

女性与社会发展 (下册)

Women and Social Development (Volume Two)

# 中国特定政策领域中的性别主流化

Study on Gender Mainstreaming in the Specific Policy Contexts of China:  
Political Participation, Legal Status and Social Security

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上海社会科学院出版社

Shanghai Academy of Social Sciences Press

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## 导 言

自从1995年世界妇女大会在北京召开，“社会性别主流化”（也被简称为性别主流化）这样的概念就开始飘荡在社会文化的空气中，到今天已经13年了。这个概念凝聚了全世界几十年来性别平等事业的思想精髓，体现了性别平等理念的目标和实现途径。一个新的概念就像一颗种子，在不同的土壤中会有不同的生长历程，结出不同的果实。那么社会性别主流化在中国是如何生长，生长的过程中遇到了哪些障碍，目前有哪些成果呢？这一问题也是众多学者和性别平等的实践者所关注的。

过去，人们在论述社会性别主流化的过程中，往往更多地关注政治参与这一层面，也有学者把法律层面看作是广义的政治领域中的一部分，而本文关注的重点在中国特定的政策领域中，主要是三个方面：政治参与，法律状况和社会保障。这三个方面是社会性别主流化最重要的三个方面，也是能够框架性地勾勒出目前中国社会性别主流化进程的三个方面，这三个方面本身又是相互影响、相互交叉的。在笔者看来，政治参与是社会性别主流化的途径，这种途径的保障是法律认可，而最终要达到的重要目标之一是社会保障领域的性别平等。之所以这么说，是因为在中国NGO不发达的情况下，社会性别主流化的最便捷的途径是政府本身具有社会性别意识，但形成这一途径本身是艰难的；法律的作用就是把性别平等的成果固定下来，并且可以奠定解决具体的性别平等问题的基础；社会保障领域的平等表面上看来是制度上的平等，实际上这一平等和就业、家庭等与个人生活议题紧密相关，社会保障领域的性别平等有赖于一系列社会性别问题的解决。因此，通过考察这三个领域的社会性别主流化情况，我们可以大体上把握中国目前性别平等历程所



处的历史阶段,了解这一历史阶段中从宏观到中观到微观不同层面的性别平等实践。

从方法论上,权威的调查数据、多次的访谈、领导的公开讲话、学者的研究成果都成为了本课题的研究素材,通过这些丰富的素材,本书从多个角度,不同的视角阐述了社会性别主流化在中国整体的情况和三个特定领域的情况。

从数据分析上看,本书不仅引用了原有的权威数据、权威分析,并且对这些数据进行了二次分析,包括交叉分析和比较分析,从而更加深刻地描述目前的性别问题和现状。本书尽量选择 and 展示一些原始的数据资料,包括一些统计数据,也包括政府的报告、大事记、政策本身等原始资料,同时结合访谈,进行定性分析。原计划采取实名制访谈,但由于某些原因,基本采取匿名制,访谈者的访谈内容或者融合在文章内,或者匿名表述,只说明其身份。

此外,本书还引入了上海的个案,从而在论述某个具体领域的问题时,做到由面到点,由中央到地方,由宏观到微观,多层次、多角度地来论述三个领域的社会性别主流化。

在写作过程中,笔者既力图全面展示这三个领域中的社会性别主流化情况,也力图重点问题重点分析,希望在详细情况的介绍下,能同时梳理这一领域的基本特征和发展脉络。

本书分为四个部分,首先介绍社会性别主流化以及与其相关的概念,然后再依次分析三个领域中的具体情况。一般来说,在分析三个领域的性别主流化时,首先介绍社会性别主流化在这一特定领域中的基本情况;其次,分析具体的原因或某些特定的议题;再次,以上海为个案,进行深度的剖析;最后展望社会性别主流化在未来的呈现。

# 第一章 “社会性别主流化”与 男女平等基本国策

## 一、社会性别主流化

社会性别主流化的概念在 1995 年世界妇女大会上被中国的社会工作者、社会性别研究者和实践者广泛地接受,并且在这次大会上确定了社会性别主流化的责任主要在政府机构,其理念首先要在国家政策中表达。北京《行动纲领》明确规定了提高妇女地位机构的首要任务是推动社会性别在国家政策中的主流化。具体战略目标有:(1) 建立或加强国家机构及其他政府机构,具体行动包括:一是确保尽可能最高的政府级别负责提高妇女地位;二是强有力的政治承诺,酌情加强现有国家机构;机构职责明确,进行政策分析,并从事倡导、传播、协调的监测执行情况;三是为工作人员提供社会性别培训;四是收集整个政府有关政策的资料。(2) 将性别观点纳入所有立法、公共政策方案和项目。(3) 制作并传播按性别分列的数据的资料信息,以便于规划和评价。<sup>①</sup>

联合国经社理事会 1997 年对“社会性别主流化”进一步作出了界定:社会性别主流化是一个过程,它对任何领域各个层面上的计划行动,包括立法、政策或项目计划对妇女和男人产生的影响进行分析。它是一种战略,将妇女和男子的关注事项和经验作为一个整体,纳入政治、经济和社会等所有领域的政策和方针的设计、落实、监测和评估,使男女都能平等受益,中止不平等现象。最终目标是实现两性平等。

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<sup>①</sup> 参见北京《行动纲领》,第 103—107 页。



社会性别主流化的理想是在政治、经济、文化等社会的各个领域达成不同性别间的、主流和边缘间的、强势和弱势群体间的平等与和谐,而最关键的实现途径是将社会性别意识纳入社会发展和决策主流。中国学者认为这里包含三层意思:第一,政府要担负起促进妇女发展和社会协调发展的责任;第二,政府和其他行动者应该推行一种积极醒目的公共政策,把社会性别意识纳入所有政策和方案的主流;第三,建立国家及地方一级的性别平等机制,保证社会性别意识的政策和方案切实得到实施和有效的监督。

社会性别主流化的理想是在政治、经济、文化等社会的各个领域达成性别间的、主流和边缘间的、强势和弱势群体间的平等与和谐,而最关键的实现途径是将性别意识引入社会发展以及决策主流。这里包含三层意思:

第一,政府要担负起促进妇女与社会协调发展的责任。这一层意思来源于国家责任说,即政府是一个国家主要的社会公共权力机构,政府对于社会成员承担着责任和义务,对社会成员普遍的基本需求应当有所增益,应当营造公平的社会环境,应当直接为社会弱势群体提供必要的社会帮助,应当为社会成员提供平等的发展条件。

第二,政府和其他行动者应该推行一种积极醒目的公共政策,把性别意识纳入所有政策和方案的主流。应当看到,公共政策的制定和实施,不仅会影响一个国家的走向和行程,还将对男女两性的教育、择业和社会参与带来决定性的影响,甚至会决定几代男女的命运和发展道路。因此,任何经济、社会等方面的政策和计划出台之前应当分析对妇女和男子各有什么影响,及时消除和修正不利于妇女或男子发展的方案,坚持以人中心,保证政策之间的协调发展。’95世妇会敦促各国政府加强性别分析和性别规划,将社

会发展、经济发展与妇女发展的规划政策协调起来,透过性别的镜片来观察经济、社会和环境方面的问题。

第三,建立国家及地方一级的性别平等机制,保证性别意识的政策和方案切实得到实施和有效的监督。为了有效地监测性别平等的程度,避免主观随意性,国家性别平等机构要建立性别指标统计库,并纳入国家社会发展统计之中,以便准确地了解本国性别发展的程度、问题,掌握政策和计划实施的效果,提出改进和发展的新方案。

李慧英主编:《社会性别与公共政策》,当代中国出版社,2002年,第296—297页。

国际劳工组织张幼云在2004年6月14日上海市妇联举办的妇女理论高级研修班上作了一个“社会性别主流化在国际国内的发展趋势”的讲座,在该讲座中,张幼云指出虽然各个组织、各个层面、各个人群都有推进性别平等的责任,但是不同组织、层面和人员能起到的作用是不同的,首要的是领导的责任。她认为社会性别平等主流化的核心要素包括:第一,领导层面明确而坚定的政府承诺,其中主管部门是催化剂;第二,需要制定性别平等战略和计划;第三,性别平等机构设置和网络建设及赋权是必不可少的。<sup>①</sup>

可见,社会性别主流化的概念强调性别平等过程中政府的作用。这就给政府决策提出了一个具体的要求:对政策设计和实施必须进行基于性别的考虑。所谓基于性别的考虑,包括给予两性同等发展机会达到发展结果的平等。

社会性别主流化在中国的表述中也常常被替换为:把社会性别意识纳入决策主流。这一概念的突出优点是把政府在性别平等进程中的

<sup>①</sup> 沈奕斐:《被建构的女性——当代社会性别理论》,上海人民出版社,2005年,第326页。



责任明确化、具体化,它直接就提出了性别平等主要依靠的力量就是政府,政府对此负有不可推卸的责任。但是也有学者提出批评说:“‘社会性别意识纳入决策主流’在这里代表的思路主要是自上而下的,而不是自下而上。它所倡导的变革方式主要是在既有的体制之内,借助于权力阶层的性别平等意识苏醒从而推动广大社会成员的性别平等化建设,而不是通过广大社会成员的性别平等意识自觉,从而影响权力阶层的政策制定。”<sup>①</sup>这一批评不无道理,但是,就目前中国的现状来看,自上而下和自下而上互为因果,互相影响。推动性别主流化需要广大社会成员的性别意识,尤其是相关人员的性别意识,同样,政府的任何一个有关性的政策都会影响到具体的两性的生存状态,因此,社会性别主流化是一个重要而又实用的词汇。

有一点需要指出的是,在实际的操作过程中,人们对于什么是社会性别的认识是不同的。2003年11月至2004年2月的一项对局级以上干部的性别意识调查就清晰地表明了这一点。虽然有88%的人认为自己对社会性别“了解”和“有些了解”,但是对其内涵的认识是不同的,认识到社会性别是一种社会关系和权力结构的人数只有0.9%。<sup>②</sup>

可见,有关社会性别意识是一个仁者见仁、智者见智的概念,中国今后社会性别主流化的一个重要挑战,也是一个重要工作就是进一步明确社会性别理念的内涵和外延,只有明确了这一内涵并不断宣传这一内涵,才可能更好地推进社会性别主流化。

虽然概念还存在不同的理解,但从中国的实践来看,从1995年开始,政府担负起了性别主流化的责任,出台了一系列的政策纲要,推进性

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<sup>①</sup> 王瑞鸿:“从男性中心到男女两性中心——对‘社会性别意识纳入决策主流’的批判性分析”,载《妇女研究在上海(2001—2005)》,上海科学普及出版社,2006年,第63—64页。

<sup>②</sup> 肖扬:“对高层决策者社会性别意识的调查与分析”,载全国妇联妇女研究所:《1995—2005年:中国性别平等与妇女发展报告》(妇女绿皮书),社会科学文献出版社,2006年。

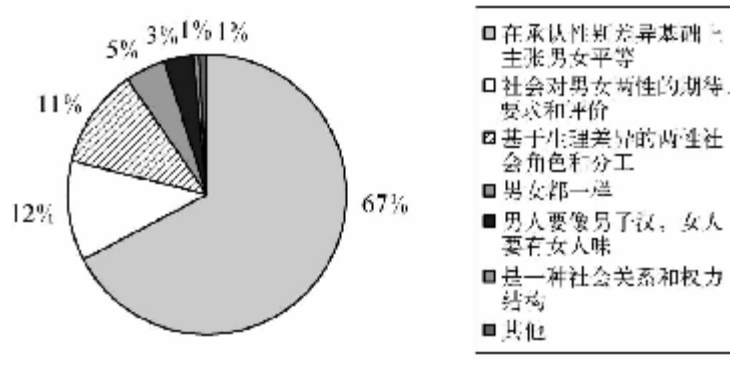


图1 对社会性别的认识

别平等的发展。

1995年8月,中国颁布实施了第一个全面推进性别平等与妇女发展的国家行动计划《中国妇女发展纲要1995—2000》(以下简称“1995年纲要”)。纲要确立了“九五”期间妇女发展的主要目标和保障目标实现的策略与手段。在“1995年纲要”计划目标基本实现的基础上,为适应国家经济与社会协调发展的需要和联合国《千年发展目标》的要求,中国又于2001年颁布了《中国妇女发展纲要(2001—2010年)》(以下简称“2001年纲要”)。与“1995年纲要”相比,“2001年纲要”把妇女作为发展的主体,从妇女与经济、妇女参与决策和管理、妇女与教育、妇女与健康、妇女与法律、妇女与环境六大领域设立了34项主要目标和100项策略措施,更加注重挑战传统的性别不平等观念和刻板的性别分工,充分体现性别平等和社会公正原则,使得“社会性别主流化”这一国际社会妇女发展的核心理念在中国国家妇女发展计划中得到了更好的诠释。

除了制定针对女性的发展纲要,中国政府也把社会性别意识纳入到了整体社会发展的规划中。2000年制定的中国社会经济发展的第十个五年计划中首次提及了妇女发展纲要的贯彻实施,2005年在国家第十一个五年计划颁布实施前夕,中国政府在全国第四次妇女儿童工作会议上明确表达了将妇女发展纳入国民经济和社会发展规划的政治意愿与



承诺。温家宝总理在会议讲话中指出：要把妇女儿童发展纳入到国民经济和社会发展规划，要把妇女儿童发展状况作为衡量经济社会发展和政府工作的重要指标。吴仪副总理要求：各级政府在制定国民经济和社会发展“十一五”计划时，要有重点、分类别地将妇女儿童发展规划的主要目标纳入经济和社会发展各个发展领域，统筹安排，同步规划、同步实施。<sup>①</sup> 2006年第十届全国人大四次会议通过实施的《国民经济和社会发展规划第十一个五年规划纲要》，专辟一节规划妇女的发展和权益保护。把妇女发展纳入并作为国家发展的目标，充分体现了中国政府在性别主流化实践中的决心和努力。

把妇女发展纳入到国家五年计划中，其意义是非常重大的，以上海来看，每年因为制定这一计划，政府和妇联联合讨论妇女议题的会议次数增加，而全国这样的会议更多，规模更大。通过把妇女发展纳入到五年发展规划中，使得性别平等的议题有了一个正式的政治舞台进行演练，并能够使一些具体的妇女发展议题、性别平等议题有了正当的理由和背景进入到政治议题中去。原来被认为是私领域的、“家务事”的议题成为了一个可以公共讨论并需要政府解决的议题，这从政策角度保证了原先被认为是女性的议题成为了社会的、政府的议题。

每一次制定或实施新的五年计划也是社会性别意识发展、性别平等议题推进的好时机。如“十五”计划在保留“九五”规划重要监测指标的基础上，积极创新，提出了一系列新的观点和观念。“十五”规划直接强调把性别意识纳入决策主流，强调妇女在就业、参政、综合素质、分配等方面都应享有平等的权利，使女性能平等而充分地享受改革成果和社会资源。

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<sup>①</sup> 温家宝：《在第四次全国妇女儿童工作会议上的讲话》，吴仪：《在第四次全国妇女儿童工作会议上的报告》，引自 <http://www.nwccw.gov.cn/showPldjh-more.jsp?page=3&belong=领导讲话>。

## 二、男女平等基本国策<sup>①</sup>

如果我们考察“社会性别主流化”这一词汇的运用,发现这一词汇在政府文件中出现的时候,大多被替换为“把(社会)性别意识纳入决策主流”,主要运用这个概念的群体是学者和国际官员。在政府层面,除了妇联以外,很少听到这一词汇的运用,经常使用这一词汇的干部往往具有到国外访问、访学的经历。

在中国,更为本土化,更加广泛熟知的概念是“男女平等基本国策”。1995年江泽民主席曾在联合国第四次世界妇女大会开幕式上向国际社会庄严承诺“男女平等是促进我国社会发展的一项基本国策”。2000年6月,中国政府向联合国联大特别会议提交了《〈北京宣言〉〈行动纲领〉执行成果报告》,重申:中国政府重视妇女的进步与发展。男女平等是中国社会发展的一项基本国策。我们将一如既往地积极参与妇女领域的国际活动,与国际社会共同努力,推动妇女的进步与发展。胡锦涛总书记2003年接见中国妇女第九次代表大会部分代表时再次强调,各级党委和政府一定要“坚决贯彻男女平等基本国策,通过扎实有力的工作促进妇女事业的发展”。这不仅从决策高度重申了《宪法》原则,提升了整个社会对性别平等的认识,也契合了“将性别平等意识纳入决策主流”的国际进步潮流。

男女平等基本国策的理念实际上是男女平权概念和社会性别主流化的一种综合。男女平权概念是男性中心主义文化在妇女解放运动过程中的一种体现,它要求女性向男性看齐,“男人能做的,女人也能做”,“男女都一样”。这样的理念指导下的妇女解放历程实际上是以男性为标准,女性向男性学习的过程,既不考虑女性的生理独特性,也不考虑已经形成的性别文化对具体个人的影响。经过多年的实践和反思,同时也

<sup>①</sup> 受社会性别理论的影响,有学者提出应该把男女平等修正为性别平等。



因为社会本身的快速发展,越来越多的学者和实践者认识到了性别平等的进程不应该是女性向男性学习和靠拢的进程,而是要考虑到社会文化对性别的建构,在具体的情况下把社会性别<sup>①</sup>作为一种权力的理念来推进性别平等。

如果比较男女平等基本国策和社会性别主流化两个概念,我们发现两者的目标是完全一致的,都是推进性别平等、两性和谐地发展。但是两者也有差异的地方:首先,社会性别主流强调政府在性别平等进程中的作用和责任,而男女平等基本国策也强调政府在性别平等中的作用,同时它把性别平等问题看作是政府对社会的要求,既要求各级政府承担责任,也要求其他机构和个人承担责任。其次,性别主流化要求把社会性别意识纳入到决策中,而这个社会性别意识不是简单的男女都一样,而是在考虑性别文化建构的基础上,加大对弱势群体的保护,推进性别平等。它的优点是内涵丰富,从更加多元和差异性的视角考虑性别平等的问题;缺点是对新接受这一概念的人来说,不容易把握其本质,容易产生操作上的争议。而男女平等基本国策由于其本身的历史原因,常常被简单化为“男女都一样”,注重数据层面的平等。它的优点是概念清晰,操作性强;缺点是不考虑同一性别内部的差异性,在性别平等的推动中,容易出现偏差。第三,性别主流化作为一个国际概念,已有很多成型的做法可以被借鉴。而男女平等作为一项基本国策,从政治上保证了性别平等的合法性和操作性。这两个概念在中国很多时候是被看作类似的,但是,从使用方面,学者们运用性别主流化多,而政府和媒体更喜欢用男女平等基本国策这一概念。笔者统计了2000年到2006年上海妇联的大事记,发现提到男女平等基本国策的次数多次,而性别主流化这一概念没有完整出现过,出现“把社会性别意识纳入决策主流”的概念一次,是一个学者在一次重要会议上的发言。因此,在中国讨论性别主流化必

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<sup>①</sup> 社会性别这一概念已经被越来越多的人认识到它不是一个简单的词汇,而是代表了一整套理论。

须结合中国的本土经验来分析。

虽然男女平等作为一项基本国策被越来越多的人所认可,但是由于这一国策有以下四个方面的弱点,导致这一国策的执行力度被削弱。

首先,“男女平等是促进我国社会发展的一项基本国策”虽然是江泽民在联合国第四次世界妇女大会开幕式上向国际社会的庄严承诺,但是,这一国策目前还没有得到宪法上的体现和保证。《中华人民共和国宪法》第四十九条明确规定:婚姻、家庭、母亲和儿童受国家的保护。夫妻双方有实行计划生育的义务。父母有抚养教育子女的义务,成年子女有赡养扶助父母的义务。禁止破坏婚姻自由,禁止虐待老人、妇女、儿童。这一条目中,我们可以看到它把计划生育这一国策落到了实处,明确规定了计划生育是公民的义务,但是,对于男女平等这一基本国策表述却相当笼统,它规定了妇女要受国家的保护,但是这样的保护和性别平等的理念显然是有差距的。作为具有主体性的妇女,她和男性一样需要国家的保护,但这种保护是有限度的,妇女依然具有自身的主体性和能动性。同时,这一条文也显示出,宪法依然把妇女作为被保护者,作为相对于男人的弱者来界定,而这一点本身和性别平等的思想并不吻合。禁止虐待妇女又缩小了男女平等基本国策的内涵,似乎所谓的男女平等的核心在于不要虐待妇女,显然这一点又和性别平等的理念不尽相同。

其次,男女平等作为一项基本国策,在实践中缺乏具体的政府执行机构。比较于计划生育基本国策,从中央到地方到每一个街道、乡村都有实际的政府部门在主管这一事情,把这一基本国策执行到位。而男女平等基本国策却缺乏这样一个权威的执行机构。虽然妇联在很大的程度上担负起了这一责任,但是妇联并不是一个政府机构,在具体的权限和功能上都缺乏像政府一样的权威性和主导性。妇联作为党和人民群众的桥梁、纽带,主要担负的功能是完成党交给妇联的任务,同时向党提出有关妇女的议题和解决方案,就解决妇女问题来



看,妇联的权限显然有限。虽然妇联已经在宣传、具体化、执行男女平等基本国策上作了很多努力和工作,但是没有一个专门的政府机构的支持,其成效受到了限制。目前,各地都建立了妇女儿童工作委员会作为政府的一个部门开展工作,但是由于其只是一个办公室,而且多数情况下设立在妇联,人员较少,从一开始就决定了其在政府机构中的边缘位置。

再次,对于违反男女平等基本国策的后果没有给予明确的规定,也没有具体的机构执行惩罚的措施。就计划生育基本国策来看,有一套相对完整的体系保证国策的执行包括惩戒。对单位来说,如果有人违反计划生育,那么当年度的文明单位的评选就会受到严重影响,很多地方实行“一票否决制”;对个人来说,如果违反计划生育必然会被罚款,还有可能会被开除公职。无论对单位还是个人,违反计划生育国策的代价都是非常昂贵的,因此,计划生育的实行得到了切实的保障。而就男女平等基本国策来说,如果违反基本国策,后果会怎样呢?如果违反了法律中具体的规定会受到法律的惩处,但是在法律之外,就没有其他相应的惩戒措施,无论是对单位还是个人。当我们发现某个单位在用工方面有性别歧视时,妇联可以进行劝说,但是如果劝说无效,妇联或者其他机构都没有权力进行强制措施或罚款,这样就导致很多的政策和理念流于空话。

最后,也是最复杂的,就是如何衡量男女平等。有关性别平等的理念有很多种,单从西方传入中国就有马克思主义女性主义、自由主义女性主义、激进主义女性主义、后现代女性主义等等,在中国还有很多传统与现代争论中的性别平等概念,这些理念本身有相互对立的方面,这与性别主流化概念面对的困境是相似的。何谓性别意识?不同的人有不同的回答。在这样多元化的观念下,如何衡量性别平等就成为了问题。全国妇联妇女研究所所长谭琳提出:男女平等,用数据说话。她认为社会上很多人甚至包括一些领导干部之所以对男女平等的基本国策知之不多的原因就在于缺少可操作层面上的具体措施和要求,

因此必须要有量化指标,要有一系列具体措施,特别是科学的评价体系。<sup>①</sup>

“对性别化指标的需要为其提供支持的数据开发,是政策愿望与了解政策是否发挥重要作用这两者之间的重要环节。衡量随着时间推移而发生的、可供跨国比较的变化而充满活力、有效而可靠的指标,对于评估改革政策的有效性至关重要。没有这些指标和为它们提供支持的数据,就很难评估政策发展——如记录在提交联合国北京+10进程的国家报告中的政策发展——所产生的性别平等方面的积极结果的程度。”<sup>②</sup>数据成为了衡量性别平等的基础指标,也是政策制定的基础,因而,数据成为性别主流化的表现和原因。

在开发性别化指标方面,联合国开发计划署一直走在前面。1999年,联合国开发计划署提出了一个基本的指标:人类发展指数 HDI,它由三个元素组成:预期寿命,教育和人均收入。在此基础上,面对全球性别发展不均衡状况,联合国开发计划署又提供了两个进一步的指标:GDI 和 GEM。GDI 一般称为性别相关发展指数,构成 GDI 的三个指标为分性别的预期寿命,分性别的受教育程度,调整后的男女两性实际收入;GEM 一般称为性别赋权指数,着重测量的是男女两性平等参与政治、经济等社会公共事务的状况。

进入 21 世纪以来,这些指数已经显示出了其重要性和影响力,尤其是 GEM 成为在政治领域衡量两性平等,妇女参政的最重要指标体系,大量的跨国比较和历史比较都是在这一指标体系的指导下,用具体的三方面数据来进行的。但是,这些指标也遭到了一些批评。首先,这些指数将发展的绝对水平(如绝对的人均国内生产总值)与性别关系合并在一个单独的指数中;其次,这些指数并不能涵盖有关女性发展的 12 个重要领域;最后,这些指数把妇女看作是铁板一块的群体,忽视了妇女内部的差异,

<sup>①</sup> 《人民日报》2003 年 8 月 26 日第五版。

<sup>②</sup> 西尔维亚·沃尔比:“在全球性时代测量妇女的进步”,载《国际社会科学杂志》2006 年 5 月。



忽视了女性之间存在的差异导致的不平等。<sup>①</sup> 这些批评对于 GEM 尤其重要,因为 GEM 所测量的公民权利和参政情况更为抽象和复杂。

指标的出现和性别文化的数据化以及对数据的重视,使得讨论性别主流化和男女平等基本国策的推行有了确凿的依据,构建了各地方、各部门、各团体对话的平台。也正因为此,本书在具体的撰写过程中,在参政领域一块通过大量的数据来说明性别主流化在中国的进程以及遇到的问题。

### 三、妇女工作系统和上海个案

男女平等基本国策在中国的推行虽然有很多的机构在共同努力,但是,如果忽略中国独特的妇女工作系统,是无法很好地理解这一进程的。尤其是在中国特定的政策领域中,妇女工作系统是最重要,有时几乎是唯一的推动机构体制。这里需要指出的是,妇女工作系统的概念并不是单纯指妇联和妇女儿童工作委员会(以下简称妇儿委),还涵盖在这两个机构下属的很多机构,这一认识也是妇联内部的一种认识。所以,虽然本书主题是性别主流化中的特定政治领域,但是,笔者认为依然有非常的必要来介绍和描述妇女工作体系的性别意识和具体工作,因为,这一系统目前是推进性别主流化的主力军,拥有和政府对话的能动性,并且拥有和执政党的直接联系。如果缺乏这一背景,那么我们对于整个性别主流化进程的理解就会产生偏差。

本小节以上海为个案,看看在具体的环境中,性别主流化是如何推进的。在具体讲述事例前,首先介绍妇女工作系统的机构构成和历史。

1949 年在中共中央妇委会的支持下,成立了全国妇联,当时两个机构处于合署办公状态,但很多关系到妇女和妇女工作的重大决策建议和活动,都是由中央妇委会直接出面提出和组织的。1958 年中共中央妇

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<sup>①</sup> 详见瓦伦迪娜·M·莫干达姆·鲁西·桑福特娃:“测量妇女赋权——妇女的参与以及她们在公民、政治、社会、经济和文化领域内的权利”,载《国际社会科学杂志》2006 年 5 月。

委会撤销,全国妇联党组扩大,妇联成分趋向单一,成为执政党的妇女工作机构(某种程度上也是政府的妇女工作机构)。撤销中央妇委,就当时看对妇女工作的运行并未产生实质性的负面影响,但从长远考虑,却一定程度上削弱了党对妇女工作的领导,导致了妇女工作和妇女问题解决妇联化的开端。

而这个时候,妇联开始发展壮大。妇女工作系统的一个优势就在于它从上到下,从中央到基层有一张完整的群众组织网络,可以渗透到每一个妇女身边。到2003年,全国各级妇联组织有专职干部52529人。地(市)级妇联组织435个;县(区)级妇联组织2336个;乡(街)妇联组织48066个;城市基层妇代会73885个;农村基层妇代会611734个;各级机关妇工委48516个;事业单位妇委会(含高校妇女组织)24599个;女职工委员会233514个;非公有制经济组织中的妇女组织32157个;民政部登记注册的妇女社团1212个;民主党派妇委会1392个。<sup>①</sup>

改革开放后,妇联在众多妇女组织中虽仍处于领导和核心地位,但其群众团体和非政府色彩日益被强化。而市场经济背景下,国家执政党和政府部门中妇女工作机构的缺位则使得性别问题、妇女问题难以避免地被一步步边缘化了。因此,1990年,政府妇女工作机构——国务院妇女儿童工作协调委员会应运成立,1993年,该委员会更名为国务院妇女儿童工作委员会。委员会设立于政府最高级别、由国务院副总理级首长领导,成员单位由最初的17个和上届的29个增至33个,并下设办公室作为日常办事机构。

这样,妇联、妇女儿童工作委员会以及全国人大、全国政协的妇女工作部门、全国总工会女职工委员会等国家级妇女工作机构和群众团体,共同构成了一个妇女工作系统。它们既在各自的工作领域独立开展工作,又相互配合密切合作,为社会性别主流化而努力。

下面从上海这一更为具体的个案,来看妇女工作系统在一个地方的

<sup>①</sup> 中华全国妇女联合会:《中国妇女儿童状况:事实与数据》,2003年8月。



发展。

妇联在上海形成了较为完整的组织网络和组织体系。纵向组织体系为市、区县等行政区域都有妇联组织,妇代会一直延伸到居(村)委会;横向组织体系为:作为妇联团体会员的企业基层工会女职工委员会及其以上各级工会女职工委员会,以及妇联的团体会员(在民政部门注册登记,并经妇联同意的以女性为主体的社会团体)。

### 上海市妇女联合会

上海市妇女联合会(以下简称市妇联)成立于1950年8月,它是上海各界妇女在中国共产党领导下为争取进一步解放而联合起来的社会群众团体,是党和政府联系妇女群众的桥梁和纽带,是国家政权的重要社会支柱。市妇联的基本职能是代表和维护妇女权益,促进男女平等。

市妇联的最高权力机构是上海市妇女代表大会。上海市妇女代表大会每五年召开一次。2003年6月召开了第十二次妇女代表大会,全市800名妇女代表通过投票选举产生108名执委,再由执委选出15名常委和市妇联主席、副主席。

上海市各区、县、街道、乡镇、居委会和村都建立妇女组织。机关、科技、教育、文化、卫生、体育单位均设立妇女工作委员会。工会女职工委员会和按职业成立的女工程师、女医师、女律师、女科学家、女法官、女检察官、女企业家、女记者、女退协以及女编辑等十个联谊会(协会),还有妇女学学会、婚姻家庭研究会、家庭教育研究会等学术团体都是妇联的团体会员。

上海女性网站(上海妇联网站): <http://www.shwomen.org/>

上海市妇女儿童工作委员会成立于1995年8月30日,是上海市政府负责妇女儿童工作的议事协调机构,是市政府负责协调和推动政府有关部门执行《上海市实施〈中华人民共和国妇女权益保障法〉办法》和实

施上海妇女发展和儿童发展中长期规划的工作机构。

上海市妇联和妇儿委在 21 世纪的新舞台上,做了很多的有关性别平等的推进工作,而这些工作与大背景的社会性别主流化趋势是紧密相关的。下面根据上海市妇联在其网站上公布的自 2000 年开始的大事记,梳理了近 7 年来,妇联和妇儿委直接与社会性别主流化或者男女平等基本国策相关的事情。当然,就妇联内部来说,他们认为自己所做的每一项工作都是与社会性别主流化相关的。这一观点不无道理,但本书根据更加严格的定义,从三个角度来阐述上海市妇女工作系统的工作。

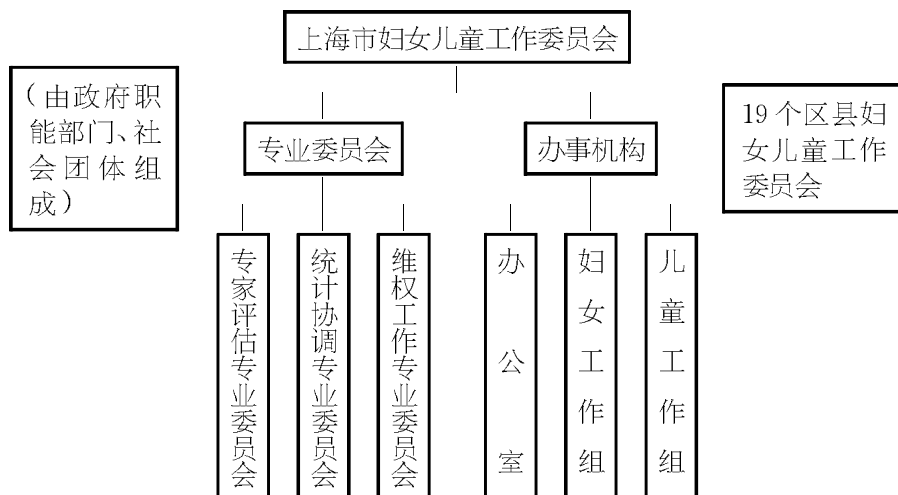


图 2 上海妇女儿童工作委员会机构图

首先,有关上海妇女“九五”、“十五”或“十一五”发展规划的讨论每年都有多次,每次在回顾上一个五年计划,制定下一个五年规划的时候(2001年、2006年),讨论尤其多。除了上海市妇联和上海市妇女儿童工作委员会以外,上海市政府及其属下上海市统计局等也多次参与。表 1 显示了上海市妇联、妇女儿童工作委员会就妇女发展五年规划与其他政府部门讨论的次数,因为根据市妇联对大事记的记录,一般妇联内部对于五年计划的讨论是不作为大事记的,因此,这里的次数是指有其他部门参与的比较重要的有关妇女发展五年规划的讨论。



表1 上海市妇联、妇女儿童工作委员会就妇女发展五年规划的重要会议和事件<sup>①</sup>

年份	2000	2001	2002	2003	2004	2005	2006
次数	3	9	2	5	3	6	11

数据资料根据上海妇女网站公布的上海市妇联大事记中的记录整理。

妇女发展五年规划的多次讨论一方面显示了妇女发展议题进入到政府决策机构中,政府必须在一定的时候来面对和讨论有关妇女发展的议题,无论结果如何,都是社会性别意识进入到决策中的一种切入机会。妇女议题进入到五年规划中的另一个重要意义在于,性别平等的理念也有机会以权威的方式进入到媒体的宣传中,比如,2003年11月19日上海实施妇女儿童发展“十五”计划中期监测评估状况首次由市政府新闻发言人焦扬向中外记者发布。

但是,2001年和2006年的数据骤然增多也从另一个方面说明妇女发展议题还没有形成常规化,往往因为特殊的关注而更多地进入到决策体系,在一般情况下,关注得还不够多,没有形成日常化的意识形态,而这正是目前性别不平等中缺乏政府作为一个重要根源。

其次,上海市妇联积极完成性别统计的数据库,这一数据库为性别议题进入政府的视野,促进政策的指定和执行起到了非常重要的作用。下文所谈及的政治参与、法律状况和社会保障三个领域的发展都离不开这样一些数据库的建设。

1999年 在上海市统计局的积极配合下,已经完成了上海市妇女儿童发展状况数据库一期工程的开发。为了配合数据库的发展,上海市每年都会举行相关的培训班。

<sup>①</sup> 根据上海妇女网站:“上海市妇联大事记”<http://shwomen.eastday.com/renda/node4420/node4465/node4468/index.html>整理得出数据。

2000年4月26日 “2000年上海妇女和儿童规划(区县)年度监测统计工作培训班”举行。各区县妇儿办、统计局、卫生局、民政局、人事局等单位的统计人员100余人参加了培训。此举标志着本年度两个规划的监测统计工作全面展开。

2001年1月9日 在市统计干部培训中心举办“2001年上海妇女和儿童规划(区县)终期监测统计工作培训班”。各区县妇儿办、统计局、卫生局、教委等单位的干部和统计人员参加了培训。4月11日,上海市“九五”妇女儿童发展状况数据库一期工程进行验收。

2002年3月27—28日 市妇儿工委统计协调专业委员会在莘城宾馆召开上海妇女儿童发展“十五”计划监测指标业务培训暨2002年全市区县妇女儿童发展监测统计工作会议。市、区妇儿工委办、统计局、卫生局、教委等单位监测统计人员约100人参加了培训。

2003年5月15日 市妇儿工委办公室主任王禄宁等一行4人专程到市统计局商议妇女儿童统计监测数据库二期方案,确定上海市妇女儿童统计监测网站的具体内容和实施进度。

2005年4月4日 市妇儿工委办公室召开2004年度监测统计工作暨“上海妇女儿童发展信息网”培训会议。会上,国家统计局社会科技处处长王克钧和市妇儿工委办副主任田熊分别作辅导报告,并对信息报送和数据库操作进行上网操作培训。

2006年 根据市妇女儿童“十一五”发展规划,将《上海市区县妇女儿童监测统计制度》修订为《妇女儿童状况综合统计报表制度》。<sup>①</sup>

根据上海市妇联大事记整理而得 <http://shwomen.eastday.com/renda/node4420/node4465/index.html>。

<sup>①</sup> 《关于布置2006年统计年报和2007年定期统计报表制度的通知》,上海市统计局、国家统计局上海调查总队,沪统字〔2006〕68号。



在建立了数据库以后,2003年2月13日市妇儿工委常务副主任、市妇联主席孟燕堃向市人大和政协会议递交了关于“把促进性别平等发展的指标纳入上海率先实现现代化目标体系中”的议案,被两会列为书面意见。4月29日市计委中长期规划处处长吴越等专程到市妇联,就当年“两会”期间市妇儿工委办公室提交的关于“把促进性别平等发展的指标纳入上海率先实现现代化目标体系中”的提案作了答复。2004年1月13日,市人大、政协“两会”期间,市妇儿工委办公室又提交了《将妇女发展指标纳入上海率先基本实现现代化指标体系》的提案和议案。这两个议案的讨论把有关妇女发展议题进一步具体化、数据化和操作化,对于推动妇女发展规划的实践有重要的意义。

从这些工作中,对应于前文所说的数据库建立的重要性,我们可以看到在中国社会性别主流化的进程是从最基本的工作开始的,建立分性别的数据库对社会性别主流化而言,不仅仅是提供了数据资料,而且这一工作与中国整个政府的运作体系紧密相关。通过数据的建立,才能有说服力的提案产生,而提案是中国政府在政策转变过程中的一个基本的、不可或缺的步骤或程序。

再次,除了抓住妇女发展规划,上海市妇联抓住男女平等基本国策这一概念,进行了广泛的宣传。2003年,笔者参加妇联的一个会议,当时有多位妇女干部提出,当她们以男女平等基本国策为依据主张妇女权益,推进性别平等的时候,却发现很多的记者、政府官员、基层妇女干部、老百姓都不知道有这样一个基本国策,因此,当时,妇联主席就提出要大力宣传男女平等基本国策。宣传男女平等基本国策的过程也是宣传性别意识的过程,直接推动了社会性别主流化。

2004年3月 市妇联首次以各种形式在市中心的主要区域开展“男女平等基本国策”公益广告宣传活  
动,并将1万多张宣传画张贴到各个社区。

5月 市妇联宣传部汇编《男女平等基本国策宣传资料》，并选登了男女平等宣传语征集活动中的优秀条目，共印制 15 000 余份。

11月15日至2005年1月5日 为纪念第四次世界妇女大会在北京召开和江泽民同志重要讲话发表 10 周年，上海市妇联、市工商局等联合主办“男女平等基本国策”公益广告大赛，广为征集作品。

2005年3月1日 由市妇联、市工商行政管理局、上海文广新闻传媒集团、解放日报报业集团联合举办的“男女平等基本国策”公益广告大赛评选结果揭晓。

根据上海市妇联大事记整理所得 <http://shwomen.eastday.com/renda/node4420/node4465/index.html>。

妇联的这一工作是卓有成效的。男女平等基本国策的了解人数增加，虽然没有具体的数据调研，但是，就笔者近年来参加相关的妇女工作系统或其他政府机构的会议来看，当我们提到这个概念时，已经不需要作进一步的解释。

## 第二章 政治参与

无论是从实践的角度还是从学术的角度,目前基本认可政治领域的社会性别主流化的关键就在于提高女性的参政比例和参政质量,虽然,女性参政的情况并不等同于社会性别主流化在政治领域的体现。比如说,虽然女性在全国人大代表中的比例一般在20%左右,但是却并不能说明人大出台20%左右的法律法规具有社会性别意识,人大的女性人数比例和社会性别意识在人大的渗透之间的函数关系目前还无法得出。但是,理论界普遍认为,在一个机构中,尤其是政府机构中的女性人数比,既是性别主流化在这个领域中的体现,也是促进这个领域把社会性别意识纳入决策的有效手段。因此在缺乏更好的方法之前,本章依然用女性在政治领域各个层面的人数比来说明政治领域中的社会性别主流化问题,而把有关社会性别意识的讨论更多地放到法律状况中去讨论。

妇女参政是指妇女作为一个群体正式参与国家政治生活、管理社会公共事务。它是实现妇女的基本权利以及政治决策民主化的产物,它包含两个彼此相关的方面:民主参与和权力参与。民主参与,是指妇女行使法律所赋予的公民民主权利,包括行使选举权,对各级党政领导班子进行民主监督,以及通过言论、出版、结社发表自己的政治见解等。权力参与,是指妇女进入国家各级政权领域,直接参与国家政治、经济、文化等各项事务的决策和管理,直接担任各级人民代表和各级各类领导职务,直接管理国家与社会事务。<sup>①</sup>

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<sup>①</sup> 国务院妇儿工委办公室、江苏省政府妇儿工委办公室编著:《科学发展观与男女平等基本国策》,江苏人民出版社,2005年,第156页。

还有的学者把广义的妇女参政划分为更为具体的四个方面的指标,包括:知政(妇女对政治信息的知晓程度)、议政(妇女对政治制度、政治机制、政治现状以及人物的看法与评价)、参政(妇女对政治决策过程的参与影响程度)和从政(妇女参与权力决策的情况)。<sup>①</sup>这四个指标是一个有机整体,如果排除了文化以及文化影响下的个性差异,它们之间应具有正相关关系,即一个人占有的政治信息越广泛,则其议政和参政、从政的可能性应越大、能力越强。但加入了文化及个性的影响,这些指标又会具有相对的独立性,也不乏存在某种相互掣制甚至对立的关系,如一个人可能广泛占有政治信息,知政程度很高,但在心理上或行动上却回避政治,甚至厌恶政治。<sup>②</sup>因此,全方位地考察妇女参政的情况需要从多个角度切入,由多个指标体系考核,才能全面衡量一个国家的性别平等与参政的情况。

本章的妇女参政概念强调权力参与(从政)出发,辅助性地讨论到广义的妇女参政。这是因为,笔者认为在今天的中国,妇女政治参与的主要问题是直接从政,掌握领导权的问题,而不是选举权、被选举权这样的问题。这是由中国的历史发展造就的,因为中国自建国以来,就从法律上赋予了女性和男性平等的权利,这种权利虽然有时候受社会文化的影响,流于形式化,但像选举权和被选举权这样的权力已经被赋予,这一点和西方的女权运动不一样。今天妇女参政的关键问题在于受刻板性别文化和父权制的影响,导致女性在从政方面面临很大的挑战和制约。

此外,调查研究发现,决策者的本质性别身份与其对性别平等的认识是有显著影响的。对“目前社会上是否存在男女不平等”的问题,认为“基本不存在”的男性明显多于女性,而认为“普遍存在”性别不平等的女性则远高于男性,达到20.7%。<sup>③</sup>

① 丁娟:《男女平等基本国策研究》,中国妇女出版社,2005年,第121页。

② 同上,第122页。

③ 肖扬:“对高层决策者社会性别意识的调查与分析”,载全国妇联研究所:《1995年:中国性别平等与妇女发展报告》(妇女绿皮书)。

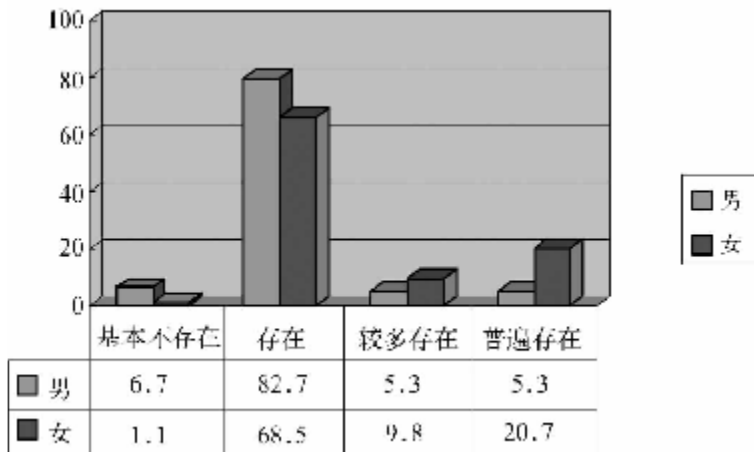


图3 男女被调查者对目前社会是否存在男女不平等的看法 (单位: %)

另外,对“目前中国妇女的社会地位与男性相比”这一问题,持妇女地位“较低”看法的占 60.7%,持两性地位“差不多”的占 32.6%。交互分析的结果还发现,认为妇女地位“高于男性”的均是男性被访者,而在认为妇女地位“低于男性”的人中,女性比男性高出 28.7 个百分点。<sup>①</sup>可见,提高女性的参政比例不仅仅是维护女性权益的一种措施,还是改变社会对性别问题认识的一个途径。

### 一、中国女性政治参与的国别比较和历史比较

讨论中国目前的女性政治参与问题,从理论上来说,有三个比较的维度:第一是国别间的比较,通过和同一时期的其他国家的女性政治参与的比较,可以发现目前在政治领域中中国执行性别平等的力度和世界位置;第二是历史的比较,通过不同时期中国女性政治参与的情况,可以

<sup>①</sup> 肖扬:“对高层决策者社会性别意识的调查与分析”,载全国妇联妇女研究所:《1995—2005年:中国性别平等与妇女发展报告》(妇女绿皮书)。

发现中国女性政治参与的发展情况和所处的历史阶段；第三是以两性总人口的性别比(女：男为 48.5：51.5)为参照系统,可以发现目前中国女性政治参与的性别差距。这三个维度大体上就可以确定中国女性政治参与在一个三维中的坐标位置。从世界范围来看,还没有一个国家在政治领域的各项指标上都达到总人口的性别比的,在男女权力最为接近的冰岛,GEM 也仅为 0.847(达到男女平等理想状况的数值为 1)。① 因此,本部分的比较把第三个维度融入第一、第二维度中,而不再另成一部分单独论述,但是,必须指出的是,第三个维度应该是在政治领域中性别平等的现实目标。

### (一) 国别比较的维度

从国别比较的维度来看,世界范围内关注妇女参政问题,主要有三个层面的内容,首先是女性投票权和被选举权的获得,其次是女性在议会中的地位,最后是女性执政政府的情况。

在大部分国家,女性获得投票权和被选举权②都晚于男性,绝大部分的国家女性都是在 20 世纪才陆续获得这两种权利或者其中一种权利,每一步都迈得很艰辛,而且各国的发展历程是很不同的。随着 2005 年科威特妇女获得选举权,世界上大多数国家的妇女在政治舞台上拥有了民主舞台最基本的权利:选举权。中华人民共和国自 1949 年就赋予了两性平等的投票权和被选举权,女性获得了基本的政治权利保障。因此从选举权的角度来看,中国走在了很多国家的前面。

另一个重要的指标是议会中的女性比例,在 1945 年第二次世界大战结束,女性在议会中的地位就一直是被看作衡量一个国家的总体性别平等的指标,也被看作是衡量世界政治文明发展的指标之一。从数据来看,女性在议会中的比例持续增长,1995 年从原来的 3%和 2.2%增长到

① 王瑞芹:“妇女参政行为与政治行为文明”,载《妇女研究论丛》2005 年第 4 期。

② 下文指代这两种权利时,用选举权概括之。



了11.6%和9.4%；目前排名前十的国家中，女议员的比例都超过了34%，但是也没有一个国家超过50%。比较有意思的是，女性在议会中比例前十名的国家中大部分是国土面积比较小的国家。这些数据说明，在世界范围内，性别平等在参政领域有了长足的发展，但是还没有达到理想的目标，还有待于进一步努力，尤其是所谓的大国更是任重而道远。

表2 从1945年到1995年50年间女性在国家议会中的发展历史

年 份	1945	1955	1965	1975	1985	1995
议会的数目	26	61	94	115	136	176
下议院中女议员的比例(%)	3.0	7.5	8.1	10.9	12.0	11.6
上议院中女议员的比例(%)	2.2	7.7	9.3	10.5	12.7	9.4

资料来源：数据来自各国议会联盟：<http://www.ipu.org/wmn-e/history.htm>，如果是单院制，则被计算在下院中。

表3 女议员比例世界前十位

排名	国 家	单院制或下议院			上议院或参议院		
		席位	女性	女性(%)	席位	女性	女性(%)
1	卢旺达	80	39	48.8	26	9	34.6
2	瑞 典	349	158	45.3			
3	挪 威	169	64	37.9			
4	芬 兰	200	75	37.5			
5	丹 麦	179	66	36.9			
6	荷 兰	150	55	36.7	75	22	29.3
7	古 巴	609	219	36			

续表

排名	国家	单院制或下议院			上议院或参议院		
		席位	女性	女性(%)	席位	女性	女性(%)
	西班牙	350	126	36	259	60	23.2
8	哥斯达黎加	57	20	35.1			
9	阿根廷	257	90	35	72	30	41.7
10	莫桑比克	250	87	34.8			

数据来源: <http://www.ipu.org/wmn-e/classif.htm>。

从中国与其他国家的排位相比较,不进则退成为一个显著现象,在全国人民代表大会中女代表的比例一直维持在20%左右,而排名却从第12位下跌至第47位。

表4 世界各国国会中的女议员比例及排名<sup>①</sup>

时间	1994年6月		1997年1月		2000年1月		2000年4月		2006年2月	
国家	比例	排名	比例	排名	比例	排名	比例	排名	比例	排名
中国	21	12	21	16	21.8	20	21.8	24	20.3	47
南非	25	7	25	13	30	8	30	8	32.8	14
冰岛	23.8	8	25.4	10	34.9	6	34.9	6	33.3	13
德国	20.5	13	26.2	9	30.9	7	30.9	7	31.8	16

我们选择了几个国家情况和中国作对比,可以发现目前世界上女

<sup>①</sup> 根据 [www.ipu.org/wmn-e/classif.htm](http://www.ipu.org/wmn-e/classif.htm) 数据资料整理。



性在议会中的发展速度是非常快的。就南非来说,其女议员的比例从1994年的25%持续增长到了2006年的32.8%,但是,其排名却从第7名下落到第14名;德国和冰岛的情况相似,有过快速发展的阶段,但是一旦比例发展速度略有下降,排名也随之下降。通过这一比较,我们可以得出结论,中国在世界上排名的下降并不意味着中国性别平等进程本身在往后退,而是在各国都快速推进性别平等的21世纪,提高女性在全国人民代表大会的比例是一个必需的要求,稳步不前就是落后了。

除了议会中女性的比例,主持议会的女会长的比例和政府机关中部级及部级以上干部的性别比被看作是重要的衡量一个国家决策层面性别平等情况的重要指标。而女会长和女性部级干部的上任比起成为女议员而言显得更为艰难。截至2006年7月10日,目前189个国家中(其中75个是两院制国家),主持议会的女性有26个,也就是说,女性占264个议会会长职位的为9.8%,<sup>①</sup>而中国到目前为止还没有出现过全国人民代表大会常务委员会的女性委员长。

政府层面的女性部级干部的比例更低,根据联合国2000年统计数据,目前,在世界各国政府中,女性担任正部级官员的比例是3.2%,副部级为6.2%,在整个政府部门中,女性的比例是5.8%,<sup>②</sup>这也反映了目前妇女参政最薄弱的领域就在政府。从这一点来看,中国政府部级的女性比例略高于世界平均比例,中国省部级以上的女性领导干部一般在8%以上(见下文表10)。

这里必须指出,在不同的国家,妇女参政的特点是不同的。比如,在英法两国,女性在议会中的比例较低,但在政府中的比例相对较高。在英国议会,女议员的比例为17.1%,但在政府的比例却高达35.3%。在法国,比例分别为8.7%和30.3%。而西班牙的情况则与英、法两国正

<sup>①</sup> 数据来自各国议会联盟: <http://www.ipu.org/wmn-e/speakers.htm>。

<sup>②</sup> 上海市妇女联合会、上海市妇女儿童工作委员会、上海市妇女学会编:《上海面向21世纪的妇女发展(1990年—2000年)》,中国妇女出版社,2003年。

好相反,女性在议会的比例较高,在政府中比例则较低。在比利时、卢森堡、奥地利和葡萄牙等国,女性在议会和政府均处于中间水平。<sup>①</sup> 中国由于缺乏全国政府的干部人数统计资料,<sup>②</sup>我们选择用上海市市委组织部的统计资料来看,2005年上海市党政机关女干部的比例是26.5%,上海市人大的女代表比例是24.2%,上海市政协的女委员比例是18.1%,<sup>③</sup>因此,在上海党政机关和人大的女性比例大致相当,政协略低。就此来推断,中国女性在议会和政府的比例基本处于中间水平。

从地区范围来看,欧盟国家女性在参政方面,总的来说领先于世界大多数地区。2000年欧盟统计显示:15个成员国在下议院或单一议院中女性议员的平均比例为20.6%,而世界平均水平为13.9%,<sup>④</sup>世界上妇女参政程度很高的北欧国家,平均水平为38.8%,是世界平均水平的3倍左右。<sup>⑤</sup> 造成欧盟国家女性在参政方面远远高于世界平均水平的原因很多,其一是多数欧盟国家采取了有利于女性当选的比例代表制或混合制。其二是欧盟认为妇女在总体上的价值体系是,倾向于非暴力、对话、合作、协商和和平,强调生活质量,关注下一代和未来。其三是为促进男女在决策中的平等,欧盟建立了一整套与之相关的运作机制。<sup>⑥</sup>

从政府层面来看,许多国家政府都从机制、法律、执行等各个层面来推动性别平等在参政领域的发展。以韩国为例,为落实第一次世界妇女大会宣言,韩国于1983年成立了“韩国妇女发展机构”作为管理妇女问题的唯一国家机构辐射在政府健康和福利部门之下,负责对妇女进行研

<sup>①</sup> 欧盟成员国国家议会中女性所占比例(2000年)数据来源:欧洲“决策中的妇女”数据库,柏林妇女计算机中心(<http://www.db-decision-de/index.html>)。

<sup>②</sup> 中国也有有关干部的统计(下文会具体说明),但是由于其涵盖面太宽泛,导致与其他国家的数据不可比较。

<sup>③</sup> 上海市统计局、上海市妇女儿童工作委员会办公室:《性别发展在上海——2005年上海性别统计手册》,第78、80页。

<sup>④</sup> 各国议会联盟2001年统计数据。

<sup>⑤</sup> 上海市妇女联合会、上海市妇女儿童工作委员会、上海市妇女学会编:《上海面向21世纪的妇女发展(1990年—2000年)》。

<sup>⑥</sup> 同上。



究、教育和培训,促进妇女参与社会发展,享有社会福利。1998年,韩国成立了总统府妇女事务特别委员会,2001年又将其升格为韩国性别平等部,成为韩国历史上第一个负责性别平等事务的政府专门机构。除了在政府机制上保障妇女利益以外,韩国还在预算上充分支持妇女发展,在法律层面进行社会性别主流化。经过一系列的措施,韩国从 HDI 31位、GDI 37位、GEM 90位上升到 28位、27位和 59位,从排位的上升可以清楚地看到近 10年来韩国在妇女参政上的大踏步前进以及妇女参政的发展对整个国家性别平等的推动。<sup>①</sup>

近 10年来,中共中央组织部一直在妇女参政方面进行各种尝试,力图提高女性的参政比例,但进展相对缓慢。

在目前这样一个不进则退的时代中,中国在妇女参政方面的缓慢发展显然已经跟不上国际潮流。上文已述,从人大代表的女性比例来看,中国的世界排名已经从 1994年的第 12位,落到了 47位。其他的排序也显示了相同的结果。如在 1995年联合国报告中,中国的 GDI 排序为世界第 71位,属中下水平,到 2002年联合国报告显示,中国的 GDI 排序又下降了 6名,主要影响因素是女性(包括女大学生、女研究生)就业困难、男女实际收入差距持续拉大。1995年中国的 GEM 排序为世界第 23位,显示中国妇女在公共事务参与方面处于世界中上水平。其后的几年,因各类管理、决策高层中女性比例下降,致使中国 GEM 世界排序又有所下降。<sup>②</sup>可见妇女参政的不进则退也影响了中国其他领域性别平等的发展。

通过国别的比较,我们可以清晰地看到目前性别主流化在世界范围内的发展以及对中国的挑战,其他国家的发展经验也给了中国非常好的借鉴样本,当我们考虑把社会性别意识纳入决策主流的时候,不妨对比欧盟和韩

<sup>①</sup> 详见刘伯红:“韩国提高妇女地位机制的建立与发展——兼论对中国提高妇女地位机制的启示”,载《妇女研究论丛》2006年3月。

<sup>②</sup> 王宏维:《衡量性别平等的 GDI 与 GEM》,中国人口网,2006-02-23, [http://www.chinapop.gov.cn/rklt/zjjz/t20060223\\_56225.htm](http://www.chinapop.gov.cn/rklt/zjjz/t20060223_56225.htm)。

国等国家的做法,首先要找到性别意识进入主流的具体方向和途径。

## (二) 历史比较的维度

从历史的维度来看中国的妇女参政可以分成三个阶段:第一阶段(1950—1980年)是自上而下的任命制,此时制定了严格的保障名额制度,从而保障女性干部的比例大幅度提高;第二阶段(1980—1990年)是一定程度的竞争聘任制,妇女比例措施基本废止,妇女参政比例直线跌入低谷;第三阶段(1990年—至今)是探讨将竞争聘任制与妇女参政比例相结合。<sup>①</sup>从中央委员会、人大和政协我们都可以看到这三个阶段的分野。

表5 中国共产党历届中央委员会委员和候补委员人数和性别构成

届别及召开年份	人 数(人)		性别构成(%)	
	女	男	女	男
第八届(1956)	8	162	4.7	95.3
第九届(1969)	23	256	8.2	91.8
第十届(1973)	41	278	12.9	87.1
第十一届(1977)	38	295	11.4	88.6
第十二届(1982)	14	324	4.1	95.9
第十三届(1987)	22	263	7.7	92.3
第十四届(1992)	24	295	7.5	92.5
第十五届(1997)	25	319	7.3	92.7
第十六届(2002)	27	329	7.6	92.4

资料来源:中央组织部统计资料,《中国社会中的女人和男人(2004)——事实和数字》,国家统计局人口和社会科技统计司编,中华人民共和国国家统计局,中国统计出版社,2004年。

<sup>①</sup> 李慧英:“女性参政徘徊在权力边缘”,载人大复印资料《妇女研究》2005年第6期,原载于《中国妇女报》2005年9月6日。



相比较人大和政协,中共中央委员会中女性的比例一直低于人大和政协,但是从时间段上,依然有很清晰的变动轨迹,1982年第十二届中央委员会的女性比例一下子下落了7个多百分点,人数少了近2/3;1987年比例回升,随后一直保持在7.5%左右;一直到2002年,中央委员会女性的比例与历史的最高点还有5个百分点的差距。

表6 历届全国人大女代表、女常委

届	年	女代表	百分比(%)	女常委	百分比(%)
一	1954	147	12	4	5
二	1959	150	12.3	5	6.3
三	1964	542	17.8	20	17.4
四	1975	653	22.6	42	25.1
五	1978	742	21.2	33	21
六	1983	632	21.2	14	9
七	1988	634	21.3	16	11.9
八	1993	626	21.03	19	12.3
九	1998	650	21.81	17	12.69
十	2003	604	20.2	21	13.2

资料来源:《中国妇女儿童状况:事实与数据》,中华全国妇女联合会,2003年8月。

从历届全国人大女代表和女常委的比例来看,在70年代,妇女参政的比例大幅升高,尤其是在女常委的比例上达到了历史最高点,至今都没有突破这一比例。在1975年召开的第四次全国人民代表大会上,女代表达到22.6%,女常委还超过女代表,达到25.1%。按一般的规则,能当选常委的代表,多为国家各级实权部门的主要负责人即“一把手”,

所以,透过女常委比例的表现,可以推论这个时期各级领导班子的女性比例也是比较高的。<sup>①</sup> 值得重视的是,80年代人大女代表的比例虽然有所下落,但是幅度并不大,而女常委的下降幅度非常大,1978年的21%下降到了1983年的9%,同样可以推论国家各级实权部门的主要负责人的女性比例大幅度下降。政协的情况与人大相似。

表7 历届全国政协女委员、女常委

届	年	女委员	百分比(%)	女常委	百分比(%)
一	1949	12	6.6	4	6.9
二	1954	83	14.3	5	6.5
三	1959	87	8.1	8	5
四	1969	76	6.3	9	5.6
五	1978	289	14.5	24	7.6
六	1983	258	12.5	33	11
七	1988	288	13.8	28	10
八	1993	283	13.52	29	9.2
九	1998	341	15.54	29	8.97
十	2003	373	16.7	35	11.71

资料来源:《中国妇女儿童状况:事实与数据》,中华全国妇女联合会,2003年8月。

从历届全国政协女委员的比例来看,大致的历史发展与人大是相似的,从1978年到1983年也有所下降,同样幅度较小。值得注意的是,从1978年到1983年,政协女常委的比例不降反升,并没有受到太大的影响,也许我们

<sup>①</sup> 丁娟:《中国妇女的政治参与状况》,载谭琳主编:《1995—2005:中国性别平等与妇女发展报告》(妇女绿皮书),社会科学文献出版社,2006年,第53页。



可以推论国家在提拔干部方面的政策变化对民主党派的影响较小。

如果我们把上面的表格中,中共中央女委员、人大女代表、政协女委员的数据变化汇总在一张表格中,通过点的分布,我们可以发现,在中共中央委员中女性比例在任何一个时间点上基本都比政协的女委员比例低,而政协的女委员又比人大女代表的比例低。同时,中共中央女委员的比例变动幅度最大,政协其次,人大最小,这也从某种程度上说明了政府人事政策的变化对党的干部影响最大。

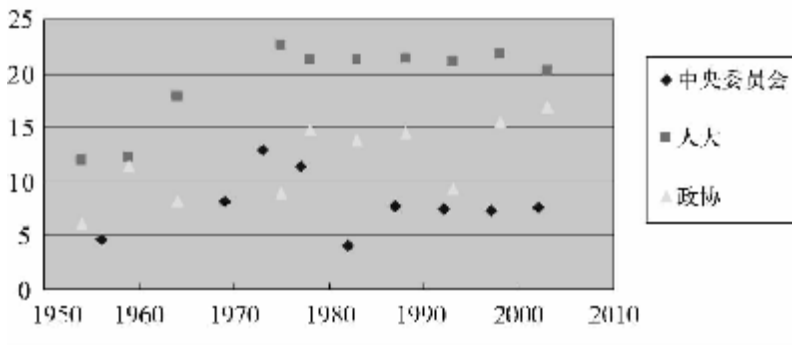


图4 中共中央委员会、人大、政协中的女性比例 (单位: %)

上图表明,从历史的比较来看,中国的妇女参政道路不是一条向上发展的直线,而是一条有高潮,有低谷,目前趋向平缓的曲线。值得高兴的是,目前女性参政发展平稳,值得担心的是,直到今天,我们还没有突破历史的最高点。

国别和历史两个维度从横向和纵向两个坐标轴确定了目前中国政治领域性别主流化的位置。

## 二、21世纪中国女性政治参与状况和原因分析

目前多数西方国家通过配额制来保证妇女的参政比例。即在政治选举中,对候选人或最后当选的人中,由法律规定妇女(或男女)的最低比例。大部分配额制的目标是妇女至少应占到全体人数的20%—30%,因为只有达到了这个比例,才能保证妇女的意见能够表达出来,并保证妇女

表达的意见具有一定的权威性,以致最终达到影响决策的目的,所以这个比例也称作“关键少数”。1995年,联合国提出了“女性在决策层应占30%的比例”的倡议,然而我国女性在全国人大代表中的比例始终徘徊20%左右,在中共中央委员会的比例始终徘徊在7.5%左右,远没有达到30%的比例。因此,总的来说,目前女性参政比例不足,发展滞缓。

从政府中的妇女参政来看,情况相对好一点。据统计,女干部由1995年占干部总数的33.3%提高到了2000年的36.2%,2002年再度增长到了37.4%。<sup>①</sup>但必须指出的是,干部人数是指农村乡(镇)和城市街道以上各级党委、政府、人大、政协、法院、检察院、民主党派、人民团体机关工作人员;国有企业、事业单位中经组织、人事部门办理任用、聘用手续,在管理岗位或专业岗位上工作的管理人员和各类技术人员。<sup>②</sup>也就是说,女性干部不是指女性领导干部,而是包括普通公务员在内的所有女性人数,这和日常生活中,中国人习惯把干部等同于领导的概念是不同的,也和西方女性政府官员的概念不同。

表8 2000—2002年全国干部人数和性别构成

年份	干部人数(万人)		性别构成(%)	
	女	男	女	男
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

资料来源:《中国社会中的女人和男人——事实和数据(2004年)》,国家统计局人口和社会科技统计司编。

<sup>①</sup> 全国妇联研究所:《1995—2005年:中国性别平等与妇女发展报告》(妇女绿皮书),社会科学文献出版社,2006年,第59页。

<sup>②</sup> 国家统计局人口和社会科技统计司编:《中国社会中的女人和男人(2004)——事实和数据》,中华人民共和国国家统计局、中国统计出版社,2004年,第87页。



如果统计范围缩小到行政机关的话,中央和国家机关部委级领导班子中有女干部 48 人;全国 31 个省、自治区、直辖市的党政领导班子中有女干部 56 人;全国 396 个市(地、州、盟)党政领导班子中有女干部 647 人,2 813 个县(市、区、旗)党政领导班子中有女干部 4 353 人。中国有 3 位女性全国人大常委会副委员长;1 位女性副总理;2 位女性全国政协副主席;1 位女性国务委员。<sup>①</sup>

我们通过中国共产党第十五次代表大会、十六次代表大会中的女性比例可以看到目前女性参政不足的现状,并可清晰地发现,越往上层,女性的比例越低。

表 9 中国共产党第十五次代表大会、十六次代表大会中的女性

	十 五 大			十 六 大		
	女性	总数	百分比(%)	女性	总数	百分比(%)
代 表	344	2 048	16.8	382	2 114	18.1
中央政治局委员	0	22	0	1	24	4.2
中央委员	8	193	4.1	5	198	2.5
候补中央委员	17	151	11.2	22	158	13.9
中纪委委员	14	115	12.1	14	121	11.6

资料来源:《中国妇女儿童状况:事实与数据》,中华全国妇女联合会,2003 年 8 月。

除了女性参政比例低的问题以外,现阶段中国妇女参政领域的两个突出问题是女性在重要岗位任职比例低和女性任正职少。我们从数据来看,从处级到厅级到部级女性的比例大幅下降,在部级干部中,女性仅占 8% 左右的比例。目前中国省部级政治领导中女性领导严重缺位,在省长中,仅有一位女省长(青海省),在部长中,女部长的数字也是屈指可数,这种情况在基层也是相似的,因此,提高拥有决策权的关键岗位上的

<sup>①</sup> 国家统计局人口和社会科技统计司编:《中国社会中的女人和男人(2004) 事实和数据》,中华人民共和国国家统计局、中国统计出版社,2004 年,第 82 页。

女性比例成为中国目前妇女参政中的瓶颈。

根据两纲监测评估,2000—2002年县处级以上领导构成为:

表 10 2000—2002年各级领导干部性别构成

(单位: %)

年 份	省(部)级以上		地(厅)级		县(处)级	
	女	男	女	男	女	男
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

数据来源: 两纲监测评估,《中国社会中的女人和男人(2004) 事实和数据》,国家统计局人口和社会科技统计司编。

除了比例问题,第三个问题在于女性在政府机构中所担任的职位往往局限于社会刻板的性别印象。文教、卫生部门女性干部多,经济建设部门女性少,关键决策部门女性少。造成这种情况的很重要的原因在于刻板的性别文化。长期以来,居委会被看作是“大妈”的聚集地,而村委会是男性的地盘;以妇女为主的居委会的权限不断被削弱,以男性为主的村委会实际管理一个村庄。通过村委会与居委会的性别构成,我们会发现性别刻板印象影响深远。

表 11 2000—2002年村委会、居委会成员性别构成

(单位: %)

	2000年		2001年		2002年	
	女	男	女	男	女	男
村委会	15.7	84.3	15.5	84.5	16.2	83.8
居委会	59.1	40.9	58.7	41.3	60.6	39.4

资料来源: 两纲监测统计年报数据,《中国社会中的女人和男人(2004) 事实和数据》,国家统计局人口和社会科技统计司编。



研究村委会选举的学者发现,即使妇女作为候选人参加竞选,她们集中竞争妇女工作和计划生育干部的现象比较普遍。产生这种情况的原因很复杂,既有村民和干部对妇女参政认识的局限性和刻板定型,又有机制性的因素——在计划经济体制下基层组织中妇代会主任监管计生工作的传统。但是,综合来看,传统的性别定型和偏见是主要的影响因素:在一些地方,80%以上的村民认为妇女适合的职务是计划生育和妇女工作,男性则适合负责经济等主要职位。这些观念甚至在一些地方领导中也很盛行。<sup>①</sup>

目前女性参政的三个主要问题:女性参政比例低,担任正职和重要岗位的女性少,女性在政府机构中所担任的职位往往局限于社会刻板的性别印象,在性别平等进程飞速的当今世界,中国必须采取有力的措施,改变现状。

当然,政府很早就已经意识到了女性参政的问题,也采取了一系列措施。

回顾过去,特别是改革开放以来,我国已初步形成了一套以马克思主义妇女观为指导,以男女平等基本国策为基础,以推动妇女进入各层决策领域为主旨,侧重妇女素质提高和自身发展的培养选拔女干部的政策体系。

在国家一级,培养选拔女干部的措施和目标已纳入党、政、人大的政策中。如党的十五大报告和十五大通过的《中国共产党党章》(1997)重申:“党重视培养、选拔女干部和少数民族干部。”(第六章第三十三条)《共产党农村基层组织工作条例》(1999)规定:“注意吸收优秀青年、妇女入党。”(第七章第三十条)。《中华人民共和国全国人民代表大会和地方各级人民代表大会选举法》(1995)

<sup>①</sup> 杜洁:《中国妇女参与村民自治状况的回顾研究》,载谭琳主编:《1995—2005:中国性别平等与妇女发展报告》(妇女绿皮书),第271页。

规定：“全国人民代表大会和地方各级人民代表大会的代表中，应当有适当数量的妇女代表，并逐步提高妇女的比例。”（第一章第六条）《中华人民共和国妇女权益保障法》（1992）、《中国妇女发展纲要（1995—2000）》（1995）等法规和政策也进一步阐明了培养选拔女干部的难点，制定了对策和工作目标。

在有关部门，特别是党政人事部门，出台了培养选拔女干部的专门政策和工作目标。如1990—1998年，中组部和全国妇联联合召开了四次培拔女干部工作会议，制定了培养选拔女干部、发展女党员的目标和规范要求的文件和法规有：《在改革开放中加强培养选拔妇女干部工作的意见》（1998），《培养选拔女干部工作座谈会纪要》（1990），《全国培养选拔女干部、发展女党员工作座谈会纪要》（1995），《1998—2003年全国党政军班子建设规划纲要》（1998）和《党政领导班子后备干部工作暂行条例规定》（2000）。

在地方一级，摸索出了一些特殊的倾斜政策和措施，如：“开小灶”、“吃偏饭”、“定比例”、“优先原则”、“交流选配”、“先进后出”。又叫“加板凳”、“压担子”、“留正职”等等。

杜洁：“我国培养选拔女干部政策措施评估和社会性别分析”，载《中国妇女研究十年（1995—2005）：回应〈北京行动纲领〉》，第327—328页。

在采取了一系列措施后，目前女性参政的比例虽然从总体上看正在缓慢回升，但是却并没有足够的证据显示，这个问题在短时间内能尽快地解决。有人把女性参政比例低的原因归结为女性本身对政治不感兴趣，政治参与的积极性低。事实上，根据第二期中国妇女社会地位抽样调查主要数据报告，最近5年来，选举地方人大代表的参选率，女性为73.4%，男性为77.6%，性别差异较小。在投票时，分别有65.8%的女



性和77.4%的男性能“尽力了解候选人情况,认真投票”。<sup>①</sup>

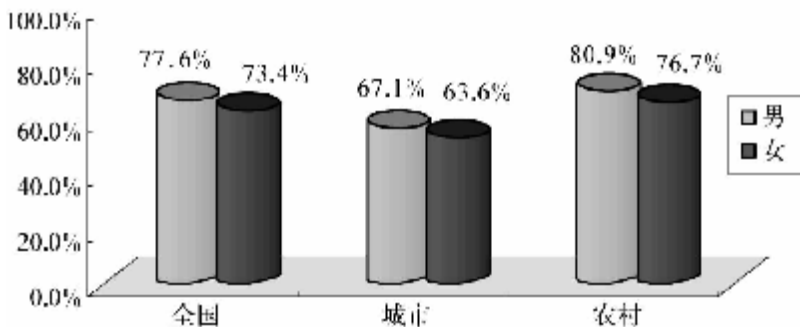


图5 分城乡、分性别参与地方人大代表选举的情况

资料来源:2000年第二期中国妇女社会地位调查。

《2000年第二期中国妇女社会地位调查报告》指出,对领导岗位上女性比例偏低的原因,有77.8%的人认为是“社会对女性有偏见”,59.1%的人认为是“培养选拔不力”,认为“女性领导能力差”的仅有25.7%。这些认识在城乡及男女之间没有太大的差异。由此可见,社会偏见和培养选拔机制不健全,是导致女性参政比例偏低的主要原因。<sup>②</sup>

除了上文提到的原因,还有三个机制方面的原因也必须得到足够的重视。

第一,配备率和配额制之间的关系。上文已述,目前多数西方国家配额制的目标是妇女至少应占到全体人数的20%—30%,因为只有达到了这个比例,才能保证妇女的意见能够表达出来,并保证妇女表达的意见具有一定的权威性,以致最终达到影响决策的目的,所以这个比例也称作“关键少数”。但中国目前强调的是各级领导班子中女干部配备率,配备率是指某地区党委/政府领导班子中配备一名以上女干部的领导班子个数占领导班子总数,这个概念显然和配额制不同。

<sup>①</sup> 《第二期中国妇女社会地位抽样调查主要数据报告》,全国妇联、国家统计局,2001年9月4日。

<sup>②</sup> 同上。

2001年,中共中央组织部下发了《关于进一步做好培养选拔女干部、发展女党员工作的意见》,提出省级党委、人大、政府、政协领导班子要各配1名以上女干部,县级党委、政府领导班子要各配1名以上女干部,中央、国家机关部委,省、自治区、直辖市和市级党委、政府工作部门要有一半以上的领导班子配备女干部,其中教育、科技、文化、卫生、体育、计划生育、民政、司法、劳动和社会保障等部门领导班子要首先选配,其他女工比较集中的行业以及企事业单位领导班子,要多选配一些女干部。<sup>①</sup> 在统计中,常常把配备率作为重要的指标来进行考核和宣传。

表 12 2000—2002 年各级领导班子中女干部配备率

(单位: %)

各级领导班子	2000 年	2001 年	2002 年
省级党委	77.4	93.5	96.8
省级政府	64.5	61.3	64.5
地级党委	59.2	66.7	71.2
地级政府	65.1	65.7	69.4
县级党委	61.6	61.6	67.5
县级政府	59.8	59.9	70.0

资料来源:两网监测统计年报数据,《中国社会中的女人和男人(2004) 事实和数据》,国家统计局人口和社会科技统计司编。

由于性别指标制定不科学,量化指标是“一个以上”,而不是按照国际通用的百分比来做量化指标,使得实际上省部级领导以及其他层级中的女性比例远低于30%。另外,由于性别保障政策在执行中不利,党政领导班子中“至少”有1名女性的政策,在执行当中往往变成了“只能”有1名女性,使得优秀女性的竞争变成了女性之间的竞争,从而使性别保

<sup>①</sup> 中共中央组织部文件:《关于进一步做好培养选拔女干部、发展女党员工作的意见》,中组发[2001]7号。



障政策流于形式。<sup>①</sup>

配备率作为一个历史指标有其进步的意义,但是,就今天来看,这个指标是否还能起到正面的作用是需要打个问号的,必须要有更合理的指标体系才能更有效地促进女性参政的提升。

第二,“无、知、少、女”作为参政的代表的问题。由于在中国总体的参政比例的考核标准中,除了性别的比例外,还有无党派的比例、知识分子的比,少数民族的比例等等。在选举或提拔干部的时候,由于这四个群体都处于边缘地位,因此,执行机构往往寻找具有无党派、知识分子、少数民族、女性这四个身份于一体的人,这就是所谓的“无、知、少、女”。在干部培养和选拔中经常选择“无、知、少、女”作为参政的代表,这既削弱了妇女的代表性,也降低了妇女在参政中发挥关键性决策作用的可能性,因为在这种身份下一般只能担任副职。<sup>②</sup> 民间流传的“无、知、少、女”称呼本身就是歧视女性领导的一种表现。

“无、知、少、女”问题还反映了一个新的问题,如果,在选举或提拔干部的时候,强调党员的身份的话,对女性来说,依然是不利的。调查数据显示,在全国 1 178 个村委会样本中,女性担任村委会委员的已达到 75.9%,但党支部中没有女委员的高达 57.6%。<sup>③</sup> 关键的原因就在于在党员中,性别比例已经失衡了。

男性党员是女性党员的 4 倍还不止,那就意味着,在同等条件下,如果有党员身份的限制,女性的比例就只能在 20% 以下。这一问题实际上和中共中央委员会中的女性比例低紧密相关。既不能选择“无知少女”,也受到党员性别比例的影响,因此,女性参政问题的解决更需要制度上的变革。

<sup>①</sup> 李慧英:《中国妇女参政十年回顾与评估》,载《妇女研究论丛》2005 年第 6 期,第 3 38 页。

<sup>②</sup> 谭琳:“推动两性平等地参与决策过程——从妇女参政的‘无、知、少、女’现象谈起”,载《人口研究》2006 年第 2 期。

<sup>③</sup> 全国妇联、国家统计局:《第二期中国妇女社会地位抽样调查主要数据报告》,2001 年 9 月 4 日。

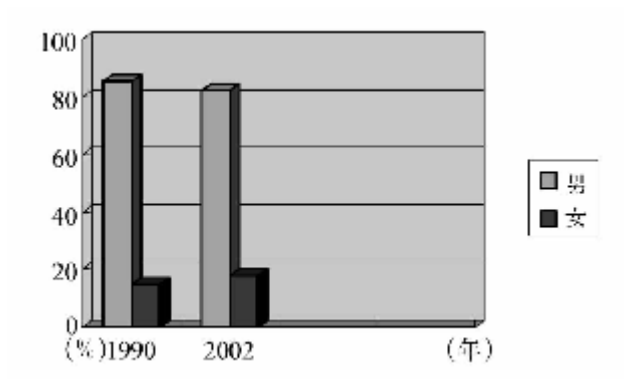


图6 1990年、2002年中国共产党党员性别构成

资料来源：中央组织部统计资料，《中国社会中的女人和男人（2004）——事实和数据》，国家统计局人口和社会科技统计司编。

第三，也是非常重要的一个原因在于目前提拔党政领导职务的规定没有考虑两性实际际遇的差异。在《党政领导干部选拔任用工作条例》（1995）中规定，提拔党政领导职务的条件是：拟提任县（处）级领导职务，须有五年以上工龄和两年以上基层工作经历；拟提任县（处）级以上领导职务，须具有在下一级两个职位任职的经历；拟任县（处）级以上领导职务的，由副职提任正职，须在副职岗位上工作两年以上；拟任县（处）级以上领导职务的，由下级正职提任上级副职，一般要在下级正职岗位上工作三年以上。后备干部队伍条件也规定：省部级后备干部一般以45—50岁的干部为主体，市（地）级后备干部一般以40—55岁为主体，县（市）级后备干部一般以35—40岁的干部为主体。<sup>①</sup>

正如有学者指出的，“这些规定并没有考虑到大部分女干部在30岁左右经历生育期（从怀孕、哺乳到抚育期），工作和家务负担加重，处于‘特殊阶段’，她们的任职和和换岗交流将会受到生育因素的影响。这样的规定在实施过程中将造成对女干部的歧视，使她们在生育期过后落后

<sup>①</sup> 中国组织部：《党政领导班子后备干部工作暂行规定》，2000年。



于同样年龄、同等资历男同志的职业发展……同时,从现实看,女性提前退休也影响了女干部的使用与提拔,影响妇女进入高层。根据前述后备干部年龄条件,女干部 55 岁退休,意味着她们很少有机会进入高层领导岗位。中央组织部、人事部曾于 1990 年和 1992 年先后下发了文件,规定女高级专家、女处级干部可以 60 岁退休。但是,执行力度不够”。<sup>①</sup>生育的压力和责任、退休年龄的硬性规定客观上阻挡了女性参政的步伐。

值得庆幸的是,党和政府一直重视这一问题,在 2007 年 3 月第十届全国人大五次会议上审议通过了“十一届全国人大代表名额和选举问题的决定草案”,其中规定了妇女代表的比例将不低于 22%。这意味着于 2008 年 1 月产生的中国十一届全国人大代表中,妇女代表比例将不低于这一比例,这是中国首次对女性占全国人大代表的比例做出明确规定。这一规定将有助于提高妇女对重大决策的影响力,更好地反映广大妇女的权益和呼声。同时,政府也正在倾听这方面的声音,为推出有利于女性参政的政策而努力。

### 三、上海的个案

本小节之所以在详细论述了全国女性政治参与的情况后,选择上海作为一个个案,理由有二:首先,希望能够质疑“经济发展了,妇女地位自然会提高”这样一种观点;其次,从中央的视角转化到地方的视角,分析地方政策的具体执行情况。

第二期中国妇女地位调查显示,73.9%的女性和 73.6%的男性认为经济发展了,妇女地位自然会提高。也就是说,女性地位的提高主要依赖于经济的发展。那么在参政领域,这一结论正确吗?

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<sup>①</sup> 杜洁:“我国培养选拔女干部政策措施评估和社会性别分析”,载《中国妇女研究十年(1995—2005):回应〈北京行动纲领〉》,第 332—333 页。

表 13 经济发展了,妇女地位自然会提高——  
对经济发展与妇女地位的认知 (单位: %)

项 目	合 计		城 镇		农 村	
	女	男	女	男	女	男
非常同意	38.3	33.2	38.2	32.7	38.3	33.4
比较同意	35.6	40.4	35.0	40.0	35.8	40.5
不太同意	13.2	14.5	16.3	17.1	12.1	13.6
很不同意	4.4	4.6	4.9	4.4	4.3	4.6
说 不 清	8.5	7.3	5.7	5.8	9.4	7.8
合 计	100	100	100	100	100	100

数据来源: 2000 年第二期中国妇女地位调查,《中国社会中的女人和男人(2004) 事实和数据》,国家统计局人口和社会科技统计司编。

作为全国经济发展最好的省市之一的上海,在政治参与领域是否也走在前列呢? 我们以上海人大和政协中女性比例来看,上海人大和政协委员的女性比例基本保持稳定,但其在全国所处的位置却不断处于变动中。

表 14 上海市人大代表和政协委员性别构成(2000—2005 年)  
(单位: %)

年 份	人 大 代 表		政 协 委 员	
	女	男	女	男
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

资料来源: 市委组织部统计资料,《性别发展在上海 2005 年上海性别统计手册》,上海市统计局,上海市妇女儿童工作委员会办公室。



以 2003 年的数据为例,全国人大的女性比例是 20.2%,政协女委员的比例是 16.7%,而上海分别是 24.4%和 17.8%,比全国平均水平略高。而就 2005 年的数据来看,全国人大女性的比例是 22.3%,上海为 24.2%,同样略高于全国的水平,但是,进一步考察排名在上海之前的省份,我们似乎找不到经济与女性参政之间的关系。排在上海之前的省份有:北京(30.5%)、山西(24.8%)、安徽(27.7%)、广东(25.4%)、广西(26.4%)、贵州(25.7%)、云南(26.5%)、新疆(24.5%)。而就政协中女委员的比例来看,上海市 18.1%,而全国 19.5%,上海还低于全国的平均水平,在 32 个省直辖市中上海排名第 21 名。<sup>①</sup> 党政各级机关干部的比例与全国相比较,也是处于中间水平。可见,作为全国经济领先的上海在女性政治参与这一领域并没有显示出同样的领先性。通过具体排名的比较,我们发现一个地区的经济发展程度与其性别主流化在政治领域中表现没有成比例的相关性,因此,“经济发展了,妇女地位自然会提高”是人们一种美好的想法,但是却并不是真实的情况。

之所以强调经济发展了,女性的政治地位不一定提高是想说明女性地位的改变并不是随着经济的发展而能够自然实现的。结合上文提到的从历史维度对女性在政治领域的发展分析,我们可以得出结论,女性在政治领域地位的提升,社会性别主流化想要在政治领域得到实现,必须依赖于政府政策的推动。只有政策到位,社会性别主流化才有实现的可能性。

上海在政治领域社会性别主流化的实践过程中,出现了一些非常有意思的数据,这些数据让我们进一步思考中国的促进性别平等的政策。

上海总体上是越往上层,女性的比例越低,2005 年,处级女干部的比例是 19.9%,局级是 12%有大幅度的下落,可是到了部级又上升到了 15.9%,这就让人很不明白了,似乎结论出现了问题。我就此问题咨询了政府相关人员,他们的回答很简单,因为部级本来人就很少,因为要配

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<sup>①</sup> 《性别发展在上海——2005 年上海性别统计手册》,上海市统计局、上海市妇女儿童工作委员会办公室经数据二次分析而得。

备率,一定要有一个女性,那么当分母一下子变小的时候,分数值就变大了。从这个角度来看,我们发现在地方实行配备率有其一定的价值。但是,存在的另一个问题是,一旦这个一名女性的名额也没有了,从数据上看,问题突然又严重了。

**表 15 上海市党政机关干部即各级领导干部  
性别构成(2000—2005年)** (单位:%)

年份	党政机关干部		处级领导干部		局级领导干部		部级领导干部	
	女	男	女	男	女	男	女	男
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

资料来源:市委组织部统计资料,《性别发展在上海 2005年上海性别统计手册》,上海市统计局,上海市妇女儿童工作委员会办公室,经重新整理而得。

**表 16 上海市各级正职领导干部性别  
构成(2000—2005年)** (单位:%)

年份	处级正职领导干部		局级正职领导干部		部级正职领导干部	
	女	男	女	男	女	男
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

资料来源:市委组织部统计资料,《性别发展在上海 2005年上海性别统计手册》,上海市统计局,上海市妇女儿童工作委员会办公室,经重新整理而得。



上海的正职部级干部领导一共就 3—5 名,一般总有一名是女性,如果分母是 3,那么女性的比例是 33.3%;如果分母是 4,那么女性的比例是 25%;如果分母是 5,那么比例就是 20%。可是如果没有这一名女性呢?一下子从数据上看,就落到了 0%了。这一现象又提醒我们,如果配备率一旦没有实现,那么从数据上来看,问题就很严重了。因此,这一现象提醒我们,配备率本身应该是必须实现的,同时,也提醒我们用数据说话的时候,还必须还原到具体的情景中去分析和解释。

此外,从上海村委会与居委会的发展来看,女性正在不断进入原先被认为是男性的舞台,同样的,男性也在进入本来被认为应该是女性的舞台,两者都有向中间趋势靠拢的表现。这也说明具体到某一地方的政治领域的社会性别主流化,和当地的文化、经济、政治措施等紧密相关。如果经济、政治、文化等各方面的措施齐头并进,那么两性之间的差距就会逐渐地缩小。

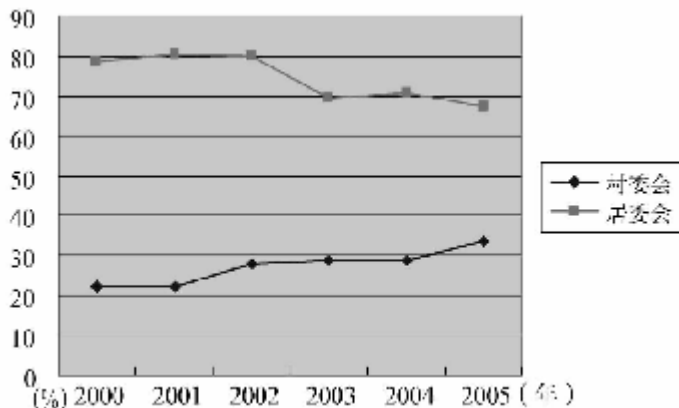


图 7 村委会、居委会委员中的女性比重(2000—2005 年)

资料来源:民政局年报数据,《性别发展在上海——2005 年上海性别统计手册》,上海市统计局,上海市妇女儿童工作委员会办公室。

值得重视的是,目前上海最新的妇女发展规划中继续把配备率作为目标之一,并且在规划中,缺乏明确的指标体系,往往以“有所增加”来含糊带过,如果有具体的数据,这一数据往往又不具有前瞻性。“十一五”

规划提出,上海“保证局、处级后备干部队伍中的女干部比例分别不少于15%和25%”,而实际上,从2000年开始,处级及处级以上后备干部的性别构成中,女性比例就已经高于25%,达到26.6%,2005年达到30.3%。

### 上海妇女发展“十一五”规划

(二) 促进参与——不断提高妇女参与决策和社会公共事务管理的深度和广度

主要目标:

——各级党代表,市、区(县)人大代表和政协委员中的女性比例和结构要在上一届基础上得到进一步提高和改善。

——提高妇女在各级决策层中的比例,并逐步平衡女干部在不同层面、地区、行业 and 部门之间的分布。区(县)党委、人大、政府、政协领导班子中应至少各配备1名女干部。市、区(县)党委和政府部门要有55%左右的领导班子配备女干部,担任正职的女干部数量要在原有基础上有所增加。增强各级决策层管理者的男女平等基本国策意识和社会性别意识。

——提高妇女参政议政的能力和水平,使市人大和市政协中女代表、女委员领衔提出和被采纳的议案、提案以及书面意见的数量逐年增加。

——增强广大妇女的参政意识,鼓励各界妇女积极参与社会公共事务管理,发挥独特作用和优势,培育妇女社会团体,建立有序的管理机制,提高市级社会团体负责人中女性比例。

策略措施:

2.1 将性别平等发展的意识纳入决策主流,统筹考虑领导班子的合理结构,明确女干部配备要求。

2.2 加大女干部选配力度,强化培养,及时启用。局、处级正



职女干部比例要在原有基础上有所提高。45岁以下的局级女干部、35岁以下的处级女干部在同级干部中的比例要逐步增加。抓紧后备干部队伍建设,坚持定期进行集中调整,并注意适时补充,保证局、处级后备干部队伍中的女干部比例分别不少于15%和25%。注意充实上海经济社会发展急需的人才,形成女干部队伍合理的知识和专业结构。

2.3 将男女平等基本国策和社会性别意识等相关课程纳入各级党校主体班的教学计划,列入高校的教学课程,并建立教育的长效机制,统筹规划教材、教案、教师培训等工作的配套实施。

2.4 加强对人大女代表、政协女委员调研和决策能力的培训,使女代表和女委员领衔的议案、提案的数量与质量稳步提高。

2.5 保证企事业单位中职代会女代表比例与女职工比例相匹配。

2.6 强化妇女参与经济和社会发展的机制建设,创新工作载体和手段。各相关部门在组织有关法规、规章和政策出台前的听证活动时,应保证妇女代表的参与率,认真听取各界妇女代表的意见和建议。

2.7 发挥妇女在社区管理和建设中的作用,定期表彰在社区管理和建设中的先进典型。

2.8 政府主管社会科学研究的部门要增加对妇女发展研究的立项和投入,建立妇女发展相关学科的专项研究。

后备干部的数据说明上海目前在这一方面工作进行得比较好,可是在制定计划的时候,却又局限于全国的计划,而把目标定得低于现状。如果目标比现状低得话,那么目标就失去了达标的意义,这将会影响到计划本身的科学性。另外在上海的计划中,也没有明确,如果没有达标怎么办? 制度是建立在对人的不信任基础上的,如果没有惩罚的措施,

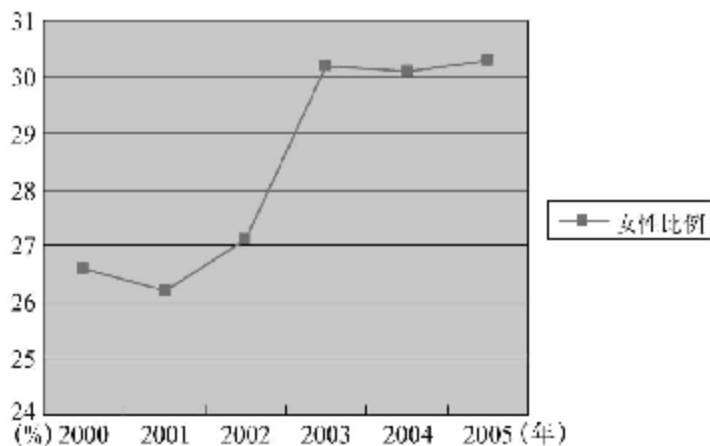


图8 处级及处级以上后备干部性别构成(2000—2005年)

资料来源：民政局年报数据，《性别发展在上海——2005年上海性别统计手册》，上海市统计局，上海市妇女儿童工作委员会办公室。

那么计划本身的影响力就会被削弱。

上海的个案从中观的层面，向我们展示了社会性别主流化中的意识问题和政策执行的多元结果。政治领域的性别主流化需要更为积极的政策来推进，需要更加前瞻性的提出目标，完善计划。

#### 四、结 论

政治领域的性别主流化是非常重要的，就逻辑顺序而言，有了教育权利、经济权利，才有可能拥有参政权利。而是否拥有参政权利反过来影响教育权利、经济权利等其他权利。从某种意义上而言，参政权利的获得对其他权利的实现具有异常重要的影响，只有保证参政权利的实现，才能从制度和决策的层面保障其他权利的实现。<sup>①</sup> 所以，要提高女性在社会上的地位和生活质量，首先也是关键的就在于给予女性充分的参政权利。只有当女性拥有参政权利，才有可能发出女性的声音，才能

<sup>①</sup> 李慧英：《社会性别与公共政策》，当代中国出版社，2002年。



表达女性的利益,才能真正保障女性的利益。

同时,从社会角度而言,社会只有在妇女参政的情况下,才能更为均衡地发展。笔者访谈上海社会科学院陆震教授的时候,陆教授提出:要明白妇女参政的需求是女性对参政有强烈的需求,还是社会强烈需要妇女参政。如果社会强烈需要妇女参政,女性自身即使没有这个意识,也会身不由己,妇女参政才会真正进入议事日程。但是正因为目前有一种错误的观念,认为妇女参政问题是女性自身要参政,从而妇女参政问题不仅没有得到充分的认识,反而在社会发展的进程中不断出现性别不平等加剧的情况。<sup>①</sup> 所以,在讨论妇女参政的意义的时候,我们必须非常清楚地知道妇女参政实际上并非女性的问题,而是社会的问题。我们不能想象一个社会如果忽视一半的人口,不考虑这一半人口的利益,社会的发展将走向何处。

政治领域的社会性别主流化的意义是非常重大的。首先,可以革新政治行为的内容,削弱政治斗争的暴力化,扩大政治统治的阶级基础,强化政治管理职能,使政治参与民主化;其次,可以调节政治行为中的男性与女性的力量对比,平衡两性间的政治权利,使两性共同分享政治权利,促进合理政治利益结构的建立;再次,有助于建立和谐的政治行为环境和氛围;最后,可以影响和改变政治行为的发展方向。

也正是因为政治领域的社会性别主流化如此重要,在实践中,这个历程也就更为艰辛,需要更多的人付出努力,一起来推动政治领域的性别平等。

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<sup>①</sup> 《排位:从12到47——中国女性参政状况之反思》,载《上海妇女》2006年5月。由于本人参与这一讨论,所以较为完整地记录了陆震教授的观点。

### 第三章 法律状况

新中国的建国历程是一个依赖于工人阶级,发动妇女的革命历程,在这过程中,性别平等的思想作为“五四”的遗产得到继承和发扬。因此,在建国一开始的政策和法律中,就有性别平等的宣言和条例。如,1949年第一届中国政治协商会议通过的具有临时宪法性质的《中国人民政治协商会议共同纲领》宣告“废除束缚妇女的封建制度”,男女享有平等权利。1954年,我国制定的第一部宪法明确规定:“中华人民共和国妇女在政治的、经济的、文化教育的、社会的和家庭的生活各方面享有与男子平等的权利。”后来虽经数次修改,男女平等均作为重要原则写在宪法之中。

由于男女平等是宪法所规定的,因而,性别平等的理念在法律层面渗透到基本人权、劳动、参政、婚姻家庭等各个层面,从法律框架和法律内容来讲,中国目前的法律中性别状况还是相对平等的。

自1995年世界妇女大会在北京召开,社会性别主流化的观点不断渗透到法律领域,依法治国,消除法律上的性别盲点就成为了法律领域性别主流化的重点了。正如全国妇联主席顾秀莲所说的:“10年来,我国相继制定和修订了《婚姻法》、《人口与计划生育法》、《农村土地承包法》、《母婴保健法实施办法》等100余件与妇女权益保障有关的法律和规章,内容涉及妇女健康、教育、劳动就业和婚姻家庭等诸多方面。目前,我国已初步建立了以宪法为基础,以《妇女权益保障法》为主体,包括国家法律法规、地方性法规和政府各部门行政规章在内的一整套保障妇女权益的法律法规体系。国家司法机关加大了执法力度,依法制裁各种侵犯妇女权益的犯罪行为。根据有关国际公约精神,用社会性别观点审



查我国的法律法规,没有发现歧视性定义。”<sup>①</sup>

虽然,在法律领域中,未发现明显的性别不平等的条文,但是性别盲视和性别盲点的地方还有很多,尤其在执行过程中,性别歧视的现象还经常出现。其中一个重要的原因,从立法到司法到执法,涉及的机构非常之多,法律领域的性别主流化的实现有赖于整个政府机构性别意识的提高。

根据我国的《立法法》,基本法律由全国人大制定,全国人大常委会制定法律,国务院制定行政法规,国务院各部委制定部门规章,地方人大及地方人大委员会制定地方性法规,省、直辖市人民政府以及全国较大的市的人民政府有权制定政府规章。最高人民法院、最高人民检察院、公安部对法律或法规执行过程中的问题,可根据具体的司法情况,制定相关司法解释。除了司法部门以外,政府的各个职能部门负责执行或配合执行相关的法律法规,如工商、税务、海关、公安、安全、环卫、信息、劳动保障等等,前五者具有强制执行的权利。可见,法律法规并不仅仅和人大、法院等机构相关,也和政府的每一个职能机构相关,这一点,下文谈到法律制定和修改的时候,还会有所谈及。

## 一、中国目前的法律中的性别视角

中国目前有关性别平等的法律以原则性为主,这种原则性主要在两个方面:两性平等和保护作为弱势的女性。在宪法中,不仅规定了女性享有和男性平等的权利,并且在某些方面,体现了国家保护女性的特点。如《宪法》第四十八条:中华人民共和国妇女在政治的、经济的、文化的、社会的和家庭的生活等各方面享有同男子平等权利。国家保护妇女的权利和利益,实行男女同工同酬,培养和选拔妇女干部。其他的相关法律中,对妇女权益的保护基本上也是从这两个方面来规定的。

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<sup>①</sup> 顾秀莲:“促进性别平等 实现共同发展——纪念联合国第四次世界妇女大会召开10周年”,载《妇女研究 婚姻家庭》第91期(内部资料)。

1949年第一届中国政治协商会议通过的具有临时宪法性质的《中国人民政治协商会议共同纲领》宣告“废除束缚妇女的封建制度”，男女享有平等权利。1954年，我国制定的第一部宪法明确规定：“中华人民共和国妇女在政治的、经济的、文化教育的、社会的和家庭的生活各方面享有与男子平等的权利。”后来虽经数次修改，男女平等均作为重要原则写在宪法之中。2004年新修订的宪法明确规定：“中华人民共和国公民在法律面前一律平等；中华人民共和国年满十八周岁的公民，不分民族、种族、性别、职业、家庭出身、宗教信仰、教育程度、财产状况、居住期限，有选举权和被选举权；中华人民共和国妇女在政治的、经济的、文化的、社会的和家庭的生活等各方面享有同男子平等权利。”与宪法相适应，我国其他法律也都就男女平等问题作了相应的规定。

1950年我国颁布了第一部法律《中华人民共和国婚姻法》，这部法律规定“实行男女婚姻自由、一夫一妻、男女权利平等、保护妇女和子女合法权益的新民主主义婚姻制度；夫妻为共同生活的伴侣，在家庭中地位平等；夫妻双方对于家庭财产有平等所有权与处理权”。2001年修改通过的《中华人民共和国婚姻法》进一步明确：“实行婚姻自由、一夫一妻、男女平等的婚姻制度；夫妻应当互相忠实，互相尊重；家庭成员间应当敬老爱幼，互相帮助，维护平等、和睦、文明的婚姻家庭关系；夫妻家庭中地位平等；夫妻对共同所有的财产，有平等的处理权。”

1951年颁布的《劳动保险条例》规定：“凡在实行劳动保险的企业内工作的工人与职员（包括学徒），不分种族、年龄、国别和国籍，均适用于本条例，但被剥夺政治权利者除外。”在养老待遇中规定“甲、男工人与男职员年满60岁，一般工龄满25年，本企业工龄满5年者，可退休养老……乙、女工人与女职员年满五十岁，一般工龄满二十年，本企业工龄满五年者，得享受本条甲款规定的养老



补助费待遇”。同时,《中华人民共和国劳动法》规定:“妇女享有与男子平等的就业权利。在录用职工时,除国家规定的不适合妇女的工种或者岗位外,不得以性别为由拒绝录用妇女或者提高对妇女的录用标准。”1953年1月2日修正发布的《中华人民共和国劳动保险条例》中有关女工人、女职员生育待遇的规定和1955年4月26日《国务院关于女工作人员生产假期的通知》规定,女职工可享受带薪产假。

1954年颁布的《选举法》规定:“妇女享有与男子平等的选举权和被选举权。全国人民代表大会和地方各级人民代表大会的代表中,应当有适当数量的妇女代表,并逐步提高妇女代表的比例。”

此外《中华人民共和国民法通则》规定“妇女享有同男子平等的民事权利”;《中华人民共和国继承法》规定“继承权男女平等”。

这些法律分别对妇女与男性的婚姻家庭平等地位、土地所有权、劳动保护和政治权利等作出了明确规定,都鲜明地体现了男女平等的原则。

丁娟:《男女平等基本国策研究》,中国妇女出版社,第25—28页。

虽然,法律制定了一系列两性权利平等的法规,但是,由于受到传统习俗和刻板的性别文化的影响,妇女的权利在现实生活中并不能随之得到有效的保护。比如继承权是女性依法享有的一项重要权利,但在现实生活中,女性平等享有继承权经常遭遇与传统习俗和习惯做法的冲突。2001年第二期妇女地位调查结果显示,赞同出嫁女与兄弟平等继承家庭遗产的人仅为25.7%,虽然比10年前提高了6.8个百分点,但是,依然只有1/4强,还没有形成大多数人的认可。值得注意的是,其中女性为23.6%,比10年前提高了7.4个百分点,男性为28.1%,比10年前提高了6.6个百分点。此外,对于“孩子可随母姓”的法律规定,持赞同态度的女性有34.2%,比10年前提高了17.1个百分点,男性赞同的为

21.2%，比10年前提高了7.0个百分点。<sup>①</sup> 这些数据说明刻板性别意识还相当普遍，虽然近10年来有所提高，但是速度缓慢。

正是认识到原则性的法律虽然给予了女性与男性同等的权利，但是，受刻板性别文化的影响，这一平等权利并不能得到自动的实现，需要有更为具体和详细的法律来保障。有学者经过调查发现，从两性的感受出发，妇女法律权益基本得到实现；但从歧视经验看，女性在收入保障和就业进入上感受到更多的歧视。<sup>②</sup>

90年代以来，我国以“男女平等”的宪法原则为准绳，通过完善和执行包括民法、婚姻法、继承法、教育法、劳动法、母婴保健法、女职工劳动保护规定等各种法律法规，加大了对妇女权益的保障力度，特别是1992年专门制定的《中华人民共和国妇女权益保障法》（以下简称“妇保法”），更是妇女法律地位提高的重要标志。“妇保法”的出台，说明了中国开启了保护妇女权益，制定特殊法的进程。

在“妇保法”中，就妇女的政治权利、文化教育权益、劳动和社会保障权益、财产权益、人身权利、婚姻家庭权益等六个方面作了具体的规定，并且还就妇女权益受损后的“法律责任”进行了专门的阐述。10年以后，调查发现有91.5%的人认为有必要建立专门保护妇女的法律，有73.8%的人知道中国有这部法律，75.5%的城镇女性和54.6%的农村女性能正确或基本正确地说出这部法律的名称。在知晓这部法律的人中，91.8%的女性和91.1%的男性认为，这一法律对保护妇女权益有用。<sup>③</sup>

但在实践中，真正依据“妇保法”判决的案例少之又少，这反映了1992年的“妇保法”在操作方面的不足。妇女越来越明确地要求反对性别歧视和惩处那些通过歧视妇女获得好处的单位和个人。因此，2005年十届全

<sup>①</sup> 根据《第二期中国妇女社会地位抽样调查数据》得出结论，全国妇联、国家统计局，2001年9月4日。

<sup>②</sup> 佟新：“从保障妇女权益到反对性别歧视”，载全国妇联妇女研究所：《1995—2005年：中国性别平等与妇女发展报告》（妇女绿皮书），社会科学文献出版社，2006年。

<sup>③</sup> 全国妇联、国家统计局：《第二期中国妇女社会地位抽样调查》，2001年9月4日。



全国人大常委会第十七次会议表决通过了全国人大常委会关于修改《妇女权益保障法》的决定。这次对“妇保法”的修改,表达了目前对于法律在性别平等方面操作性的要求。表现之一,强化了国家机关及其工作人员在保障妇女权益方面的法律责任,规定:对于侵害妇女权益的申诉和控告,主管部门或者有关单位推诿拖延、压制不予查处,或者对提出申诉控告检举的人打击报复的,要对直接的主管人员和违法人员给予行政处分。

相关法律法规的修改和“妇保法”的制定和修改,说明了中国目前在法律领域推进社会性别主流化的决心和成果,性别平等在法律领域的体现情况相对比较好。

## 二、法律的制定和执行中的性别问题

首先,从法律条文来看,法律领域中的社会性别主流化情况还比较好,目前比较令人担心的问题在于,如果要进一步突破目前的社会性别刻板印象,使得法律具有性别敏感意识,那么就有可能挑战某些原则性的条例。其中就会遇到三个问题:首先是立法机构的社会性别意识的敏感度不足,其次是整个司法机构被看作是“男性的天下”,女性比例低,最后是有关性别意识本身就存在不同的理解。

除“妇保法”以外,其他的具体法律往往会由各个职能部门参与相关立法,如,劳动保险条例就会由劳动部等参与立法,而因这些部门性别意识不足,影响到了法律在性别意识方面的提高。

在“对高层决策者社会性别意识的调查”中发现,在全国妇联的被调查者中,认为男女平等是“一项基本国策”的占 98%,但在其他四个机构的 192 名被调查者中,知晓男女平等是“一项基本国策”的仅占 44.8%。<sup>①</sup> 可见,除了妇女工作系统,其他机构的性别意识的敏感性比较低,针对男女平等

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<sup>①</sup> 肖扬:“对高层决策者社会性别意识的调查与分析”,载《1995—2005年:中国性别平等与妇女发展报告》(妇女绿皮书)。

基本国策不到 50% 的认知率的情况,如何让社会性别意识首先进入到决策者、立法者、执法者的头脑中是目前的当务之急。

其次,司法机构中的女性比例都没有超过 1/4 强,女性比例过低对于法律执行的性别影响目前还没有直接的函数关系可以表现,但是依据联合国等对参政中人数比例的研究,20%—30%被认为是关键少数,少于这个比例,则不能很好地体现某一人群的利益。

表 17 1995—2002 年全国检察官人员构成和性别构成

(单位: %)

项 目	1995 年		1998 年		2000 年		2002 年	
	女	男	女	男	女	男	女	男
人员构成								
检察长	0.2	2.7	0.4	2.7	0.3	2.5	0.4	3.2
副检察长	1.7	6.7	2.1	7.2	2.0	7.0	2.6	8.7
检察员	48.5	63.6	60.2	69.1	61.1	69.2	69.6	70.5
助理检察员	49.6	27.0	37.3	21.0	36.6	21.3	27.4	17.6
合 计	100	100	100	100	100	100	100	100
人数(万人)	2.7	13.0	2.8	12.9	3.3	13.8	3.0	10.4
性别构成								
检察长	1.8	98.2	2.9	97.1	2.8	97.2	3.6	96.4
副检察长	5.0	95.0	6.0	94.0	6.4	93.6	7.9	92.1
检察员	13.5	86.5	16.1	93.9	17.4	82.6	21.9	78.1
助理检察员	27.3	72.7	28.1	71.9	29.0	71	30.7	69.3
合 计	17	83	18.1	81.9	19.2	80.8	22.1	77.9

资料来源:两网监测统计年报数据,《中国社会中的女人和男人(2004) 事实和数字》,国家统计局人口和社会科技统计司编。

从以上数据可以看出,女性在整个检察系统中仅占 22.1%,而从检察员到检察长,女性的比例大幅度减少,其边缘地位非常明显。



表 18 1995—2002 年全国律师人数和性别构成

年 份	人数(万人)		性别构成(%)	
	女	男	女	男
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	19	11.7	14.0	86.0

资料来源：司法部统计资料,《中国社会中的女人和男人(2004) 事实和数据》,国家统计局人口和社会科技统计司编。

女律师的比例一直保持在 14% 以下,女律师的人数过少,使得在有关女性权益的案件中,找不到好的女律师代理女性当事人,为女性争取利益。已经有很多研究证明了本质身份对于理解同性经验的重要性,女律师的比例过低,对于实际过程中的女性维权带来不利。

表 19 1995—2002 年全国法官人数和性别构成

年 份	人数(万人)		性别构成(%)	
	女	男	女	男
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

资料来源：两纲监测统计年报数据,《中国社会中的女人和男人(2004) 事实和数据》,国家统计局人口和社会科技统计司编。

法官的性别比和检察院的性别比有相似之处,女法官比例基本保持在 21.6%以下,值得庆幸的是,女法官比例在不断上升;值得担心的是,上升的幅度过小,没有过“关键少数”。

因此,目前法律领域中,性别平等的理念虽然进入了具体的法律条文,但是,与法律相关的领域却被看作是一个“男性的天下”,男性法律人才远多于女性,从长远来看,对于社会性别主流化在法律领域的实现是有阻碍的。

最后,也是非常重要的一点是,不同的人对于什么是社会性别意识有不同的理解,法律有的时候会进退两难。比如,在婚姻法的修改中,法学专家形成了一个建议稿,在这个建议稿中,提出把婚姻法修改为婚姻家庭法,由原来的 37 条,修改为 147 条。他们提出了很多新的概念,如配偶权、性别歧视、家庭暴力、生育权、结婚公告、无效婚姻、重婚、通奸、非法同居、过错方与无过错方、人工生殖技术、弃婴等,这些概念由于其自身的不确定性,而引发了大的争议,这也体现了当今中国社会在转型时期社会性别意识和性别文化的复杂和多元性。以配偶权为例,在 147 条建议稿中,体现配偶权概念的在第三十九条和第四十条。具体规定如下:

第三十九条 夫妻互享、互负共同生活的权利和义务。有不能同居生活的正当理由的不在此限。

第四十条 夫妻有互相忠实、互相扶助的义务。双方应当互爱、互敬,互相帮助,共同承担家务劳动。

在 2000 年 8 月,全国人大常委会法制工作委员会办公室印发的《中华人民共和国婚姻法(修正案)》中,基本采纳了第四十条,但未吸纳第三十九条。

有关配偶权的争论主要集中在两点:夫妻双方有没有忠实的义务?夫妻一方对另一方的性要求是不是正当?

丁娟教授做了一个访谈调查,发现 65%的人赞成把配偶权纳入立法,其中,在女性群体中 61.4%同意,在男性群体中 69.4%同意。男性



同意率高出女性 8 个百分点。<sup>①</sup> 而人们对于配偶权的概念理解是不同的,这个概念对某些人来说是反对婚外恋的一个概念,但是对另一些人来说是强调男性性权利和女性贞洁的概念。<sup>②</sup>

在法律修订的过程中,我们可以清晰地看到不同性别意识之间的较量,目前这种较量正处于胶着状态。社会性别意识虽然近十年不断被宣扬,但是,传统的保守的性别意识依然有广阔的市场。因而,法律发展本身实际上是性别意识斗争的舞台和结果。因此,社会性别意识与法律本身是相互影响的,不同的性别意识和价值观会导致不同的法律出台,而不同价值观和性别意识的法律又会进一步影响到大众的性别文化。

### 三、从上海对“妇保法”的修改看中国法律的落实和执行

《中华人民共和国妇女权益保障法》是保护女性权益,推进性别平等最重要的法律之一,这一法律的出台、修订和执行从一个具体的横切面反映出了中国法律领域的性别主流化情况。

据上海市妇联章黎明秘书长介绍,“早在 1992 年之前,在全国还没有‘妇保法’的情况下,上海有一个《上海妇女保护条例》,开创了新的法律领域。而 1992 年的时候全国之所以能够颁布‘妇保法’,和全国妇联 1990 年第一次开展了对中国妇女地位的调查紧密相关。第一次调查很全面,就宪法规定的五个平等,从教育、参政、健康、社会参与、社会观念开展调查。每个省市抽样两千人,男女各一千,抽样规范,调查结果公开出版,影响很大。这次调查对 1992 年的全国的《妇女权益保障法》的出台有重要的作用,它提出了妇女在教育、参政方面的主要问题,实证性地为立法提供了依据。这既是学者对法律的影响,也是妇联对性别平等的

<sup>①</sup> 丁娟:《男女平等基本国策研究》,中国妇女出版社,第 427 页。

<sup>②</sup> 当然,女性在婚姻内也有相同的性要求,但是结合目前中国的性存在文化,这一概念被更多地理解为男性要求性权利。

推动。此外,国际上的《消除一切对妇女歧视的公约》、2000年联合国内罗毕的公约等也是我们参照的样本”。

章黎明秘书长参与了1992年全国“妇保法”的制定和1994年上海《妇女权益保护法》实施办法的制定。章秘书长提到,“1994年由上海市人大法工委牵头,妇联代表妇女不断提出问题,起到了很重要的作用。我们1994年提出的东西2006年《妇女权益保护法》修改的时候又被列出来了。”

上海市妇联的一位部长参与了2005、2006年“妇保法”的修订,她认为新修订“妇保法”有两个突出的进步:“第一个是2005年新修订和颁布的《妇女权益保障法》赋予男女平等基本国策法律地位。其次是把一些新的议题,如反对性骚扰的法律规定首次被写进《中华人民共和国妇女权益保障法》,其中明确规定禁止对妇女的性骚扰,并规定了相应的责罚和对受害妇女的救济渠道。”

上海为了制定相应的实施办法,人大、妇联、总工会等联合进行了调研,拿出调研报告,再征求三四十个委办单位的各方面意见。这个过程当中,人大代表、专家、妇女干部等做了很多次现场调研,开了多个调研会,反复修改,经过三审通过了实施办法。

下面是从妇联大事记中整理出来的有关“妇保法”修订的部分重要事项,通过这些事项,我们可以管中窥豹地看到“妇保法”修订过程的谨慎性和科学性,说明政府在性别主流化的过程中,努力吸纳群众和地方的意见,尽可能前瞻性地修订“妇保法”。

#### 妇联大事记中有关妇保法修改的部分重要事项

2003年4月3—12日 以全国人大内司委副主任万绍芬为组长的执法检查组对上海进行实施“妇保法”的执法检查。重点检查了妇女的政治权利、劳动权益、人身权利等三方面的保障情况。

7月31日 市妇儿工委副主任孟燕堃及市妇儿工委办公室主



任王禄宁向市政府常务会议就上海实施《中华人民共和国妇女权益保障法》的情况作了专题汇报。

2004年4月12—17日 由原全国人大副委员长、全国妇联原主席彭珮云为顾问,全国政协委员、外事委员会副主任、全国妇联原副主席王淑贤为组长,国务院妇女儿童委员会办公室副主任张黎明为副组长的“妇女法”修改调研组来沪调研。

7月—8月 市妇联权益部联合华东政法学院妇女法律研究中心,开展了上海市实施“妇保法”状况的问卷调查,形成了在“妇保法”实施中妇女六大权益保护的现状与问题的调研报告;与市妇女学会合作,组织专家对全国妇联“妇保法”修改建议稿进行研讨,并于9月份汇编成集。

7月2日、9月6日 市妇联分别就上海市人大内务司法委员会、华侨民族宗教事务委员会关于提请审议《关于修改〈上海市村民委员会选举办法〉的决定(草案)》和《关于修改〈上海市宗教事务条例〉的决定(草案)》的议案,邀请部分乡镇(村)和统战系统的妇女干部提出修改意见和建议,并将意见反馈给市人大。

2005年

6月13日 市妇联向市人大内司委提交上海市妇女儿童工作委员会贯彻执行《上海实施〈中华人民共和国妇女权益保障法〉办法》情况报告。

2006年

7月3日 市妇联主席孟燕莛、市妇儿工委常务副主任、市妇联副主席史秋琴及市妇儿工委办公室等有关人员参加市人大内司委在东纺酒店召开的修改《上海市实施〈中华人民共和国妇女权益保障法〉办法》论证会,参与调研报告的讨论修改。

7月27日 市人大内司委副主任惠熙荃等专程到市妇联就修

改《上海市实施〈中华人民共和国妇女权益保障法〉办法》工作与市妇儿工委办公室、市妇联进行商讨。市妇儿工委常务副主任、市妇联副主席史秋琴等参加会议。

10月23日下午,市妇儿工委办公室应邀列席市人大常委会。本次常委会对《上海实施〈中华人民共和国妇女权益保障法〉办法》(草案)进行一审。

12月2日下午,市人大内司委副主任惠熙荃来市妇联,专题就贯彻实施《中华人民共和国妇女权益保障法》听取市妇联和市妇儿工委办公室的意见。

上海妇女: <http://shwomen.eastday.com/renda/node4420/node4465/index.html>。

比较全国的“妇保法”和上海“妇保法”的实施办法,我们可以发现从中央的法律到地方法规之间的法律空间,这一空间是今后推进性别主流化过程中必须更加重视的一部分。上海“妇保法”的实施办法有以下特征:首先,明确概念,如性骚扰、家庭暴力等概念在具体解释后更具操作性;其次,具体化某些条例,使得“妇保法”涵盖面更加清楚,如对生命健康权、妇女的要求等都作了详细的规定;再次,提出了经费保证和分性别监测统计的要求,使得“妇保法”的实施有了执行和评估的基础;第四,强调妇女儿童工作委员会作为该法的主管单位的职责,使得“妇保法”有了机构保障;最后,上海创新性地提出了对侵害妇女权益的相关部门可以发出“督促执行书”,这一文件使得“妇保法”的实施更有保障。<sup>①</sup>

从“妇保法”的修订和在上海的进一步细化,我们可以看到法律领域性别主流化的可能性和积极效果。虽然,还存在各种各样的问题,“妇保法”本身就体现了中国在法律领域往性别平等方向前进的决心和成效。

<sup>①</sup> 上海市妇联秘书长在访谈时曾提到督促执行书在过去处理外资单位性骚扰案件中的积极作用。



#### 四、结 论

中国目前在法律领域的性别主流化虽然还存在不足,但是总体上而言,还是值得肯定的,性别平等已经成为法律领域的基础共识。但是,未来的挑战在于,不同理解下的性别意识和价值观将会影响到法律的发展,进一步明确和宣传性别意识的内涵,并且努力使得这一内涵被大多数人所接受,是今后法律领域性别主流化的主要途径。此外,重视中国的立法和修订法律的过程,充分利用各种法律空间,尤其是地方法规制定的空间,是实现性别主流化的一条捷径。

## 第四章 社会保障

中国的社会保障主要包括社会保险和社会救助两大类内容。社会保险包括医疗保险、退休养老金保险、失业保险、工伤保险、女职工生育保险；社会救助包括城镇居民最低生活保障制度、部分农村居民最低生活保障制度、救灾救济制度、扶贫开发制度。相比较而言，社会救助中的性别不平等问题不明显，而社会保险中的性别不平等被谈论得更多。

我国的社会保障工作始于 20 世纪 50 年代初。1951 年 2 月，政务院发布了《中华人民共和国劳动保险条例》，这是新中国成立后的第一部社会保险法规，奠定了我国社会保障法律制度的基础。改革开放之前，劳动者的保障基本由其所在单位承担和实施。随着改革的深化，单位制的衰弱，我国的劳动保障逐步由单位（国家）“全部包揽”向“国家、单位、个人”三方负担转变，由“企业自保”向“社会互济”转变，由“福利包揽”向“基本保障”转变，由“现收现付”向“部分积累”转变，由“政策调整”向“法律规范”转变。<sup>①</sup>

近几年来，中国在社会保障方面的进步是有目共睹的，覆盖面扩大，保障力度加大，保障范围增加，中国政府在各个方面推进社会保障的深化，充分认识到社会公正是建设和谐社会的关键之一。但是，正如《中国人类发展报告 2005》指出，“长期以来的所有制偏向和劳动市场的城乡分割导致了社会保障资源在不同的社会保障项目之间分配的不公平，以

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<sup>①</sup> 龙翼飞：《完善我国的社会保障法律制度》（九届第 16 次），全国人大常委会法制讲座第十六讲，人民网 [http://www. people. com. cn/GB/14576/15097/2369584. html](http://www.people.com.cn/GB/14576/15097/2369584.html)。



及获取社会保障的权力在不同社会群体之间分配的不平等。”<sup>①</sup>其中两个最为明显的不平等是城乡之间的不平等和性别之间的不平等。

一般来说,在有关社会保障的条文中,并不会出现明显的性别间的区别对待,而是会以具体的工作性质、工作时间等方面来规定每个具体的个体相应所能享受的社会保障。但是正是因为不同性别本身在就业方面的“情景不平等”,导致表面上看来平等的措施产生了一个不平等的结果。因而,社会性别主流化在社会保障领域的推进是非常复杂的。

社会保障领域的性别不平等与政治领域和法律领域的性别不平等的特征是不同的,它表现出一种弥散的低度不平等,从而常常使人忽略这种不平等。同时,社会保障领域的不平等问题的解决有赖于就业领域的性别不平等问题的解决,因而,它也是一个更为复杂的问题。通过对退休年龄和养老金的争论的分析,我们还可以发现不同的性别意识和阶级意识对社会保障领域中性别平等的影响。

## 一、弥散的低度不平等

有学者在分析中国的性别不平等时,提出“弥散的低度不平等”的概念,这一概念是指性别不平等在各个维度确实存在,但在大多数维度又往往不易觉察。该学者研究指出,2000年中国居民社会地位在教育、经济、政治等八个维度22个指标上都存在性别差异,除少数几项与性别存在中等程度的相关外,其余十多项指标与性别均存在低度关联,而且这种关联方向一致。<sup>②</sup>

我们在分析中国社会保障领域的性别不平等时发现,弥散的低度不平等概念同样适用于这一领域,此外,还有城乡差距大,农村女性的社会

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<sup>①</sup> 《中国人类发展报告 2005: 追求公平的人类发展》,中国对外翻译出版公司,2005年,第63页。

<sup>②</sup> 郑丹丹:“弥散的低度不平等——对我国性别分层状况的解读”,载《第17届中国社会学年会“社会建设与女性发展”论坛论文集》,2007年7月,长沙。

保障低的问题。

就单位提供医疗保险、养老保险、失业保险、工伤保险、病假工资和产假/保健工资情况的调查数据来看,每一项两性都有差距,但是差距都不是非常大。

**表 20 单位提供医疗保险、养老保险、失业保险、工伤保险、病假工资和产假/保健工资情况** (单位: %)

	医疗保险		养老保险		失业保险		工伤保险		病假工资		产假/孕期保健工资	
	女	男	女	男	女	男	女	男	女	男	女	男
提供	45.6	54.5	57.1	62.1	22.4	26.3	29.7	40.7	49.9	57.1	60.0	49.5
不提供	52.6	43.6	40.1	35.3	70.3	66.3	62.8	52.6	47.5	40.5	37.3	44.3
说不清	1.7	1.9	2.2	2.6	7.3	7.4	7.6	6.7	2.6	2.4	2.7	6.2
合计	100	100	100	100	100	100	100	100	100	100	100	100

资料来源:根据2000年第二期中国妇女社会地位调查,《中国社会中的女人和男人(2004)——事实和数据》,国家统计局人口和社会科技统计司编。

根据上表,如果我们把提供保险的女性数据比例减去男性数据的话,可得到一张新的表格:

**表 21 保险性别差** (单位: %)

	医疗保险	养老保险	失业保险	工伤保险	病假工资	产假/孕期保健工资
提供	-8.9	-5	-3.9	-11	-7.2	10.5

从上表可以看出,除了产假/孕期保健工资这一项由于女性独特的生理特征而获得保险多于男性(为正数)以外,其他的每一个类别女性享有该保险的人数比例都比男性低,但是,其幅度并不太大,基本都在10%以内。工伤保险的比例相差略大,达到11%;医疗保险其次,相差8.9%;而养老保险和失业保险的比例性别差分别为5%和3.9%。这样的比例相



差不多的情况,常常被人们视为统计上的偶然性或统计上没有显著性而忽略了。但问题是,为什么每项保险(除了生育)都是女性比男性低?如果仅仅是统计上的偶然性,那么为什么没有出现提供保险的人群中男性低于女性的情况?这种弥散的低度不平等对个体来说意味着什么?

与社会保障领域的低度不平等相对应的是两性对社会保障的态度同样存在差距,但是这种差距同样不显著。笔者访谈了复旦大学社会发展研究中心的郑桂珍教授,郑教授在2005年曾在上海开展了一项“现行社会保障体系中的妇女权益保护调查”,调查结果显示,男性的社会保险参与率为76.65%,女性为70.16%,女性比男性低6.49个百分点。而且,在各项社会保险中,参保率都是男性高于女性。同时,有33.5%的男性和26%的女性对养老保险的缴费水平“很满意”和“基本满意”;24.2%的男性和21.6%的女性对养老保险待遇“很满意”和“基本满意”。<sup>①</sup>从数据来看,个体对于这种弥散的低度不平等既有所感受也有所反映,一方面女性参保率低,另一方面不满意的比例更高,同时相差又不是很大。

与性别间弥散的低度不平等相对应的是,社会保障领域中城乡差距明显,农村女性的社会保障程度更低。我们以孕期保健为分析个案。

10年来,尽管卫生保健和生育健康服务有了明显进步,但农村,特别是西部地区问题还比较突出。35岁以下的农村孕产妇仍有24.0%从未做过产前检查,比同一年龄段的城镇女性高18.8个百分点。西部地区的这一比例为35.9%,比东部地区高21.0个百分点。<sup>②</sup>孕产妇的死亡率也出现同样的情况,农村孕产妇的死亡率基本上是城市的两倍。值得庆幸的是,无论是城市还是农村,孕产妇死亡率都在大幅度下降;但令人担忧的是,城乡之间的差距并没有大幅度缩小。

<sup>①</sup> 郑桂珍教授介绍,这次调查从三个层面展开,一是走访上海市劳动和社会保障局、杨浦区社会保险中心等相关机构;二是查阅国内外相关理论与法规;三是对杨浦区600名有工作经历的男女居民进行问卷调查,重点分析男女养老保险、医疗保险、失业保险等的性别差异。

<sup>②</sup> 《第二期中国妇女社会地位抽样调查主要数据报告》,全国妇联、国家统计局,2001年9月4日。

表 22 孕产妇死亡率 (单位: 1/10 万)

年	全 国	城 市	农 村
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

资料来源: 2003 年《中国卫生统计提要》,《中国社会中的女人和男人(2004) 事实和数据》,国家统计局人口和社会科技统计司编。

如果我们分析上海的数据的话,可以清晰地发现发达城市的孕妇产前检查率非常高,而孕产妇死亡率非常低。这一点又说明社会保障领域中的不平等既有性别间的不平等,也有城乡间的、阶层间的不平等,两种不平等的特征是不同的。

表 23 上海市主要年份孕产妇保健情况

(单位: 1/10 万)

年份	孕妇产前医学检查率	孕产妇死亡率
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

资料来源: 上海市卫生局统计资料,《性别发展在上海 2005 年上海性别统计手册》,上海市统计局,上海市妇女儿童工作委员会办公室。



因此,通过数据的比较,我们可以得出结论,目前社会保障领域中性别不平等的特征是弥散的低度不平等,最需要进一步提高社会保障的群体是农村的女性,农村女性同时受性别和阶层的双重压力,导致她们成为了社会保障领域的边缘人群。

## 二、不平等的原因

为了找到社会保障领域为什么会出现这样一种弥散的低度不平等,笔者查阅了很多保险条例和规定,并未发现有明显的性别区别对待的地方。笔者为此走访了杨浦区社保局的某位负责人。这位负责人认为社会保障领域的性别不平等是由于“先天性不平等”而导致的。这个先天性是指人们在享受社会保障的时候首先有一个“劳动”的前提,人们所享受的社会保险待遇是与他们原先的工作岗位、工作年限等因素紧密相关的。就业领域的不平等蔓延到社会保障领域,就形成了社会保障领域的不平等。

笔者就此观点重新分析了就业领域中的数据,发现就业领域中的性别不平等与社会保障领域中的性别不平等有高度的相关性。

首先,男性的就业岗位比女性更高。调查显示从业人员的教育学历两性的差距比较稳定,女性基本都占40%左右的比例,说明就教育而言,两性的差距不明显(这个差距正好是保险领域的性别差距范围),并且没有出现逐级扩大的情况。但是在工作的资格证书和技术职称方面,两性差距扩大,并出现逐级扩大的情况,而这两项正是影响工作水平的重要因素。具有技术职称的从业人员为138万人,其中高级、中级、初级技术职称的分别占1.8%、6%和7.3%;女性分别占其中的23.6%、35.5%和40.4%。具有技术等级资格证书的从业人员为57.4万人,占6.3%。其中,高级技师、技师、高级工、中级工资格证书的分别占0.2%、0.5%、1.3%和4.3%;女性分别占其中12.3%、12.8%、13.7%和

20.5%(详见表 24)。<sup>①</sup>

表 24 单位就业人员学历、职称、技术等级情况

	从业人员(万人)		女性比重(%)
	总数	女性	
从业人员总计	911.0	353.6	38.8
具有研究生及以上学历者	16.1	6.4	39.8
具有大学本科学历者	88.2	32.4	36.7
具有大专学历者	123.8	50.4	40.7
具有高中学历者	272.1	105.9	38.9
具有初中及以下学历者	410.8	158.5	38.6
具有技术职称的人员总计	138.0	50.3	36.4
具有高级技术职称者	16.3	3.8	23.6
具有中级技术职称者	54.8	19.5	35.5
具有初级技术职称者	66.9	27.0	40.4
具有技术等级证书的人员总计	57.4	10.5	18.2
高级技师	1.5	0.2	12.3
技师	4.7	0.6	12.8
高级工	12.1	1.7	13.7
中级工	39.1	8.0	20.5

<sup>①</sup> 上海市第一次经济普查领导小组办公室、上海市统计局:《上海市第一次经济普查主要数据公报(第一号)》,2005年12月22日。



以上数据清晰地显示了女性在学历方面与男性有一定差距,但是差距稳定;而在技术职称方面,差距巨大,而且技术职称越高,女性越少。

除了工作岗位的两性差距,女性更早地退出就业领域也是影响女性未来社会保障的一个重要原因。

表 25 2000 年劳动就业人口年龄构成和性别构成

(单位: %)

年龄(岁)	年龄构成		性别构成	
	女	男	女	男
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
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
合计 人数(万人)	100	100	45.3	54.7

资料来源:《2000 年第五次全国人口普查数据摘要》,《中国社会中的女人和男人(2004)——事实和数据》,国家统计局人口和社会科技统计司编。

分析上表的数据,我们发现,女性随着年龄的增加而比男性更快地退出就业市场。在女性就业人员中,16—44 岁的占 73.5%,而男性就业人员中 16—44 岁的占 68.7%。在整体的就业人员中,我们从性别比的数据来看,女性在整个就业人口中持续下降,尤其是在 50—54 岁这个区间中,就业率急剧下降,比 45—49 岁下降了 3 个多百分点,显然是因为退

休年龄的不同而导致了女性就业年数比男性少。

农村的退岗问题中也有相类似的情况。据调查,在2006年上半年农村退岗人员中,女性占54.2%,比男性高出8.4个百分点;接受过由各级就业服务机构组织的职业培训的农村退岗人员仅占8.3%。<sup>①</sup>

这里就出现了两个有关社会保障的问题:(1)女性就业年限短势必会影响到养老金的缴纳,会使得女性退休后的养老金大大少于男性;(2)退出就业市场的女性做什么去了?无论是非正规就业还是做家务劳动,目前我们的社会保障体系对于这部分退出就业市场的女性的考虑是比较少的,所采取的保护措施也比较少。

第三方面的不平等影响因素是男女两性收入差距呈扩大趋势。调查显示,10年间,在业女性的经济收入有了较大幅度的增长,但与男性的收入差距却明显拉大。1999年城镇在业女性包括各种收入在内的年均收入为7409.7元,是男性收入的69.3%,男女两性的收入差距比1990年两性收入的差距扩大了8.2个百分点;以农林牧渔业为主的女性1999年的年均收入为2368.7元,仅是男性收入的59.6%,差距比1990年扩大了21.8个百分点。从收入分布看,城镇在业女性年收入低于5000元的占47.4%,低收入的女性比男性高19.3个百分点,而年收入高于1.5万元的女性为6.1%,中等以上收入的女性比男性低6.6个百分点。<sup>②</sup>农村妇女从事非农性生产经营获得的报酬为总收入的13%,比男性低9.6个百分点。<sup>③</sup>

岗位的不同、女性相对较短的工作年限、两性收入的差距都深刻地影响到了社会保障领域的性别平等。

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<sup>①</sup> 上半年本市农村退岗人员状况应予关注 <http://www.stats-sh.gov.cn/2005shtj/tjfx/jdxx/userobject1ai363.html>。

<sup>②</sup> 《第二期中国妇女社会地位抽样调查主要数据报告》,全国妇联、国家统计局,2001年9月4日。

<sup>③</sup> 同上。



### 三、关于退休年龄和养老金的争论

退休年龄和养老金是目前社会保障领域中性别平等议题中的主要争论点,通过对这一争论分析,我们可以清晰地发现社会保障领域的性别问题与其他领域性别问题的关联度,以及性别作为一个分析范畴,在具体落实到每一个措施时必须和阶层等其他分析范畴相结合。

退休年龄和养老金问题之所以引起关注,主要有三个方面的原因。

首先,中国总人口的男女比例是 51.5 : 48.5,男性多于女性,<sup>①</sup>但是 60 岁及以上老年人口性别比为 86.2(女性=100),65 岁及以上老年人口性别比为 81.3,80 岁及以上高龄老人性别比为 62.6,100 岁及以上老年人口性别比为 25.9。<sup>②</sup>可见年龄越大的群体中,女性的比例越高。而老年人社会保障的首要保障就是养老金的保障,这一问题也就更突出地显示为女性养老金的问题。

其次,两性无论是在养老金的享受,还是在数值上,都存在性别差距。根据 2000 年底中国老龄研究中心对全国城乡老年人口抽查调查数据,城市老年人的养老保险覆盖率达到 70% 以上,而农村老年人的覆盖率不到 4%。男女之间的性别差异相当明显。<sup>③</sup>

即使在享有退休金的群体中依然存在数额上的城乡差距和性别差距,女性普遍比男性每月都要少 150 元—200 元;无论在城市还是农村,女性的退休金不到男性的 3/4。这一差距足够影响到两性退休以后不同的生活境遇。

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① 资料来源:中华人民共和国 2006 年国民经济和社会发展统计公报 <http://www.stats-sh.gov.cn/2005shtj/xw/node49/userobject1ai2562.html>。

② 刘鑫:《2006 年上海老年人口与老龄事业发展情况》, <http://www.stats-sh.gov.cn/2005shtj/tjfx/ndxx/userobject1ai2831.html?2005shtj/tjfx/ndxx/images/00000451.gif?/2005shtj/tjfx/ndxx/images/00000452.gif>。

③ 《中国人类发展报告 2005: 追求公平的人类发展》,中国对外翻译出版公司,2005 年,第 64 页。

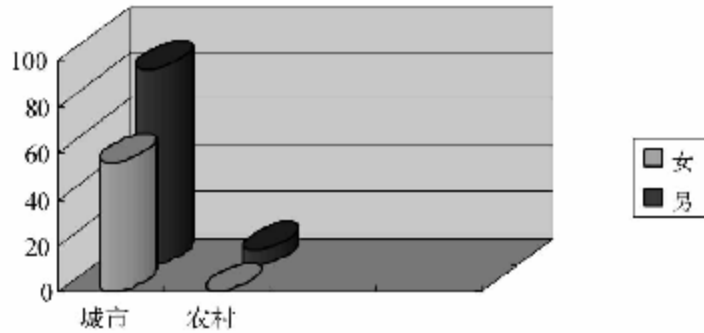


图9 2000年城市和农村享受退休金待遇的性别比例 (单位: %)

资料来源:《中国人类发展报告 2005: 追求公平的人类发展》,中国对外翻译出版公司,2005年,第64-65页。根据数据整理所得。

表26 2000年城市和农村的老年人享受的(平均)退休金待遇水平(2000年) (单位:元/月)

	城 市		农 村	
	女	男	女	男
数 额	541	759	277	420

这一特征和农村老年人享受的政府救助情况的特点是一样的。中国老龄研究中心2000年全国老年人口调查的调查显示,在全国农村老年人口中,男性得到的政府救济的比例明显高于女性老年人口,男性老年人获得政府救济的比例为9.2%,而女性这一比例为6.6%。性别差异不仅反映在覆盖率上,而且也表现在人均救济额上。对被救济的老年人来说,男性获得每月人均额比女性几乎高出一倍。<sup>①</sup>

而第三个既是退休年龄和养老金问题引起关注的原因,也是导致两性养老金不同的原因,即一般来说女性要比男性早5年退休。早期制定

<sup>①</sup> 《中国人类发展报告 2005: 追求公平的人类发展》,中国对外翻译出版公司,2005年,第71页。



这样一个政策主要目的是保护女性,但是就今天来看,这样的政策显然明显导致了性别间的区别对待,而这种区别对待是有歧视性的。正如有学者指出,“决定一个人是否退休的因素应当是工作能力和健康状况,而不是性别。现行的公务员条例中规定男 60 岁退休,女 55 岁退休。对于许多女性公务员来说,55 岁正是年富力强、负担最轻的时候,提前离开工作岗位,不仅是人力资源的浪费,也反映了男女占有资源的不平等。提前退休,也使得许多女性退休后享受的工资待遇比男性低,这又形成了男女经济上的不平等。退休年龄的不同还影响了女性参政议政和职业发展。由于这 5 年的差距,与男性相比,女干部、女专业技术人员在教育培训、职业发展和岗位晋升等方面的机会明显减少,这在很大程度上制约了优秀女性人才的选拔。”<sup>①</sup>正是因为女性退休年龄早,使得经济利益受损,参与决策层机会普遍减少,提高素质的机会明显减少,因此,改变目前两性退休年龄不同的现状是很多学者的呼声。

但是这一问题的复杂性在于,不同阶层的两性对这一问题的认识和感受是不同的。虽然,提前退休影响了养老金的数额,但是对从事体力型的劳动者而言,早点退休就意味着早一点不干活拿钱。郑桂珍教授的调查就显示,只有 15.9% 的男性、15.6% 的女性认为男女两性的退休年龄应该保持一致;50% 的男性和 52.1% 的女性认为男女两性的退休年龄应该视工种而定。多数人认为男女两性的退休年龄相差 5 岁比较合理。<sup>②</sup> 理论界有关两性退休年龄一致或者采取弹性退休制的提议,并未被大部分人所认可。

因此,有关退休年龄和养老金的争论体现了阶层、城乡和性别问题结合在一起的复杂性,在解决这一问题的时候必须多种影响因素综合考虑,才能够更好地解决问题。

<sup>①</sup> “全国妇联妇女研究所所长谭琳 男女平等,用数据说话”,《人民日报》2003 年 8 月 26 日第 5 版。

<sup>②</sup> 郑桂珍:《现行社会保障体系中的妇女权益保护调查报告》(摘要),访谈资料。

#### 四、项目推动社会性别主流化

政府和各个机构都从各方面来缩小社会保障领域中的性别不平等。近几年来,除了讨论有关规定的合理性,尝试对规定进行修改以外,也做了很多其他的尝试。上海市妇联以项目的方式推进社会保障领域的性别平等,保障妇女权益是值得借鉴的。

2003—2006年,上海各级妇联组织通过争取慈善项目支持、吸收社会各界募捐、建立帮困基金、推动政府专项拨款等方式,积极推动妇女健康实事项目的落实,全市共筹集资金2 643万元,为近115万名困难妇女进行了免费妇科检查。投入1 018.55万,为4 201名身患妇科肿瘤急需手术治疗的重症妇女提供了2 000元至5 000元不等的治疗救助款。投入764万为本市10个郊区购置了12辆妇科检查流动车。项目的开展体现了“早检查、早发现、早治疗”的防病方针,据对9万名困难妇女妇科检查的统计分析,妇科疾病的患病率从2001年的45.5%,(2003年为35.26%)下降为2006年的28.55%。特别是“妇科检查流动车”穿梭在村落、工厂、企事业单位,在检查登记中发现,近5%的妇女从未参加过普查,近10%的妇女在5—10年间没有参加过普查。“妇科检查流动车”大大方便了农村地区妇女,普查率从原先的20%提高到了60%。<sup>①</sup>

这一个案说明,社会保障领域的性别主流化的效果是非常明显的,方式是多样的。不同方面的利益考虑和多种形式的利益保障将会更好地促进这一领域的性别主流化。

男女平等基本国策得到法律的肯定,分性别数据库的建立,社会性别意识的进一步传播发展……21世纪的很多好消息,让人们对社会性别主流化在中国充满了信心。笔者相信通过努力,中国的社会性别主流化将以其独特的形式在世界呈现。

<sup>①</sup> 上海市妇联:《妇女健康实事项目自评报告》(内部报告)。

## 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.<sup>①</sup>

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.

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<sup>①</sup> *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.<sup>①</sup>

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

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<sup>①</sup> 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.”<sup>①</sup>This 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.<sup>②</sup>

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.

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<sup>①</sup> 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.

<sup>②</sup> 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.

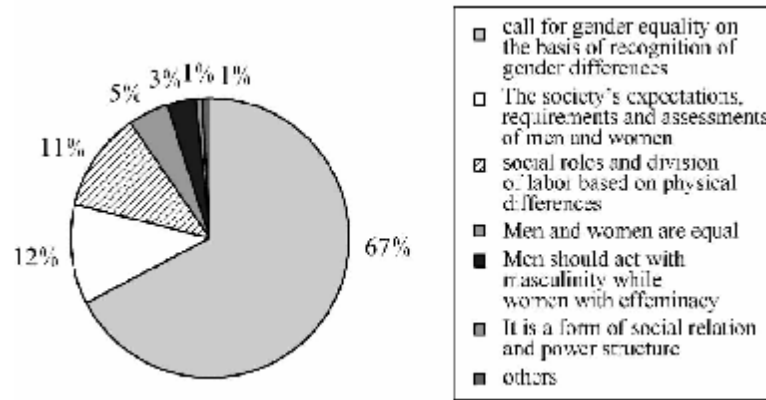


Figure 1. Understanding of Social Gender (%)

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 9<sup>th</sup> 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 10<sup>th</sup> 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 11<sup>th</sup> Five-Year Plan in 2005, during the 4<sup>th</sup> 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 11<sup>th</sup> 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 4<sup>th</sup> Plenary Session of the 10<sup>th</sup> National People’s Congress approved the *Outline of the 11<sup>th</sup> 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 10<sup>th</sup>

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① Wen Jiabao, *Remarks at the 4<sup>th</sup> National Conference on the Work for Women and Children*; Wu Yi, *Report at the 4<sup>th</sup> 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 9<sup>th</sup> 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<sup>①</sup>

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 4<sup>th</sup> 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,

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<sup>①</sup> 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 9<sup>th</sup> 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<sup>①</sup> 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

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<sup>①</sup> 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 4<sup>th</sup> 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.<sup>①</sup>

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

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<sup>①</sup> *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.”<sup>①</sup> 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 21<sup>st</sup> 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

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<sup>①</sup> 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.<sup>①</sup> 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

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<sup>①</sup> 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. <sup>①</sup>

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

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<sup>①</sup> 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)**

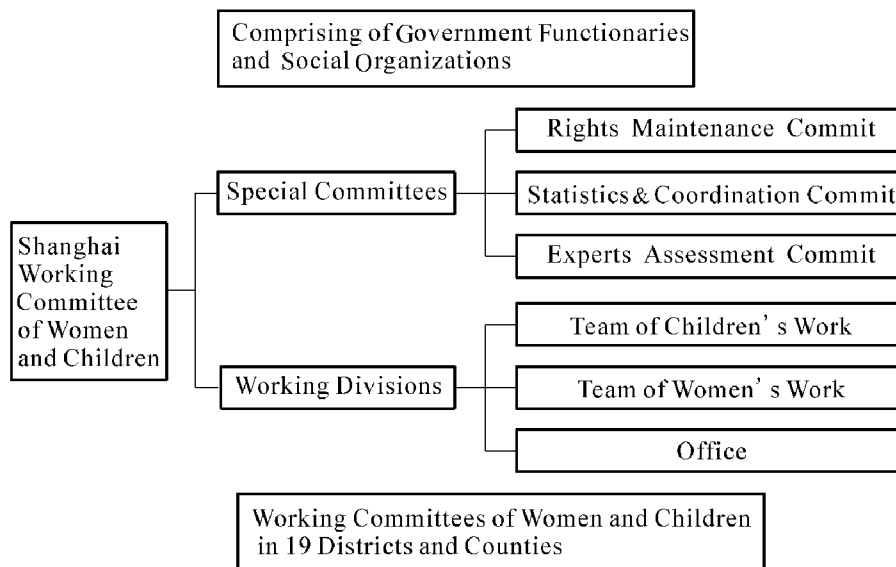
Founded in August 1950, SWF is a grass-root social organization where women from all sectors in Shanghai are united together to strive for further liberation under the leadership of the Communist Party of China. It plays as a bridge and link between the Party and the government on one hand and the women 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 12<sup>th</sup> 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 21<sup>st</sup> 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 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> 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<sup>①</sup>**

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

<sup>①</sup> 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 10<sup>th</sup> 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 9<sup>th</sup> 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 10<sup>th</sup> 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 11<sup>th</sup> 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.<sup>①</sup>

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

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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 10<sup>th</sup> anniversary of the 4<sup>th</sup> 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

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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.<sup>①</sup> 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

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<sup>①</sup> 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.<sup>①</sup>

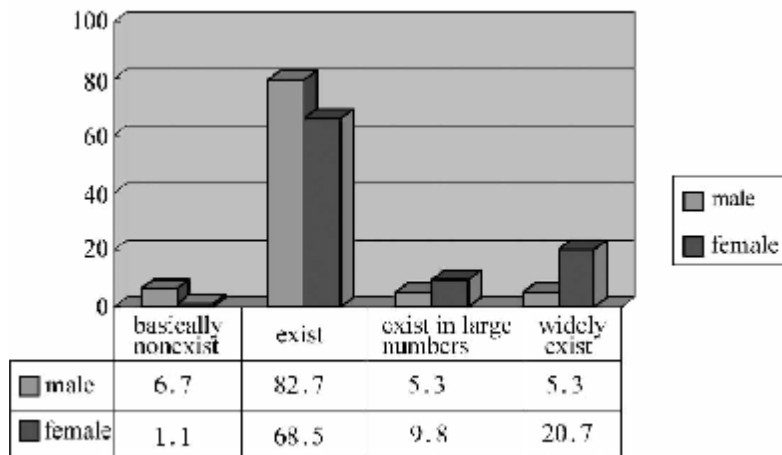


Figure 3. Views of Male and Female Interviewees towards Whether Inequality between Men and Women Exists (%)

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.<sup>②</sup> 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

<sup>①②</sup> 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.<sup>①</sup> Therefore, the third dimension is integrated to the first and second dimensions. Though it must be mentioned, the third dimension should be

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<sup>①</sup> 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 <sup>①</sup>later than men. It was as late as the 20<sup>th</sup> 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%

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<sup>①</sup> 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 12<sup>th</sup> to the 47<sup>th</sup> 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<sup>①</sup>**

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](http://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 7<sup>th</sup> to the 14<sup>th</sup>. 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 21<sup>st</sup> 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.<sup>①</sup> 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

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<sup>①</sup> 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.<sup>①</sup> 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.<sup>②</sup> Since statistics of officials in the Chinese government are not yet available,<sup>③</sup> 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%,

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

<sup>②</sup> 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>).

<sup>③</sup> 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%<sup>①</sup> 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%<sup>②</sup> 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<sup>③</sup> 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.<sup>④</sup>

In terms of government, many countries endeavor to push forward

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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 21<sup>st</sup> 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 1<sup>st</sup> 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 31<sup>st</sup>, 37<sup>st</sup>, and 90<sup>th</sup> in HDI, GDI and GEM to the 28<sup>th</sup>, 27<sup>th</sup> and 59<sup>th</sup> 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. <sup>①</sup>

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

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<sup>①</sup> 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 12<sup>th</sup> in 1994 to the 47<sup>th</sup> 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 71<sup>st</sup>, 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 23<sup>rd</sup> 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.<sup>①</sup> 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

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<sup>①</sup> Wang Hongwei, *Measuring Gender Equality with GDI and GEM*, [http://www.chinapop.gov.cn/rklt/zjz/t20060223\\_56225.htm](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.<sup>①</sup> 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.<sup>②</sup> 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 <sup>th</sup> ( 1956 )	8	162	4.7	95.3
9 <sup>th</sup> ( 1969 )	23	256	8.2	91.8
10 <sup>th</sup> ( 1973 )	41	278	12.9	87.1
11 <sup>th</sup> ( 1977 )	38	295	11.4	88.6
12 <sup>th</sup> ( 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 <sup>th</sup> ( 1987 )	22	263	7.7	92.3
14 <sup>th</sup> ( 1992 )	24	295	7.5	92.5
15 <sup>th</sup> ( 1997 )	25	319	7.3	92.7
16 <sup>th</sup> ( 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 12<sup>th</sup> 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 <sup>st</sup>	1954	147	12	4	5
2 <sup>nd</sup>	1959	150	12.3	5	6.3
3 <sup>rd</sup>	1964	542	17.8	20	17.4
4 <sup>th</sup>	1975	653	22.6	42	25.1



continued

Session	Year	Female Deputies	%	Female Standing Members	%
5 <sup>th</sup>	1978	742	21.2	33	21
6 <sup>th</sup>	1983	632	21.2	14	9
7 <sup>th</sup>	1988	634	21.3	16	11.9
8 <sup>th</sup>	1993	626	21.03	19	12.3
9 <sup>th</sup>	1998	650	21.81	17	12.69
10 <sup>th</sup>	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 4<sup>th</sup> 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**

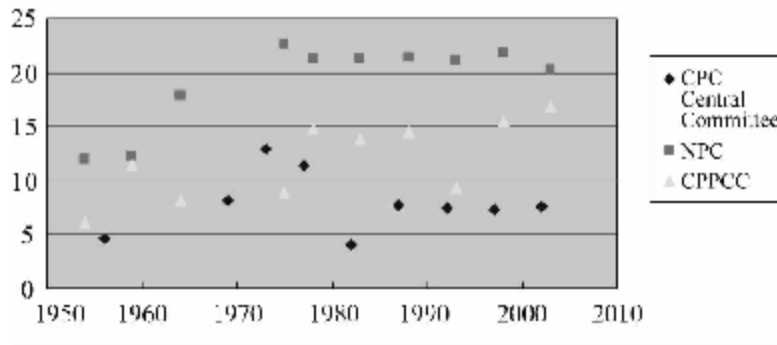
Session	Year	Female Members	%	Female Standing Members	%
1	1949	12	6.6	4	6.9
2	1954	83	14.3	5	6.5
3	1959	87	8.1	8	5
4	1969	76	6.3	9	5.6
5	1978	289	14.5	24	7.6
6	1983	258	12.5	33	11
7	1988	288	13.8	28	10
8	1993	283	13.52	29	9.2
9	1998	341	15.54	29	8.97
10	2003	373	16.7	35	11.71

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 21<sup>st</sup> 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.<sup>①</sup> 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,

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<sup>①</sup> 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.<sup>①</sup> That 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

<sup>①</sup> 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 15<sup>th</sup> and 16<sup>th</sup> 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 15<sup>th</sup> and 16<sup>th</sup> National Congress of the CPC**

16 <sup>th</sup> National Congress	15 <sup>th</sup> 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.<sup>①</sup>

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

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<sup>①</sup> 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 15<sup>th</sup> Party Congress and the *Constitution of the Communist Party of China* (1997) approved by the 15<sup>th</sup> 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



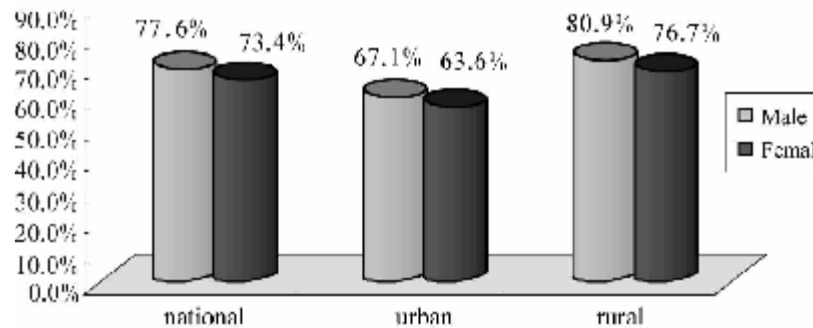
documents and regulations concerning the targets and standardized practice of training and selecting women officials and recruiting women Party members, such as the *Opinions on Strengthening the Work of Training and Selecting Women Officials in Reform and Opening Up* (1998), *Minutes of the National 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 2<sup>nd</sup> 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."<sup>①</sup>



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

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

As the 2<sup>nd</sup> 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.<sup>②</sup>

<sup>①②</sup> The All-China Women's Federation and the National Bureau of Statistics, "Main Statistical Report," in *The 2<sup>nd</sup> 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.<sup>①</sup>

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.<sup>②</sup>

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.<sup>③</sup> It is mainly because

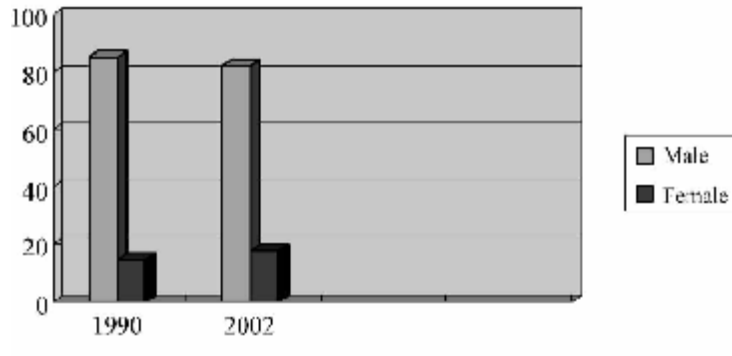
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① Li Huiying, "A Review and Assessment of Women's Political Participation in China in the Past 10 Years," *Collection of Women's Studies*, 6, 2005, pp. 34-38.

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 2<sup>nd</sup> 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.<sup>①</sup>

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

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<sup>①</sup> 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.”<sup>①</sup> 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 5<sup>th</sup> Plenary Session of the 10<sup>th</sup> NPC discussed and approved in March 2007 the Draft Decision on the Quota and Election Issues of Deputies for the 11<sup>th</sup> 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 11<sup>th</sup> 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

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<sup>①</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 21<sup>st</sup> among 32 provinces, autonomous regions and municipalities under the direct



*jurisdiction of the Central Government.*<sup>①</sup> 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

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<sup>①</sup> 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.

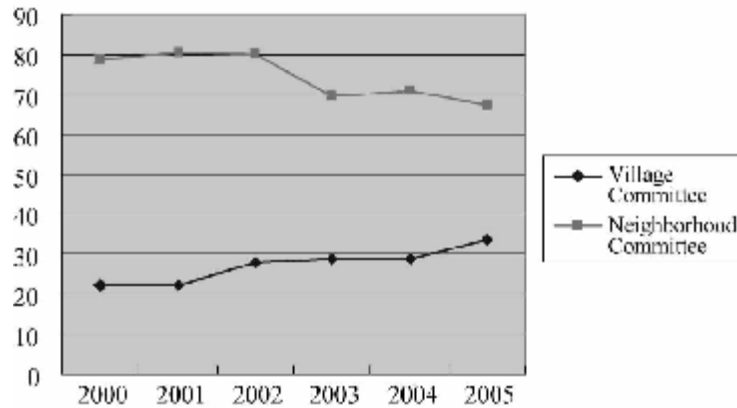
**Table 16. Gender Structure of Officials in Chief Positions at Various Levels in Shanghai (2000 – 2005)** unit: %

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 11<sup>th</sup> 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 11<sup>th</sup> 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.

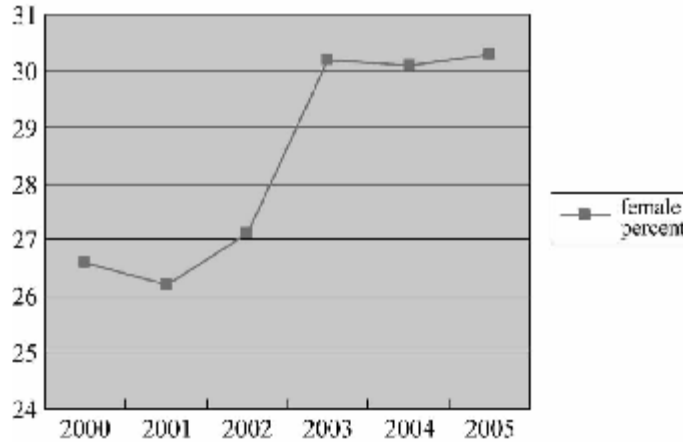
2.6 Strengthen the construction of mechanisms of women's participation in economic and social development, and innovate working vehicles and measures. When organizing hearings before issuing certain laws, regulations, rules and policies, departments concerned should ensure the participation rate of women 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.<sup>①</sup> 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.<sup>②</sup> Therefore, when discussing the significance of women's political participation, we should make it clear that women's political participation is, de facto, a

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

② "Ranks from the 12<sup>th</sup> to the 47<sup>th</sup>: 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 4<sup>th</sup> 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 1<sup>st</sup> 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*.”<sup>①</sup>

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

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<sup>①</sup> Gu Xiulian, “Promoting Gender Equality and Achieving Common Development-on the 10<sup>th</sup> Anniversary of the UN 4<sup>th</sup> 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 1<sup>st</sup> 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 2<sup>nd</sup> 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. <sup>①</sup> 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

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<sup>①</sup> Concluded from the 2<sup>nd</sup> 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. <sup>①</sup>

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

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<sup>①</sup> 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.<sup>①</sup>

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 17<sup>th</sup> Session of the 10<sup>th</sup> 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.

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<sup>①</sup> All-China Women's Federation and the National Bureau of Statistics (eds. ), *The 2<sup>nd</sup> 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.<sup>①</sup> This suggests that gender awareness is low in organizations outside the system of women's work. When the percentage of people who recognize equality

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<sup>①</sup> 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.<sup>①</sup> People interpret the rights of spouse in different

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<sup>①</sup> 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.<sup>①</sup>

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

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<sup>①</sup> 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.<sup>①</sup>

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.

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<sup>①</sup> 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. <sup>①</sup>

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.”<sup>②</sup>The 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

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

<sup>②</sup> *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. <sup>①</sup>

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.

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<sup>①</sup> Zheng Dandan , “Pervasive and Low-degree Inequality: Interpreting Gender Hierarchies in China,” in *Collections of Dissertations of the 17<sup>th</sup> 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 2<sup>nd</sup> 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.<sup>①</sup> Statistically, individuals do perceive, to some extent, the pervasive low-degree inequality. On one hand, women's

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<sup>①</sup> 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.<sup>①</sup> 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.

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<sup>①</sup> The All-China Women's Federation, and the National Bureau of Statistics (eds. ), *Key Data Report of the 2<sup>nd</sup> 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).<sup>①</sup> 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

<sup>①</sup> The Office of the Leading Team of the 1<sup>st</sup> Economic Census of Shanghai and Shanghai Bureau of Statistics ( ed. ), *Announcement ( No. 1 ) on the Key Data of the 1<sup>st</sup> 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 5<sup>th</sup> 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. <sup>①</sup>

<sup>①</sup> 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. <sup>①</sup> The non-agriculture

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<sup>①</sup> The All-China Women's Federation and the National Bureau of Statistics (eds. ), *Key data Report of the 2<sup>nd</sup> 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.<sup>①</sup>

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.<sup>②</sup> 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.<sup>③</sup> 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

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

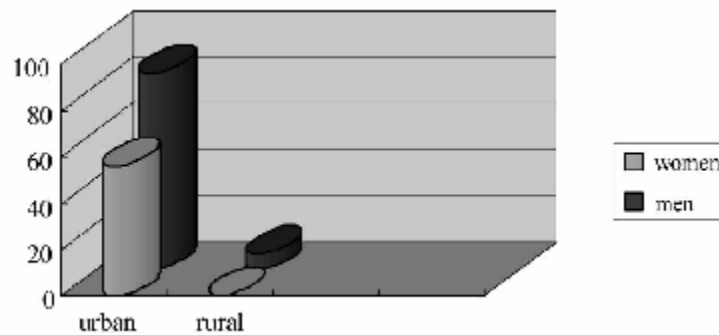
② *The Statistics Gazette on National Economy and Society Development in 2006*, <http://www.stats-sh.gov.cn/2005shtj/xw/node49/userobject1ai2562.html>.

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. <sup>①</sup>

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

<sup>①</sup> *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." <sup>①</sup> 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. <sup>②</sup> The fervently advocated proposal of a

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<sup>①</sup> 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.

<sup>②</sup> 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%.<sup>①</sup> 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 )

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

**图书在版编目(CIP)数据**

中国特定政策领域中的性别主流化/沈奕斐著. —上海:  
上海社会科学院出版社, 2008  
(女性与社会发展. 下册)  
ISBN 978-7-80745-388-8

I. 中… II. 沈… III. 妇女-问题-研究-中国 IV.  
D669.68

中国版本图书馆 CIP 数据核字(2008)第 111338 号

女性与社会发展(下册)——中国特定政策领域中的性别主流化

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著 者: 沈奕斐

责任编辑: 沈 洁

封面设计: 闵 敏

出版发行: 上海社会科学院出版社

上海淮海中路 622 弄 7 号 电话 63875741 邮编 200020

<http://www.sassp.com> E-mail: [sassp@sass.org.cn](mailto:sassp@sass.org.cn)

经 销: 新华书店

印 刷: 上海新文印刷厂

开 本: 890×1240 毫米 1/32 开

印 张: 6.375

字 数: 170 千字

版 次: 2008 年 8 月第 1 版 2008 年 8 月第 1 次印刷

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ISBN 978-7-80745-388-8/C·017

定价(上、下册): 38.00 元

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