

Preface

Gender mainstreaming has been an important social and cultural topic for the last 12 years since Beijing hosted the World Conference on Women in 1995. As a concept that crystallizes decades of thinking in gender equality across the world, gender mainstreaming represents not only a goal but also a means to achieve gender equality. Like a seed, a new concept may bear different fruits through growing along different processes when sown in different types of soil. Then, it has become an issue of concern to many scholars and professionals in gender equality to find out how gender mainstreaming grows in China, what obstacles it has encountered and what fruits have been reaped so far.

Previously when people tried to explain the process of gender mainstreaming, they were more concerned about political participation or the legal status as part of politics in its broader sense. This paper, however, focuses on three main specific policy contexts in China: political participation, legal status and social security. These three most important aspects of gender mainstreaming are mutually influential and intertwining areas, defining the outline of the current gender mainstreaming process in China. In the author's view, political participation is the main way to gender mainstreaming, legal recognition the guarantee, and gender equality in social security one of the ultimate goals. The reason of saying so is that when NGOs in China are not yet mature, the most convenient way to achieve gender mainstreaming is for

the government to be gender conscious, albeit with difficulties. The role of the law, then, is to secure achievements in gender equality and pave the way for the settlement of specific issues. Equality in social security equals, *prima facie*, to institutional equality but it is, in practice, closely related to issues in the personal life such as employment, family and so on. Gender equality in social security is contingent on the settlement of a host of social gender problems. Therefore, a study on these three areas of gender mainstreaming will shed light on the historical period China's current gender equality process stands and China's progresses towards gender equality from macro-, meso- and micro-perspectives.

As regards methodology, authoritative research data, interviews, public speeches by leaders and research results of scholars provide the empirical basis for this paper which expounds, from different perspectives and viewpoints, the status quo of gender mainstreaming in China and how it looks like in the three particular areas.

In data analysis, this paper not only refers to first-hand data and results of authoritative analysis, but also re-analyzes these data, including cross and comparative analysis, so as to present a more insightful account of the status quo and predicament of gender mainstreaming. This paper cites some first-hand data and materials, such as statistical data, government reports, chronicles, policies and etc. At the same time, interviews are followed by qualitative analysis. Initially, the real names of interviewees were to be used. However, due to some reasons, I choose to quote these anonymously, referring only to the titles of the interviewees.

In addition, this paper uses Shanghai as a case study so that in discussions of issues in a specific area, gender mainstreaming is observed at multiple levels and from general to specific, central to local and macro-



to micro- perspectives.

In writing this paper, the author attaches equal importance to giving a full picture of gender mainstreaming in these three areas and a focused analysis on specific issues, with the hope to summarize the basic features and the development curve of gender mainstreaming in each area through a detailed discussion of specific issues.

This paper consists of four chapters. It begins with an introduction to gender mainstreaming and other related concepts, followed by diagnoses of gender mainstreaming in each of the three areas. Each chapter generally starts with a profile of gender mainstreaming in this area in the whole country before probing into causes or specific issues, followed by the case study of Shanghai with an in-depth analysis. The paper concludes with future prospects of gender mainstreaming.

PART I “Gender Mainstreaming” and the Basic State Policy of Equality between Men and Women

I. Gender Mainstreaming

The concept of gender mainstreaming was widely accepted by social workers, gender researchers and professionals in China during the 1995 World Conference on Women. The Conference set forth that the main responsibility of gender mainstreaming falls upon government functionaries, and above all it should be expressed explicitly in state policies. The *Beijing Platform for Action* makes it clear that it is the priority task for organizations engaged in promoting social gender mainstreaming in national policies in order to raise women's status. Specific objectives include: First, create or strengthen national machineries and other governmental bodies, actions to be taken include: (a) ensure that responsibility for the advancement of women is vested in the highest possible level of government; (b) based on a strong political commitment, create a national machinery which should have clearly defined mandates and perform policy analysis, undertake advocacy, communication, coordination and monitoring of implementation; (c) provide staff training from a gender perspective; (d) gather information on government-wide policy issues.... Second, integrate gender perspectives in legislation, public policies, programs and projects.



Third, generate and disseminate gender-disaggregated data and information for planning and evaluation.^①

According to the further definition put forward by the UN Economy and Social Council (ECOSO) in 1997, gender mainstreaming is a process that analyzes the impacts on both men and women of plans and actions, including legislation, policy or project design, at any level and in any area. It is a strategy that integrates the concerns and experiences of both men and women as a whole into the designing, implementation, monitoring and assessment of policies and guidelines in politics, economy, society and other areas, so as to bring equal benefits to men and women and to eliminate inequality, with the ultimate goal to realize gender equality.

The vision of gender mainstreaming is to achieve equality and harmony, between different sexes, between the mainstream and the marginalized, and between the advantaged and the disadvantaged, in every facets of the society including politics, economy and culture. The key to success is to introduce gender awareness into the mainstream of social development and policy-making. In the eyes of Chinese scholars, it has three underlying meanings. First, the government should shoulder the responsibility of facilitating a harmonious development of gender in the society. Second, the government and other action takers should initiate a positive and high-profile public policy to integrate gender awareness into the mainstream of all policies and schemes. Third, gender equality mechanisms at both national and local levels should be put in place to ensure policies and schemes of gender awareness are implemented in real earnest and are overseen effectively.

^① *Beijing Platform for Action*, pp. 103-107.

The vision of gender mainstreaming is to achieve equality and harmony in every facets of the society including politics, economy and culture between different sexes, between the mainstream and the marginalized, and between the advantaged and the disadvantaged. The key to success is to introduce gender awareness into the mainstream of social development and policy-making. It contains three folds of meanings.

First, government should shoulder the responsibility of facilitating a harmonious development of gender in the society. This layer of meaning stems from the school of state responsibility, according to which, the government is a country’s major social and public power structure that should take on both accountabilities and obligations to members of the society, bring benefits to them by satisfying their basic demands, build a fair social environment, provide direct and necessary social aid to the disadvantaged and create equal opportunities to every member of the society for their development.

Second, the government and other action takers should initiate a positive and high-profile public policy to integrate gender awareness into the mainstream of all policies and schemes. It should be noticed that to develop and enact a public policy not only affects a country’s future orientation and agenda, but also impacts decisively on both sexes in their education, job decisions and social participation. It may even determine the fate and development path for men and women of future generations. Therefore, prior to the issuance of any economic and social policy or plan, analysis of impacts should be made



separately on men and women so that schemes unfavorable to the development of either sex should be cast away or rectified immediately. Government should put people first and ensure a coordinated policy development. The 1995 World Conference on Women urged governments in the world to reinforce gender analysis and planning, coordinate the development among the society, economy and women, and observe economic, social and environmental issues from the vantage point of gender.

Third, state and local gender equality mechanisms should be established to ensure policies and schemes of gender awareness are implemented in real earnest and overseen effectively. To monitor effectively the level of gender equality and avoid subjective and arbitrary treatment, national organizations of gender equality should set up a database of gender indexes and incorporate it into statistics of national social and economic development so as to draw a clear picture of gender development and related problems within the country as well as the effects of policies and schemes before new plans are made for improvement and further development.

Li Huiying (ed.). *Gender and Public Policy*. Beijing: Modern China Publishing House, 2002. pp. 296 - 297.

Zhang Youyun from the International Labor Organization (ILO) gave a lecture on the International and Domestic Trends of Gender Mainstreaming on June 14, 2004 during the Advanced Research Class on Feminist Theories hosted by Shanghai Women's Federation (hereinafter referred to as SWF). In this lecture, Zhang Youyun pointed out that though gender equality is the responsibility of every individual and

organization at all levels, impacts may differ and leaders should take the chief responsibility. In her view, the core of gender equality mainstreaming consists of the following elements: First, government leadership should make clear and resolute commitments and departments in charge act as the catalyst. Second, gender equality strategies and schemes should be formulated. Third, gender equality organizations and networks are indispensable and they should be entitled with certain power.^①

Obviously, the concept of gender mainstreaming emphasizes the role of the government in achieving gender equality. This raises a specific requirement for the government in its decision-making that gender-based analysis should be taken into account in designing and implementing policies. By gender-based analysis, it means to give both sexes equal opportunities for development to achieve equal development outcomes.

Gender mainstreaming is often interpreted in China as an integration of social gender awareness with the mainstream of decision-making. The concept, in this sense, makes a good point in that it clarifies and specifies the mandates of the government in the process of achieving gender equality by pointing out directly that gender equality depends upon the government who has unshirkable responsibilities. However, some scholars thought otherwise, “The integration of the social gender awareness into the mainstream of decision-making implies in this context a top-down instead of a bottom-up movement. It advocates a transformation within the existing institutional framework, a transformation that relies on the wakening of gender awareness on the

^① Shen Yifei, *Women Constructed: Gender Theories of Modern Society*, Shanghai People's Press, 2005, p. 326.



part of the privileged class to advance gender equality among the general public rather than the other way around.”^①This criticism is not without grounds. But, in the context of China, upward and downward movements are causally related and mutually influential. It requires all members of the society, particular those who are concerned, should be gender-conscious if gender mainstreaming is to be promoted. In the same vein, any gender-related policy the government makes affects the current situation of both genders. Therefore, gender mainstreaming is a term with practical significance.

But one thing needs to be pointed out. Practically, people's understanding of social gender may differ, as evidenced by a survey on gender awareness from November 2003 to January 2004 targeting at officials below the director-general level. Though 88% of them claimed they understood or had some understanding about gender, their knowledge about its implications varied. Only 0.9% recognized that social gender is a form of social relation and power structure.^②

Noticeably, gender awareness is a concept open to interpretations. A major challenge as well as an important task for China's gender mainstreaming in the coming years is how to further clarify both the connotation and denotation of the concept of gender. Only when its implications are clearly defined and continuously advocated the gender mainstreaming progress can further.

^① Wang Ruihong, “From Men Centralism to Men and Women Centralism: A Critical Review of ‘Incorporating Gender Awareness into the Mainstream of Decision Making’,” in *Studies on Women in Shanghai (2001 - 2005)*, Shanghai Popular Science Press, 2006, pp. 63 - 64.

^② Xiao Yang, “Survey and Analysis of Gender Awareness among Senior Decision Makers,” in *Report on Gender Equality and Women's Development in China (1995 - 2005)*, Women's Studies Institute of China, Social Science Academic Press 2006.

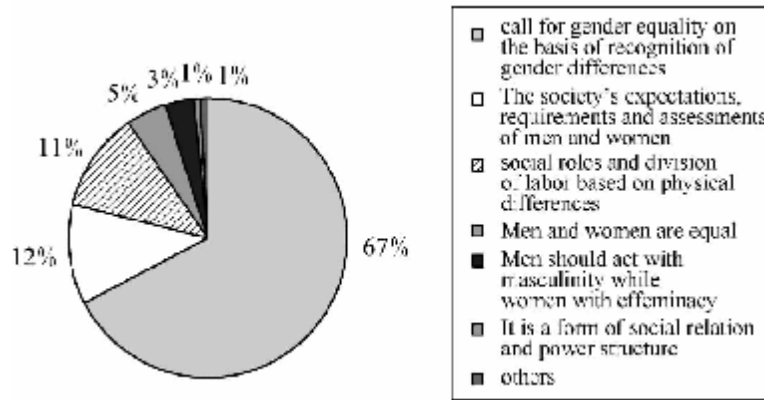


Figure 1. Understanding of Social Gender (%)

Despite diverging interpretations, China took its chances. The government began to assume the responsibility of gender mainstreaming in 1995 by issuing a number of policies and guidelines to press ahead gender equality.

China promulgated the very first national program for action in August, 1995, *Outline of Development for Chinese Women (1995 – 2000)* (hereinafter referred to as the 1995 Outline), to advance gender equality and women’s development. The 1995 Outline set forth the main objectives of women’s development during the period of the 9th Five-Year Plan as well as strategies and measures to see if these objectives were met. In 2001 when objectives in the 1995 Outline were basically attained and when new requirements arose from coordinating the national economic and social development and from the UN *Millennium Development Goals*, China issued the *Outline of Development for Chinese Women (2001 – 2010)* (hereinafter referred to as the 2001 Outline). The 2001 version, in contrast with the 1995 one, holds women as the principal subject of development and pins down 34 main objectives and 100 strategies and measures in the six areas of



women and economy, women's participation in decision-making, women and education, women and health, women and law, women and environment, with greater emphasis on challenging the gender inequality legacy and rigid labor division between genders. It gives full expression to the principle of gender equality and social justice, offering a better interpretation of gender mainstreaming, the core concept in women's development around the world and in China's national program of women's development.

Aside from the outlines of development of women, the Chinese government also incorporates gender awareness as an integral part of the social development plan. The 10th Five-Year Plan for Social and Economic Development in China formulated in 2000, mentioned, for the first time, the implementation of the outlines of women's development. On the eve of the publication of the 11th Five-Year Plan in 2005, during the 4th National Conference on the Work for Women and Children, leaders of the Chinese government explicitly expressed the government's political willingness and commitments to include women's development in the national economic and social development planning. Premier Wen Jiabao stated in his speech at the conference, that the development of women and children should be encompassed in the national economic and social development planning and as an important index to measure economic and social development and the work of the government. Vice Premier Wu Yi demanded that when formulating their local adaptations of the 11th Five-Year Plans for Economic and Social Development, governments at all levels should integrate, with priorities and in categories, the main objectives of children and women's development into economic and social development at various levels. These objectives should be considered as part of the overall plan of economic and social

development and designed and implemented in parallel. ① The 4th Plenary Session of the 10th National People’s Congress approved the *Outline of the 11th Five-Year Plan of National Economic and Social Development* with one chapter particularly dedicated to the planning of women’s development and the protection of their rights and interests. To include women’s development as one of the objectives of national development, demonstrates the resolute commitments of the Chinese government to gender mainstreaming.

The inclusion of women’s development in the national five-year plans is of crucial significance. Take Shanghai as an example, the local government and SWF meet on a more regular basis every year to formulate the plan, not to mention the whole country where such meetings are held more frequently with a rising number of attendants. With women’s development integrated into the agenda of the national five-year plans, the topic of gender equality is discussed at a more formal political stage and finds, together with other specific issues such as women’s development, a justified and well-grounded way into the territory of politics. Topics which were used to be considered concerning private and domestic affairs are now subject to open discussions and their settlement demands the government’s involvement, so as to guarantee in the form of policies that issues previously held exclusively to women become part of the social and political agenda.

Each time when the national five-year plan is updated and implemented the opportunity emerges to advance gender equality. For instance, the 10th

① Wen Jiabao, *Remarks at the 4th National Conference on the Work for Women and Children*; Wu Yi, *Report at the 4th National Conference on the Work for Women and Children*, <http://www.nwccw.gov.cnPshowPldjh-more.jsp? pages=3&belong=领导讲话>.



Five-Year Plan, building on the 9th Five-Year Plan by retaining major monitoring indicators, took the initiative to put forward a host of new ideas and concepts. It stresses straight forwardly the integration of gender awareness into the mainstream of decision making, calling attention to the equal rights women should enjoy in employment, political participation, education, income distribution and other areas to access on an equal footing and to the fullest extent, the fruits of reform and social resources.

II. The Basic State Policy of Equality between Men and Women^①

As we look at the application of the term of gender mainstreaming, we find that when it appears in government documents most of the time it is formulated in another way, i. e. , “to incorporate gender awareness into the mainstream of decision-making” and is most frequently used by scholars and officials of international organizations. Few government functionaries use this term other than women’s federations and those officials who have experiences overseas either as visitors or as visiting scholars.

A more localized and popular Chinese version is the “basic state policy of equality between men and women.” Jiang Zemin, China’s former president, made the solemn commitment to the international community during the opening ceremony of UN’s 4th World Conference on Women in 1995 that “the equality between men and women is made a basic state policy to promote national social development.” In June,

^① Under the influence of gender theories, some scholars insist the term of equality between men and women should be corrected and replaced by gender equality.

2000, the Chinese government submitted to the Special Sessions of the UN General Assembly, the Report on the Execution Results of Beijing Declaration and Platform for Action, reiterating that the Chinese government attaches great importance to women’s development. The equality between men and women is a basic state policy in China’s social development. China will continue to take an active part in international activities concerning women and join our efforts with the international community to push forward the advancement of women. General Party Secretary Hu Jintao, when meeting with some of the delegates at the 9th National Women’s Congress of China, restated that the Party committees and governments at all levels should “unswervingly implement the basic state policy of equality between men and women, and promote the development of women through solid and vigorous efforts”, thus reaffirming, from the highest level of decision-making, the principle of the Constitution, deepening the understanding of gender equality of the general public in conformity with the positive international trend of “integrating the awareness of gender equality into the mainstream of decision-making.”

The term of the basic state policy of equality between men and women, in fact, combines the concept of equal rights between men and women on one hand and gender mainstreaming on the other. The equal rights concept embodies male centralism in the women’s liberation movement, requiring women to emulate men by advocating that women can achieve what men can and that men and women are the same. Guided by such a concept, the women’s liberation movement would be a process in which women would learn from men, ignoring both women’s unique physical conditions and the impacts of gender culture on individuals. Thanks to years of practice and thinking, as well as the rapid



development of the society itself, more and more scholars and professionals have come to realize the process of achieving gender equality should not be a process of women's struggle to emulate men, rather, it should be a process to achieve gender equality guided by the concept of gender^① under specific circumstances by taking into consideration gender differences and the constructive impact of social culture on different sexes.

In comparing the two terms, the basic state policy of equality between men and women and gender mainstreaming, we discover that their objectives are entirely the same, both aiming at promoting gender equality and a harmonious development between the genders. Yet there are differences. First of all, gender mainstreaming emphasizes the government's role and responsibility in the process of achieving gender equality. In the term of equality between men and women, though the government's role is stressed too, it demands that not only governments at all levels but also other organizations and individuals should be accountable. Secondly, gender mainstreaming requires that decision-making should incorporate gender awareness which is, rather than the simple sameness between men and women, more about strengthening protection of the disadvantaged and promoting gender equality on the basis of cultural differences of the opposite sexes. The advantage of gender mainstreaming is that its implications are extended by a more diversified and differentiated perspective towards gender equality. The disadvantage is that those who are new to the term find it hard to grasp its essence, which results in controversies in practice. The basic state policy of equality between men and women, on the other hand, is usually

^① More and more people have come to realize that the concept of social gender is not simply a term but a system.

simplified as the “sameness between men and women” because of some historical reasons, emphasizing more on equality in the statistical sense. Its merit lies in its clear-cut definition and better practicability while its defect is its blindness to the inherent differences between the opposite sexes which can be very likely misleading in promoting gender equality. Thirdly, gender mainstreaming is an internationally accepted term with many precedents to follow. Yet equality between men and women as a state policy provides a political guarantee to its legitimacy and practicability. These two concepts are considered as similar in many circumstances in China. But in practice, scholars are prone to use gender mainstreaming while the government and the media prefer the basic state policy of equality between men and women. In the 2000 – 2006 chronicles of SWF, the author discovers that the basic state policy of equality between men and women is mentioned many times whereas gender mainstreaming does not show up as a concept in its entirety. The concept of incorporating social gender awareness into decision-making appears once when it is mentioned in a speech by a scholar during an important meeting. Therefore, discussions of gender mainstreaming in China were impossible without an analysis of China’s unique experiences.

Though the basic state policy of equality between men and women becomes more and more widely acknowledged it proves incompetent in the following four areas, which hamper its implementation.

First, the basic state policy of equality between men and women, despite the solemn commitment made by former president Jiang Zemin to the international community as “a basic state policy to promote the national social development” during the UN’s 4th World Conference on Women, it has not yet been represented and guaranteed by the Constitution. In Article 49 of the *Constitution of the People’s Republic*



of China, it clearly states that marriage, the family, mother and child are protected by the state; both husband and wife have the duty to practice family planning; parents have the duty to rear and educate their children who are minors, and children who have come of age have the duty to support and assist their parents; violation of the freedom of marriage is prohibited; maltreatment of old people, women and children is prohibited. This Article substantiates the state policy of family planning by making it clear that family planning is a citizen's duty. When it comes to the basic state policy of equality between men and women, however, the provision seems rather generalized by vaguely saying that women are protected by the state. Evidently there is a large discrepancy between such protection and gender equality. Women, like men, need the protection from the state but such protection is restricted. Women have their own subjective integrity and initiative. In the meantime, this Article reveals that the Constitution still treats women as *protégés*, weak as compared with men, which in itself, fails to conform to the concept of equality between men and women. Moreover, prohibition of maltreatment of women narrows the meaning of the basic state policy of equality between men and women down to non-maltreatment of women, which narrows the concept of gender equality.

Second, in practice, no government functionary is designated to implement the basic state policy of equality between men and women. The basic state policy of family planning, by contrast, is overseen by specific departments from the central to the local governments even in every community and village to make sure it is observed strictly and thoroughly. However, no authoritative organization seems to govern the implementation of the basic state policy of equality between men and women. Though women's federations are chiefly in charge, they are non-

governmental and thus fail to exercise power and functions with the same authority and leadership as government organs. As a bridge between the Party and the general public, women’s federations are mainly responsible for accomplishing tasks assigned by the Party and submitting proposals and solutions to the Party concerning women’s issues. The final settlement of these issues falls out of the reach of women’s federations. Efforts by women’s federations to advocate, spell out and implement the basic state policy of equality between men and women have achieved limited success without the support from a dedicated government department. Working committees on women and children set up by various localities as part of their governments are marginalized from the outset because they are only a poorly staffed office in the government, or in most cases, within women’s federations.

Third, neither the consequences of violating the basic state policy of equality between men and women nor a particular organization to levy penalties is specified. A relatively more comprehensive mechanism including penalties is in place to guarantee the basic state policy of family planning is carried out. A single case of infringement on the policy of family planning by a staff in an organization would impair the organization’s chances to be qualified as a prospective candidate for the Model Unit Award of the Year. Or in many places, the organization is simply disqualified. Without exception, the offender has to pay fines and may also be fired. The cost is quite high for both organizations and individuals to violate the state policy of family planning. Therefore, the implementation of family planning is guaranteed on firm grounds. Then, what are the consequences of violating the basic state policy of equality between men and women? One is subject to punishment if certain rules in the law are broken. But under circumstances not covered by the law,



there is no corresponding measure of punishing either the organization or the individual. If gender discrimination is found in recruiting, women's federation may step in to persuade. If persuasion fails, neither does the women's federation nor any other organization have the power to impose compulsory measures or fines, which leave many policies and concepts merely as lip service.

Finally there is the most intricate question: how is equality between men and women measured? Gender equality generates many theories. Speaking of those introduced from the West alone, there are the Marxist Feminism Theory, the Liberalist Feminism Theory, the Radical Feminism Theory, the Post-Modern Feminism Theory and so on, not to mention China's homegrown ones resulting from numerous debates between the traditional and the modern. These theories are conflicting with each other in some aspects, putting the whole concept in a dilemma similar to that of gender mainstreaming. What is the so-called gender awareness? Different people may come up with different interpretations, then, how to measure gender equality becomes an issue. In the words of Tan Ling, Chairperson of the Women's Studies Institute of China, when it comes to the equality between men and women, let numbers talk. According to her, the reason why many people in the society even including some officials in leading positions have a poor knowledge about the basic state policy of equality between men and women is the lack of specific and feasible measures and requirements, therefore it is imperative that quantified indicators and specific measures, particularly a scientific appraisal system, should be introduced.^①

“Data mining in support of gender indicators is a crucial link

^① *People's Daily*, August 26, 2003, p. 5.

between policy visions and knowledge about the effectiveness of the policy. It is of significant importance to use these time-sensitive, flexible, effective and reliable indicators that support cross-country comparative studies to assess and improve the efficacy of policies. Without these indicators and backup data, it would be very hard to evaluate the positive impacts policy development has achieved in gender equality, such as the policy development recorded in the national report of UN Beijing+10 Process.”^① As a basic indicator of gender equality and a foundation for policy-making, data has therefore become both means and ends of gender mainstreaming.

The UN Development Programme (UNDP) takes the lead in developing gender indicators. It introduced a base index in 1999, the Human Development Index (HDI), which consists of three factors – life expectancy, education and per capita income. It then went further to propose another two indexes in the face of unbalanced gender development globally, GDI and GEM. GDI, known as Gender Development Index, is measured in three categories – gender-specific life expectancy, education level and adjusted real income. GEM, the acronym for Gender Entitlement Index, focuses on the measurement of equal participation of men and women in politics, economy and other areas of public affairs.

Since the beginning of the 21st century, these indexes have demonstrated their importance and competence. GEM, in particular, constitutes the most important index mechanism in measuring gender equality in the political arena and women’s political participation. A large

^① Silvia Alby, “Measuring Women’s Progress in the Globalization Era,” *International Social Science Magazine*, May 2006.



number of cross-nation comparative studies and historical comparisons are conducted within the framework of this index with three categories of specific data. However, these indexes are not beyond criticism. First of all, they combine an index with the absolute level of development, such as the absolute per capita GDP with gender relations. Second, these indexes fail to cover the 12 major areas concerning women's development. And finally, these indexes treat women as a homogenous group, neglecting both individual variations and inequality ensued.^① These negative views are helpful to GEM because citizens' rights and their political participation GEM is designed to measure are more abstract and complicated.

With indexes available, statistical representation of gender culture and attention given to data, discussions of gender mainstreaming and the basic state policy of equality between men and women are grounded on a solid basis and a platform for dialogues with local governments, departments and organizations is in place. This is the very reason why in writing this paper, the author uses a large amount of data in the chapter of political participation to illustrate the process and the challenges of gender mainstreaming in China.

III. The System of Women's Work and the Case Study of Shanghai

Despite concerted efforts from various organizations to carry out the basic state policy of equality between men and women, it is hard to

^① Valendina M. Mogandamu and Lucy Sanfordva, "Measuring Women's Rights Entitlement: Women's Participation and Their Civil, Political, Economic and Cultural Rights", *International Social Science Magazine*, May 2006.

get a full picture of this process without understanding the system of women’s work, a unique phenomenon of China. Especially in China’s specific policy contexts, the system of women’s work is the most crucial or sometimes the only organizational mechanism on women’s advancement. It needs to be pointed out that the system of women’s work is designed to replace neither women’s federation nor the working commission on women and children (hereinafter referred to as WCWC), but to encompass many organizations affiliated to women’s federation and WCWC. This concept has been accepted within the women’s federation. Therefore, though this paper focuses on specific political areas in gender mainstreaming, the author still thinks it is highly necessary to explain gender awareness and specific tasks of the system of women’s work as a main force of promoting gender mainstreaming. Organizations in this system have the initiative to hold dialogues with the government and maintain direct contacts with the ruling Party. Without this background information about this system, our understanding of the whole gender mainstreaming process may be biased.

The following part takes Shanghai for a case study to learn how gender mainstreaming is promoted under specific circumstances. An introduction to the organizational structure and history of the system of women’s work will be explained prior to relevant examples.

The All-China Women’s Federation (hereinafter referred to as ACWF) was founded in 1949 with the support of and sharing office with the Women’s Commission of the Central Committee of the CPC, but it was the latter that directly submitted proposals and organized events for major policy-making concerning women and women’s work. The year 1958 saw the abolishment of the Women’s Commission of the Central Committee of the CPC and the expansion of the Party committee of the



ACWF, which made the Federation a dedicated organization on women's work for the ruling Party (and, to some extent, for the government as well). The removal of the Women's Commission from the Central Committee of the CPC, at the time had no consequential impacts on the operation of women's work.

At the same time, the women's federation began to grow and gain strength. One of the advantages of the system of women's work is that it has a well-knit network of grass-root organizations from top down to the individual. By 2003, there were 52, 529 full-time officials serving at women's federations at all levels throughout the country, 435 at prefecture or city level; 2, 336 at county or district level; 48, 066 at township or community level, 73, 855 urban and 611, 734 rural grass-root women's congresses; 48, 516 committees on women's work at various levels of government departments; 24, 599 women's committees in government-affiliated organizations including women's organizations in institutions of higher learning; 233, 514 women employees' committees; 32, 157 women's organizations in non-state economic entities; 1, 212 women's associations registered in the Ministry of Civil Affairs and 1, 392 women's committees in democratic parties. ^①

After the reform policy was introduced, despite the leading and central role the women's federation plays among all sorts of women's organizations, its image as a non-governmental grass-root organization was increasingly enhanced. Against the backdrop of the market economy, the absence of an authority on women's work in both the ruling Party and the government inevitably marginalized, by degrees, issues

^① All-China Women's Federation , *Women and Children in China: Facts and Data* , August 2003.

concerning gender and women. Therefore, the Coordinating Commission of Work on Women and Children of the State Council, a government organization for women’s work, emerged to fill the gap in 1990. It was renamed in 1993 the Commission of Work on Women and Children of the State Council and granted the highest level in the government hierarchy led by a vice premier of the State Council. The number of its member organizations was increased from 17 at the initial stage to 29 in the previous Commission and further to the current level of 33 with offices handling routine work.

Thus the system of women’s work is shaped, comprising of women’s federations, state-level organizations such as the Commission of Work on Women and Children, committees on women’s work in the National People’s Congress (hereinafter referred to as the NPC) and the Chinese People’s Political Consultative Conference (hereinafter referred to as the CPPCC), the women employees’ committees of the All-China Federation of Trade Union, and grass-root organizations. They work independently on their specific sphere of responsibilities and cooperate with each other closely, making joint contributions to gender mainstreaming.

The case study of Shanghai will sort out how the system of women’s work operates in a locality.

Women’s federations in Shanghai are part of a well-organized network, running vertically with municipal, district and rural women’s federations or even community (and village) women’s committees, and horizontally with women employees’ committees of trade unions at the grass-root level and above in enterprises and other group members of women’s federations such as social leagues registered in civil affairs departments with approvals from women’s federations.



Shanghai Women's Federation (SWF)

Founded in August 1950, SWF is a grass-root social organization where women from all sectors in Shanghai are united together to strive for further liberation under the leadership of the Communist Party of China. It plays as a bridge and link between the Party and the government on one hand and the women population on the other, and an important social pillar of the regime. The mission of SWF is to represent and safeguard women's rights and interests and promote equality between men and women.

SWF reports to Shanghai Women's Congress, the highest authority on women's affairs which convenes every 5 years. During the 12th Shanghai Women's Congress which opened in June 2003, 800 women deputies cast their votes for 108 executive committee members who then elected 15 standing members, vice chairperson and chairperson of SWF.

Women's organizations have been established in each district, country, subdistrict, town, community and village in Shanghai. Government organs and organizations of science and technology, education, culture, health and sports have their own women's working committees. Other group members of SWF include women employees' committees of trade unions, 10 women professionals' associations of engineers, doctors, lawyers, scientists, judges, prosecutors, entrepreneurs, journalists, the retired women and editors, and academic organizations such as women's studies society, research society of marriage and family, and research society of family education.

The web of SWF: <http://www.shwomen.org/>.

Shanghai Working Committee of Women and Children (hereinafter referred to as SWCWC), founded on August 30, 1995, serves as a councilor and coordinator in the work of women and children for Shanghai municipal government and a working organization of the municipal government in coordinating and urging related government departments to carry out the *Measures of Shanghai in the Implementation of the Law of the People’s Republic of China on the Protection of Women’s Rights and Interests* as well as the mid-and-long-term planning of the development of women and children in Shanghai.

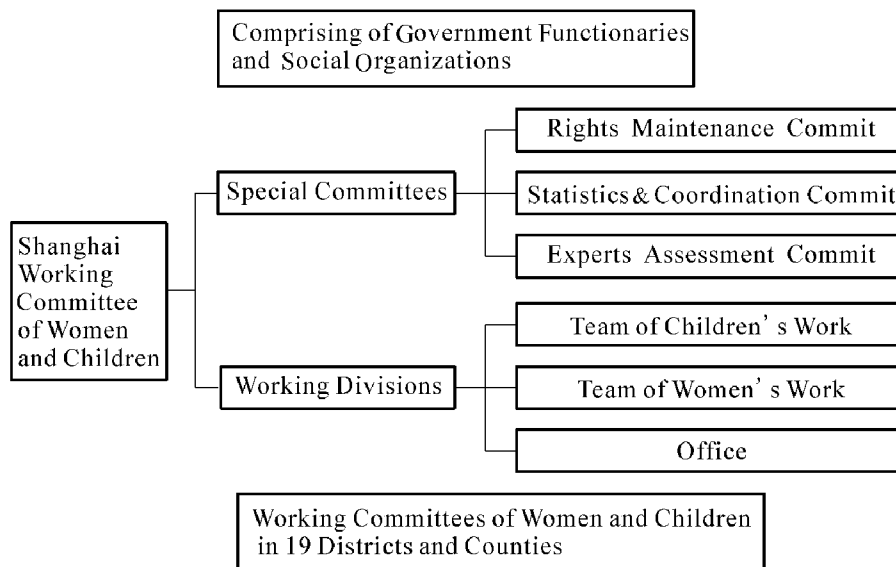


Figure 2. Organizational Structure of SWCWC

In the new era of the 21st century, SWF and SWCWC have done much work to advance gender equality consistent with the current trend towards gender mainstreaming. The following paragraphs summarize what SWF and SWCWC have done in the past 7 years concerning gender mainstreaming or the basic state policy of equality between men and women with reference to the chronicles since 2000 published by SWF on



its website. Of course, SWF staff may not agree with this list and may protest that everything they do, they do for gender mainstreaming. They are justified to say so, but this paper adopts a stricter definition and explains the system of women's work in Shanghai from three perspectives.

First, many rounds of discussions were held every year over the 9th, 10th and 11th five-year plan for women's development of Shanghai. It was particularly so when the previous five-year plan was reviewed and the next one was being formulated such as in 2001 and 2006, with participants not only from SWF and SWCWC, but also from departments of Shanghai municipal government such as Shanghai Bureau of Statistics. The following Table 1 indicates the number of times SWCWC discussed with other government departments concerning the five-year plans for women's development. According to SWF, since discussions within the federation are not generally recorded in chronicles, discussions listed here are those with greater importance that involve other departments in the five-year plan for women's development.

Table 1. Important Meetings and Events Concerning the Five-Year Plans for Women's Development Held by SWF and SWCWC^①

Year	2000	2001	2002	2003	2004	2005	2006
Number of Times	3	9	2	5	3	6	11

This table is based on the information provided in the chronicles of SWF published on Shanghai Women's Website.

The frequent discussions of the five-year plans of women's development signify, on one hand, that the topic of women's

^① Chronicles of SWF, <http://shwomen.eastday.com/renda/node4420/node4465/node4468/index.html>.

development has made its way into the government’s decision making organs. As a result, the government must confront and discuss related issues at appropriate time. Whatever the outcomes would be, it is an opportunity for gender awareness to access decision making. On the other hand, the inclusion of women’s issues into the five-year plans is of crucial importance in that the concept of gender equality is publicized by the media in a more official way. For instance, Jiao Yang, spokesperson of Shanghai municipal government announced to both domestic and foreign media on November 19, 2003, for the first time in history, the monitoring and assessment results of the implementation of the 10th Five-Year Plan of Women and Children’s Development in Shanghai.

However, an abrupt rise in the number of discussions in 2001 and 2006 explains, from another perspective, that the topic of women’s development has not yet become part of the routine agenda. Its access to the decision-making mechanism owes more to special concerns which are neither adequate nor regular. This is one of the major root causes why government is insufficiently involved in tackling gender inequality at present.

Second, SWF made energetic efforts to set up databases of gender statistics which plays a crucial role in winning government’s attention of gender topics and in facilitating the formulation and implementation of related policies. The following chapters on political participation, legal status and social security are also based on information from these databases.

In 1999, thanks to active support from Shanghai Bureau of Statistics, SWF accomplished the first phase of Shanghai Women and Children’s Development Database. Training sessions were held every year in Shanghai related to the development of the Database.

On April 26, 2000, the 2000 Training Session on Annual



Monitoring and Statistical Work of Shanghai Women and Children's Development Plans in Districts and Counties was held with more than 100 attendants from the Office of Women and Children's Affairs, the Statistics Bureau, the Health Bureau, the Civil Affairs Bureau, the Personnel Bureau and other organizations in each district and county in Shanghai. It indicates that the monitoring and statistical work on this year's two plans is in full swing.

On January 9, 2001, the 2001 Training Session on the Conclusion of the Monitoring and Statistical Work of Shanghai Women and Children's Development Plans in Districts and Counties was held. Officials and statisticians from the Office of Women and Children's Affairs, the Statistics Bureau, the Health Bureau, the Education Bureau and other organizations in each district and county attended the session. On April 11, the first phase of the database of Shanghai women and children's development in the 9th Five-Year Plan Period was reviewed and approved.

From March 27 - 28, 2002, the Special Committee of SWCWC hosted in Xincheng Hotel the Training Session on the Monitoring Indicators of the 10th Five-Year Plan for Shanghai Women and Children's Development and the 2002 Working Conference on the Monitoring and Statistical Work of Shanghai Women and Children's Development in Districts and Counties. About 100 monitoring staff and statisticians attended the training from the Office of Women and Children's Work Committee, the Statistical Bureau, the Health Bureau, the Education Bureau and other organizations from the city and each district.

On May 15, 2003, four officials from the Office of SWCWC including the Director of the Office called upon Shanghai Bureau of Statistics to discuss the second phase of the database of the monitoring and statistical results of women and children’s development and to determine the contents of the statistical and monitoring website of women and children’s development in Shanghai and the timetable for implementation.

On April 4, 2005, the Office of SWCWC opened the Training Session on the 2004 Monitoring and Statistical Work and on the Information Network of Women and Children’s Development in Shanghai. In this conference, Wang Kejun, Director of Social Science and Technology of the National Bureau of Statistics and Tian Xiong, Vice Chairperson of SWCWC offered advice in their reports and gave online operational training on information reporting and transmission and database.

In 2006, in accordance with the 11th Five-Year Plan of Women and Children’s Development in Shanghai, the Monitoring and Statistical System of Women and Children’s Development in Districts and Counties of Shanghai was revised as the System on Comprehensive Statistical Reports of Women and Children’s Conditions.^①

Information consolidated from the chronicles of SWF on the following web page: <http://shwomen.eastday.com/renda/node4420/node4465/index.html>.

① Shanghai Bureau of Statistics and the Shanghai Investigation Team of the National Bureau of Statistics, *Notice on Activating the System of 2006 Statistical Reports and 2007 Regular Statistical Reports*, Cm. (2006) 68.



When databases were put in place, Meng Yankun, First Vice Chairperson of SWCWC and Chairperson of SWF, submitted to the Shanghai People's Congress (hereinafter referred to as SPC) and Shanghai People's Political Consultative Conference (hereinafter referred to as SPPCC) on February 13, 2003, the motion of "Incorporating the index of promoting equal gender development into the target system of an earlier realization of modernization of Shanghai" and was accepted by SPC and SPPCC as a written proposal. Reply to the proposal was sent on April 29 when Wu Yue, Director of Medium and Long-Term Planning of Shanghai Municipal Planning Commission and other officials made a special visit to SWF. On January 13, 2004 during the sessions of SPC and SPPCC, the Office of SWCWC submitted another proposal of "Incorporating the index of women's development into the target system of an earlier realization of modernization of Shanghai". Discussions over these two proposals expanded the horizons for the topic on women's development, making it more data-based and feasible practically. This is of great significance to improving planning in women's development.

In light of these endeavors and the importance of establishing databases as mentioned previously, we realize that the process of gender mainstreaming in China starts with the basics. For gender mainstreaming, a gender-based database means more than an archive of data and information but something closely linked to the whole operating system of the entire Chinese government. Only when databases are available can there be convincing proposals which constitute a basic and indispensable step or procedure in the Chinese government's policy reform.

Third, aside from its devoting to the planning of women's development, SWF launched a sweeping campaign on publicizing the

basic state policy of equality between men and women. The author attended one of the meetings held by SWF in 2003. Many officials responsible for women’s work pointed out that they tried to advocate women’s interests and rights and promote gender equality on the grounds of the basic state policy of equality between men and women, only to find that quite a few journalists, government officials, grass root officials on women’s work and the general public were ignorant of such a basic state policy. Therefore, the Chairperson of SWF suggested that additional efforts should be made to advocate this policy because the process of promoting public knowledge of the policy was also a process of enhancing gender awareness that would be directly conducive to gender mainstreaming.

On March 2004, SWF launched, for the first time, a non-profit campaign in major areas in downtown Shanghai of publicizing in diverse forms the basic state policy of equality between men and women. Over 10,000 posters were put up in various communities.

In May, the Publicity Department of SWF compiled Publicity Materials of the Basic State Policy of Equality between Men and Women. Excellent slogans were selected and published from the slogan collecting activity of advocating equality between men and women. More than 15,000 copies were printed.

From November 15, 2004 to January 5, 2005, to mark the 10th anniversary of the 4th World Conference on Women in Beijing and the Important Speech by Comrade Jiang Zemin, SWF, Shanghai Municipal Administration for Industry and Commerce and other organizations co-sponsored the Public Service Advertising



Competition of the Basic State Policy of Equality between Men and Women, inviting designs from all walks of life.

On March 1, 2005 the results of the Public Service Advertising Competition of the Basic State Policy of Equality between Men and Women, co-sponsored by SWF, Shanghai Municipal Administration for Industry and Commerce, Shanghai Media Group and Jiefang Daily Group, were announced.

Information consolidated from the chronicles of SWF on the following web page: <http://shwomen.eastday.com/renda/node4420/node4465/index.html>.

SWF has made remarkable achievements as indicated by a growing number of people who have come to understand the basic state policy of equality between men and women. Despite the absence of specific research data, the author concludes, from the meetings she attended in recent years by organizations on women's work or by other government departments on related topics, further explanation on this concept seems redundant.

PART II Political Participation

Currently it is basically acknowledged that, either practically or academically, increased proportion and quality of women's political participation is the key to gender mainstreaming in the political arena, though it cannot represent the whole picture. For example, women generally account for 20% of the total number of deputies of the NPC, which doesn't suffice to prove that 20% of the laws and regulations issued by the NPC are gender-conscious. The functional relationship between the percentage of women deputies and the infiltration of gender awareness in the NPC is yet to be calculated. However, it is commonly accepted in the academic circle that the percentage of women employees in an organization particularly in a government organization is not only an indicator of gender mainstreaming in this specific area but also an effective means to merge gender awareness with decision-making. Therefore, before any better ways are available, this chapter still uses the number of women at various levels of political arena to illustrate gender mainstreaming in the political area, leaving more scope for the next chapter on discussions of gender awareness in legal status.

Women's political participation refers to women's involvement as a group in a nation's political life and in the management of public affairs. As a product of fulfilling basic human rights and democratizing political decision-making, it consists of two interrelated issues: democratic participation and power participation. In democratic participation, women



can exercise the democratic rights of citizens provided for in the law, including the right to vote, to conduct democratic supervision over the Party and government leadership at all levels, to air their own political opinions through speech to the press and associations and so on. In power participation, women can access various levels of the regime, involve directly in the decision-making and management of affairs in politics, economy, culture and other areas, become deputies of people's congresses at all levels, hold leading positions at various levels and in different fields, and directly manage the state and public affairs. ①

Some scholars tend to impose four more specific indicators on the definition of women's political participation in a broader sense. They are, political knowledge (women's knowledge of political information), political discussion (women's views and comments on political regimes, mechanisms, status quo and figures), political participation (women's participation and influence on the process of political decision-making) and political pursuit (women's share in the power of decision-making). ② These four indicators form an integral concept and are positively correlated when cultural differences and consequent individual variations are put aside. In other words, the more extensive one's knowledge of political information is, the bigger his/her chances and power are in political discussion, political participation and political pursuit. But when cultural and individual differences are counted, these indicators are

① The Office of the Working Committee of Women and Children's Affairs of the State Council and the Office of the Working Committee of Women and Children's Affairs of Jiangsu Provincial Government (eds.), *A Scientific Outlook on Development and the Basic State Policy of Equality between Men and Women*, Jiangsu People's Publishing House, 2005, p. 156.

② Ding Juan, *Research on the Basic State Policy of Equality between Men and Women*, China Women's Publishing House, 2005, p. 121.

relatively independent, or may even contain or contradict one another. For instance, it is quite possible that a person may know politics quite well on one hand but dodges politics psychologically or behaviorally or even may develop an aversion to politics.^① Therefore, an all-round investigation into women's political participation requires a multi-perspective view and a multi-indicator assessment system through which the whole landscape of a nation's gender equality and women's political participation can be examined.

Women's political participation discussed in this chapter focuses on power participation (political pursuit), with additional reference to women's political participation in a broader sense. It is because the author believes that in China today, the main issue in women's political participation is all about women's direct political pursuit and holding leading positions, not the right to vote. This is an issue of historical reasons. Since China was founded, women have been given equal rights with men according to law. Though some rights may sometimes remain as lip service due to social and cultural reasons, other rights have been entitled, such as the right to vote and to stand for election, which, unlike in China, has been long sought after by the Feminist Movement in the West. The key issue in women's political participation today is the great challenge and constraint women face in their political pursuit due to the influences of the rigid gender culture and the patriarchy system.

In addition, researches and investigations have discovered that the sex and position of a decision maker have a significant impact on his/her

^① Ding Juan, *Research on the Basic State Policy of Equality between Men and Women*, China Women's Publishing House, 2005, p. 122.



view on gender equality. To the question whether there exists inequality between men and women, notably more men than women answered “basically no” while a considerably larger number of women than men replied that gender inequality “widely exists,” accounting for 20.7% of total women interviewed. ①

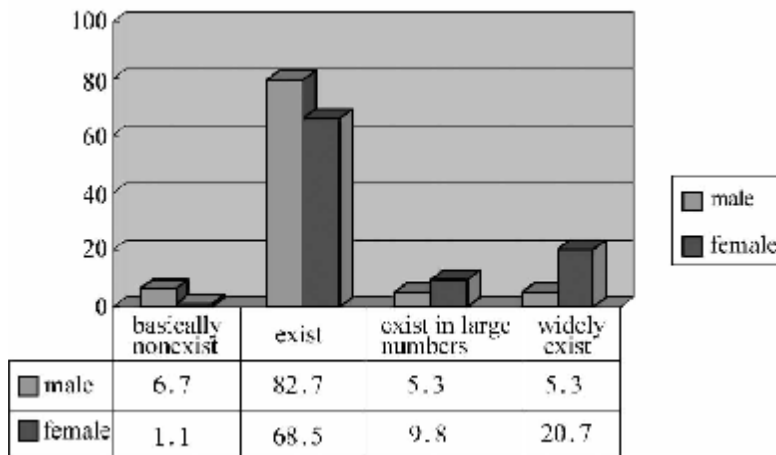


Figure 3. Views of Male and Female Interviewees towards Whether Inequality between Men and Women Exists (%)

Besides, in comparing the social status of Chinese women with men at present, 60.7% thought women’s status are relatively low while 32.6% argued that they are “almost the same.” Results of cross analysis indicated that those who thought women enjoy a higher status than men were male while 20.7 percentage points more women than men thought otherwise. ② Obviously, to raise women’s proportion in political participation serves not only as a measure to safeguard women’s rights and interest but also a means to change the mentality of the whole society

①② Xiao Yang, “Survey and Analysis of Gender Awareness among Senior Decision Makers,” in Women’s Studies Institute of China, *Report on Gender Equality and Women’s Development in China (1995 -2005)*, Social Science Academic Press, 2006.

towards gender issues.

I. Cross-country and Historical Comparisons of Women's Political Participation in China

Theoretically, there are three comparative dimensions in discussing women's political participation in current China. First, an inter-country comparison to discover how China fares in realizing gender equality in the political field and its position in the world by comparing Chinese women's political participation with that of other countries under the same time frame; second, a historical comparison to reveal how women's political participation develops in China and where it stands in the history through an account of Chinese women's political participation in different historical periods; third, to use the gender ratio in the whole population as a reference, which stands currently at 48.5 to 51.5, to find out the gender gap in Chinese women's political participation. On the whole, these three dimensions are sufficient to identify the position of Chinese women's political participation. Generally, there is not yet a single country in the world whose indicators of gender equality in the political field have ever gone hand in hand with the gender ratio. Even in Iceland, a country in which the political power for men and women is close to equal, its GEM is only about 0.847 against the ideal ratio of 1.^① Therefore, the third dimension is integrated to the first and second dimensions. Though it must be mentioned, the third dimension should be

^① Wang Ruiqing, "Women's Political Participation Behaviors and Civilization of Political Behaviors," *Collection of Women's Studies*, 4, 2005.



today's practice target of gender equality in the political field.

1. Cross-Country Comparison

In this dimension, the global concern towards women's political participation boils down to three layers, first, the attainment of women's right to vote and to stand for election; second, women's status in parliament; and finally, how women run the government.

Women in most countries were given the right to vote and to stand for election ^①later than men. It was as late as the 20th century when a large majority of countries began, one after another, to grant women with both or either right. Painstakingly as those countries made each their step, they evolve differently in this endeavor. In 2005 when women in Kuwait were given the right to vote, it signified that women in most countries in the world had gained the most fundamental right, i. e. , the right to vote, on the political stage of democracy. The People's Republic of China gave equal rights to men and women the right to vote and to stand for election in 1949 when it was founded, ensuring women's access to the basic political right. Therefore, as far as the right to vote is concerned, China is well ahead of many countries.

Another important indicator is the percentage of women in parliament. Since World War II was ended in 1945, women's status in parliament has become a measurement of a nation's overall gender equality, and one of the indicators of the world's development level of political civilization. Statistically, the percentages of women MPs and senators were growing steadily from 3% and 2.2% to 11.6% and 9.4%

^① Hereinafter the right to vote and to stand for election is referred to as the right to vote.

in 1995. In each of the top 10 countries, the number of women accounts for more than 34% of the total in national parliaments, though none has yet reached 50%. Interestingly, all these top 10 countries are quite small in terms of territory. All these data indicate that gender equality has made substantial progress in political participation globally. However, aiming better, there is still a long way to go, especially for those so-called big nations.

Table 2. Women in National Parliaments in the 1950's (1945 - 1995)

Year	1945	1955	1965	1975	1985	1995
Number of Parliaments	26	61	94	115	136	176
% of Women MPs in Lower or Single House	3.0	7.5	8.1	10.9	12.0	11.6
% of Women Senators in Upper House or Senate	2.2	7.7	9.3	10.5	12.7	9.4

Source: International Parliament Union: <http://www.ipu.org/wmn-e/history.htm>.

Table 3. Top 10 Countries in the Percentage of Women in Parliament

Rank	Country	Lower or single House			Upper House or Senate		
		Seats	Women	% Women	Seats	Women	% Women
1	Rwanda	80	39	48.8%	26	9	34.6%
2	Sweden	349	158	45.3%			
3	Norway	169	64	37.9%			
4	Finland	200	75	37.5%			



continued

Rank	Country	Lower or single House			Upper House or Senate		
		Seats	Women	% Women	Seats	Women	% Women
5	Denmark	179	66	36.9%			
6	Netherlands	150	55	36.7%	75	22	29.3%
7	Cuba	609	219	36%			
	Spain	350	126	36%	259	60	23.2%
8	Costa Rico	57	20	35.1%			
9	Argentina	257	90	35%	72	30	41.7%
10	Mozambique	250	87	34.8%			

Source: <http://www.ipu.org/wmn-e/classif.htm>.

When comparing China with other countries, China tends either to lead or to fall behind. It drops from the 12th to the 47th in ranks despite the fact that its percentage of women deputies in the NPC has remained at 20%.

Table 4. Percentages and Ranks of Women in Parliament by Country^①

Time	June 1994		Jan. 1997		Jan. 2000		April 2000		Feb. 2006	
	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank
China	21	12	21	16	21.8	20	21.8	24	20.3	47
S. Africa	25	7	25	13	30	8	30	8	32.8	14
Iceland	23.8	8	25.4	10	34.9	6	34.9	6	33.3	13
Germany	20.5	13	26.2	9	30.9	7	30.9	7	31.8	16

^① Adapted from the website: www.ipu.org/wmn-e/classif.htm.

The author chooses several countries for a comparison with China and finds out that the number of women in parliament throughout the world grows very rapidly. In South Africa, the percentage increased continuously from 25% in 1994 to 32.8% in 2006, but its rank dropped from the 7th to the 14th. It is quite the same with Germany and Iceland, those countries also experienced a rapid growth but their ranks fell together with a slightly lower percentage. From this comparison, it can be concluded that a lower position in ranks does not necessarily mean China moves backward in its gender equality process. In the 21st century since all the countries are pushing forward gender equality at a faster pace, it is imperative that the percentage of women deputies in the NPC will be raised or China will be left far behind.

Apart from the percentage of women in parliament, the percentage of women speakers and the percentage of women officials at or above the ministerial level of the government are also considered major indicators of a nation's gender equality at the decision-making level. It is much harder, however, for women to be selected to preside over parliaments or to take ministerial or above positions. As of July 10, 2006, only 26 women were presiding over one of the Houses of the existing 189 Parliaments, 75 of which were bicameral. That is to say, women occupied only 9.8% of the total number of 264 posts of presiding officers in parliament or of one of its houses.^① So far in China the very first Chairwoman of the Standing Committee of the NPC is not yet to be born.

An even lower percentage of minister-level women officials are recorded in the government. According to the statistics of the UN (2000), the percentages of women officials at the ministerial and the

^① Data sourced from <http://www.ipu.org/wmn-e/speakers.htm>.



deputy ministerial levels were 3.2% and 6.2%. In the entire government, women officials only accounted for 5.8% of the total.^① All these reflect that the government is the weakest link in women's political participation. China has a higher percentage of women officials in the government than the world's average, with more than 8% women officials at or above ministerial level. (Please see Table 10)

It should be noticed that different countries exhibit different features in women's political participation. For instance, women's participation in parliament is quite low in both Britain and France, but higher in the government. In Britain, the percentage of women in parliament is 17.1% while that of government is 35.3%. In France, the two percentages are 8.7% and 30.3% respectively. Spain has a totally different picture with a higher percentage of women in parliament and a lower one in government. In countries like Belgium, Luxemburg, Austria and Portugal, percentages of women in parliament and the government are of average.^② Since statistics of officials in the Chinese government are not yet available,^③ we sourced the following information from the Organization Department of Shanghai Municipal Party Committee. In 2005, percentages of women in Shanghai Party committee and Shanghai municipal government, SPC and SPPCC were 26.5%,

① Shanghai Women's Federation, Shanghai Working Committee of Women and Children and Shanghai Women's Society (eds.), *Women's Development Oriented towards the 21st Century in Shanghai (1990-2000)*, China Women Publishing House, 2003.

② Data of the percentages of women in national parliaments of EU countries (2000) are sourced from the Database of Women Decision Makers in Europe and Berlin Women Computer Center (<http://www.DB-DECISION-DE/INDEX.HTML>).

③ China does have statistics of government officials (as mentioned later in this paper), but they are based on a wider coverage which makes it impossible to compare with other countries.

24.2% and 18.1%^① respectively. The former two percentages are quite close while the latter one is slightly lower. From this, we can see that the level of women's participation both in parliament and government in China is only at the average level.

In terms of regions, the EU, on the whole, tops the list in women's political participation. As EU's statistics in 2000 show, the percentage of women in the lower or single house in the EU's 15 member states averaged at 20.6%, in contrast to 13.9%^② of the world's average. Women in north European countries enjoyed a higher level of participation than their counterparts in other parts of the world with a percentage of 38.8% on average, 3 times of the world's average^③ High percentages of women in parliament in the EU countries can be explained on many counts. First, most EU countries have adopted a proportional representation system or a mixed system which are favorable for women to be elected. Second, EU holds that the value system of women, in general, is anti-violence and pro-dialogue, featuring cooperation, consultation and peace, with focuses on quality of life and concerns for future generations. Third, the EU established a full-fledged operating mechanism to promote gender equality in decision making.^④

In terms of government, many countries endeavor to push forward

① Shanghai Bureau of Statistics and Shanghai Working Committee of Women and Children (eds.), *Gender Development in Shanghai: 2005 Gender Statistics Handbook*, pp. 78,80.

② 2001 Statistics of IPU.

③④ Shanghai Women's Federation, Shanghai Working Committee of Women and Children and Shanghai Women's Society (eds.), *Women's Development Oriented towards the 21st Century in Shanghai (1990 - 2000)*, China Women Publishing House, 2003.



gender equality in political participation in various aspects such as mechanism, law enforcement and so on. Take South Korea as an example. In the spirit of the Declaration of the 1st World Conference on Women, South Korea established in 1983 the Organization of Women's Development as the only national organization in administering women's issues. Reporting to the Ministry of Health and Welfare, this organization is responsible for research, education and training of women, promoting women's participation in social development and ensuring women's access to social benefits. In 1998, South Korea set up the Special Committee of Women's Affairs under the Office of the President, which was upgraded to the Ministry of Gender Equality in 2001, becoming the first government organization specialized in gender equality in the history of South Korea. Apart from institutional commitments, South Korea also gives full budgetary support to women's development and promotes gender mainstreaming in the legal arena. As a result, South Korea jumps from the 31st, 37st, and 90th in HDI, GDI and GEM to the 28th, 27th and 59th respectively, which clearly demonstrates South Korea's leap-forward development in the past decade in women's political participation and the driving momentum it provides to the whole country's gender equality endeavor. ^①

In the past decade, the Organization Department of the Central Committee of the CPC has made various experiments in raising the level of women's political participation, though progressing at a relatively slow pace. It has become quite obvious that China's sluggish growth in this

^① For more details, please refer to Liu Bohong, "The Establishment and Development of the Mechanism of Promoting Women's Status in South Korea and Inspirations for the Mechanism of Promoting Women's Status in China," in *Collection of Women's Studies*.

respect fails to catch up with the global trend in this era when the rule of either to lead or to fall behind is at play. As mentioned previously in this paper, China's position in the world in terms of the percentage of women deputies in the NPC fell from the 12th in 1994 to the 47th at present. It is also the case in other rankings. For instance, according to the UN's report in 1995, China's GDI ranked the 71st, at or below average. China's HDI, on the other hand was among the top 7, suggesting that gender equality in China was in a quite good shape. In the UN's 2002 report, however, China's GDI fell by 6 rankings, due to such major factors as difficulties of women (including female university graduates and postgraduates) in getting jobs and an increasingly larger gap in real incomes between men and women. In 1995, China ranked the 23rd in terms of GEM which means Chinese women's participation in public affairs is at or above the average level in the world. In the following years, China's GEM rank dropped slightly as a result of a lower percentage of women in senior management and decision-making posts in various organizations.^① It is thus clear that the rule of either to lead or to fall behind in women's political participation also affects the development of gender equality in other areas in China.

The inter-country comparison sheds light on the current development of gender mainstreaming around the world and its challenges to China. Other countries provide useful experiences for China to follow. When incorporating the gender awareness into the mainstream of decision-making, the author proposes that practices of EU countries, South Korea and other countries should be considered to identify the right

^① Wang Hongwei, *Measuring Gender Equality with GDI and GEM*, http://www.chinapop.gov.cn/rklt/zjz/t20060223_56225.htm, February 23, 2006.



orientation and path to mainstream gender awareness in China.

2. Historical Comparison

From the historical perspective, women's political participation in China can be divided into three phases. The first phase, from 1950 to 1980, features a top-down appointment system with strictly provisioned quotas to secure a large percentage increase of women officials.^① The second phase, from 1980 to 1990, sees some sort of a competitive appointment system on the debris of the old quota provision system and a consequently sharp fall in the level of women's political participation. The third phase, from 1990 to the present, explores the combination of the competitive appointment system with the percentage of women's political participation.^② These three phases of development are defined with quite clear demarcations in the CPC Central Committee, the NPC and the CPPCC.

Table 5. Number and Gender Structure of CPC Central Committee Members and Alternate Members in History

Session and Year	Total Number		Gender Structure(%)	
	Female	Male	Female	Male
8 th (1956)	8	162	4.7	95.3
9 th (1969)	23	256	8.2	91.8
10 th (1973)	41	278	12.9	87.1
11 th (1977)	38	295	11.4	88.6
12 th (1982)	14	324	4.1	95.9

① As compared with that of the Nationalist Government.

② Li Huiying, "Women's Political Participation on the Brinks of Power," *China Women's News*, September 6, 2005.

continued

Session and Year	Total Number		Gender Structure(%)	
	Female	Male	Female	Male
13 th (1987)	22	263	7.7	92.3
14 th (1992)	24	295	7.5	92.5
15 th (1997)	25	319	7.3	92.7
16 th (2002)	27	329	7.6	92.4

Source: Statistics from the Organization Department of CPC Central Committee, Population, Social Science and Technology Statistics Department of the National Bureau of Statistics(ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

Though the percentage of women in the CPC Central Committee is lower than that of the NPC and the CPPCC, its evolvement along the time can still be clearly traced. The percentage of women in the 12th Central Committee was more than 7 percentage points lower in 1982, down by almost two thirds. It picked up in 1987 and remained at 7.5% ever since. As of 2002, the percentage of women members in the Central Committee still was 5 percentage points short of the record high in history.

Table 6. Number and Percentage of Female Deputies and Standing Members of the NPC in History

Session	Year	Female Deputies	%	Female Standing Members	%
1 st	1954	147	12	4	5
2 nd	1959	150	12.3	5	6.3
3 rd	1964	542	17.8	20	17.4
4 th	1975	653	22.6	42	25.1



continued

Session	Year	Female Deputies	%	Female Standing Members	%
5 th	1978	742	21.2	33	21
6 th	1983	632	21.2	14	9
7 th	1988	634	21.3	16	11.9
8 th	1993	626	21.03	19	12.3
9 th	1998	650	21.81	17	12.69
10 th	2003	604	20.2	21	13.2

Source: All-China Women's Federation, *Women and Children in China Today: Facts and Data*, August, 2003.

As regards the percentage of female deputies and standing members of the NPC in history, the level of women's political participation in the 1970s was increased by a large margin. The percentage of female standing members, in particular, rose to a record high and remains till today. In the 4th NPC convened in 1975, the percentage of female standing members reached 25.1%, higher than that of female deputies which stood at 22.6%. Generally, deputies elected as standing members are usually those so-called chief leaders in the highest positions of major departments at all levels. Therefore, the percentage of female standing members may serve to indicate that the percentage of women officials in leadership at various levels is quite high. ① It should be noticed that in the 1980s, while the percentage of female deputies fell only slightly, the

① Ding Juan, "Women's Political Participation in China," in Tan Lin and et al, *Report on Gender Equality and Women's Development in China (1995 - 2005)*, Social Science Academic Press, 2006, p. 53.

percentage of female standing members decreased from 21% in 1978 to 9% in 1983, from which we may assume that the percentage of women in leading positions in major departments at all levels also declined sharply.

Table 7. Number and Percentage of Female Members and Standing Members of the CPPCC

Session	Year	Female Members	%	Female Standing Members	%
1	1949	12	6.6	4	6.9
2	1954	83	14.3	5	6.5
3	1959	87	8.1	8	5
4	1969	76	6.3	9	5.6
5	1978	289	14.5	24	7.6
6	1983	258	12.5	33	11
7	1988	288	13.8	28	10
8	1993	283	13.52	29	9.2
9	1998	341	15.54	29	8.97
10	2003	373	16.7	35	11.71

Source: All-China Women's Federation, *Women and Children in China Today: Facts and Data*, August, 2003.

The proportion of female members of the CPPCC changes in a similar manner as that of the NPC, with a slight downturn from 1978 to 1983. One thing worth mentioning here is that the proportion of female standing members in the CPPCC was not affected and rose instead of falling. It might be inferred that changes in national policies in promoting officials only affect the democratic parties to a small extent.



When we use the following table to compare changes in the number of female members of the CPC Central Committee, female deputies of the NPC and female members of the CPPCC, we come to find that at any given time, the proportion of female members in the CPC Central Committee is lower than that of the CPPCC, which is, in turn, lower than that of the NPC. Moreover, the CPC Central Committee has the largest degree of change in percentage points in the number of its female members followed by the CPPCC while the NPC is of the smallest change. This partially explains that party officials are most susceptible to changes in personnel policies of the government.

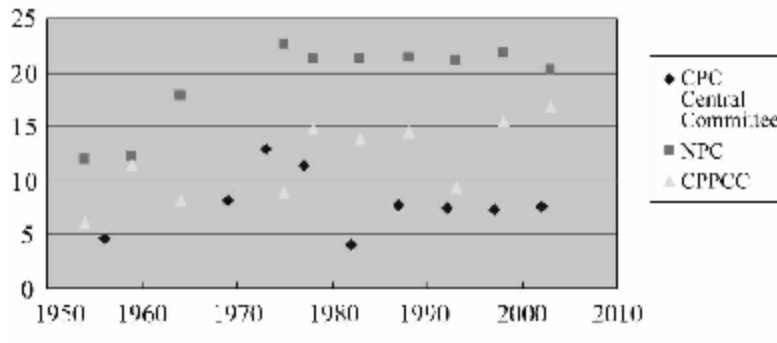


Figure 4. Percentage of Female Members in the CPC Central Committee, Female Deputies of the NPC and Female Members of the CPPCC (%)

Evidently, women's political participation in China, from the historical perspective, does not evolve linearly, but in curves with ups and downs. The good news and bad news both are that it tends to stabilize currently and it has not yet hit the historical high.

The inter-country and historical dimensions constitute the horizontal and longitudinal axes to define where China stands now in gender mainstreaming in the political arena.

II. Women's Political Participation in China in the 21st Century and Its Causes

A large majority of countries in the West secure the percentage of women's political participation through the quota system which guarantees in legal forms, in either Constitution or laws, the minimum percentage of women (or of men and women) candidates or candidates elected. Most quota systems require that women should at least account for 20%–30% of the total number to make sure their views are heard and have some weight with decision-making, thus this percentage is also referred to as the “key minority.” China, however, has managed to maintain around 20% of women deputies in the NPC and 7.5% in the CPC Central Committee, a far cry from the minimum 30% of women at the decision-making level advocated by the UN in 1995. Therefore, the level of women's political participation in China, on the whole, is quite low and grows slowly.

The government seems to be far better in this regard. Statistics show that the percentage of women officials in the government jumped from 33.3% in 1995 to 36.2% in 2000 and further to 37.4% in 2002.^① It should be noticed that women officials thus calculated include those who work for the Party committees, governments, people's congresses, political consultative conferences, courts, procuratorates, democratic parties, people's organizations at all levels, as well as those who are employed as managers and professional technical personnel in state-owned enterprises,

^① Women's Studies Institute of China (ed.), *Report on Gender Equality and Women's Development in China (1995 - 2005)*, Social Science Academic Press, 2006, p. 59.



government-affiliated companies and economic organizations.^①That is to say, the term of women officials does not refer exclusively to women leaders, but to all women employees in above-mentioned organizations apart from female public servants. Traditionally, in the eyes of the Chinese people, officials are equivalent to leaders. The term of women officials is also different from the conception of women officials in the western culture.

Table 8. Total Number of Officials in China and Gender Structures (2000 - 2002)

Year	Number of Officials (in 10,000)		Gender Structure(%)	
	Female	Male	Female	Male
2000	1,490	2,624	36.2	63.8
2001	1,488	2,563	36.7	63.3
2002	1,493	2,498	37.4	62.6

Source: Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

In a narrower definition, altogether there are 48 women officials in the leadership of the CPC Central Committee, ministries and commissions of the Central Government; 56 in party committees and governments in 31 provinces, autonomous regions and municipalities under the direct jurisdiction of the Central Government; 647 in the Party committees and governments of

^① Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004, p. 87.

396 cities (including prefectures and unions) around the country; and 4,353 in 2,813 counties (including county-level cities, districts and banners). Among them, 3 are vice chairwomen of the Standing Committee of the NPC, 1 female deputy premier, 2 female vice presidents of the CPPCC, and 1 female state councilor. ①

The percentages of women delegates in the 15th and 16th National Congress of the CPC also indicate a low level of women's political participation. Notably, the percentage of women lowers as it gets higher up on the political ladder.

Table 9. Number of Women Delegates in the 15th and 16th National Congress of the CPC

16 th National Congress	15 th National Congress					
	Female	Total	%	Female	Total	%
Delegates	344	2,048	16.8	382	2,114	18.1
Members of the Politburo	0	22	0	1	24	4.2
Members of the Central Committee	8	193	4.1	5	198	2.5
Alternate Members of the Central Committee	17	151	11.2	22	158	13.9
Members of the Discipline and Supervision Commission of the Central Committee	14	115	12.1	14	121	11.6

Source: All-China Women's Federation, *Women and Children in China Today: Facts and Data*, August 2003.

① Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004, p. 82.



Apart from a lower percentage of women's political participation, the other two outstanding issues in this respect in China today are a lower percentage of women in key posts and a fewer number of women in chief positions. Statistics show that the percentage of women officials declines by a large margin from the division-director level to the director-general and further to the ministerial level. Women only take up 8% of the total number of ministers and minister equivalents. Moreover, women leaders in chief ministerial positions are quite a rare phenomenon, with only one female governor (in Qinghai Province) and a limited number of female ministers. Leadership at the grass root level records a similar case. Therefore, how to raise the percentage of women in key positions with decision-making power has become a bottleneck that challenges women's political participation in China today.

Table 10. Gender Structure in the Leading Bodies at or above Country or Division-Director Level (2000 - 2002) unit: %

year	At or above Governor/ Minister Level		At Prefecture or Director-General Level		At County or Division- Director Level	
	Female	Male	Female	Male	Female	Male
2000	8.0	92.0	10.8	89.2	15.1	84.9
2001	8.1	91.9	11.0	89.0	15.5	84.5
2002	8.3	91.7	11.7	88.3	16.1	83.9

Source: Data from Monitoring and Assessment Results of the Two Outlines. Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

Percentages aside, the third issue concerns the rigid mindset of confining women to a limited range of key positions in the government. More women officials are in cultural, educational and health care

departments and fewer in economic development and other major decision-making bodies, a result mainly caused by an inflexible gender culture. Traditionally, neighborhood committees are considered synonymous to a place for housewives while village committees are men's territory. The actual power of neighborhood committees has been increasingly compromised by village committees. We may discover from the following gender structure in village committees and neighborhood committees that this biased gender culture has profound impacts.

Table 11. Gender Structure in Village Committees and Neighborhood Committees (2000 - 2002)

	2000		2001		2002	
	Female	Male	Female	Male	Female	Male
Village Committees	15.7	84.3	15.5	84.5	16.2	83.8
Neighborhood Committees	59.1	40.9	58.7	41.3	60.6	39.4

Source: Data from Monitoring and Assessment Results of the Two Outlines. Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

Through studies of village committees, researchers find that when women do appear on the list of candidates, their preferred choices focus, without exception, on such posts as women's work and family planning. Reasons behind are quite complicated. It might be caused by the limited and stereotyped view villagers and officials hold towards women's political participation. Factors in mechanisms may also at play, such as the common practice at the grass root level under the planned economy of entrusting the chairwoman of the women's congress with the responsibility of family planning. Yet, the deep-seated gender biases are



at the core of the matter. In some places, over 80% of the villagers insist women officials are made for positions of family planning and women's work when men are born for key responsibilities like economic development. Such views are found to be prevalent even among people in leading positions in some localities.^①

In today's world when gender equality is progressing with leaps and bounds, China should adopt effective measures to turn around the status quo by addressing the current three major issues in women's political participation, i. e. , a lower level of women's political participation, a smaller percentage of women on chief and key posts, and a stereotyped and rigid gender culture that confines women to a limited number of positions in government organizations.

The Chinese government has long before realized these problems and a series of measures have been undertaken in accordance.

Since the policy of reform and opening up was adopted, China has put in place a system of policies in training and selecting women officials with the Marxist outlook on women as the guidance, the basic state policy of equality between men and women as the foundation, women's participation in decision-making at all levels as the main objective, and women's enhanced overall quality and self development as the priority. At the national level, measures and objectives of training and selecting women officials have been integrated into policies of the Party committee, the government and

^① Du Jie, "Review and Research of Women's Participation in Rural Autonomy in China," in Tan Lin and et al, *Report on Gender Equality and Women's Development in China (1995 -2005)*, Social Science Academic Press,2006, p. 271.

the NPC. For example, the report of the 15th Party Congress and the *Constitution of the Communist Party of China* (1997) approved by the 15th Party Congress reiterated that the Party attaches great importance to training and selecting women officials and officials of minority nationalities (Section 33, Chapter 6). It is also provided for in the *Working Protocol of Rural Grass Root Organizations of the Communist Party* (1999) that greater attention should be given to recruiting excellent young people and women as the Party members (Section 30, Chapter 7). The *Election Law of the People's Republic of China on the National People's Congress and Local People's Congresses* (1995) stipulates that there should be an appropriate number of women deputies in the NPC and local people's congresses at all levels and that the percentage of women deputies should be raised on a gradual basis (Section 6, Chapter 1). Many other laws, regulations and policies such as the *Law of the People's Republic of China on the Protection of Women's Rights and Interests* (1992) (hereinafter referred to as the Law on Women's Protection) and the *Outline of Women's Development in China (1995 - 2000)* further unveil outstanding problems in training and selecting women officials with countermeasures and targets.

In some departments, particularly the personnel departments in both the Party and the government, specific policies and targets are set for training and selecting women officials. For example, from 1990 to 1998, the Organization Department of the CPC Central Committee and the All-China Women's Federation organized four working conferences in this regard, formulating a number of



documents and regulations concerning the targets and standardized practice of training and selecting women officials and recruiting women Party members, such as the *Opinions on Strengthening the Work of Training and Selecting Women Officials in Reform and Opening Up* (1998), *Minutes of the National Seminar on the Work of Training and Selecting Women Officials* (1990), *Minutes of the National Seminar on the Work of Training and Selecting Women Officials and Recruiting Women Party Members* (1995), *1998 - 2003 Outline of the Leadership Development Plans of the Party, the Government and the Army* (1998), and *Temporary Regulations on the Work of Reserve Officials for Leading Positions of the Party and the Government* (2000).

At the local level, a number of preferential policies and measures have been adopted, including such local practices as special treatment, quota, principle of priority, designated exchange of positions, reserved chief positions, additional positions, first in and last out and so on.

Du Jie, "An Assessment of Policies and Measures in China of Training and Selecting Women Officials and Analysis of Social Gender", in *A 10 - Year Study of Women in China (1995 - 2005) : Responding to the Beijing Platform for Action*, pp. 327 - 328.

After a number of measures were taken, the level of women's political participation has, in general, picked up slowly but it is too early to wrap up and say it has ceased to be an issue. Some people attribute the lower level of women's political participation to women's inherent nonchalance towards politics. As a matter of fact, according to the

statistics from the 2nd Survey of Women's Social Status in China, in the past 5 years, little difference in gender was recorded as female and male candidates for local people's congresses were 73.4% and 77.6% of their respective populations. 65.8% of women and 77.4% of men voters were "voting conscientiously based on a thorough understanding of the candidates."^①

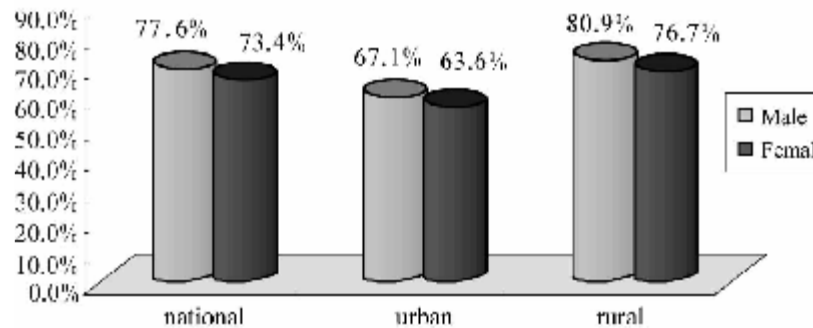


Figure 5. Urban-Rural and Gender-based Participation in Elections of Deputies of Local People's Congresses

Source: The 2nd Survey of Women's Social Status in China (2000).

As the 2nd Survey of Women's Social Status in China (2000) shows, regarding the reasons for a relatively lower proportion of women in leading positions, 77.8% of people surveyed thought it was because of the social prejudice against women, 59.1% attributed it to incompetent training and selecting, only 25.7% put the blame on lack of capabilities of women leaders. No big difference was observed between urban and rural residents or between men and women. It proves that social prejudice and an unsound training and selecting mechanism are the main reasons for a lower proportion of women leaders.^②

^{①②} The All-China Women's Federation and the National Bureau of Statistics, "Main Statistical Report," in *The 2nd Survey of Women's Social Status in China*, September 4, 2001.



Due attention should also be given to other three factors in the mechanism.

First, the relationship between the designated rate and the quota system. As mentioned above, the quota system practiced by a large majority of western countries at present target at 20%-30% of women leaders among the total. It is the minimum percentage to ensure women's opinions are voiced and have the power to finally influence decision-making, thus this percentage is also called the "key minority". But China adopts a designated rate of women officials in leading positions at various levels, which is different from the quota system. The designated rate stands for the percentage of leading positions with one or more women leaders among all leading positions in the Party committee and the government in a specific area.

In the *Opinions on Further Strengthening the Work of Training and Selecting Women Officials and Recruiting Women Party Members* issued in 2001, the Organization Department of the CPC Central Committee requires that Party committees, people's congresses, governments and political consultative conferences at the provincial level and the Party committees and governments at the county level should have at least one woman officials in their respective leading positions, while at least half of the leading positions of departments in the Party committees and governments in provinces, autonomous regions, municipalities under the direct jurisdiction of the central government and cities should be female. Women officials should enjoy priority in being selected and assigned for leading positions in departments of education, science and technology, culture, health care, sports, family planning, civil affairs, judiciary, labor and social security. Leading positions of women-intensive industries and companies should leave more positions for

women officials. ① Statistically, the designated rate is often advocated as a major benchmark for assessment.

Table 12. The Designated Rate of Women Officials in Leading Positions at Different Levels (2000 – 2002) ②

Leading Positions at Different Levels	2000	2001	2002
Provincial Party Committee	77.4	93.5	96.8
Provincial Government	64.5	61.3	64.5
Prefectural Party Committee	59.2	66.7	71.2
Prefectural Government	65.1	65.7	69.4
County Party Committee	61.6	61.6	67.5
Country Government	59.8	59.9	70.0

Source: Data from Monitoring and Assessment Results of the Two Outlines, Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

Because the quantified gender target of *at least one* woman official is not as scientific as the international percentage-based practice, the *at least one* target imposed upon leadership at the provincial or minister level to ensure women's political participation may result in only 10% of women officials or even less. To make things even worse, due to weak implementation of gender-based political participation policies, the *at least one* target is usually, in practice, interpreted as *the only one*, making it an exclusive competition

① The Organization Department of the CPC Central Committee, *Opinions on Further Strengthening the Work of Training and Selecting Women Officials and Recruiting Women Party Members*, 2001 (7).

② Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.



among women and thus the policy only remains a formality.^①

The designated rate did play a positive role as a target in the history but whether it still does in current circumstances is questionable. A more rational target is required to make sure that women's political participation is more effectively upgraded.

The second issue is about the political representation of non-partisan and intellectual women officials of minority nationalities. China's political participation assessment system includes criteria other than gender-based targets, such as the percentages of non-partisan members, intellectuals and minority nationalities. Since these four groups are usually marginalized in the election and promotion of officials, organizations tend to look for people who can satisfy the four criteria in one, thus giving rise to the so-called non-partisan and intellectual women officials of minority nationalities. Such practices not only undermine women's political representation, but also make it less possible for women to play a key role in decision-making since women can only become a deputy under such a capacity.^②

The other side of the coin turns out to be a quite different issue. If the Party membership is emphasized in selecting or promoting officials, women are still disadvantaged. According to statistics, among the 1,178 samples of village committees, 75.9% have women members while 57.6% of the Party committees in these villages have no women members.^③ It is mainly because

① Li Huiying, "A Review and Assessment of Women's Political Participation in China in the Past 10 Years," *Collection of Women's Studies*, 6, 2005, pp. 34-38.

② Tan Lin, "Promoting Equal Participation of Both Sexes in Decision Making Processes: Starting from the Phenomenon of Non-Partisan, Intellectual, Ethnical Women Officials," *Population Studies*, 2, 2006.

③ The All-China Women's Federation and the National Bureau of Statistics, "Main Statistical Report," in *The 2nd Survey of Women's Social Status in China*, September 4, 2001.

among the Party members, women are disproportionately represented.

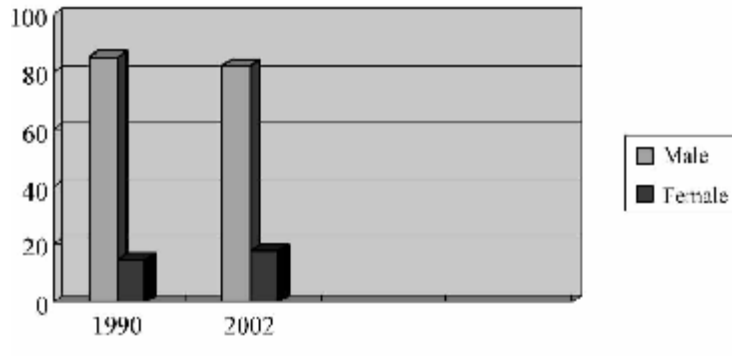


Figure 6. Gender Structure of Members of the CPC in 1990 and 2002

Source: Statistics from the Organization Department of the CPC Central Committee. Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

Those male Party members outnumber the female ones by more than four times indicates that when the Party membership is required with other conditions being equal the percentage of women leaders is kept under 20%. This is closely linked to a low percentage of women members in the CPC Central Committee. When non-partisan and intellectual women officials of minority nationalities are disqualified and when gender ratio among the Party members is at play, it requires more urgently an institutional reform to address the issue of women's political participation.

Thirdly, of equal importance is that the current regulations on the promotion of both the Party and government officials to leading positions do not take into account differences between the two sexes. *Regulation on the Work of Selecting and Appointing Party and Government Leaders* (1995) specifies that Party and government leaders eligible for



promotion should meet the following conditions: candidates for positions at the county or division director level should have an employment history of more than five years plus a two-year working experience in grass root organizations; candidates for positions above the county or division director level should have working experiences in two subordinate posts; candidates to be promoted for chief positions from deputy ones should have at least a two-year working experience in the deputy post while candidates for deputy positions from subordinate principal posts normally should have at least a three-year working experience as the chief in the subordinate position. Reserve officials for governor or minister positions consist mainly of officials in the age group from 45 to 50; 40 – 55 – year-old for city or prefectural positions and 35 – 40 for reserve officials at the county or city level. ^①

Some scholars claim, “These regulations have not considered the fact that most women officials in their 30s are at a special stage of child-bearing (including pregnancy, feeding and nursing) with heavier burdens from both work and household chores. Their appointment, cross assignment and rotation are thus subject to the child-bearing obligation. These regulations, in practice, may cause discrimination against women officials, leaving them way behind their male counterparts in career development when they come back from child-bearing. . . . In the mean time, women’s early retirement is also detrimental to women officials’ appointment and promotion and their access to the senior leadership. According to the above-mentioned age requirements for reserve officials, women officials are supposed to retire at 55, which means they are less

^① The Organization Department of the CPC Central Committee, *Temporary Regulation on the Work of Reserve Officials for Party and Government Leaders*, 2002.

likely to be put in the high leading positions. Though the Organization Department and the Personnel Department of the CPC Central Committee issued documents successively in 1990 and 1992, extending the retirement age for senior women experts and women division directors to 60, enforcement does not catch up.”^① Practically, stress from child bearing and obligations and compulsory retirement age stand in the way of promoting women’s political participation.

Fortunately, both the Party and the government have always attached great importance to this issue. The 5th Plenary Session of the 10th NPC discussed and approved in March 2007 the Draft Decision on the Quota and Election Issues of Deputies for the 11th National People’s Congress which stipulates that the percentage of women deputies should not be less than 22%. This will become a reality in the 11th NPC whose deputies will be elected on January 2008. It is the first time for China to specify the percentage of women deputies in the NPC, which will help sharpen women’s presence on major decision-makings and give better expression to women’s rights and interests and their views. Additionally, the government is also working harder to put forward more women-friendly policies by soliciting opinions from a wider range of people.

III. Shanghai: A Case Study

There are two reasons why this chapter chooses Shanghai for a case study following a detailed account of women’s political participation in the country. First, to question the view that women’s status is upgraded

^① Du Jie, “An Assessment of Policies and Measures in China of Training and Selecting Women Officials and Analysis of Social Gender,” in *A 10-Year Study of Women in China (1995-2005): Responding to the Beijing Platform for Action*, pp. 332-333.



consistently with economic growth; second, to analyze policy implementation in a specific locality by changing the perspective from the central to the local.

The 2nd Survey of Women's Status in China indicates that 73.9% of women and 73.6% of men associated women's status directly with economic growth. Or, to put it in another way, women depend on economic growth to improve their status. Does this conclusion apply in political participation?

Table 13. Women's Status Grows Together with Economy-Understanding the Relationship between Economic Growth and Women's Status

Opinions	Total		Urban		Rural	
	Female	Male	Female	Male	Female	Male
Totally Agree	38.3	33.2	38.2	32.7	38.3	33.4
Partially Agree	35.6	40.4	35.0	40.0	35.8	40.5
Partially Disagree	13.2	14.5	16.3	17.1	12.1	13.6
Totally Disagree	4.4	4.6	4.9	4.4	4.3	4.6
Hard to Decide	8.5	7.3	5.7	5.8	9.4	7.8
Total	100	100	100	100	100	100

Source: The 2nd Survey of Women's Status in China (2000). Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

As one of the strongest economies among all provinces and municipalities in China, Shanghai also is leading the country in the area of political participation? Women's proportions in SPC and SPPCC remain basically stable but Shanghai's position in the whole country fluctuates frequently.

Table 14. Gender Structure of SPC and SPPCC (2000 - 2005)

Year	Deputies of SPC		Members of SPPCC	
	Female	Male	Female	Male
2000	23.5	76.5	16.5	83.5
2001	23.5	76.5	16.8	83.2
2002	23.5	76.5	16.6	83.4
2003	24.4	75.6	17.8	82.2
2004	24.4	75.6	17.8	82.2
2005	24.2	75.8	18.1	81.9

Source: Statistics from the Organization Department of Shanghai Municipal Committee of the CPC. Shanghai Bureau of Statistics and Office of Shanghai Working Committee of Women and Children (eds.), *Gender Development in Shanghai: Shanghai Gender Statistics Handbook* (2005).

In 2003, for example, the percentages of women in the NPC and in the CPPCC were 20.2% and 16.7% respectively while those for Shanghai were 24.4% and 17.8%, a little bit higher than the national average. When it came to 2005, the percentage of women in the NPC rose to 22.3% and that of Shanghai was 24.2%, still slightly higher than the national average. However, a closer look at municipalities, provinces and autonomous regions with percentages higher than Shanghai, including Beijing (30.5%), Shanxi (24.8%), Anhui (27.7%), Guangdong (25.4%), Guangxi (26.4%), Guizhou (25.7%), Yunnan (26.5%) and Xinjiang (24.5%), leaves us no clue as to the link between economy and women's political participation. In terms of the percentage of women members in the people's political consultative conference, Shanghai reached 18.1% as compared with 19.5% at the national level, ranking the 21st among 32 provinces, autonomous regions and municipalities under the direct



jurisdiction of the Central Government.^① The proportion of women officials in the Party committees and government departments at various levels in Shanghai did not vary significantly from the national average level. It becomes quite evident that Shanghai does not exhibit the same leadership in women's political participation as it does in economy. After studying the rankings of different localities on the list and their economic performance, we find that gender mainstreaming in the political arena is not proportionately related to the level of economic growth in a locality. Therefore, that women's status grows naturally as the economy improves is rather a good wish than the real picture.

The point we wish to make here is that women's status cannot be changed by better economic performance. By combining the analysis of women's development from the historical perspective, we may conclude that a better political status for women and gender mainstreaming in the political arena must depend on the driving force of policy-making on the part of the government. Only when policies are in place will it be possible for gender mainstreaming to be materialized.

In the process of gender mainstreaming in the political arena in Shanghai, some interesting figures show up, stimulating us to think further on China's policy of gender equality.

The general picture in Shanghai is that the higher the rank, the lower the percentage of women. In 2005, the percentage of female division directors was 19.9%, declining sharply at the director-general level to 12% and bouncing back to 15.9% at the minister level. This seems to be quite puzzling and raises doubt over our conclusion. I consulted

^① Shanghai Bureau of Statistics and Office of Shanghai Working Committee of Women and Children (eds.), "Gender Development in Shanghai," in *Shanghai Gender Statistics Handbook (2005)*.

Table 15. Gender Structure of Leaders at Various Levels in the Party and the Government in Shanghai unit: %

Year	Officials in the Party and the Government		Division Directors		Directors-General		Ministers	
	Female	Male	Female	Male	Female	Male	Female	Male
2000	25.1	74.9	16.1	86.5	10.9	89.1	14.6	85.4
2001	25.3	74.7	16.8	85.6	11.8	88.2	19.5	80.5
2002	25.8	74.2	17.4	84.9	11.6	88.0	20.0	80.0
2003	26.1	73.9	18.1	84.3	11.8	88.2	14.6	85.4
2004	26.3	73.7	20.1	84.2	12.0	88.0	15.9	84.1
2005	26.5	73.5	19.9	84.5	12.0	88.0	15.9	84.1

Source: Statistics from the Organization Department of Shanghai Municipal Committee of the CPC, Shanghai Bureau of Statistics and Office of Shanghai Working Committee of Women and Children (eds.), *Gender Development in Shanghai: Shanghai Gender Statistics Handbook* (2005).

related government staff who responded quite simply that due to the very limited number of ministers plus a compulsory quota of women officials, the fraction becomes bigger when the denominator is smaller. From this perspective, we discover that the application of quota system in localities does have certain effects. Yet, the problem is that if the one-woman quota were abolished, the situation, as we judge from the figures, would unexpectedly become grave.

Altogether there are three to five officials in chief minister position with one woman normally. If the denominator is 3, then the percentage of women results in 33.3%, or, 25% if the denominator becomes 4, or 20% at 5. Were there no women at all at this level, what it would be like? The percentage would directly fall to 0%. This alerts us to the fact



that if no quota system was in place, the situation would become serious at least statistically, which makes the quota system a must. It also reminds us that when we talk in data, we should analyze and interpret them by putting them under specific contexts.

Table 16. Gender Structure of Officials in Chief Positions at Various Levels in Shanghai (2000 – 2005) unit: %

Year	Division Directors		Directors-General		Ministers	
	Female	Male	Female	Male	Female	Male
2000	13.5	86.5	9.0	91.0	25.0	75.0
2001	14.4	85.6	9.6	90.4	20.0	80.0
2002	15.1	84.9	13.7	86.3	33.3	66.7
2003	15.7	84.3	10.4	89.6	0.0	100.0
2004	15.8	84.2	11.4	88.6	0.0	100.0
2005	15.5	84.5	10.8	89.2	0.0	100.0

Source: Statistics from the Organization Department of Shanghai Municipal Committee of the CPC, Shanghai Bureau of Statistics and Office of Shanghai Working Committee of Women and Children (eds.), *Gender Development in Shanghai: Shanghai Gender Statistics Handbook (2005)*.

Besides, as the village and neighborhood committees in Shanghai develop, women are increasingly making their way into what was previously considered as men's territory, and vice versa, both in a central tendency. This indicates that gender mainstreaming in the political area in a certain locality is related closely to local measures concerning cultural, economic and political affairs as well as to a gradually closing gap between the opposite sexes.

It should be noticed that presently in Shanghai quota is still one of the targets in the latest plan for women's development and that the plan

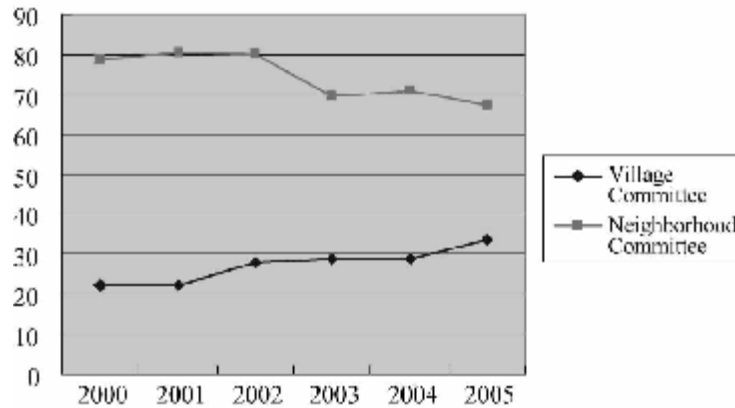


Figure 7. Percentages of Women Members in Village and Neighborhood Committees (2000 – 2005)

Source: Statistics from the Annual Report of Shanghai Municipal Administration of Civil Affairs, Shanghai Bureau of Statistics and Office of Shanghai Working Committee of Women and Children (eds.), *Gender Development in Shanghai: Shanghai Gender Statistics Handbook* (2005).

still lacks a specific index system. Vague expressions like “increase to some degree” had been always used and specific data, if any, usually lacked a forward-looking judgement. The 11th Five-Year Plan proposes that Shanghai will “secure a percentage of women officials of no less than 15% and 25% in the reserve of directors-general and directors.” As a matter of fact, since 2000 the percentage of women in the reserve of officials at or above division director levels has already surpassed 25%, reaching 26.6% and even 30.3% in 2005.

The 11th Five-Year Plan for Women’s Development in Shanghai

II. Promote Participation: increasingly improve both in depth and width women’s participation in policy-making and management of social and public affairs



Main Objectives:

The percentage of women and the gender structure among the Party deputies at all levels, deputies of city and district (prefecture) people's congresses and members of political consultative conferences should be raised and improved on the basis of the previous ones.

Raise the percentage of women in policy-making bodies at all levels and gradually achieves a balanced distribution of women officials at different levels, in different localities, sectors and departments. The Party committees, people's congresses, governments and political consultative conferences at the district (prefecture) level should at least have one woman official in their leading positions while 55% of the leading positions in the Party and government departments at city and district (prefecture) level should be equipped with women officials. The number of women officials in chief positions should be raised on the previous basis. Decision makers at all levels should enhance their understanding of the basic state policy of equality between men and women and their awareness of gender.

Upgrade women's capabilities and level in participating and discussing political affairs, increase year by year the number of bills, motions and written proposals initiated by women deputies of the SPC and women members of SPPCC and the number of those approved.

Promote women's awareness of political participation, encourage women in all circles to take an active part in the management of social and public affairs by giving full scope to their

unique role and advantages, foster women's social organizations, establish orderly mechanisms of management, and raise the percentage of women in the leadership of social organizations at the municipal level.

Measures:

2.1 Incorporate the awareness of equal gender development into the mainstream of decision-making, take into account a sensible gender structure in leading positions, and specify the number of women officials required.

2.2 Intensify the work of selecting women officials, strengthen training and recruit them when necessary. Increase to a certain extent the percentage of women officials in chief director-general and chief division director levels on the previous basis. Gradually increase the percentage of women officials under 45 - year-old at the director-general level and women officials under 35 - year-old at the division director level. Step up the development of reserve officials, stick to a centralized adjustment on a regular basis, and pay attention to a timely replenishment, so as to ensure that the percentages of women officials in the reserve at the director-general and division director levels are not lower than 15% and 25% respectively. Due attention should be given to recruiting talents urgently needed for Shanghai's economic and social development, and form a rational knowledge and specialty structure of women officials.

2.3 Include courses on the basic state policy of equality between men and women and gender awareness as part of the program for key classes in the Party schools at all levels and into the curriculum of universities and colleges, establish a long-term and



effective educational mechanism, and plan as a whole teaching materials, programs and faculty training.

2.4 Intensify the training of women deputies of people's congresses and women members of political consultative conferences to build up their decision-making capabilities, upgrade steadily both the quantity and quality of bills and proposals initiated by women deputies and members.

2.5 Ensure that the percentage of women delegates in employees' conferences in companies and government-affiliated enterprises match the percentage of women staff.

2.6 Strengthen the construction of mechanisms of women's participation in economic and social development, and innovate working vehicles and measures. When organizing hearings before issuing certain laws, regulations, rules and policies, departments concerned should ensure the participation rate of women representatives and solicit in real earnest their opinions and suggestions.

2.7 Bring into play women's role in community management and construction, and commend, on a regular basis, models for outstanding performance in community management and construction.

2.8 Government research departments in social sciences should initiate more projects and raise more funds to pilot researches on specialized topics of women's development.

These efforts had been effective.

The above figure indicates that Shanghai has done a fairly good job so far in this regard. However, when planning, Shanghai is constrained by the national planning and sets the targets lower than the current ones. In this case, targets are no longer targets and it makes no sense whether they are

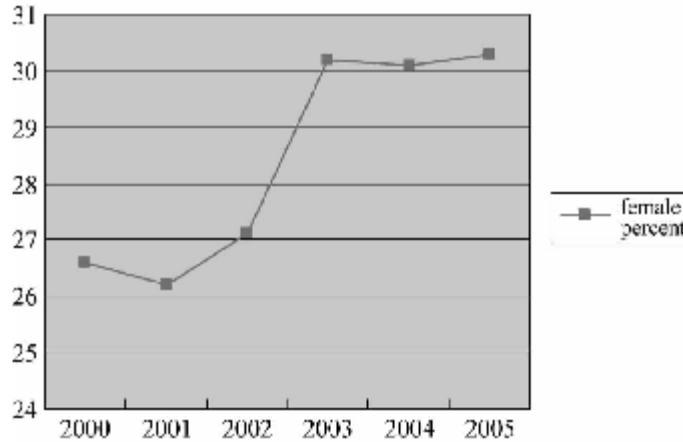


Figure 8. Gender Structure of Reserve Officials at or Above the Division Director Level (2000 - 2005) (%)

Source: Statistics from the Annual Report of Shanghai Municipal Administration of Civil Affairs, Shanghai Bureau of Statistics and Office of Shanghai Working Committee of Women and Children (eds.), *Gender Development in Shanghai: Shanghai Gender Statistics Handbook (2005)*.

achieved or not, thus undermining the scientific nature of planning. Besides, Shanghai's plan still fails to specify measures when targets are not met. If institutional mechanisms are based on distrust of people, the lack of punishing measures would weaken the efficacy of plans.

The case of Shanghai opens our eyes to, from a perspective between micro and macro, issues concerning awareness of gender mainstreaming and multiple consequences of policy implementation. Further progress in gender mainstreaming in politics demands more proactive policies, foresighted targets and improved planning.

IV. Conclusion

Gender mainstreaming in politics is of crucial importance.



Logically, only with the right to education and economic rights can one secure the right to political participation which in turn affects one's rights to education and economic rights. The attainment of the right to political participation has, to some extent, significant bearings on the realization of other rights by providing a guarantee both from the institutional and decision making perspectives.^① Therefore, the top priority in advancing women's social status and quality of life is to grant them the full right to political participation. So long as women have the right to political participation, their voices can be heard, their interests and rights be expressed and thus genuinely safeguarded.

From the social perspective, a society can only develop with women's participation in political affairs in a balanced way. In an interview with Professor Lu Zhen of Shanghai Academy of Social Sciences, he was quoted as saying that it should be clarified whether the demand for women's political participation is motivated by women's own aspirations or by the society. If it is strongly desired by the society for women to take part in politics, women have no choice but to follow the tide even if they are unconscious of the need. Until then women's political participation actually becomes part of the agenda. However, due to the wrong notion that women's political participation is women's own demand, their political participation is not yet fully understood and gender inequality is exacerbated as the society develops.^② Therefore, when discussing the significance of women's political participation, we should make it clear that women's political participation is, de facto, a

① Li Huiying, *Social Gender and Public Policies*, Modern China Press, 2002.

② "Ranks from the 12th to the 47th: Observations on Women's Political Participation in China," *Shanghai Women*, May 2006. The author was personally involved in the discussion and thus was able to record quite faithfully Professor Lu Zhen's opinions.

social problem rather than women's own issue. It is hard to imagine where the society would head if half of its population were consistently being ignored and their interests disregarded.

The significance of gender mainstreaming in politics are summarized as follows. First, it may alter the content of political behaviors, counteract the violent nature of political fighting, expand the class foundation for political leadership, strengthen political administration, and make political participation democratic. Second, it may adjust the balance of power between men and women in political behaviors, giving both sexes equal access to political rights, and facilitate the establishment of a reasonable pattern of political interests. Third, it is conducive to create a harmonious environment and atmosphere for political behaviors. Finally, it may affect and change the orientation of political behaviors.

The very significance of gender mainstreaming in politics makes the road tougher for practice which requires commitments from a larger number of people to advancing gender equality in politics.

PART III Legal Status

The founding of China is the result of the revolution that relies upon the working class and women's involvement. During this process, the concept of gender equality, a legacy of the May 4th Movement, was carried on and forward. Therefore, gender equality was specified in the policies and laws made in the early days when China was founded. For example, the *Common Program of the Chinese People's Political Consultative Conference*, adopted by the 1st Session of the CPPCC as a temporary constitution, declared the abolishment of the feudal system that shackled women. It was clearly provided for in the first Constitution publicized in 1954 that women of the People's Republic of China enjoy equal rights with men in all spheres of life, including political, economic, cultural and social, and family life. Although the *Constitution* has undergone several amendments, the equality between men and women remains as a major principle.

Thanks to the stipulation of equality between men and women in the *Constitution*, the concept of gender equality infiltrates from the legal dimension into various levels of basic human rights, laboring, political participation, marriage and family. Both genders enjoy a fairly equal status in the legal framework and contents.

Since 1995 when the World Conference on Women was held in Beijing, gender mainstreaming has an increasingly larger presence in the legal area. The rule of law and the elimination of legal blind points have

become the focus of gender mainstreaming in the legal area. Gu Xiulian, the chairperson of ACWF, was quoted saying, “Over the past ten years, China developed and amended consecutively over 100 laws and regulations concerning the protection of women’s rights in health, education, labor, employment, marriage and family and other areas, such as the *Marriage Law*, the *Population and Family Planning Law*, the *Law on Land Contract in Rural Areas*, *Measures for the Implementation of the Law on Maternal and Infant Health Care*.”^①

So far, China has established, by and large, a fairly full-fledged legal system with the Constitution as the foundation and the Law on Women’s Protection as the main reference, complete with a host of national laws and rules, local regulations and departmental specifications to protect women’s rights and interests. The law enforcement departments at the national level are intensifying their efforts to punish criminal activities that infringe upon the rights and interests of women. In line with the spirit of related international conventions, no discriminative definitions have been found in China’s laws and regulations from the gender perspective.

Although little obvious gender inequality stipulation is evident in the legal area, negligence and blind points on gender do exist in many cases. Particularly in the process of law enforcement, gender discrimination often crop up. It is partly because of the extensive involvement of various organizations ranging from legislation and judicial departments to law enforcement ones. The realization of gender mainstreaming, therefore, depends on the overall improvement of gender

^① Gu Xiulian, “Promoting Gender Equality and Achieving Common Development-on the 10th Anniversary of the UN 4th World Conference on Women in Beijing,” *Women’s Studies, Marriage and Family*, 91 (for Internal Reference Only).



awareness of the entire government.

According to the *Law on Legislation*, the fundamental law is developed by the NPC, other laws by the Standing Committee of the NPC, the administrative rules by the State Council, regulations by the ministries and commissions under the State Council, local rules by local people's congresses and their standing committees. Provincial governments, municipal governments under the direct jurisdiction of the Central Government and governments of larger cities are entrusted with the power to develop governance rules. The Supreme Court, the Supreme People's Procuratorate and the Ministry of Public Security may develop judicial explanations based on specific circumstances in practical law enforcement. Besides, various government functionaries, such as administrations of industry and commerce, taxation, customs, public security, environment maintenance, information, labor security, are responsible for enforcing related laws. The former five administrations are granted the mandatory enforcement power. This suggests that laws in China concern not only the NPC and courts but also every government functionary. This paper will cover this issue later in discussing legislation and amendment.

I. A Gender-based Perspective of Current Chinese Laws

Laws on gender equality in China today are mainly principle-led, centering upon the two themes of gender equality and protection of women as a disadvantaged group. The *Constitution* stipulates that women enjoy the same rights as men. What is more, in some aspects, the *Constitution* tends to make clear that the state protects women. For example, Article 48 of the *Constitution* states that women in the People's

Republic of China enjoy equal rights with men in all spheres of life, including political, economic, cultural and social, and family life. 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. These two themes are also underlined by other laws for the protection of women's rights and interests.

The *Common Program*, adopted by the 1st Session of the CPPCC as a temporary constitution, declared the abolishment of the feudal system that shackles women. It was provided for clearly in the first *Constitution* publicized in 1954 that women of the People's Republic of China enjoy equal rights with men in all spheres of life, including political, economic, cultural and social, and family life. Although the constitution has undergone several amendments, the equality between men and women remains as a major principle.

Enshrined in the amended *Constitution* in 2004 is the principle that all citizens of the People's Republic of China are equal before the law. All citizens who have reached the age of 18 have the right to vote and to stand for election, regardless of nationality, race, sex, occupation, family background, religious belief, education, property status or length of residence; and women of the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural, social and family life. Accordingly, other laws of China also specify the equality between men and women.

In 1950, China promulgated the *Marriage Law of the People's Republic of China*, the first of its kind, which states that a marriage system based on the free choice of partners, on monogamy and on



equality between man and woman, on protection of women and children's lawful rights and interests is applied; and husband and wife have equal status in the family; and husband and wife enjoy equal rights in the ownership and disposition of their jointly possessed property. In the amended 2001 version of the *Marriage Law*, it is further specified that a marriage system based on the free choice of partners, on monogamy and on equality between man and woman is applied; and husband and wife shall be faithful to and respect each other, and within the family, family members shall respect the old and cherish the young, help one another, and maintain equal, harmonious and civilized marriage and family relations; and husband and wife have equal status in the family; and husband and wife enjoy equal rights in the ownership and disposition of their jointly possessed property.

Coming into force in 1951, the *Labor Insurance Regulations* provide that the regulations apply to all the workers and staff (apprentice included) under the coverage of labor insurance, regardless of their ethnics, age, home country and nationality, except those deprived of political rights. In the provision on pension, it states that the male worker or staff may retire after reaching the age of 60, or after 25 years of working with 5 years of service for the employer; and the female worker or staff can enjoy the pension subsidiary as provided in this regulation after reaching the age of 50, or after 20 years of working with 5 years of service for the employer. Meanwhile, as stipulated in the *Labor Law of the People's Republic of China*, women enjoy equal rights as males to employment. It is not

allowed to use sex as a pretext for excluding females from employment or to raise the threshold for women in the recruitment of staff and workers, except that the types of work or posts are not suitable for women as stipulated by the state. According to the provision on the treatment to female worker and staff in childbearing under the *Labor Insurance Regulations of the People's Republic of China*, publicized after amendments on January 2, 1953, and the *State Council Notice on the Maternity Leave for Female Workers*, the women workers may take paid maternity leave.

The *Election Law* of 1954 provides that women and men have equal right to vote and to stand for election. Among the deputies of the NPC and local people's congress at different levels, there should be an appropriate number of women, and the percentage should be raised gradually.

In addition, the *General Principles of the Civil Law of the People's Republic of China* holds that women enjoy equal civil rights with men; and the *Law of Succession of the People's Republic of China* provides that men and women are equal in their right to inheritance. All these laws have made clear-cut stipulation on the equal status between men and women in marriage and family, land ownership, labor protection and political rights and interests, giving explicit expression to the principle of equality between men and women.

Ding Juan, *A Study on the Basic State Policy of Equality between Men and Women*, China Women's Publishing House, pp. 25 - 28.



Although a series of laws and regulations concerning equal rights between the two genders have been developed, women's rights have not been effectively protected accordingly due to the impacts of traditional practices and a rigid gender culture. For instance, the succession right is an important right of women according to law, but in reality this right always finds itself in conflict with customs and traditional practices. The results of the 2nd Survey on Women's Status in 2001 suggest that only 25.7% of the population were in favor of equal succession right of married women with her brothers to family properties. Though it was 6.8 percentage points higher than it was 10 years ago, it only represented 1/4 of the total population, which implies that it is far from a shared view of the majority. Noticeably, among them, 23.6% were female and 28.1% men, 7.4 and 6.6 percentage points higher than 10 years ago respectively. Women are faster in learning and thinking better but they are still bound by a relatively backward ideology. Besides, 34.2% of women agreed with the stipulation that "children may follow their mother's surname," compared with 21.2% of men, an increase of 17.1 percentage points and 7.0 percentage points respectively than 10 years ago. ^① These figures indicate the stereotyped gender ideology is more deep-seated among men than women.

Given the fact that the law, in principle, has granted women the same rights as men, we find it necessary to develop specific and detailed regulations to guarantee these rights which cannot be realized automatically are properly maintained due to the impacts of a rigid gender culture. Research results have led some scholars to believe that both men

^① Concluded from the 2nd Survey on the Women's Social Status in China by the All-China Women's Federation and the National Bureau of Statistics on September 4, 2001.

and women think the lawful rights and interests of women are basically realized. But judging from previous discriminative practices, women are in fact suffering more from discrimination in income security and access to employment.^①

Since the 1990s, China has continually enhanced the protection of women's rights and interests in line with the constitutional principle that men and women are equal, by improving and implementing laws and regulations including the *Civil Law*, the *Marriage Law*, the *Law of Succession*, the *Labor Law*, the *Law on Maternal and Infant Health Care* and the *Regulations on the Labor Protection of Female Staff and Workers*. The *Law on the Women's Protection* promulgated in 1992, in particular, is a significant landmark in improving women's legal status. It epitomizes the beginning of the development of laws dedicated to the protection of women's rights and interests.

The *Law on Women's Protection* specifies women's rights and interests in six aspects of political rights, cultural and educational rights and interests, labor and social security rights and interests, property rights and interests, human rights, marriage and family rights and interests, and elaborates on legal liabilities when women's rights and interests are encroached upon. A survey conducted 10 years later suggested that 91.5% of people surveyed believed that a law dedicated specially to the protection of women should be developed, 73.8% were aware that China has such a law, 75.5% of urban women and 54.6% of rural women could correctly or almost unmistakably spell the name of

^① Tong Xin, "From Protecting Women's Rights and Interests to Fighting against Gender Discrimination," in Women's Studies Institute of China, *Report on Gender Equality and Women's Development in China (1995 - 2005)*, Social Science Academic Press, 2006, p. 53.



this law. Among the people who knew about this law, 91.8% of women and 91.1% of men thought this law was conducive and helpful to the protection of women's rights and interests.^①

However, in practice, few cases have been brought up against the *Law on Women's Protection*, which reflects the lack of practical feasibility in the 1992 version of the *Law on Women's Protection*. Women were demanding for more and more affirmative actions against gender discrimination and punishment levied on organizations and individuals who generate benefits from discrimination. As a result, in 2005, the 17th Session of the 10th NPC Standing Committee voted on and adopted a resolution on amending the *Law on Women's Protection*. The amendments embody the current demands for the feasibility of laws on gender equality by, inter alia, strengthening the legal liabilities of government organs and their staff in protecting women's rights and interests. The amended version stipulates that anyone who evades, delays or suppresses the investigation and disposition of a complaint, a charge or an exposure regarding an infringement upon the rights and interests of a woman, or anyone who retaliates against a person making a complaint, a charge of an exposure, shall be ordered to make corrections or be subjected to administrative sanctions by his or her unit or an organ at a higher level.

Amendments of related laws, together with the development and amendment of the *Law on Women's Protection*, demonstrate the determination and achievements of China in promoting gender mainstreaming in the legal area where gender equality is in fairly good shape.

^① All-China Women's Federation and the National Bureau of Statistics (eds.), *The 2nd Survey on the Women's Social Status in China*, September 4, 2001.

II. The Gender Issue in Law Development and Enforcement

Legally, gender mainstreaming is developing quite well, but the issue of concern is that if further breakthroughs are to be achieved in the current level of social gender stereotyping to make the laws more gender-based, existing principle-led rules will be challenged in the following aspects. First, the legislative body is not yet gender conscious. Second, the entire law enforcement body is regarded as men's turf with a weak women's presence. And finally, interpretations of gender awareness vary.

Except the *Law on Women's Protection*, other specific laws are generally developed with involvement from various government functionaries. For instance, the Ministry of Labor and Social Security and other relevant departments took part in the making of labor insurance rules, but they also bring their insufficient gender stereotyping, which would compromise the progress of enhancing gender awareness in the legal area.

According to the Survey on the Social Gender Awareness of Senior Policy Makers, 98% of people surveyed from the ACWF recognized that equality between men and women is a basic state policy, but only 44.8% of 192 people from other four organizations shared the same view.^① This suggests that gender awareness is low in organizations outside the system of women's work. When the percentage of people who recognize equality

^① Xiao Yang, "Survey and Analysis of Gender Awareness among Senior Decision Makers," in Women's Studies Institute of China, *Report on Gender Equality and Women's Development in China (1995-2005)*, Social Science Academic Press, 2006.



between men and women as a basic state policy is lower than 50%, how to build up social gender awareness among policy makers, legislatures and law enforcing officials becomes a pressing issue.

The proportion of women in law enforcement organizations is no more than one fourth. So far, no statistical evidence is yet available to demonstrate the influence of low proportion of women on law enforcement. According to studies by the UN and other organizations on the level of political participation, 20% to 30% is considered as the “key minority,” the threshold to ensure that a certain group of people is adequately represented.

Table 17. Personnel and Gender Structure of the Procurator System in China (1995 - 2002)

	1995		1998		2000		2002	
	female	male	female	male	female	male	female	male
Posts								
Procurator-general	0.2	2.7	0.4	2.7	0.3	2.5	0.4	3.2
Deputy Procurator-general	1.7	6.7	2.1	7.2	2.0	7.0	2.6	8.7
Procurator	48.5	63.6	60.2	69.1	61.1	69.2	69.6	70.5
Assistant Procurator	49.6	27.0	37.3	21.0	36.6	21.3	27.4	17.6
Total (in 10,000)	100	100	100	100	100	100	100	100
	2.7	13.0	2.8	12.9	3.3	13.8	3.0	10.4
Gender								
Procurator-general	1.8	98.2	2.9	97.1	2.8	97.2	3.6	96.4
Deputy Procurator-general	5.0	95.0	6.0	94.0	6.4	93.6	7.9	92.1
Procurator	13.5	86.5	16.1	93.9	17.4	82.6	21.9	78.1
Assistant Procurator	27.3	72.7	28.1	71.9	29.0	71	30.7	69.3
total (in 10,000)	17	83	18.1	81.9	19.2	80.8	22.1	77.9

Source: Data from Monitoring and Assessment Results of the Two Outlines. Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

The above table indicates that women accounted for only 22.1% in the entire procurator system and the percentage of women decreased significantly from the posts of procurator to procurator-general. Women are notably marginalized.

Table 18. Number and Gender Structure of Lawyers in China (1995 - 2002)

year	Number (in 10,000)		Gender structure (%)	
	female	male	female	male
1995	0.8	3.7	18.4	81.6
1996	1.0	3.8	20.4	79.6
1997	1.3	8.6	13.5	86.5
1998	1.3	8.8	13.2	86.8
1999	1.5	9.7	13.1	86.9
2000	1.6	10.2	13.3	86.7
2001	1.7	10.6	13.9	86.1
2002	1.9	11.7	14.0	86.0

Source: Data from the Ministry of Justice, Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

With the percentage of women lawyers remaining under 14%, the very small number of women lawyers makes it almost impossible to have them represent in cases concerning women's rights and interests and fight for those rights and interests on behalf of women clients. Many studies have shown the importance of understanding between people of the same gender. In practice, the ultra low percentage of women lawyers undermines women's efforts to maintain their rights.

**Table 19. Number and Gender Structure of Judges in China (1995 - 2002)**

year	Number (in 10,000)		Gender structure (%)	
	female	male	female	male
1995	2.8	13.7	16.7	83.3
1998	3.4	13.9	19.5	80.5
2000	4.5	17.5	20.4	79.6
2002	4.4	16.0	21.6	78.4

Source: Data from Monitoring and Assessment Results of the Two Outlines, Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

The gender ratio of judges is similar to that of procurators, as the percentage of women judges basically remained under 21.6% . Encouragingly, the percentage is on the increase but worryingly, by margins too small to catch up with the so-called “key minority.”

Therefore, the law-related areas are still regarded as “men’s turf” as men far outnumber women in the profession of law, even though the concept of gender equality has been written into certain laws. From a long term perspective, the hurdles for the realization of gender mainstreaming in the legal area will continue to exist.

Last but not least, different people may see gender awareness differently. And legal development may be reversed in some occasions. For instance, during the process of amending the *Marriage Law*, law experts produced a proposal to change the current *Marriage Law* to the *Law on Marriage and Family* by expanding it from 37 articles to 147 articles. The proposal also raised many new concepts, such as the rights of spouse, gender discrimination, domestic violence, reproductive right,

wedding announcement, invalid marriage, bigamy, adultery, illegal cohabitation, party at fault and innocent party, artificial reproduction technology, abandoned infant and so on. But these concepts triggered tremendous controversy due to their inherent uncertainties, pointing to the complicated and diversified situation gender awareness in China faces in the transitional period. Take the rights of spouse as an example. It is stipulated in Article 39 and 40 in the proposed 147 article version as follows:

Article 39: Husband and wife enjoy the rights and perform the duty in their life, but those who cannot live together for a reasonable cause are not bound thereby.

Article 40: Husband and wife have the obligation to be loyal to and to support each other. The two sides love, respect and help each other, and perform housework together.

Article 40 instead of Article 39 was basically adopted in the amended *Law of the People's Republic of China on Marriage and Family* publicized by the Office of the Commission for Legal Affairs under the Standing Committee of the NPC in August 2000.

The debate over the rights of spouse mainly focuses on two aspects: do the husband and wife have the loyalty obligation? Is the sexual request by one party fair to the other?

A survey of interviews conducted by Professor Ding Juan found out that 65% of interviewees, or 61.4% of women interviewees and 69.4% of men interviewees, agreed that the rights of spouse should be included in the law. The rate of men who agreed was 8 percentage points higher than that of women.^① People interpret the rights of spouse in different

^① Ding Juan, *Research on the Basic State Policy of Equality between Men and Women*, China Women's Publishing House, 2005, p. 121.



ways. For some it is a concept against extramarital affairs, but for others it stresses men's sexual rights and women's virginity.^①

The contest among different levels of gender awareness is made evident in the process of law making and at the moment, it falls into a tight draw. Although social gender awareness has been increasingly advocated over the last decade, traditional conservative gender awareness still remains popular. Therefore, the progress of law is virtually a battlefield for and the result of contending interpretations of gender awareness. Consequently, gender awareness and law are influencing each other, as different levels of gender awareness and value propositions may result in different laws, which will further impact the gender culture of the general public.

III. Viewing Practice and Enforcement of Laws in China from Shanghai's Experiences in Amending the Law on Women's Protection

The *Law on Women's Protection* is one of the most important laws to protect women's rights and interests for the purpose of promoting gender equality. Its development, amendment and implementation reflect from a specific perspective the landscape of gender mainstreaming in the legal area in China.

As Secretary-General Zhang Liming of SWF put it, "Shanghai publicized the *Rule on Women's Protection* as early as 1992, earlier than a national law on women's protection, opening a new legal

^① Certainly women within marriage may also have sexual requests, but in China's context of existing sex culture, this concept is more perceived as men's request for sex.

horizon. The publication of the *Law on Women's Protection* in 1992 is closely related to the Survey on the Status of Women of China conducted in 1990 by the ACWF for the first time. This wide-ranging survey covers all the five areas of equality provided for in the Constitution, including education, political participation, health, social involvement and social awareness. Through a standard sampling of 1,000 men and 1,000 women from each province and municipality, the results of the survey were published in a book with substantial impacts. This book contributes significantly to the development of the *Law on Women's Protection* by pointing out such women-related issues as education and political education and by providing empirical evidences for the legislation. This owes both to an input from the academic circle and from the promotion of gender equality by ACWF. Besides, the *Convention on the Elimination of All Forms of Discrimination against Women* observed internationally and the UN's *Nairobi Convention* (2000) also serves as our references. ”

Secretary-General Zhang, who took part in the development of the *Law on Women's Protection* in 1992 and the making of the Measures of Shanghai in Implementing the Law on the Protection of Women's Rights and Interests in 1994, mentioned that the development of the Law on Women's Protection was headed by the Working Committee on Legal Affairs of the SPC. SWF kept raising questions and played an important role in the development process. Our comments in 1994 were referred to again last year in 2006 when amendments to the *Law on Women's Protection* were being made.

One of the director-generals of the SWF participated in amending the *Law on Women's Protection* both in 2005 and 2006. In her view, two



outstanding progresses were made in the amended version. First, the equality between men and women is granted a legal status of becoming a basic state policy in the newly amended and publicized *Law on Women's Protection*. Second, some topics, such as the regulation against sexual harassment is included for the first time in the *Law on Women's Protection* which clearly forbids sexual harassment of women and specifies corresponding punishment as well as assistance measures to women victims.

To develop implementation measures accordingly, SPC, SWF and Shanghai Trade Union jointly conducted a survey, produced a report and then solicited opinions from 30 to 40 government departments and committees. In this process, deputies of SPC, experts and officials on women's work made extensive onsite investigations, convened a number of meetings, and conducted three reviews before giving approval to the implementation measures.

The following are some of the major events recorded in the chronicles of the ACWF, from which we can perceive the prudent and scientific attitude ACWF held in amending the *Law on Women's Protection*. These facts also demonstrate the willingness of the government to listen to the public and the efforts made by local authorities during the process of gender mainstreaming so as to bring vision and foresight to the amended version of the *Law on Women's Protection*.

Some of the Major Events in Amending the *Law on Women's Protection* in the Chronicles of the All-China Women's Federation

From April 3 to 12, 2003, the law enforcement inspection team headed by Wan Shaofen, Deputy Chairperson of the NPC Committee

for Internal and Judicial Affairs examined the enforcement of the *Law on Women's Protection* in Shanghai, focusing on how women's political rights, labor rights and interests and personal rights are protected.

On July 31, Meng Yankun, Deputy Director of the SWCWC and Wang Luning, Director of the Office of the SWCWC, made a special report to the executive meeting of Shanghai Municipal Government on the enforcement of the *Law on Women's Protection* in Shanghai.

From April 12 to 17, 2004, the research team on the amendment of the *Law on Women's Protection*, with Peng Peiyun, former Deputy Chairperson of the NPC Standing Committee and former Chairperson of the ACWF as the advisor, Wang Shuxian, member of the CPPCC, Deputy Director-general of the CPPCC Foreign Affairs Committee and former Deputy Chairperson of the ACWF as the head, and Zhang Liming, Deputy Director-general of the Office of NWCCW as the deputy head, visited Shanghai.

From July to August, the Department of Women's Rights and Interests of the SWF, in association with the Legal Research Center on Women under the East China College of Politics and Law, conducted a questionnaire survey on the enforcement of the *Law on Women's Protection* in Shanghai and a report was produced on the status and issues concerning the 6 major areas of women's rights and interests in the enforcement of the *Law on Women's Protection*. The Department also worked with the Shanghai Women's Studies Society to organize experts to discuss the draft of the proposal on the amendment of the *Law on Women's Protection* and the result of the



discussion was complied in September.

On July 2 and September 6, the SWF solicited some officials on women's work in rural areas and in the united front system for their opinions and suggestions on the proposal of the Decision on Amending the Election Method of Villagers Committee of Shanghai (Draft) and the proposal of the Decision on Amending the Ordinance of Ethnic Affairs of Shanghai (Draft) by the NPC Committee for Internal and Judicial Affairs and the NPC Committee for Ethnic, Overseas Chinese and Foreign Affairs. The feedbacks were then submitted to the SPC.

2005

On June 13, the SWF submitted to the SPC Committee for Internal and Judicial Affairs a report on SWCWC's enforcement of the Measures of Shanghai in Implementing the *Law on Women's Protection*.

2006

On July 3, Meng Yankun, Chairperson of the SWF, Shi Qiuqin, First Deputy Director-General of the SWCWC and Deputy Chairperson of the SWF, and staff of the Office of the SWCWC attended in Dongfang Hotel the panel on amending *Measures of Shanghai in Implementing the Law on Women's Protection* and on discussing and editing the research report.

On July 27, Hui Xiquan, Deputy Director-General of the SPC Committee for Internal and Judicial Affairs paid a visit to SWF to discuss with the Office of the SWCWC and the SWF on amending the Measures of Shanghai in Implementing the Law on Women's Protection. Shi Qiuqin, Deputy Director-General of the SWCWC and

Deputy Chairperson of the SWF, and other officials concerned attended the meeting.

On the afternoon of October 23, representatives of the Office of the SWCWC were invited to attend the meeting of SPC Standing Committee in which the first round of review was conducted on the *Measures of Shanghai in Implementing the Law on Women's Protection* (draft).

On the afternoon of December 2, Hui Xiquan, Deputy Director-General of SPC Committee for Internal and Judicial Affairs visited the SWF and solicited opinions from the SWF and the Office of the SWCWC on the implementation and enforcement of the Law on Women's Protection.

Adapted from Shanghai Women's website: <http://shwomen.eastday.com/renda/node4420/node4465/index.html>.

In comparing the national *Law on Women's Protection* with Shanghai's local version, we identify in between a discrepancy, which is also the main area of concern in promoting gender mainstreaming in the future. The *Measures of Shanghai in Implementing the Law on Women's Protection* has the following features:

First, some concepts such as sexual harassment and domestic violence are clearly defined with detailed explanations which pave the way for better implementation; second, some stipulations such as those concerning the life and health rights and women's claims are substantiated, which further specifies the coverage of the *Law on Women's Protection*; third, it provides the *Law on Women's Protection* with a foundation for enforcement and assessment by requiring a financial guarantee and gender-based monitoring



statistics; fourth, it emphasizes the role of SWCWC as the organization mainly in charge of the enforcement of the *Law on Women's Protection*, thus securing an institutional guarantee; and finally, Shanghai invented the use of “Letter of Urge for Enforcement” to departments breaching women's rights and interests, which backs up the *Law on Women's Protection* with more guarantees.^①

The amendments to the *Law on Women's Protection*, together with more specifications in Shanghai's version, clarify the possibilities and positive results of gender mainstreaming in the legal area. Despite a multitude of problems still in the way, the *Law on Women's Protection*, in its own right, signifies China's determination and success achieved so far in advancing gender mainstreaming in the legal area.

IV. Conclusion

Though China still has a long way to go in gender mainstreaming in the legal area, what has been achieved so far is, in general, something to celebrate, as gender equality has become a basic consensus in the legal circle. Given the future challenges to law development as a result of contending levels of gender awareness and various value propositions, the main approach of gender mainstreaming in the legal area will be to clarify and advocate the implications of gender awareness and to have it accepted by the large majority of the public. In addition, to tap the potential of local authorities in stipulating local regulations will be a shortcut to realize gender mainstreaming.

^① Secretary-General of the SWF once mentioned in an interview about the positive effects the Letter of Urge for Enforcement has on handling sexual harassment cases in foreign-funded companies.

PART IV Social Security

Social security in China boils down to two parts, social insurance and social aid. Social insurance includes medical insurance, pension insurance, unemployment insurance, work injury insurance, childbirth insurance for women employees. Social aid includes the minimum subsistence allowance system for urban residents, partial coverage of the minimum subsistence allowance for rural residents, disaster relief system, and the system of poverty alleviation through development. Comparatively, the issue of gender inequality in social aid is not as striking as that in social insurance which has become a frequent subject of talk.

China's social security system was initiated in the 1950s when the Government Administration Council issued the *Labor Insurance Regulations of the People's Republic of China* in February, 1951. As the first of its kind in China, the Regulations laid the foundation for the legal system of social security. Before the reform and opening up, the responsibility of workers' security was mainly shouldered by the unit they worked for. With the deepening of the reform and declining influence of the working unit system, the labor security of China evolves from being the entire responsibility of working units to divided responsibilities among the three parties of country, employer and individual; from insurance solely made by enterprises to social mutual aid; from being covered all by welfare to basic insurance;



from pay-as-you-go to partial accumulation; and from policy adjusted to law regulated. ^①

Over the past years, China has made noticeable progress in social security with an increased number of beneficiaries, enhanced guarantee, and an expanded coverage. The Chinese government has advanced social security in all dimensions as it has fully recognized that social justice is one of the keys to the construction of a harmonious society. However, as *China Human Development Report* points out, “the long-standing biases in the ownership system and the urban-rural division in the labor market give rise to unfair distribution of social security resources among different social security projects, and unequal distribution of claims to social security among different social groups.”^②The two most prominent forms of inequality are the one between the urban and rural areas and that between opposite genders.

Generally, provisions of social security do not directly relate to discriminative treatment of different genders, but they usually ration social security benefits available to individuals by specifying the nature and time of work. Because of the “contextual inequality” between genders in employment, the seemingly equal measures end up in inequality. It is for this reason that the advancement of gender mainstreaming in social security is of critical complex.

Unlike in political and legal spheres, gender inequality in social

^① Long Yifei, “Improving China’s Social Security Legal System,” in Proceedings of Seminars on Legal Affairs in the 16th Session of the Standing Committee of the 9th National People’s Congress, [http://www. people. com. cn/GB/14576/15097/2369584. html](http://www.people.com.cn/GB/14576/15097/2369584.html).

^② *China Human Development Report 2005: Development with Equity*, China Translation & Publishing Corporation, 2005, p. 63.

security is pervasive and at a low degree, which is very likely to be neglected. And, to address inequality in social security is finally a question of how to put an end to inequality in employment, which makes it a more complicated task. By analyzing the disputes over the retirement age and pension funds, we also discover the influences of different gender and class awareness on gender equality in social security.

I. Pervasive and Low-degree Inequality

One interviewed scholar proposed the concept of “pervasive and low-degree inequality” when analyzing gender inequality in China. It refers to the fact that inequality does exist in all dimensions but it is hardly perceptible in most dimensions. The same scholar pointed that gender differences can be observed in 22 indicators in 8 categories concerning the social status of Chinese residents including education, economy, and politics and so on. Among them, only a handful of indicators have a mid-level correlation with gender, the rest over 10 indicators exhibit a low correlation, and the correlation is positive. ^①

When we analyze gender inequality in social security, we find that this concept of pervasive and low-degree inequality also applies. Besides, a big urban-rural gap and low social security for women rural residents also contribute to gender inequality in social security.

^① Zheng Dandan , “Pervasive and Low-degree Inequality: Interpreting Gender Hierarchies in China,” in *Collections of Dissertations of the 17th Annual Conference of Social Sciences of China on the Development of Society and Women*, Changsha, July, 2007.



Table 20. Medical Insurance, Pension Insurance, Unemployment Insurance, Work Injury insurance, Sick Leave Salary and Maternity/Childbearing Healthcare Salary Covered by the Employer

	medical insurance		pension insurance		unemployment insurance		work injury insurance		sick leave salary		maternity leave and childbearing healthcare salary	
	female	male	female	male	female	male	female	male	female	male	female	male
Yes	45.6	54.5	57.1	62.1	22.4	26.3	29.7	40.7	49.9	57.1	60.0	49.5
No	52.6	43.6	40.1	35.3	70.3	66.3	62.8	52.6	47.5	40.5	37.3	44.3
Not clear	1.7	1.9	2.2	2.6	7.3	7.4	7.6	6.7	2.6	2.4	2.7	6.2
Total	100	100	100	100	100	100	100	100	100	100	100	100

Source: Adapted from the 2nd Survey on Women's Social Status in China (2000) and from Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

The percentage of women with insurance minus that of men produces a new table as follows.

Table 21. Gender Difference with Insurance unit: %

	medical insurance	pension insurance	unemployment insurance	work injury insurance	sick leave salary	childbirth/healthcare salary
Yes	-8.9	-5	-3.9	-11	-7.2	10.5

From the table above, we can see that the percentage of insured women in each category was lower than that of men except for the childbirth/healthcare salary due to the unique biological nature of women, but the differences were not significant and mostly were within 10%. The difference in work injury insurance was 11%, medical

insurance 8%, and pension insurance and unemployment insurance 5% and 3.9% respectively. These narrow differences are often ignored because they tend to be considered as statistical contingencies or statistically insignificant. However, the question is why the percentage of insured women in every category (excluding the childbirth insurance) is lower than that of men? If this is only a result of statistical contingencies, why is it not the case vice versa? What are the implications of the pervasive and low-degree inequality for an individual?

In parallel with the inequality of low degree in social security are the attitudes of the two genders towards social security. Yet, the difference thereof is also insignificant. The author interviewed Professor Zheng Guizhen of the Center for Social Development of Fudan University who conducted the Survey on the Protection of Women's Rights and Interests under the Current Social Security System. As it turned out, the rate of social security participation for men was 76.65%, as compared with 70.16% for women which was 6.49 percentage points lower. It is the same case in all categories of social insurance where men had a higher rate of participation than women. The survey also found that 33.5% of men and 26% of women were "very satisfied" and "averagely satisfied" with the amount of premium of the pension insurance; 24.2% of men and 21.6% of women were "very satisfied" and "averagely satisfied" with the pension provision.^① Statistically, individuals do perceive, to some extent, the pervasive low-degree inequality. On one hand, women's

^① According to Professor Zheng Guizhen, the survey was divided into three parts. First, visits to relevant organizations like Shanghai Labor and Social Security Bureau, Social Insurance Center of Yangpu District; second, reviewing relevant theories, laws and regulations; third, a questionnaire survey of 600 men and women residents in Yangpu District who have working experiences, with focused analysis on gender differences in pension insurance, medical insurance and unemployment insurance.



insurance participation rate is lower and on the other hand dissatisfaction runs higher.

In contrast to the pervasive low-degree inequality between genders is the large disparity between urban and rural areas in social security. Rural women are rarely covered by social security. Let's take gestational healthcare for women as an example.

Although great progress has been made in medical and childbirth healthcare service in the past decade, outstanding problems still exist in the rural areas, particularly in Western China. 24% of rural pregnant women under the age of 35 did not take any pre-delivery check, 18.8 percentage points higher than the urban women in the same age group. For women in Western China, the percentage was 35.9%, 21 percentage points higher than the eastern part of the country.^① The mortality rate of pregnant women in the rural areas was also higher, about two times of that in cities. Encouragingly, the mortality rates of pregnant women in both urban and rural areas are declining dramatically, but it is quite disturbing to note that the gap between the two areas has not been narrowed considerably.

The analysis of the data above clearly indicates that the pre-delivery check rate of pregnant women in developed cities is very high and the mortality rate very low. This further proves that gender inequality exists not only between genders but also between urban and rural areas and among different estate. Of course, gender inequality differs from the latter two forms of inequalities.

^① The All-China Women's Federation, and the National Bureau of Statistics (eds.), *Key Data Report of the 2nd Survey on Women's Social Status in China*, September 4, 2001.

Table 22. Mortality Rates of Pregnant Women (in 10,000)

Year	National	Urban	Rural
1990	88.9	45.9	112.5
1995	61.9	39.2	76
1997	63.6	38.3	80.4
1998	56.2	28.6	74.1
2000	53	29.3	69.6
2001	50.2	33.1	61.9
2003	43.2	22.3	58.2

Source: 2003 *China Health Statistical Yearbook*. Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.), *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

Table 23. The Healthcare of Pregnant Women of Shanghai in Indicative Years

Year	Pre-delivery health check rate	Mortality rate
1990	97.58	15.25
1995	99.8	16.90
2000	99.9	9.61
2001	99.36	8.95
2002	99.98	9.99
2003	96.05	11.99
2004	96.80	10.79
2005	96.38	1.40

Source: Statistics from Shanghai Healthcare Bureau, Shanghai Bureau of Statistics and Office of Shanghai Working Committee of Women and Children (eds.), *Gender Development in Shanghai: Shanghai Gender Statistics Handbook (2005)*.

Based on the above comparisons of data, it can be concluded that gender inequality in social security is featured by a pervasive and low-



degree inequality. Particularly, the social security of women in rural area as a group demands the most urgent improvement as the gap between urban and rural areas is remarkably huge. The dual pressure of gender and estate discrimination against women in rural areas has marginalized them in their access to social security.

II. Causes of Inequality

To dig out the reasons for the pervasive and low-degree inequality in social security, the author studied many insurance regulations or policies without finding any conspicuous provision of gender discrimination. The author also interviewed a person in charge in the Labor and Social Security Bureau of Yangpu District, who points to the “congenital inequality” as the main cause of gender inequality in social insurance. The so-called congenital inequality refers to “labor” as the prerequisite to social security, the access to which is closely related to such factors as original posts and working age. Inequality in employment permeates into the realm of social security, shaping another form of inequality.

The author analyzed data in employment and found a high correlation between inequality in employment and that in social security.

First, men tend to hold higher positions than women. The survey shows a fairly fixed difference between educated men and women employees. The latter generally accounted for 40%. In terms of education level, this difference is neither significant nor seems to grow. However, gender difference is larger and tends to increase in the number of men and women with qualification certificates and technical titles, which are exactly the two key elements that affect the quality of work.

Among 1.38 million employees with technical titles, employees with senior, intermediate and junior titles account for 1.8%, 6% and 7.3%, among them, women employees took up 23.6%, 35.5% and 40.4% respectively. 574,000 among the 1.38 million with technical titles had different levels of technical qualifications, accounting for 6.3%, with 0.2% senior technicians, 0.5% technicians, 1.3% senior workers and 4.3% intermediate workers, among which women accounted for 12.3%, 12.8%, 13.7% and 20.5% respectively (Table 24).^① These data shows higher technical titles, fewer women employees.

Table 24. Education, Technical Titles and Qualifications of Employees

	employees (in 10,000)		% of women
	total	female	
total	911.0	353.6	38.8
Master degree or higher	16.1	6.4	39.8
Bachelor degree	88.2	32.4	36.7
college diploma	123.8	50.4	40.7
senior high school	272.1	105.9	38.9
junior high school or lower	410.8	158.5	38.6
Total employees with technical titles	138.0	50.3	36.4
senior technical title	16.3	3.8	23.6

^① The Office of the Leading Team of the 1st Economic Census of Shanghai and Shanghai Bureau of Statistics (ed.), *Announcement (No. 1) on the Key Data of the 1st Economic Census of Shanghai*, December 22, 2005.



continued

	employees (in 10,000)		% of women
	total	female	
Intermediate technical title	54.8	19.5	35.5
junior technical title	66.9	27.0	40.4
Total employees with technical qualifications	57.4	10.5	18.2
senior technician	1.5	0.2	12.3
technician	4.7	0.6	12.8
senior skilled worker	12.1	1.7	13.7
Intermediate skilled worker	39.1	8.0	20.5

Besides gender difference in positions at the work place, earlier retirement of women is another important factor to influence the social security of women.

Table 25. Age and Gender Structures in Employment in 2000

unit: %

Age	age structure		gender structure	
	female	male	female	male
16 - 19	6.3	5.2	50.1	49.9
20 - 24	10.9	9.6	48.6	51.4
25 - 29	14.5	13.9	46.5	53.5
30 - 34	16.6	15.7	46.7	53.3
35 - 39	14.6	13.8	46.7	53.3
40 - 44	10.6	10.5	45.5	54.5

continued

Age	age structure		gender structure	
	female	male	female	male
45 - 49	10.7	11.1	44.5	55.5
50 - 54	6.7	7.9	41.3	58.7
55 - 59	4.0	5.2	39.0	61.0
60 - 64	2.5	3.5	37.4	62.6
65 +	2.6	3.8	36.6	63.7
total number (in 10,000)	100	100	45.3	54.7

Source: *Abstract of the 5th National Census Data (2000)*. Population, Social Science and Technology Statistics Department of the National Bureau of Statistics (ed.) , *Women and Men in the Chinese Society (2004): Facts and Data*, China Statistics Press, 2004.

Through our analysis of the above table, we discover that women retire from the employment market faster than men as they grow older. 73.5% of female employees were between 16 to 44 years old compared with 68.7% of male employees in the same age range. In the gender structure, the percentage of female employees in the entire employed population declined as age goes up. Particularly in the age group of 50 - 54, it plunged abruptly by 3 percentage points than that of the 45 - 49-age group. The reason is quite evident. Because men and women are supposed to retire at different ages, women have fewer working years than men.

A similar case can be found among the rural laid-off workers. According to the survey, 54.2% of laid-off workers in the rural areas were women, 8.4 percentage points higher than men. Only 8.3% of the rural laid-off workers had ever received job training from employment service organizations at various levels. ^①

^① Due attention should be given to the conditions of rural laid-off workers in the first half of this year in our city, <http://www.stats-sh.gov.cn/2005shtj/tjfx/jdxx/userobject1ai363.html>.



From this two issues concerning social security spring: First, the shorter working experience of women workers inevitably leads to fewer payments into their pension accounts, which will result in much fewer pensions available to women workers after retirement than their male counterparts. Second, where do the women workers go after retiring from the employment market? No matter whether they are employed in unregulated labor markets or stay at home as housewives, the current social security system has left little room for them and measures thereof are also insufficient.

The third factor that causes inequality is the increasing gap of income between men and women. The survey indicates that although the income of employed women has increased by a large margin in the past decade, the gap of income with men is growing the more significantly. The average annual income from all sources in 1999 of urban employed women was 7,409.7 RMB Yuan, 69% of that of men. The income difference between men and women in the same year was 8.2 percentage points larger than that in 1990. The average annual income of women working in agricultural, forestry, husbandry and fishery sector in 1999 was 2,368.7 RMB Yuan, only 59.6% of that of men. The income gap was 21.8 percentage points larger than that in 1990. In terms of income distribution, 47.4% of employed women in urban areas had an annual income of less than 5,000 RMB Yuan. The percentage of low-income women employees was 19.3 percentage points higher than that of men workers. 6.1% of women employees had an annual income of above 15,000 RMB Yuan. The percentage of middle-income women employees was 6.6 percentage points lower than that of men. ^① The non-agriculture

^① The All-China Women's Federation and the National Bureau of Statistics (eds.), *Key data Report of the 2nd Survey on Women's Social Status in China*, September 4, 2001.

income of women in rural areas was 13% of their total income, 9.6 percentage points lower than that of men.^①

Different positions, a shorter working career for women workers and the income gap between the two genders have profound influences on gender inequality in social security.

III. Debates over Retirement Age and Pension

Retirement age and pension are the focus of disputes over inequality in social security. We can clearly identify the correlation between the gender issue in social security and gender issues in other areas, and the necessity to combine gender analysis with other analytical categories such as estate.

There are three reasons why concerns have been gravitated towards retirement age and pension.

First, the ratio of men and women in China is 51.45 to 48.4, with more men than women.^② However, the gender ratio of the elder population at and above 60 is 86.2 (women=100), 81.3 at and above 65, 62.6 at and above 80, 25.9 at and above 100.^③ Obviously, the older the age group is, the larger the percentage of women. Top on the list of concerns in social security for the elderly is pension. Thus, the

① The All-China Women's Federation and the National Bureau of Statistics (eds.), *Keydata Report of the 2nd Survey on Women's Social Status in China*, September 4, 2001.

② *The Statistics Gazette on National Economy and Society Development in 2006*, <http://www.stats-sh.gov.cn/2005shtj/xw/node49/userobject1ai2562.html>.

③ Liu Xin, *The Aging Population and Development of Service to Aging People in Shanghai* (2006), <http://www.stats-sh.gov.cn/2005shtj/tjfx/ndxx/userobject1ai2,831.html?2005shtj/tjfx/ndxx/images/00000451.gif?/2005shtj/tjfx/ndxx/images/00000452.gif>.



issue of pension is more about the pension for the elderly women population.

Second, gender differences exist not only in their access to pension but also in the amount of pension available. According to the data collected in the census by China Research Center on Aging on Urban and Rural Aging Population across China, the pension coverage rate in the urban area reached over 70% but less than 4% for rural aging population and the gap was remarkably significant between men and women. ^①

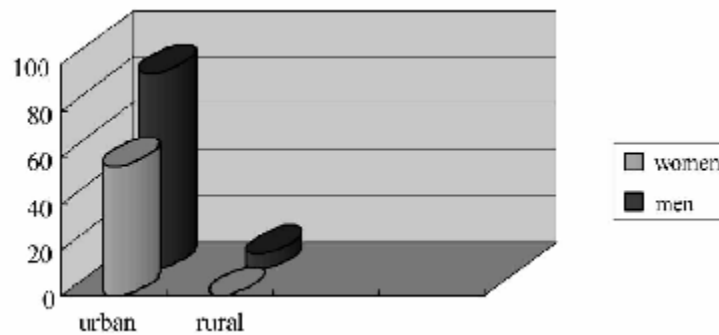


Figure 9. Gender Ratio of Pension Coverage in Urban and Rural Areas (2000)

Source: Data consolidated from *China Human Development Report 2005: Development with Equity*, China Translation & Publishing Corporation, pp. 64-65.

The urban-rural gap and gender differences can also be found in the pension-covered population. In general, women received 150 to 200 RMB Yuan fewer every month than men. Pension for women was less than 3/4 of that for men, either in urban or rural areas. Such a difference results in different living conditions of the two genders after their retirement.

^① *China Human Development Report 2005: Development with Equity*, China Translation & Publishing Corporation, p. 64.

Table 26. The (Average) Amount of Pension for the Elderly in Urban and Rural Areas (2000) (RMB Yuan per month)

	urban		rural	
	female	male	female	male
amount	541	759	277	420

The difference in pension also occurs to the rural elderly people in receiving government aid. The result of the census by China Research Center on the Aging Population across China in 2000 suggested that the proportion of aged men covered by government aids was higher than that of aged women in rural areas, standing at 9.2% for men and 6.6% for women. The difference is not only reflected in coverage but also in average amount of aid. For the aged people under government aid, the average monthly payment for men was almost twice as much as that for women. ^①

The third reason for focused attention on retirement age and pension and for the difference in the amount of pension payment between the two genders is the fact that women retire five years earlier than men. Initially this policy was designed to protect women. However, in today's context, it obviously has given rise to a gender-based differentiated treatment which is at the same time discriminative. A scholar was quoted saying, "It should be one's ability and health conditions, instead of gender, that decide whether he or she should retire. The current *Regulation of Civil Servants* stipulates that the retirement age is 60 for men and 55 for women. But for most women civil servants, they are in

^① *China Human Development Report 2005: Development with Equity*, China Translation & Publishing Corporation, p. 71.



their prime time at 55 with the highest capabilities and least family burden. Their early retirement is not only a waste of human resources but a reflection of inequality between men and women in their access to resources. It also results in a lower salary level of retired women than their male counterparts, which again causes economic inequality between men and women. Another impact of difference in retirement age is on women's political participation and career development. Women officials and professionals have significantly fewer opportunities of training, career development and promotion compared with men due to the 5-year difference in retirement. Consequently, this has adversely affected the selection of outstanding women talents." ^① Shrinking economic benefits and fewer opportunities for decision-making and for self improvement as immediate consequences of women's earlier retirement have urged scholars to appeal for changes on the status quo of different retirement ages for the two genders.

However, this is a highly complex issue in that people in different classes hold different views and perceptions. Although early retirement affects the amount of pension payment, for manual workers, it means a retired life with income but no work. The survey by Professor Zheng Guizhen indicated that only 15.9% of men and 15.6% of women insisted that the retirement ages for men and women should be the same, 50% of men and 52.1% of women held that the retirement age should be determined by the type of work. In the views of most people surveyed, a 5-year difference is sensible. ^② The fervently advocated proposal of a

^① Tan Lin, President of Women's Studies Institute Of China, "Equality between Men and Women: Let Data Speak," *People's Daily*, August 26, 2003, p. 5.

^② Zheng Guizhen, *Interview Records of the Survey Report on the Protection of Women's Rights and Interests under the Current Social Security System (Abstract)*.

same or a flexible retirement age for men and women from the academic circle was not accepted by the majority of people in the survey.

Disputes over the retirement age and pension demonstrate the complexity of the problem that covers issues of different estates, urban-rural differences as well as gender factors. A better solution can only be available when all these issues are given due consideration.

IV. Projects Promote Gender Mainstreaming

Both the government and various organizations are endeavoring in an all-round way to narrow down gender inequality in social security. In recent years, apart from discussions over the rationality of some relevant rules and attempts to amend these rules, pilot experiments have also been made in other aspects. An inspiring example in this regard is SWF's efforts to promote gender equality in social security and safeguard women's rights and interests by way of projects.

From 2003 to 2006, women's federations at all levels in Shanghai made rigorous efforts to advance women's health projects by seeking charity support, raising funds from various circles, establishing poverty release funds and allocating special government funds. Altogether 26.43 million RMB Yuan was pooled. Free gynecology checks were offered to 1.15 million women under difficult living conditions. 10.1855 million RMB Yuan was invested as medical aids ranging from 2,000 to 5,000 RMB Yuan per head to 4,201 women struck by gynecological tumors and who were in urgent need of operation. Another investment of 7.64 million RMB Yuan was made to procure 12 mobile gynecological check vehicles to cover ten suburban areas of Shanghai. These projects were carried out in accordance with the principle of "early check, early



identification and early treatment.” A statistical analysis of 900,000 women under poor living conditions who had taken medical checks suggested that the rate of women catching gynecological disease declined from 45.5% in 2001 (35.26% in 2003) to 28.55% in 2006. The gynecological check vehicles, in particular, are cruising in the countryside, factories and enterprises. As it turns out, nearly 5% of women registered for check hadn't taken any form of health check at all, and almost 10% hadn't been checked in the past 5 to 10 years. These vehicles made it much more convenient for women in rural areas to have their health checked, increasing the coverage rate of such checks from 20% to 60%.^① This case indicates that gender mainstreaming in social security has generated significant impacts in diverse ways. Gender mainstreaming in this area will score better if interests in various areas and multiple ways to safeguard the benefits are carefully weighed.

The fact that the state policy of equality between men and women is confirmed by law, gender-based databases are established since the academia dealing with this topic is developing make us more confident for future implementation of gender mainstreaming in China. We are convinced that through our efforts gender mainstreaming will have a unique and promising chance to develop in China.

(Translated by Ms. Hong DAI 戴虹)

^① Shanghai Women's Federation, *Self Assessment Report on the Performance of Women's Health Project* (For Internal Reference Only).