data provided indicate that women, including women from ethnic minorities and women with disabilities, remain seriously underrepresented in legislative bodies, decision-making positions and public institutions at both the central and local levels (paras. 60–61, 63 and 65). Please inform the Committee about the measures taken to accelerate women's full and equal participation in elected and appointed bodies, including in decision-making positions at all levels. Please provide information about the investigations conducted into cases of violence and abuse against women who stand for election as independent candidates, and about the prosecution and punishment of perpetrators.

12. Regarding Hong Kong, China, please provide information on the measures taken to expedite the representation of women in politics. Please also provide information on the measures taken to protect women and girls from violence and harassment when participating in peaceful demonstrations, particularly during the protests in 2019.

Women human rights defenders and women's non-governmental organizations

13. Please provide information about the measures taken to ensure that women human rights defenders may provide information to the Committee without fear of reprisals, the investigation into allegations of State censorship of reports submitted by non-governmental organizations to the Committee and the measures taken to enable direct registration of non-governmental organizations without sponsorship.

Education

14. It is stated in paragraph 75 that special measures were taken to prevent rural girls from dropping out of compulsory education. Please provide updated data on the rate of completion of compulsory education for girls living in rural areas, including girls whose parents migrated to urban areas, and for Tibetan and Uighur girls. Please also provide information on the provision of mother tongue education to non-Chinese-speaking students. Please inform the Committee about measures taken to increase the participation of women in government-subsidized vocational training, which according to paragraph 80 of the report stands at 39.92 per cent. Please provide data on the percentage of girls and women with disabilities with access to education, disaggregated by level of education and by whether the education is separate or inclusive. Please inform the Committee about measures taken to ensure that bilingual education in the Xinjiang Uighur Autonomous Region guarantees the right of Uighur girls to be taught in their mother tongue and to learn about their culture and religion. Please provide information about the ban on the use of the Uighur language in schools in Hotan Prefecture, in a school in Kashgar and in Kalpin County in Aksu.

15. Regarding Hong Kong, China, please provide information on the percentage of girls and women in schools, disaggregated by year and by whether the schools are public sector ordinary schools or special schools.

Employment

16. Please inform the Committee about the measures taken to adopt legislation enforcing the principle of equal pay for work of equal value in order to reduce the gender pay gap. Please provide information on efforts made to equalize the retirement age between men and women and ensure equality with regard to old-age pensions. Please clarify whether the Circular on Further Regulating Recruitment Practices to Promote Women's Employment (para. 92) establishes employer liability for sexual harassment in the workplace. Please inform the Committee whether the Civil Code, adopted in May 2020, provides clear guidelines for the implementation of the provisions to combat sexual harassment at work and protect women victims. Please indicate how the Circular addresses maternity-related gender discrimination in employment. Please specify what work is prohibited for women (para. 91) and what the family planning requirements mentioned in paragraph 93 are. According to information before the Committee, women disproportionately carry out housework, which affects their economic participation. Please inform the Committee about measures taken to address this imbalance. Please provide information on measures taken to independently investigate reports of forced labour among Uighur women, particularly in the textile, apparel production and cotton-picking industries. According to information before the Committee, only domestic workers who have labour contracts with domestic service companies are protected under the Labour Law of 1994. As 90 per cent of domestic workers do not have such contracts and women account for 96 per cent of domestic workers, please inform the Committee how the labour rights of women domestic workers are protected.

17. Regarding Hong Kong, China, please provide information on the results of the review on improving statutory maternity leave ([CEDAW/C/CHN-HKG/9](#), para. 89) and on the proposed increase of statutory paternity leave to five days (*ibid.*, para. 91). Please provide information about the work of the Labour Department Division dedicated to foreign domestic helpers (*ibid.*, para. 113).

Health

18. Please provide information on the measures taken to provide free, friendly and confidential family-planning measures to all women, regardless of their marital status and age, and on the measures taken to provide comprehensive sexual and reproductive health education in schools. Please also provide information about non-coercive measures taken to protect and promote the sexual and reproductive health rights of Uighur women, including the right to freely decide on the number of children that they have, and about measures taken to investigate the reports of alleged coercive family planning practices in the Xinjiang Uighur Autonomous Region. Please provide updated information on the number of women living with HIV for the past three years, disaggregated by year, and on the measures taken to eliminate institutional discrimination in relation to those women in health-care settings. Please provide information about the measures taken to abolish illegal practices such as forced abortion and forced sterilization.

Rural women

19. According to information before the Committee, a high proportion of women in rural areas, particularly in northern China, do not have contracted land or homestead rights. Please provide updated information in this regard. Please inform the Committee about the number of instances in which the township-level government has annulled a decision by the villagers' assembly that violated women's rights, or of any other mechanism available for reviewing or appealing against the rules of villagers' assemblies. Please provide information about specific action taken to

promote women's participation in the design and implementation of national policies on climate change and disaster risk reduction, in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

Lesbian, bisexual, transsexual and transgender women

20. Please provide information about the measures taken to combat discrimination against lesbian, bisexual, transsexual and transgender women in employment and education and in terms of access to health-care services.

Marriage and family relations

21. According to information before the Committee, about a quarter of land certificates do not include women's names, even though the policies on land titling and registration explicitly require such inclusion. In addition, only a very small percentage of women in farming households are registered as household representatives. As the issuance of land certificates by the Ministry of Agriculture approaches its end, please provide information on measures available or envisaged to ensure that rural women's right to land is effectively recognized. Regarding Hong Kong, China, and the recommendation to raise the minimum age of marriage to 18 years, please provide information on the results of the study commissioned through the Family Council in June 2018 ([CEDAW/C/CHN-HKG/9](#), para. 163).

Women in detention

22. Please inform the Committee about measures taken to reduce the number of women in detention, including in extralegal detention facilities and so-called "re-education" camps, and to address gender-based violence and torture against those women. Please provide data on women in detention disaggregated by age, ethnic origin, type of facility, reason for detention and length of detention. Please provide information on measures taken to ensure respect for legal procedures in case of arrest or detention, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).
