
Committee on the Elimination of
Discrimination against Women
Third session

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Concluding comments of the Committee on the Elimination of
Discrimination against Women: China

Initial report

125. The Committee considered the initial report of China (CEDAW/C/5/Add.14) at its 33rd, 34th and 36th meetings, held on 29 and 30 March and 2 April 1984 (CEDAW/C/SR.33, 34 and 36).

126. The Committee began to consider the report of China at its 33rd meeting. The representative of the State party, in introducing the report, stated that her country had as a basic policy to defend the legitimate rights and interests of women and children. She also stated that the principles of the Convention coincided with the desires and demands of the Chinese people.

127. The new Constitution adopted in 1982 at the fifth session of China's Fifth National People's Congress safeguarded and ensured equality of the sexes. There were other laws such as, the Marriage Law, the Electoral Law and Criminal Code, as well as a series of government decrees and regulations. Provisions provided for the basic rights of all citizens, as well as others which protected specially the rights of women.

128. The Standing Committee of the National People's Congress had been mandated to monitor the implementation of the new Constitution. A Law Committee had been set up which was responsible for the study, review and preparation of legislative proposals and motions. Among the 13 members of that Committee, one Vice-Chairperson and one member were women who specialized both in the women's movement and in law-making. Those women were also vice-presidents of the All-China Women's Federation.

129. Women played a very important role in the development process of the People's Republic of China. "The four modernizations" programme needed women and women needed "the four modernizations" programme. That was proven by the fact that 40.93 million women were working in the urban areas, accounting for 36.2 per cent of the total urban work force. Women had also reached the non-traditional professions such as, the oil industry, railways and communications, geology, agriculture, forestry, meteorology, electronics and space technology, and many of them have been cited as models of advanced workers. Women scientists accounted for one third of the nation's total. There were 100,000 women instructors and engineers. Fifteen women scientists who have made outstanding contributions were members of the Chinese Academy of Sciences. Over the last 30 years, 43 million women had graduated from adult educational institutes.

130. Great progress has been achieved in the rural areas where women accounted for 150 million of the work force and where they were playing an important role in the current reformation of the economic system, engaging in livestock breeding, growing grain or cotton, gardening, handicrafts, processing semi-finished products, etc. Their integration helped to overcome the outmoded ideas of male superiority that still lingered in the minds of some people.

131. The marriage law stipulated freedom of choice of the partners and ensured women their equal rights and obligations in the home. The government policy was to advocate the sharing of household chores between men and women and it was endeavouring to increase public services to lessen the load of housework. The increase of child-care services was also part of those efforts.

132. The All-China Women's Federation's major goal was to protect the rights and interests of women and children and to serve as a link between them and the Government. The Federation was instrumental in carrying out in 1983-1984 vigorous popular educational programmes on the legal protection of legitimate rights and interests of women; it involved relevant government departments, trade unions, the Communist Youth League and the media. Legal counselling booths have been set up by women's federations, both at national and local levels, giving legal guidance to people who come to them with their problems.

133. The above efforts were instrumental in arousing public concern and dealt a heavy blow to the lingering discriminatory practices and traditional prejudices. Nevertheless, centuries-old ideas of male superiority and traditional prejudices were hard to eradicate and efforts coming from all sectors of society were needed. However, the Government would continue to intensify the struggle through the popularization of the principles of the Convention and its implementation on a more extensive scale.

134. The Committee commended the representative of the Government of China on the introduction of the report as well as its contents. Some members of the Committee praised the report for its frankness, clarity and commitment, which reflected the

will of China to implement the articles of the Convention, as well as to improve the condition of women. It was observed that that was a major task for such a vast country but remarkable efforts had been made and results were already being observed.

135. Questions were asked regarding the court system and access by women to legal redress in case of discrimination. In that connection, some information was requested on the number of women lawyers in office.

136. It seemed that efforts to educate women had been made, but it was asked whether the Government encouraged girls to enter institutions of higher learning and away from stereotyped women professions; also, in that context, was there occupational segregation in the People's Republic of China and what steps were being taken to move away from traditional occupations in the rural areas.

137. Since the principle of equal pay for equal work seemed to be accepted, it was asked whether it was also practised.

138. Several experts requested additional information on the Government's family programme, the freedom of choice with regard to spacing and number of children, the sanctions imposed, as well as the practical results of such a programme.

139. Empirical information was also requested regarding the position of women within the Government and in the Communist Party, in employment, in ministries, universities, secondary schools, etc.; also, what percentage of rural women attend institutions of learning and what was the literacy ratio of male to females.

140. Referring to social services, it was asked what provisions existed regarding maternity leave, retirement, pensions and unemployment benefits, and if there was any explanation regarding the difference in gynaecological illnesses that affected rural women and urban women which was mentioned in the report.

141. With regard to the marriage law, it was asked whether single mothers were entitled to the same advantages as married mothers, and more information was requested on how marriage affected nationality since there was no information regarding citizenship-related laws; also, what were the differences between the laws of 1950 and 1980.

142. It was also noted, in that connection, that the report stated that after a marriage the woman might become a member of the man's family or vice versa; it was asked what was the effect of such a choice.

143. More details were also requested on sanctions regarding the enforcement of provisions for the equality of men and women. Since the All-China Women's Federation had taken such an active part in the above matter, it would be interesting for Committee members to hear what means of redress were available to women in the exercise of their rights.

144. More information was requested on health-care facilities provided for rural women as well as the pre-natal programme, including counselling services and genetics. The report stated that this ensured fewer and "better" children, and it was asked through what means better children could be assured and through what means.

145. One expert remarked that the overall role of the All-China Women's Federation had not been fully explained, especially when the report stated that "they use the law as a weapon". Did this mean that the Federation could demand or propose new laws, revisions of labour practices or labour codes etc.?

146. Pertaining to labour practices, clarification was requested also on the duty and the right to work. Had the People's Republic of China encountered problems with people who did not want to work and, if so, what sanctions were imposed in that regard?

147. The attempts of the Chinese Government to solve the problems of discrimination at all levels for the urban and the rural population were noted as a positive phenomenon. However, more information was requested on cases of discrimination and of physical abuse that still occurred and on the measures adopted by the Government to fight such occurrences. It was asked what sort of recourse action could be taken by women who had been discriminated against, whether women were asked to file their claims in special courts in cases of discrimination and to what extent such cases were taken to court. One expert wanted to be given specific examples of provisions, the purpose of which was to protect the legitimate rights and interests of women, and asked for clarification as to the meaning of those "legitimate rights and interests". Another expert wanted to know whether, in the course of the nation-wide publicity campaign, which was mentioned in the report, to put an end to feudal ideas and customs, the Convention had been given the necessary publicity. Another expert asked about the legal status of the All-China Women's Federation and inquired whether women participated only on a voluntary basis, and what authority the Federation had to educate and promote women if their participation was only voluntary. Furthermore, an explanation was requested on how the Federation took part in formulating the Constitution and in laying down government policies.

148. Many experts commented on the concern shown in China for family planning and birth control. One question, in that connection, referred to the prevailing conditions in a family with more than one child and to the current population growth rate in China. It was asked what progress had been made with respect to birth control and what was the position of women's organizations in China regarding the policy of birth control. Interest in the family planning programmes was shown and an expert asked whether, in cases where the first child was a girl, the baby was hidden or made to disappear. In connection with the rule that women had to plan their single births in such a way that not all women would have to be on maternity leave at the same time, more clarification was sought on how that rule was implemented. In connection with the pre-natal medical examination, it was asked whether such medical examinations were compulsory and whether, in case the result of the pre-natal test showed that the child was not healthy, the mother was entitled to abort the child. Information was also sought on programmes for single mothers.

149. The Committee showed interest in how the authorities monitored the provision of family planning and how violations of these rules were handled.

150. Appreciation was shown for the revolutionary efforts to eliminate old feudal values while still keeping the nucleus of the family institution. The Committee highly valued the fact that much support was given in that country to children and the elderly and that obligations for mutual support was established for the parents as well as for the children. It was asked whether in cases of violations of these

mutual obligations an appeal could be made to a court and what was the impact of the penalties.

151. One expert wanted to know whether it was current practice that the wife as well as the husband became part of the other spouse's family, whether it involved for the husband the adoption of the woman's family name and whether he could retain that name in case of divorce. As the children had the right to adopt the name of either one of their parents, clarification was sought as to the age at which they could express their choice.

152. Various comments were expressed on the family and marriage laws. One expert asked whether vestiges of arranged marriages still remained, another one sought clarification of the concept of "mercenary marriages". Referring to the policy of birth control, one expert asked what was the influence of that policy on the incidence of divorce and what was the rate of divorce. In cases of divorce, information was requested on the mutual rights of the spouses and on who was responsible for the child. Another question referred to the policy in China with regard to minorities and to the practice in cases where one spouse came from a minority and the other one was Chinese.

153. One expert wanted to know whether the new marriage law contained a provision referring to the minimum age for contracting a marriage and whether that minimum age was the same for women and men. Explanation was sought on the concept of freedom of marriage. Did it mean freedom to choose one's spouse, or did it refer to the freedom of persons already married to separate?

154. As indicated in the report, about 25 per cent of all children of pre-school age were taken care of by child-care institutions. A question was asked whether the network of such institutions was sufficiently large. Information was sought on the drop-out rate of girl pupils, and whether it was obligatory for parents to send their children to school. An expert wanted to know whether the competent authorities provided housing at all stages of education and in all provinces of China. As the report mentioned 15 women as being members of the Council of Sciences, it was asked what was the total membership of that Council.

155. More information was requested on the social security system in China, on the length of paid maternity leave, whether it applied also to rural women and whether rural women were also entitled to receive a pension. With regard to the campaign envisaged by the Government to change the social framework in order to eradicate all vestiges of the feudal system, more information was sought on the machinery used in order to attain these goals.

156. It was not quite clear from the report whether prostitution constituted a legal activity or an offence and, if the latter, information was asked on the types of penalties imposed.

157. More information was asked by one expert on the types of guarantees that ensured equality of women in all walks of life, especially since a guarantee given by the Constitution was not equivalent to having the rights implemented in practice. More statistics were requested on the percentage of women who held political posts, on the level of those posts and on the participation of women in public life in general. As regards the voting rights provided for by article 34 of the Constitution, clarification of the terms "property status" and "length of residence" used therein was requested.

158. Some clarification was sought in connection with the relationship between the All-China Women's Federation and the Communist Party.

159. As the participation of women in the 1981 elections was as high as 95 per cent, one expert wanted to know what means the Government had to prompt women to take part in elections and whether the non-participation in elections was sanctioned by fines.

160. At the 36th meeting of the Committee, the representative of the Government of China provided replies to the questions raised by the Committee. She expressed her thanks to the experts for the interest in and great concern over the issues of Chinese women; she also thanked the Committee for the words of encouragement she had heard. For lack of time, not all of the answers and explanations would be provided at the present session, but she would endeavour to concentrate on the principal questions.

161. Many experts had made inquiries regarding the family planning programme of China. The Government had thought it necessary to ensure that population growth conformed to social development planning. The total population had to remain under 1.2 billion. According to the census of July 1982, there were 1,008,000,000 people, which represented one quarter of the world total. Sixty-three per cent had been born after the liberation struggle in 1949, with youths under 21 constituting 50 per cent of the total population. That meant that from now on there would be 12 million couples entering into marriage each year. If each couple had two children, by the year 2000 the Chinese population would far exceed the target. It could be understood that an effective policy in that regard had to be adopted.

162. The main obstacles encountered in the implementation of the family planning programme had been traditional ideas. The Chinese had considered for centuries that to carry on the family with a line of male offspring was a matter of great importance. Incentives had been given such as, providing for health care of the only child, waiving fees for nursery or kindergarten and having priority in house allocation, college enrolment and employment. The media had also been used as well as education to bring into focus that child-bearing was not only a family issue, but also of interest to the State and the people as a whole.

163. A couple could have two children if the first-born had a non-hereditary disease or was disabled, if both husband and wife were the only children of their respective families, and if two or three consecutive generations of the family had had only one child each.

164. Answering the question regarding genetics, she stated that the marriage law in China forbade union between people who were lineal relatives by blood or collateral relatives by blood (up to the third degree relationship) and those who had diseases which were considered by medical science as unfit for marriage. The law was enforced through comprehensive pre- and post-natal health programmes. Moreover, in the case of fetal defects, abortion was encouraged.

165. Referring to the difference between marriage laws of 1980 and 1950, she said that the latter had prohibited concubinage, child betrothal and interference with the remarriage of widows.

166. Family patterns were changing in China from the extended to the nuclear, yet there was still need to specify that the wife could become a member of the husband's family and/or vice versa.

167. In China, family relations were comparatively stable. The rate of divorce in China accounted for about 3 per cent of the total number of marriages each year. Custody was normally arranged by mutual agreement unless the couple failed to reach an agreement, in which case it was decided by the court.

168. The new provisions of the marriage law permitted parents who had lost their ability to work to demand financial support from their children. The court mediated in case of disagreement.

169. With regard to the term "single mothers" she explained that an unmarried mother was rare in China. The practice of unmarried couples living together was not legal; however, the marriage law did provide the same rights for children born both in and out of wedlock. The father was duty-bound to bear all or part of the living and education expenses for the child until he or she was able to earn a living.

170. Citizenship could be changed at will and it did not change in case of marriage.

171. Referring to the question on prostitution, she replied that it was outlawed after liberation. The problem had emerged and sanctions against those who trafficked in women, as well as against the instigators, were applied. The victims were re-educated and trained.

172. Schools were opened to girls after 1949 and the school system had been structured so that it served the rural communities. Part-time schools were created to match the working seasons; there were floating schools in boats for the lake and river regions, schools on horse-back for the plains, and mobile schools for the mountainous regions.

173. By 1982, the percentage of women students was 25.7 per cent, an increase from the previous figures. Although the figure was still low, considering Chinese standards of centuries of illiteracy for women, it was a big step forward. In that regard, the percentage of illiteracy and semi-illiteracy had been reduced from 80 per cent to 25 per cent, yet women still accounted for 70 per cent of the total.

174. Efforts would be doubled to increase the number of candidates for elections. At the present time, women accounted for 21.2 per cent of the delegates to the Sixth National People's Congress, 6.6 per cent of the chairpersons and vice-chairpersons of the Sixth National Political Consultant Conference (2 seats), 9 per cent of the members of the standing committee of the National People's Congress (14 seats), 11 per cent of the State counsellors (1 seat), 5 per cent of the ministers and vice-ministers of State Council (10 seats). There were 7 women governors and vice-governors and 20 vice-chairpersons of the standing committee of the National People's Congress, accounting for 5.7 per cent of the total. At the country level, there were 685 women who occupied leading posts and that accounted for 14.9 per cent of the total.

175. The public information campaign carried out by the Government had as its aim to inform and acquaint women, especially rural women, with their rights, as well as access to courts and measures that could be taken in case of violation of their

rights. That had been in line with the efforts of the All-China Women's Federation and its subsidiaries to set up legal advisory services on a nation-wide scale. It was believed in China that to realize equality between men and women it was not enough to legislate, but also to obtain the support of the whole society and the determination and efforts of women themselves.

176. Finally, the representative of the State party outlined the scope of activities of the All-China Women's Federation, which mobilized, organized and educated women to enable them to participate in the political life of the country. The Federation could initiate discussions, propose new laws and make recommendations on national policy; it also had the right to supervise the implementation of such policies. It had 400 staff members and it was supported by local federations at other levels. It maintained international contacts with about 230 women's organizations in 126 countries.

177. The Committee thanked the representative of the State party for the complete answers furnished and the comprehensive explanation on the family planning policies of China. Several questions were asked regarding divorce and whether women could initiate divorce proceedings. With regard to the name of a child, experts inquired whether there was a choice or did the child carry the father's name. Clarifications were requested on the term "freedom to marry", and whether union by consent existed. As to selection from a genetic point of view, it was asked what diseases prevented marriage.

178. One expert inquired whether the family planning policy did not contradict article 16 of the Convention, which ensured the freedom of choice and number of children.

179. The representative of the State party explained that freedom to marry had been a breakthrough for women in China who had been subjected to pre-arranged marriages in the old society. Neurosis or mental insanity was considered one disease for which marriage was prohibited. The parents decided on the name of the child. However, once the child reached adulthood he or she could choose whatever name he wished. The family planning programme was not compulsory. Only 40 per cent of couples had complied with the one child per couple policy; the other 60 per cent were cases in which a second or third child had been born.

180. She indicated that other answers would be provided in the next report and that she was willing to establish an informal dialogue on any other question or issue on which the experts desired more information.