

## CHAPTER 5

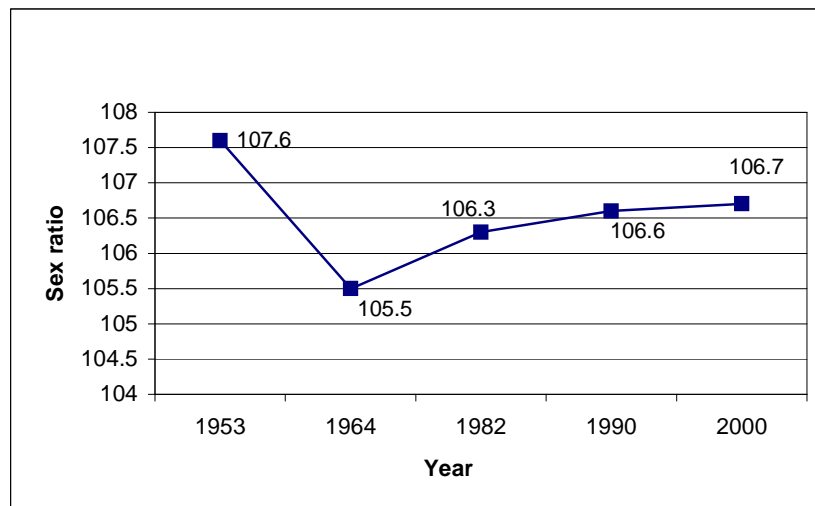
### GENDER EQUALITY

The Constitution of PRC guarantees equality before the law. Article 33 Section 2 states, "All citizens of the People's Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law." Meanwhile, Article 48 provides for gender equality. It states that, "(1) Women in the People's Republic of China enjoy equal rights with men in all spheres of life - political, economic, cultural, and social, including family life. (2) The state protects the rights and interests of women, applies the principle of equal pay for equal work for men and women alike, and trains and selects cadres from among women."

Since the founding of the PRC, the situation of women in Chinese society has greatly improved. Despite this, gender disparities exist.

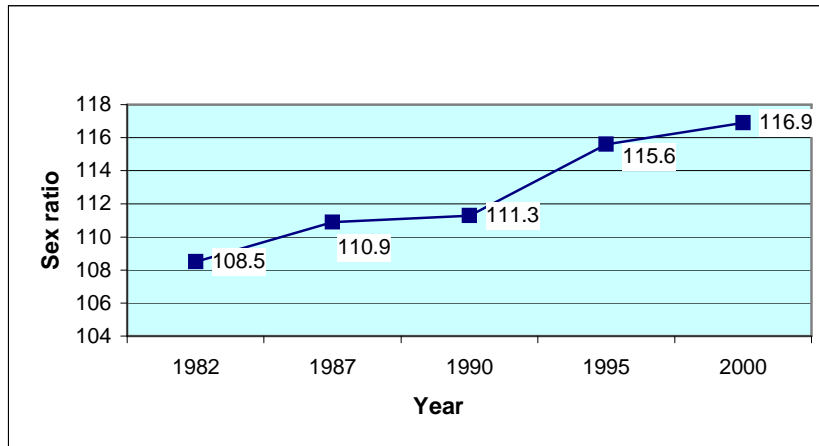
#### A. Sex Ratio

**Fig. 14. Sex Ratio in China, 1953-2000**



Comparing the five censuses, the sex ratio of the population has been high throughout the last 50 years. This means that there are more boys than girls. Banister (2004) even said China has the most severe shortage of girls compared to boys of any country in the world today. She further noted that the normal population sex ratio of a population that has not been hugely affected by sex-selective international migration or mass slaughter of men in a war should be 94-102. In China, the sex ratio in 2000 was 106.7 and has been above the normal ratio for centuries (Fig. 14).

Fig. 15. Sex Ratio at Birth in China, 1982-2000



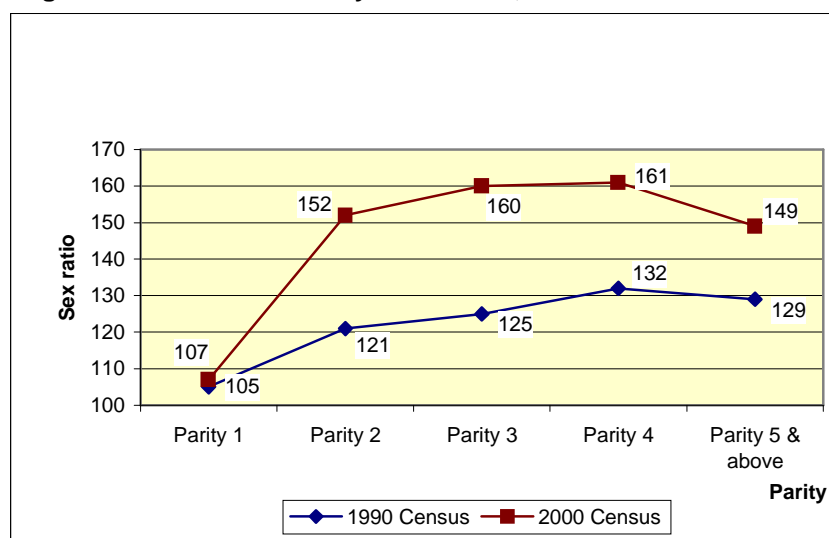
“Normal” sex ratio at birth (SRB) is, in general, between 103 and 107 males per 100 females. As illustrated in Figure 15, China’s SRB has been above the normal since 1982 when SRB was 108.5. It further rose to 116.9 in 2000.

The high sex ratios in China have been attributed to several factors: Riley (2004) identified four: excess deaths of female babies through infanticide, neglect, or abandonment; underreporting of female births; adoption of female children; and sex-selective abortions. Statistics on these different practices are not available. Aside from the ones mentioned, Liu (2004) added that State media attributed the gender imbalance to cultural traditions, specifically the strong preference for sons over daughters. There is a preference for sons because they continue the family line and, in rural areas, boys are considered better laborers than girls. They can also contribute to the family income, even after marriage.<sup>71</sup> Riley (2004) also mentioned that increasing use of prenatal sex determination and subsequent sex-selective abortion also contributes to it. (loc. cit)

Liu (2004) and Hesketh, et. al (2005) identified the one-child policy of China as a major contributing factor to the excessively high sex ratios in the country. Introduced in 1979, the one-child policy imposed penalties to those who violate the law and give birth beyond the number permitted (one-child). When a couple is faced with such a policy and there is a cultural preference for a son, it is highly likely for them to perform sex selection at first pregnancy. They may decide to abort, abandon, not report or give the baby up for adoption if they find out it is a girl if they prefer a son.

The one-child policy has an effect on the sex ratio in relation to birth order. Normally, SRB by birth order will be the same. However, in countries with SRB imbalance, such disparity prevails for each parity<sup>72</sup>. As Figure 16 shows, the SRB for the first child is close to normal in both years (1990 and 2000) but it increases for succeeding birth orders. The rates for the year 2000 are significantly higher than those from the year 1990. The SRB only decreases again for the fifth child and up. In the rural areas, where most couples are permitted to have a second child, especially if the first child is female, the pregnancy is said to “disappear,” allowing the couple to have another child in an attempt to have a son<sup>73</sup>.

**Fig. 16. Sex Ratio at Birth by Birth Order, 1990 and 2000 Censuses**



The high sex ratios are not confined to the rural areas of China, as was previously assumed. The sex ratio was above the normal level in every province with the exception of Tibet and Xinjiang and was especially high in Hainan and Guangdong provinces with 135 and 138 SRB, respectively. Table 19 shows the regional distribution of SRB and the proportion of population in those provinces. High SRBs were prevalent in most of the provinces with an increase in the number of provinces having very high SRBs. In the 2000 Census data, 7 provinces registered SRB above 120 where there was none in previous censuses.

**Table 19. Regional Distribution of SRB and Population Component, 1982, 1990 & 2000**

SRB	1982 Census		1990 Census		2000 Census	
	No. of Provinces	% Population	No. of Province	% Population	No. of Province	% Population
>120	0	0	0	0	7	28.5
115-120	0	0	5	23.01	5	33.3
110-115	4	21.89	5	29.29	12	25.02
107-110	14	56.69	13	37.49	5	11.44
103-107	10	21.23	6	7.34	1	1.53
<103	1	0.19	1	1.87	1	0.21

Source: Data of Censuses of 1982, 1990, 2000.

## **B. Division of Labour**

While the Chinese households have undergone changes and the state of women have improved over the years, the roles of men and women in the home are still divided. The Chinese saying that *The man is responsible for the external and the woman the internal* is still true for many people. It means that men are still expected to work to earn money for the family while the women take care of the household. Even though many Chinese women work outside the home, they are mainly responsible for the care and upbringing of children too. However, some young Chinese couples have adopted the western model of family roles and accepted the idea that the father should also share the responsibilities of child care. It is no longer uncommon to see Chinese fathers taking care of their babies in the public.<sup>74</sup>

## **C. Suffrage**

The Constitution of PRC provides for equal rights to vote and stand for election. Article 34 states that,

*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 nationality, race, sex, occupation, family background, religious belief, education, property status, or length of residence, except persons deprived of political rights according to law.*

## **D. Property and Land Ownership**

Before the founding of the PRC, women had no right to own any land nor inherit any property. This changed when the People's Republic implemented a widespread land reform movement. At present, there are various law and policies addressing ownership of land and property of women.

The Civil Law grants women and men equal rights regarding protection of their personal property and inheritance under the law. Property rights are also considered by the Women's Rights Law. This law guarantees women an equal right to property, including the allotment of agricultural land and land for construction of housing. It, likewise, guarantees women an equal right to inherit property, also incorporated in the Law of Succession of 1985. Under the said schemes, property is inherited in the first order by the spouse of the deceased, the deceased children, and the deceased parents, and without discrimination on the basis of sex. A widow has the right to dispose of inherited property as she wishes, and interference with this right is prohibited. Within marriage, women have equal rights with their spouses in possession, use, proceeds, and disposal of joint property. This right is not affected by the income status of either the husband or wife.<sup>75</sup>

Rights to agricultural land are guaranteed to women regardless of marital status. The central government assigns agricultural land to local administrative bodies that utilize a membership system for land distribution. Legally, women and men have equal rights to rural land, and no organization or individual may deprive women of their lawful rights. However, it is more difficult for rural women to exercise these rights, compared to either rural men or urban women. Pervasive patriarchal attitudes result in the exclusion of women from these local bodies, and they are often deprived of their right to inherit the agricultural land of their father or spouse.<sup>76</sup>

Women often lose their access to the family's land after marriage, and their conjugal land after divorce. Due to laws relating to village autonomy, unless village heads are sympathetic to their situation, women have no way to access land to which they are legally entitled.<sup>77</sup>

Rural women's access to land is further compromised when they marry urban residents. This situation is becoming more common, and indicates that women lose the right to land in their own village but are not given land in their husband's home village. If they follow their husbands to the city, they are not eligible to the urban amenities, restricting them and their children's access to various services and formal employment.<sup>78</sup>

## **E. Rape, Incest, Sexual Harassment and Domestic Violence**

### **Rape<sup>79</sup>**

Under the Criminal Law of China, rape is punishable by a minimum of three years' and a maximum of ten years' imprisonment, whether it is committed by violence, coercion, or other forcible means. The punishment is more severe for any of the following circumstances: having sexual relations with a girl under the age of 14; rape of a woman "before the public or in a public place"; rape of a woman by "one or more persons in succession"; or if the rape results in serious injury, death or other serious consequences. These crimes are either punishable with a minimum of ten years' imprisonment, life imprisonment, or death.

A woman who injures or kills her attacker in order to defend herself from rape or physical assault is protected from criminal prosecution. The law provides that there is no criminal responsibility for those who defend themselves in the face of any violent crime, including physical assault or rape, which seriously endangers personal safety. There is no specific law regarding marital rape, but legal scholars have recognized marital rape if the marriage is forced, in certain circumstances such as during separation, or after a divorce has been filed for.

### **Incest**

While there is no specific legislation prohibiting or criminalizing incest, there is a provision in the Marriage Law indicating that no marriage may be contracted when the male party and female party are lineal relatives by blood or collateral relatives by blood up to the third degree kinship.<sup>80</sup>

### **Sexual Harassment<sup>81</sup>**

The first national legislation against sexual harassment of women was introduced in the 2005 revision of the Women's Rights Law and took effect in 2006. The law prohibits sexual harassment against women. Victims have the right to file a complaint against the offender with his or her work unit or relevant agency.

In 2003, the first sexual harassment lawsuit was tried and the court of first instance ruled in favor of the complainant. As no law on sexual harassment existed at the time, the suit was filed on the grounds of "safeguarding [the victim's] reputation" and the perpetrator was ordered to apologize and pay monetary compensation to the victim for psychological harm. The appellate court, however, concluded that the harassment did not have serious effect on the victim and overturned the ruling. It is noted that of the few sexual harassment cases filed since 2003, most have been dismissed due to lack of evidence.

### **Domestic Violence**

The Supreme People's Court of China defines domestic violence as, "any act that causes physical, psychological, and other kinds of damage to other family members through battering, binding, brutality, forcible restriction to physical freedom, or other means."<sup>82</sup>

Domestic violence in China has been treated as a family issue and not a public one, nor is it considered an issue of women's rights and dignity. Many women accept it as a normal part of their life. Domestic violence in China can be traced to its traditional culture, which regard women

as inferior and subordinate to men in the household and society. Such thinking still persists in Chinese society. Thus, many cases remain unreported and many victims are reluctant to report the incident.<sup>83</sup>

Surveys conducted in 2001 and 2002 reveal that domestic violence occurs among between 23 to 35 percent of families. Women are the victims in 87 to 90 per cent of the cases.<sup>84</sup> Reports by the All-China Women's Federation (ACWF) showed that domestic violence occurs in 3 out of ten families and is cited in three-fifths of China's divorce cases<sup>85</sup>.

A typical Chinese couple features the husband as having a higher educational background, higher income, and higher political ranking. With men being the breadwinners, they exercise their superiority and control in the household by using violence. In the rural areas, preference for a boy is also a cause of abuse. A wife who gives birth to a girl might be harmed, not only by the husband but by the other members of the husband's family. Economic pressures can also affect the incidence of violence within the family.

Several provisions in different laws and policies exist addressing the issue of domestic violence. The Constitution and the Marriage Law prohibit the maltreatment of women and children. The Criminal Law stipulates that serious maltreatment of a family member is a crime punishable by a maximum of two years' imprisonment or seven years' imprisonment if serious injury or death results from it. In the current Marriage Law, victims of domestic violence are entitled to assistance from the neighborhood or village committee to dissuade the abuser and provide mediation. Domestic violence and maltreatment are grounds for divorce and the victim may request damage compensation.<sup>86</sup>

Women's organizations and civil society have been pushing for the adoption of a domestic violence law in China. One of the organizations playing a critical role on this issue is the ACWF. Aside from pushing for the adoption of a domestic violence law, the ACWF network carries out different activities related to domestic violence. Among the activities carried out by the ACWF network are:

- national survey on domestic violence;
- public awareness raising campaigns on Elimination of Violence Against Women (EVAW);
- partnership with the government and law enforcement agencies in setting up multi-sectoral intervention mechanisms;
- adoption of local legislation and policies on domestic violence; and,
- support services for women victims (shelters, injury verification, counseling, legal, aid, among others)<sup>87</sup>

## **F. Sex Differentials in Political and Public Life**

Women participation in politics has improved since the establishment of the PRC. Women have been given the equal right to vote and stand in elections. The number of women in government, public administration and the Communist Party has increased. At present, the Chinese Communist Party (CCP) has over 7 million women members accounting for 14 per cent of the general membership. However, no woman has held any seat in the Politbureau of the CCP since the late 1980s.<sup>88</sup> When the first National People's Congress (NPC) was held in 1954, the women deputies numbered 147 (12%). By 1993, the number rose to 626 (21%).<sup>89</sup> The percentage slightly dropped to 20.2 in 2003.<sup>90</sup>

The percentage of women deputies in the Chinese People's Political Consultative Conference (CPPCC) increased from 15.5 in the ninth session to 16.7 in the tenth session in 2003. In the ninth session, women constituted 12 per cent of the NPC Standing Committee members but this figure decreased to 10 percent in the tenth session. Similarly, while the 9<sup>th</sup>

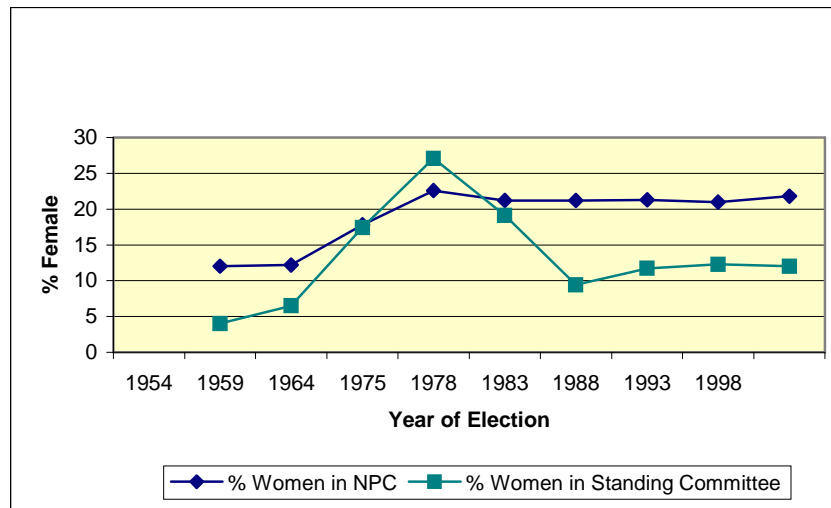
CPPCC had 9 percent women members, this dropped to 8 per cent in the tenth CPPCC session<sup>91</sup> (Table 20 and Fig. 17).

**Table 20. Percentage of Females in NPC and its Standing Committee in Different Terms**

Terms and Year of Election	% Female in Delegation	% Female in Standing Committee	Chairman & Vice-Chairman (persons)	
			Female	Male
1st (1954)	12.0	4.0	1	14
2nd (1959)	12.2	6.5	1	16
3rd (1964)	17.8	17.4	1	18
4th (1975)	22.6	27.1	4	20
5th (1978)	21.2	19.1	4	26
6th (1983)	21.2	9.4	1	21
7th (1988)	21.3	11.7	2	18
8th (1993)	21.0	12.3	2	18
9th (1998)	21.8	12.0	2	17

Sources: (1) China Yearbook of Statistics 1999, China Statistical Publishing House, 1999 ed, Beijing; (2) Handbook of Data on PRC, Social Science Documents Publishing House, 1986 ed, Beijing (3) China Statistics by Gender (1990-1995), China Statistical Publishing House, 1998 ed, Beijing; (4) Collection of Documents of the 1st Session of the 9th NPC of the PRC, People's Publishing House, 1998 ed, Beijing

**Fig. 17. Percentage of Women in NPC and its Standing Committee, By Year and Election**



In 1989, direct election was introduced at the village level where both men and women participated. However, data from many provinces showed a decrease in number of women elected to decision making bodies at the village level. The survey of the villages in Shandong in 1999 revealed a drop in female representation.<sup>92</sup>

While there have been improvements in women's political participation in China, the proportion of women participating in government and political affairs remained low. Men still hold majority of the senior political and government posts at all administrative levels (Table 21).

Chinese researchers and scholars on gender issues identified women's participation in the political process as a prerequisite to the realization of gender equality. If they have greater participation in the political decision making process, they can push for more gender-sensitive policies, legislation and administrative measures.<sup>93</sup>

**Table 21. Political Participation by Sex (%), 2002-2003**

<b>Sex Composition of Members in Decision Making Bodies</b>	<b>Female</b>	<b>Male</b>
Members and alternates of the Central Committee of Communist Party, 2002	7.6	92.4
Delegates of National People's Congress, 2003	20.2	79.8
Leading cadre		
Province (Ministry & above), 2002	8.3	91.7
Prefectural (Director General), 2002	11.7	88.3
County (Director), 2002	16.1	83.9

Source: UN Country Team Common Country Assessment 2004

The women are most often given social portfolios such as education and health, the environment, protection of rights of women/children/disabled, and social security. Men get the more powerful and wealthier portfolios such as national security, finance, construction, energy, water and foreign relations. These divisions demonstrate how women are excluded in more critical areas of governance, such as economic reforms.<sup>94</sup>

There is also concern that the participation of women in leadership positions at all administrative levels and throughout government departments will decline when the current female senior officials retire. There have been less efforts to recruit and promote younger women with leadership potential over the last 15 years. Moreover, women have a younger retirement age (55 years old) compared to men (60 years old) in the Government Civil Service Regulation. This puts them at a disadvantage for promotion to higher management and participation at higher levels of the bureaucracy. Also, the less number of years of service leaves them with lower pension benefits.<sup>95</sup>

## G. Sex Differentials in Education

**Table 22. Adult Literacy Rate (%) by Sex, 1980-2003**

<b>Year</b>	<b>Male</b>	<b>Female</b>
1980	79.0	54.4
1990	87.2	68.9
1995	89.9	73.6
2000	92.1	77.9
2002	92.9	79.6
2003	93.3	80.4

Source: [www.unescap.org](http://www.unescap.org) 2004

On the whole, China registered marked improvements in education. However, there are still gender issues in education that persist. Before the establishment of the PRC, as many as 90 percent of women were illiterate.<sup>96</sup> To address this issue, the New China launched a campaign to eliminate illiteracy. Table 22 shows the achievements in improving literacy in the country. Literacy rate rose from 79 per cent in males in 1980 to 93 per cent in 2003. For the females, the change was from 54.4 per cent to 80.4 per cent in the same period.

The country managed to increase enrollment ratios nationally. Even with the implementation of 9-year compulsory education in the country and the closure of gender gap, disparity still exists. Table 23 and 24 illustrate this. At the pre-primary, secondary and tertiary level, gross enrollment ratios were higher for boy than girls, with the sex difference being largest at the tertiary level. Meanwhile, data for net enrollment ratios indicate an increase and the low gender disparity in the enrollment ratios.

There still exists the belief that investing in the education of a daughter is much less useful than a son's education because it will benefit the latter's husband's family. Increasing costs in education and the need for children's participation in labor in agricultural households, often result in parent's withdrawal of girls from school earlier than boys, especially among poorer rural households. Most discrimination occurs in families with several children, where girls drop out from school in favour of boys.<sup>97</sup> Several other factors influence the parents in remote and minority areas from sending their daughters to school. These are: education condition is relatively poor; the school is far from their home and transportation is not convenient; most teachers are male in rural areas; and, concerns over their daughters safety.<sup>98</sup>

Gender discrimination also occurs in ethnic minority groups. In Muslim communities, there is a strong belief that the women's place is in the home, even if the women are involved in productive, paying jobs in poor households. However, there are cases when the boys may not have equal opportunities as the girls in education. In Buddhist communities, for example, boys may be withdrawn from school to enter the monastery. In herder communities, more girls may be enrolled in school as boys have an important role in pasturing the animals.<sup>99</sup>

**Table 23. Gross Enrolment Ratios by Gender**

Indicators	1990/1991		1998/1999		2000/2001		2002/2003	
	Male	Female	Male	Female	Male	Female	Male	Female
Gross Enrolment Ratio (GER) %								
Pre-Primary Level	23	23	38	37	40	38	38	35
Primary Level	130	120	...	...	117	119	115	115
Secondary Level	55	42	...	...	66	64	71	69
Tertiary Level	4	2	...	...	...	...	17	14

Source: UNESCO Institute for Statistics

**Table 24. Net Enrollment of Primary Schools (%), 1990-2002**

Year	Total	Male	Female
1990	96.3		
1991	96.8		
1992	97.2	98.2	96.1
1993	97.7	98.5	96.8
1994	98.4	99.0	97.7
1995	98.5	98.9	98.2
1996	98.8	99.0	98.6
1997	98.9	99.0	98.8
1998	98.9	99.0	98.9
1999	99.1	99.1	99.0
2000	99.1	99.14	99.07
2001	99.05	99.08	99.01
2002	98.58	98.62	98.53

Source: Ministry of Education (MOE)

Another issue related to sex differentials in education access is gender stereotypes in teaching materials and pedagogy. A number of studies showed that traditional gender roles are reinforced in textbooks for primary and middle school children. There are limited positive images of female roles compared to men. Some are portrayed with subordinate positions to males. Moreover, the stereotypes also exist in the division of subjects. Boys are directed towards the natural science subjects and industrial trade while girls are directed towards social sciences and the arts, or in the case of vocational education, towards service sector skills such as languages, secretarial tasks, hotel administration, catering, waitressing and housekeeping.<sup>100</sup>

## H. Sex Differentials in Employment

**Table 25. Employment Rate by Sex, 1980-2000**

Year	Male	Female
1980	91.5	75.5
1995	90.1	80.4
2000	89.6	80.0

Source: China Labour and Social Security Press, October 2001

China has achieved greater female participation in the labor force. However, gender disparity in labor and employment persists. Table 25 indicates that while female employment has increased, a larger proportion of men are employed.

The distribution of workers by occupation and industry reveals gender inequality. More males (12%) are employed in white collar jobs nationwide compared to women (9%) while more females are employed in blue collar jobs (91% females vs. 88% males). This is also the case for workers in the urban and rural areas.

**Table 26. Distribution of Male and Female Workers, By Occupation and Industry (%), 2000**

	Nationwide		Urban		Rural	
	Female	Male	Female	Male	Female	Male
<b>Occupation<sup>1</sup></b>						
White collar	9	12	25	26	2	4
Blue collar	91	88	75	74	98	96
<b>Industry<sup>2</sup></b>						
Low-pay industry	95	90	85	78	99	96
High-pay industry	5	10	15	22	1	4

Note: <sup>1</sup>State organs, Party and people's organization, enterprise, and institution chiefs, professional and technical personnel as well as administrative personnel and relevant personnel are defined as white collar workers; Commercial and service personnel, personnel engaged in farming, forestry, animal husbandry and water conservancy, personnel operating production and transport equipment as well as relevant personnel and personnel engaged in other occupations are defined as blue collar workers

<sup>2</sup> According to the average level of wages in 15 industries in 2001 published by NBS, the industries are ranked from low to high and divided into low-pay and 8 high-pay industries.

Source: Fifth Census in 2000

In terms of industry, more females are employed in the low-paying industries while the males dominated the high-paying ones. A similar trend was observed in the urban and rural areas. All these indicate that more males are still preferred for the professional, technical and supervisory positions while women are still limited to commercial, service, agricultural, or non-technical jobs.

According to the 1988 UNDP Survey of *China's Accession to WTO: Challenges for Women in the Industrial Sector*, only about 2 percent of women in the workforce were factory managers in industrial sectors, while over 12 percent were men. In 1995, the share of women remained at 2 percent while that of the men rose to 19 percent. The survey also revealed that more women were administrators in large and state-owned enterprises, and in non-technical jobs in private enterprises and foreign-invested enterprises.<sup>101</sup>

#### **Box 8. The Feminization of Agriculture**

In rural China, most of the population are farmers. The gradual industrialization of the countryside affected employment in the rural areas and led to the "feminization of agriculture." This phenomenon is characterized by the following:

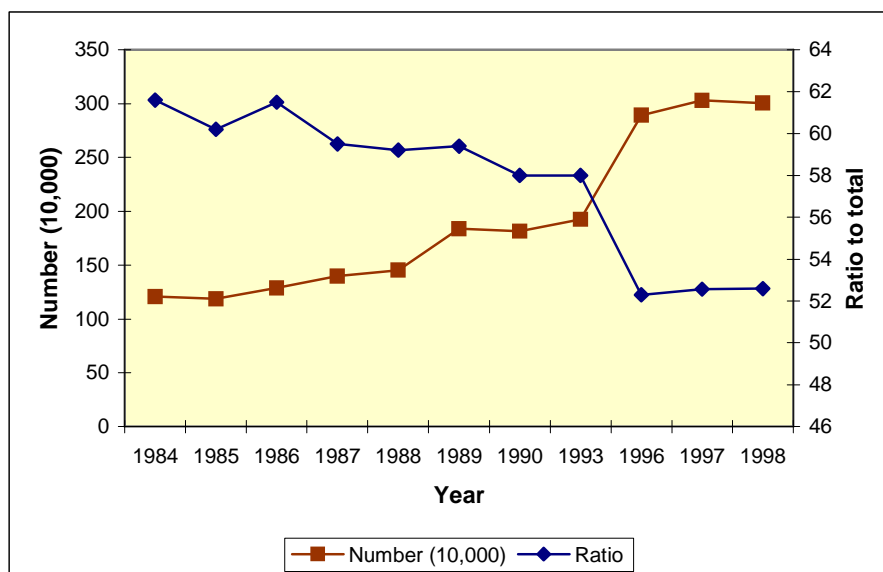
- 1) The majority of off-farm jobs have gone to men, leaving rural women with fewer employment options apart from farming;
- 2) The majority of migrants (short-term, seasonal or permanent) are men, although the rate of growth of female out-migration is increasing more rapidly than that of men. These tend to be young unmarried women;
- 3) In rural households, which are less than 100% agricultural, the bulk of agricultural work is done by women;
- 4) In many parts of the country, the majority of full-time farmers are women;
- 5) Studies have shown that as the proportion of rural household income derived from sources other than farming increases, the proportion of female labor in agriculture also increases.

*Source: Jie and Kanji (2003)*

#### **Female Unemployment and Lay-offs**

The young women who graduate from various schools find difficulty in finding employment. Figure 18 illustrates this. The number of women unemployed and waiting for jobs has risen since 1984. From about 1.2 million women in 1984, the number increased to about 3 million in 1998. However, the rate of women unemployed to total unemployed young people has been decreasing. This is attributed to the development of service industries such as food, drink and entertainment, which provided the young women employment opportunities<sup>102</sup>.

**Fig. 18. Young Women Unemployed (Waiting for Jobs) in Cities and Towns, 1984-1998**



**Table 27. Females Laid-off, 1997-1999**

Year	Total Unemployed (10,000)	Female Unemployed (10,000)	Ratio
1997	634.3	284.1	44.8
1998	876.9	382.7	44.8
1999	715.5	334.4	46.7

Source: China Labour Statistics Yearbook 1998, 1999, 2000. China Statistics Press.

The incidence of female lay-offs was high. The rate of female unemployed to the total unemployed has increased in 1999. This is attributed to the fierce competition in manufacturing industry brought about by bankruptcies of many state-run enterprises, which affected female employees as they make up a large portion of the workforce in the industry. The 2001, lay-off figures released by the Ministry of Labor and Social Security (MOLSS) indicated that 50 per cent of laid-off workers are women, despite the fact that they comprised about 38 per cent of the formal workforce<sup>103</sup>. Appleton, et al. conducted a survey in 2000 and found out that the women and the middle-aged people with less education had a higher risk of unemployment and were least likely to find re-employment. Thus, the risk for retrenchment is still high for women despite the increased employment opportunities in the service sector.<sup>104</sup>

Some women do not receive unemployment security relief after being laid-off. According to the 1998 UNDP survey, only 26 percent had received the whole unemployment relief, 16 percent had received part of the relief, and the other 58 percent had never obtained the relief at all. Moreover, 60 percent of the total dismissed women from large state-owned enterprises had received unemployment relief, while less than 50 percent received their relief from small and medium-sized enterprises.<sup>105</sup>

#### **Legal Provisions on Employment Relevant to Women<sup>106</sup>**

Several laws and statutes address women concerns on employment. The Labor Law affirms the Constitution's provision of equal rights to employment. It prohibits sex discrimination. Employers are forbidden from imposing higher recruitment standards for women or from using

sex as a basis for excluding female workers, unless the work is deemed unsuitable for women. The Labor Law restricts women from working in certain areas due to female physiology, particularly during menstruation, pregnancy, lactation, and menopause. Similar provisions are contained in the Women's Rights Law.

The labor laws also provide special protection for pregnant women and lactating mothers. Employers are prohibited from revoking their labor contracts, decreasing their salary, or demoting them during these periods but restrictions may be placed on the physical intensity of the work. When a worker reaches her seventh month of pregnancy, or when she is breastfeeding a child of less than one year, employers are prohibited from extending her work hours, assigning her to night shifts, or assigning her to work involving toxic substances. Pregnant workers or women workers with a baby under one year of age are granted paid, periodic breaks for resting or feeding.

Women workers are entitled to a minimum of 90 days paid maternity leave, of which, 15 days may be allocated for prenatal leave. Women who experience a miscarriage are entitled to a portion of their paid maternity leave. Workplace staffed with a large number of female workers are required to individually or jointly establish a gynecological clinic, a lounge for pregnant women, a feeding room, a nursery, and a kindergarten, and endeavor to solve any difficulties female workers may experience in the areas of reproductive health, feeding and child care.

In spite of all these policies on gender equality in employment, reality shows a need for better and more effective implementation and enforcement of these policies.

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