

**ANNEX A: HRIC Draft Translation of the Second Periodic Report on the
Implementation of the Covenant on Economic, Social and Cultural Rights by the
People's Republic of China**

中华人民共和国关于
《经济、社会及文化权利国际公约》
执行情况的第二次报告
条约专要文件

**Second Periodic Report on the Implementation of the
Covenant on Economic, Social and Cultural Rights
By the People's Republic of China**

*Editor's Note: The original Chinese report included the full text of relevant articles from the Covenant.
HRIC's translation includes the article names, but omits the full provisions.*

序言

1、中华人民共和国于2001年2月批准《经济、社会及文化权利国际公约》（以下简称《公约》）。同年6月27日，《公约》对中国生效。中国于2003年6月27日如期提交了首次履约报告。联合国经济、社会和文化权利委员会于2005年4月27-29日审议了中国的报告并于5月13日通过结论性意见。根据《公约》第16条、17条及经社文权利委员会的相关规定，中国应于2010年6月30日前通过联合国秘书长向经社文权利委员会递交关于《公约》执行情况的第二次履约报告。

2、遵循联合国关于人权条约缔约国履约报告撰写准则（HRI/GEN/2/Rev.5）和经社文权利委员会新修订的关于撰写《经济、社会及文化权利公约》履约报告撰写准则（E/C.12/2008/2），中国撰写了执行《公约》情况的第二次报告。在首次履约报告中已纳入且未作修订或更新的法律法规和政策机制等内容，本报告不再赘述。

3、本报告着重从国家立法、司法实践情况，包括存在的困难和问题等方面介绍了中国2005年至2009年期间执行《公约》的情况和进展。本报告包括三个部分：第一部分为中国执行《公约》有关情况及进展，由中央政府撰写；第二部分为中国香港特别行政区执行《公约》有关情况，由香港特别行政区政府撰写；第三部分为中国澳门特别行政区执行《公约》有关情况，由澳门特别行政区政府撰写。

Preface

1. In February 2001, the People's Republic of China [the "PRC"] ratified the International Covenant on Economic, Social and Cultural Rights [the "Covenant"]. On June 27 of the same year, the Covenant came into effect in China. On June 27, 2003, as anticipated, China submitted its Initial Periodic Report on the status of implementation of the Covenant. From April 27-29, 2005, the Committee on Economic, Social and Cultural Rights [the "Committee"] considered China's report and on May 13 adopted its concluding observations. According to articles 16 and 17 of the Covenant and the related provisions of the Committee, China should submit its Second Periodic Report on the implementation situation of the Covenant to the Committee via the Secretary-General before the June 30, 2010.

2. Following the Compilation of Guidelines on the Form and Content of Reports to Be Submitted by States Parties to the International Human Rights Treaties (HRI/GEN/2/Rev.5) and the Committee's newly amended Guidelines on Treaty-specific Documents to Be Submitted by States Parties under article 16 and 17 of the Covenant (E/C.12/2008/2), China composed its second report on the situation of implementing the Covenant. Contents such as legal regulations and policy mechanisms that were already incorporated into the Initial Periodic Report but not amended or updated are not repeated in this report.

3. This report introduces China's situation and progress on implementing the Covenant from 2005 to 2009, with emphasis on the situation from national legislative and judicial practice, including aspects on existing difficulties and problems. This report contains three parts: the first part covers China's situation and progress on enforcing the Covenant and was written by the PRC central government; the second part covers the Hong Kong Special Administrative Region's situation and progress on enforcing the Covenant and was written by the Government of the Hong Kong Special Administrative Region; the third part covers the Macau Special Administrative Region's situation and progress on enforcing the Covenant and was written by the

Government of the Special Administrative Region of Macau.

4、中国政府重视经社文权利委员会在2005年审议中国首次履约报告的结论性意见，在制定和实施《国民经济和社会发展第十一个五年规划》（2006-2010年）的过程中充分考虑了《公约》要求及委员会合理建议，努力将其转化为符合中国国情的政策措施。委员会提出的主要建议，如制定《国家人权行动计划》，已经得到落实。本报告不但介绍了有关条款的执行情况，也回应了委员会结论性意见中的相关建议。

5、为做好第二次履约报告相关工作，中国外交部于2009年10月牵头成立了报告撰写跨部门工作组，成员单位包括近30家立法、司法、行政部门；在报告撰写过程中，工作组征询了近20家全国性的非政府组织和学术研究机构意见（名单见附件一）。各部门起草主管领域材料时，分别征询了本领域学术研究机构和非政府组织的意见。报告还通过外交部网站广泛征求了公众意见。

6、为提高报告的质量，中国于2010年2月与澳大利亚合作举办了撰写履约报告研讨会，促进了各参与撰写部门了解联合国对履约报告的撰写要求和委员会审议的程序。

7、中国政府重视《公约》的普及宣传，通过媒体加强公众对《公约》内容、履约报告撰写和缔约国接受审议的了解和参与。2010年下半年，中国联合国协会将通过网络举办关于《公约》的知识竞赛，提高《公约》在中国

4. The Chinese government paid attention to the Committee's concluding observations on its consideration of China's Initial Periodic Report in the process of formulating and realizing the Eleventh Five-Year National Economic and Social Development Plan (from 2006-2010), fully considered the requirements of the Covenant and the sensible recommendations of the committee, and made great efforts to turn them into policy measures conformed with the Chinese situation. The main recommendations of the Committee, such as the formulation of a National Human Rights Action Plan, have already been implemented. This report not only introduces the enforcement situation on relevant clauses, but also responds to relevant recommendations made in the Committee's concluding observations.

5. In order to properly accomplish the work related to the Second Periodic Report, in October 2009 the Chinese Ministry of Foreign Affairs took the lead in establishing a report-writing inter-departmental working group. Member units included almost 30 legislative, judicial, and administrative departments; in the process of writing the report, the working group consulted the opinions of nearly 20 national non-governmental organizations ["NGOs"] and academic and research institutions. When each department was drafting materials in its field of competence, they separately consulted the opinions of academic and research institutions and NGOs in that field. The report also widely solicited the opinions of the people via the website of the Ministry of Foreign Affairs.

6. In order to improve the quality of the report, in February 2010, China and Australia jointly hosted a seminar on writing compliance reports, assisting all of the writing departments to understand the United Nations [UN] demands on writing the compliance reports and the committee review process.

7. The Chinese government pays attention to the wide popularization and promotion of the Covenant and via the media strengthened the public's understanding and participation in the content, writing of compliance reports, and state-party's ongoing review of the

民众中的认知度。

一、第一条 自决权

8、中国在首次履约报告中阐明,中华人民共和国成立后,国家的一切权力属于人民,中国人民成为国家的主人,通过全国范围的土地改革和其他各项民主改革成为生产资料和社会财富的享有者;中国实行人民代表大会制度,中国人民通过全国人大和地方人大行使权力。中国人民能够自主决定国家政治、经济、社会和文化领域的重大事项,充分享有自决权。相关《宪法》规定和制度安排已纳入首次报告,在此不再赘述。

二、第二条 国家采取措施保障经社文权利得以充分实现

9、中国在首次履约报告中阐明了促进和保护公民经济、社会及文化权利的法律体系、开展国际经济技术合作、保障在华外国人合法权益的情况,相关内容在此不再赘述。自2003年中国提交首次履约报告以来,中国在上述领域采取了以下新的立法和举措:

一、最新立法、规划和举措

10、(一) 2004年3月14日,中国第十届全国人大第二次会议通过《宪法》修正案,将“国家尊重和保障人权”明确写入宪法。“人权入宪”对中国的人权事业产生了长远性影响,标志着中国人权法治建设进入新的历史发展阶段。

Covenant. During the second half of 2010, the UN Association of China will host a knowledge competition on the Covenant via the Internet and increase awareness among the Chinese people.

I. Article 1: Self Determination

8. In its Initial Periodic Report, China stated that, since the founding of the People's Republic of China, all power of the State belongs to the people, the Chinese people have become the masters of the country and the beneficiaries of the means of production and the wealth of society through a nationwide land reform and other democratic reforms. China executes the people's congress system and the Chinese people exercise State power through the National People's Congress and the local people's congresses at different levels. The Chinese people are able to independently decide important political, economic, social and cultural matters of the country, and have full enjoyment of the right to self-determination. Related provisions in the Constitution and institutional arrangements have been included in its Initial Periodic Report, and will not be repeated here.

II. Article 2: Measures Taken to Guarantee the Full Realization of Rights

9. China's Initial Periodic Report clarified the situation on the legal system that promotes and protects citizens' economic, social and cultural rights, on international economic and technological cooperation, and on safeguards of the legitimate rights and interests of foreigners in China. Those related content will not be repeated here. Since China submitted its Initial Periodic Report on the implementation of the Covenant in 2003, it has adopted the following new legislation and initiatives in the above areas:

1. New Legislation, Plans and Measures

10. (1) March 14, 2004, the second meeting of China's Tenth National People's Congress adopted an amendment to the Constitution to explicitly include the principle of "state respect and safeguard of human rights" into the Constitution. [The concept] of "Human rights into the Constitution" has a long-term impact on China's human rights cause, signifying that the construction of human

rights and the rule of law in China has entered a new historical stage of development.

11、(二)为落实这一宪法原则,国家进一步完善了人权保障体系,将人权事业发展战略纳入国家经济和社会发展战略。2006年3月,中国全国人大通过《国民经济和社会发展第十一个五年规划》,列入2006-2010年中国经社文各领域发展目标 and 路线图,其中包括建设社会主义新农村、促进区域协调发展、建设资源节约型、环境友好型社会、优先发展教育、提高人民健康水平、加强文化建设等内容。

11. (2). In order to implement such a constitutional principle, the State has further improved the system of human rights protection and integrated human rights development strategies into its national economic and social development strategies. In March 2006, the Chinese National People's Congress passed the Eleventh Five-Year National Economic and Social Development Plan (from 2006-2010). It lists development goals and roadmaps in various fields of social and cultural areas from 2006 to 2010, including building a new socialist countryside, promoting coordinated regional development, building up a resource-saving and environment-friendly society, giving priority to the development of education, improving the health of the people, and strengthening cultural construction.

12、(三)经社文权利委员会2005年在审议中国首次履约报告的意见中建议中国制定《国家人权行动计划》。2009年4月,中国出台首份《国家人权行动计划(2009-2010)》。这是中国首份以人权为主题的国家规划,内容涵盖了公民政治和经社文权利各领域,其中包括了工作权利、基本生活水准权利、社会保障权利、健康权利、受教育权利、文化权利、环境权利、农民权益的保障、四川特大地震灾后重建中的人权保障、少数民族、妇女、儿童、老年人和残疾人的权利保障等方面的两年期工作目标和具体措施。社会团体、非政府组织、新闻媒体和社会公众积极参与行动计划的推广和落实。2009年12月初,中国对计划的执行情况进行了中期评估,结果显示计划各项目标任务均如期得到落实,大部分需两年完成的量化指标落实程度达到50%左右,有的达65%,为全面完成计划目标任务打下了良好的基础。

12. (3). The Committee on Economic, Social and Cultural Rights, when reviewing China's initial period report on the implementation of the Covenant in 2005, recommended that China formulate a "National Human Rights Action Plan". In April 2009, China issued the first "National Human Rights Action Plan (2009-2010). This is the first national plan on the theme of human rights. It covers all areas of citizens' civil and political, as well as economic, social and cultural rights, including working objects and specific measures over two years concerning the right to work, right to a basic standard of living, right to social security, right to health, right to education, cultural rights, environmental rights, protection of farmers' rights and interests, protection of human rights in the reconstruction after the Sichuan earthquake, protection of ethnic minorities, women, children, the elderly and the disabled. Social groups, non-governmental organizations, the media and the public actively participated in the promotion and implementation of the Action Plan. In early December 2009, the Chinese government had a mid-term evaluation of the Plan's implementation, the results of which show that all the planned goals and tasks are realized as scheduled, while the degree of implementation of most quantitative indicators which require two years to complete reached 50 percent, some 65 percent, and [this] has laid a good foundation for the full completion of the

13、此外，自提交首次履约报告以来，中国进一步完善了保障经济、社会和文化权利的法律体系。涉及各具体权利的立法和执行情况将在《公约》相关条款的执行情况中予以说明。

二、人权领域的国际合作

(1) 中国受援情况

14、2006-2010年，中国接受联合国开发计划署、联合国儿童基金会、联合国人口基金三个机构的援助总计资金达3.08亿美元。项目领域涉及支持中国全面建设小康社会、扶贫、公平发展与公共治理、儿童知识倡导和政策开发、卫生和营养、基础教育和儿童发展、生殖健康、艾滋病防治、性别平等、南南合作等。在上述领域中，中国政府与联合国机构开展了大量卓有成效的政策研究，对相关国家政策的制定起到了重要参考作用。2005年以来，中国通过双边渠道接受援助累计达7.27亿美元，开展了118个项目的合作。国际发展援助项目对于中国西部地区发展经济、缩小东西部地区差距、促进中国经济社会全面、协调和可持续发展做出了积极贡献；有力地支持了中国在履行《经济、社会及文化权利国际公约》方面做出的承诺，提高了中国公民享有经济、社会及文化权利的水平。

(二) 中国对外援助情况

15、中国遵循平等互利、不附带任何政治条件的原则，真心实意帮助受援国发展经济和促进社会进步。自上世纪50年代以来，中国共向120多个发展中国家和地区提

planned objectives and tasks.

13. In addition, since China submitted the initial periodic report on the implementation of the Covenant, it has further improved the legal system for the protection of economic, social and cultural rights. Legislation and implementation involving specific rights will be addressed in relevant articles of the Covenant.

II. International Cooperation in the Human Rights Field

(1) Assistance to China

14. 2006-2010, China received US\$308 million of funding assistance from the United Nations Development Programme, the United Nations Children's Fund, and the United Nations Population Fund. Projects funded involve supporting China to build a moderately prosperous society, poverty alleviation, equitable development and public governance, advocacy on children's knowledge and policy development, health and nutrition, basic education and child development, reproductive health, AIDS prevention, gender equality, and South-South cooperation. In the above areas, the Chinese government and United Nations agencies carried out a lot of fruitful policy research, which has provided important references for the formulation of relevant national policies. Since 2005, through bilateral channels, China accepted a total of \$ 727 million in assistance and entered into cooperation on 118 projects. International development assistance projects made a positive contribution to the economic development in China's western region, narrowing the gap between eastern and western regions, and promoting China's comprehensive, coordinated and sustainable economic and social development; the assistance strongly supported China's commitment to implement the Covenant on Economic, Social and Cultural Rights, and raised the level of Chinese citizens' enjoyment to economic, social and cultural rights.

(2) China's Foreign Aid

15. Following the principles of equality and mutual benefit without attaching any political conditions, China sincerely helps recipient countries to develop their

供了力所能及的援助，援建了2100多个项目，涵盖农业、工业、交通、通讯、水利、文教卫生等各个领域。中国还无条件减免了50个重债贫穷国和最不发达国家380笔对华债务，减轻了其债务负担。中国的援助为其他发展中国家改善社会经济发展条件，提高自主发展能力，增加就业和收入、消除贫困产生了积极作用，给受援国人民带来了实实在在的利益。

16、近年来，随着中国国内经济的不断发展，中国逐步加大了对外援助的力度。为加强南南合作，胡锦涛主席在2005年9月联合国发展筹资高级别会议和2006年11月中非合作论坛北京峰会上，先后宣布了对发展中国家的五项政策措施和对非洲的八项政策措施，重点加强农业、医疗卫生、教育等民生项目的合作。中方坚持“言必信、行必果”，迅速落实承诺，努力扩大受益范围，受到发展中国家的热烈欢迎和国际社会的高度评价。

17、2008年9月，温家宝总理在联合国千年发展目标高级别会议上宣布了中国政府未来五年向其他发展中国家提供的六项援助举措，涉及农业生产、粮食援助、医疗卫生、教育培训、清洁能源开发、免债、零关税等领域。2009年11月，温家宝总理在中非合作论坛第四届部长级会议上宣布了中国政府未来三年向非洲国家提供的八项援助新举措，涉及环保、清洁能源、科研、提供优惠性质贷款、免债、农业、医疗卫生、培训、人文交流等多个领域。中国将认真落实上述举措。

economy and to promote social progress. Since the 1950s, China has provided assistance within its capacity to more than 120 developing countries and territories in total, which supported more than 2100 projects, covering agriculture, industry, transport, communications, water conservancy, culture, education, health, and various other fields. China also unconditionally wrote off or forgave 380 debts from 50 Heavily Indebted Poor Countries (HIPC)s and Least Developed Countries (LDC)s, reducing their debt burdens. China's assistance towards other developing countries brought tangible benefits to the people of those recipient countries and played a positive role in improving their socio-economic conditions, enhancing their ability of self-development, increasing employment and income, and eradicating poverty.

16. In recent years, with the continuous development of China's domestic economy, China has gradually increased its foreign aid. To strengthen South-South cooperation, President Hu Jintao announced in succession five policy measures towards developing countries in September 2005 at the High-Level Meeting on Financing for Development at the United Nations Summit and eight policy measure towards Africa in November 2006 at the Beijing Summit of the Forum on China-Africa Cooperation, focusing on strengthening cooperation in agriculture, medical and health, education and other livelihood projects. China insisted that "Promises must be kept and actions must be resolute", and rapidly implemented its commitments and made efforts to expand the range of benefits, which was warmly welcomed by developing countries and highly appraised by the international community.

17. In September 2008, Chinese Premier Wen Jiabao delivered a keynote speech at the U. N. High-Level Meeting on the Millennium Development Goals (MDGs) announcing that China stands ready to provide six types of assistance to other developing countries in the coming five years, in such fields as agricultural productivity, food aid, health care, education and training, clean energy development, loan cancellation, and zero-tariff treatment. In November 2009, Premier Wen Jiabao, at the Fourth Ministerial Conference of the Forum on China-Africa Cooperation, announced that in the coming three years,

the Chinese government would provide eight types of new assistance to African countries in environmental protection, clean energy, scientific research, preferential loans, debts cancellation, agriculture, medical care and health, training, cultural exchanges and other fields. China will earnestly implement the above initiatives.

18、(三)在经济、社会和文化权利保护方面,中国与联合国人权高专办公室、国际劳工组织、世界卫生组织、联合国教育、科学及文化组织等有关国际机构保持着良好的合作关系。自2000年中国与人权高专办签署人权技术合作谅解备忘录以来,双方开展了涉及批准《公民和政治权利国际公约》、执行《经济、社会及文化权利国际公约》及人权教育三大领域的六个合作项目。其中,双方于2007年9月在日内瓦、2008年3月在北京举办了两期“加强民间社会对国家履行人权公约工作的参与培训班”于2008年3月在华举办“经社文权利可诉性国际研讨会”。上述项目促进了中国相关立法、司法、行政部门和学术研究机构对《经济、社会及文化权利国际公约》条款在国内法适用的了解。

18. (3) With respect to protecting economic, social and cultural rights, China has maintained good cooperation with the Office of the High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO), the World Health Organization (WHO), United Nations Educational, Scientific and Cultural Organization (UNESCO) and other relevant international bodies. Since the signing of the Memorandum of Understanding on human rights cooperation between China and the OHCHR in 2000, both sides have carried out six cooperative programs in three major areas: ratification of the International Covenant on Civil and Political Rights, implementation of the International Covenant on Economic, Social and Cultural Rights, and human rights education. Among these, both sides held two “Training Courses To Strengthen Civil Society's Participating In the Country's Implementing the Human Rights Conventions” in September 2007 in Geneva and in March 2008 in Beijing, and an “International Symposium on the Justiciability of Economic, Social and Cultural Rights” in March 2008 in China. The above projects promoted the understanding of applying provisions of the International Covenant on Economic, Social and Culture Rights in the domestic law by Chinese relevant legislation, judicial and administrative departments and academic research institutions.

三、非歧视原则

19、中国已批准了一系列有关反对歧视的国际人权公约。中国立法机关认为,制定统一的“歧视”定义十分复杂,通过单行立法禁止可能出现的歧视现象和问题更有针对性和操作性,更有利于保护特殊群体权益,将“禁止歧视”落到实处。

III. Non-Discrimination

19. China has ratified a series of international human rights conventions against discrimination. The Chinese legislature believes that it is very complicated to formulate a unified definition of "discrimination" and that specific legislations prohibiting potential discrimination and problems would be more targeted, workable and conducive to protecting the rights and interests of special groups and to putting [the principle] of “prohibition of discrimination” into practice.

20、在尊重、保护和实现本公约所载权利方面，中国一贯坚持非歧视原则。中国公民在法律面前一律平等，均平等享有本公约所载权利。中国《宪法》、《民族区域自治法》、《妇女权益保障法》、《老年人权益保障法》、《未成年人保护法》、《残疾人保障法》、《就业促进法》等法律明确禁止任何基于民族、宗教、性别、年龄、残疾等方面的歧视，对非歧视原则在相关领域的具体适用作出了规定，并对特殊群体权益予以保护。

20. With regards to the respect, protection and realization of rights provided in the Covenant, China has consistently adhered to the principle of non-discrimination. Chinese citizens are equal before the law, and have equal enjoyment of rights provided in the Covenant. China's Constitution, Law on Regional National Autonomy, Law on the Protection of Rights and Interests of Women, Law on Protection of the Rights and Interests of the Elderly, Law on the Protection of Minors, Law on the Protection of Disabled Persons, and Employment Promotion Law all clearly prohibit any discrimination based on ethnicity, religion, gender, age, disability, and other grounds, [They] have provisions on specific application of the principle of non-discrimination in the related fields, and protect the interests of special groups.

四、对结论性意见中相关建议的回应

IV. Response to the Recommendations in the Concluding Observations

(一) 第41段关于设立国家人权委员会

(1) Paragraph 41 concerning the Establishment of a National Human Rights Commission

21、中国尚未设立《巴黎原则》意义上的国家人权机构，但许多部门承担着类似的职责。全国人大常委会和各级政府部门均设有信访办公室，接受、调查和处理各种申诉。监察部门负责监督政府机构和官员的行为。关于设立《巴黎原则》意义上的国家人权机构问题，中国愿意进一步研究。

21. China has not yet set up a national human rights commission according to the *Paris Principles*, but many departments bear similar responsibilities. The Standing Committee of the National People's Congress and government departments at all levels have Petitioning Office [also known as letters and calls] that accept, investigate and handle complaints. Inspection and supervision departments are responsible for monitoring the behavior of government agencies and officials. China is willing to study further the issue of establishing national human rights institutions according to the *Paris Principles*.

(二) 第42段关于鼓励将公约作为国内法院法律渊源

(2) Paragraph 42 on Encouraging to Use the Covenant as a Source of Law in Domestic Courts in Paragraph 42

22、中国一贯恪守信守条约的原则，力求采取各种适当方式，严肃认真地履行中国缔结或参加的包括《经济、社会及文化权利国际公约》在内的国际条约义务。但是，按照国际条约在中国适用的惯例，国际条约不直接作为中国法院审理案件的法律依据，国际人权条约也不例外，而是通过立法程序转化为国内法律后予以适用。中国一贯重视保护公民的经济、社会和文化权利，在中国的诸

22. China has always abided by the principle of commitment to treaties, and strived to take all appropriate measures to seriously fulfill international treaty obligations concluded or acceded to by China, including the International Covenant on Economic, Social and Cultural Rights. However, in accordance with the traditional practice of applying international treaties in

多法律、行政法规中中国公民应当享有的经济、社会和文化权利作出了具体规定，并对侵犯公民上述权利的行为规定了严格的法律责任，形成了符合公约的完备的国内法律体系。人民法院在审理涉及公民的经济、社会和文化权利的案件时适用中国法律，已经能够使公民的相关权利得到有效保护，确保公约的精神和规定得以实施。

China, international treaties are not directly used as legal basis for cases in China's courts and there is no exception for international human rights treaties; rather, [they] are applied only after they became domestic laws through the legislative process. China has always attached great importance to the protection of citizens' economic, social and cultural rights. There are specific provisions in many Chinese laws and administrative regulations that ensure Chinese citizens enjoy economic, social and cultural rights and establish strict legal liabilities for violation of citizens' rights mentioned above, thereby forming a comprehensive domestic legal system in line with the Covenant. People's Courts apply Chinese laws when handling cases involving citizens' economic, social and cultural rights and have been able to ensure citizen's relevant rights are effectively protected and that the spirit and provisions of the Covenant are realized in practice.

（三）第45段关于难民权利保障

(3) Paragraph 45 concerning the Protection of the Rights of Refugees

23、中国是《1951年关于难民地位的公约》和《1967年关于难民地位的议定书》的缔约国，重视国际难民保护事业，重视与联合国难民署合作，支持国际社会为寻求永久解决难民问题所作的积极努力，并在力所能及的范围内向难民提供国际保护，最大限度保障其合法权益，从未因其种族、肤色、民族或族裔而采取歧视性政策。

23. China is a state party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, China attaches importance to the cause of international refugee protection and to cooperation with the United Nations High Commissioner for Refugees (UNHCR), and has supported efforts made by the international community to seek a permanent solution to the refugee problem. [It] has provided international protection to refugees within its capacity, guaranteed their legitimate rights and interests to the greatest extent, and never adopted policies which discriminate against them based on their race, color, national origin or ethnicity.

24、中国政府与联合国难民署就印支难民安置保持密切沟通与合作。自1978年起，中国政府本着人道主义精神，接收了近30万印支难民。30多年来，中国政府本着“一视同仁、不予歧视、同工同酬”的原则，累计投入约9亿美元资金，向印支难民提供生活、生产、就业、教育、医疗等方面的基本保障，帮助难民自立并尽快融入当地社会，并为具备条件实现亲人团聚和自愿遣返的难民提供便利。为便利在华印支难民的生活和工作，中国政府向其颁发了身份证件。另外，中国政府还与联合国难民署合作，开展“周转金计划”，向国营农场和企业提供贷款，为难民提供就业机会。中国政府所作的这些努力，

24. The Chinese government and the UNHCR maintain close communication and cooperation on the resettlement of Indo-Chinese refugees. Since 1978, the Chinese government has received nearly 300,000 Indo-Chinese refugees based on humanitarian ground. In the 30 years since, the Chinese government, based on the principle of "equal treatment, non-discrimination, equal pay for equal work", invested a total of about 900 million U.S. dollars of funds and provided Indo-Chinese refugees basic protection of their livelihood, production, employment, education, health care and others. It helped refugees to

为永久解决在华印支难民问题、维护本地区的和平与稳定做出了贡献。

become self-reliant and integrate into the local community as soon as possible, and facilitated refugees' reunion with their relatives when conditions are met and their voluntary repatriation. To ensure greater convenience for refugees in their work and livelihood, the Chinese Government also issued identity documents to Indo-Chinese refugees in China. In addition, in cooperation with the UNHCR, Chinese government carried out the "revolving fund scheme" to provide loans to state-owned farms and enterprises so that they can provide employment opportunities to refugees. These efforts made by the Chinese government contributed to the permanent solution to the problem of Indo-Chinese refugees in China and to maintenance of regional peace and stability.

25、除印支难民问题外，中方与难民署在其他问题上亦保持良好合作关系。近年来，中方与难民署驻华代表处共同开展了一系列合作项目。2005-2009年，每年均在华合办培训或研讨班，涉及难民危机紧急救助、难民立法，难民甄别程序等内容。中方将继续支持难民国际保护工作，并愿加强与难民署及其代表处的合作。

25. In addition to the Indo-Chinese refugees, the Chinese side also maintains good cooperation and relations with the UNHCR on other issues. In recent years, China and the representative office of the UNHCR jointly carried out a series of cooperation projects. In 2005-2009, they co-organized annually trainings or seminars involving refugee crisis emergency relief, refugee legislation, and refugee determination procedures. China will continue to support the work of international protection of refugees, and is willing to strengthen cooperation with the UNHCR and its representative office.

(四)第69段关于在国际金融和经贸谈判中考虑《公约》义务

(4) Paragraph 69 concerning the Consideration of Obligations under the Covenant When Negotiating International Finance and Trade Negotiations

26、作为二十国集团（G20）成员，中国积极参与应对危机国际合作，推动世界经济复苏和可持续增长。在此过程中，中国政府重视履行《经济、社会及文化权利国际公约》下的各项义务，推动伦敦和匹兹堡峰会在促进就业、支持最脆弱人群、推动平衡发展等方面取得积极务实成果。在参与国际经贸机构和区域贸易协定的谈判中，中国代表团根据本国当前经济、社会和文化发展的实际情况，协调并听取国内经济、社会和文化领域相关部门的意见和建议，使谈判过程和结果有利于本国人民享受经济、社会和文化方面的权利，确保全体人民特别是贫困地区人民受惠于中国的经济发展和社会进步，受益于国际金融和经贸合作。

26. As a member of the Group of Twenty (G20), China actively participates in international cooperation in response to crisis and promotes world economic recovery and sustainable growth. In this process, the Chinese government has attached importance to fulfill its obligations under the International Covenant on Economic, Social and Cultural Rights, and has pushed the London and Pittsburgh summits to achieve positive and pragmatic results in promoting employment, supporting the most vulnerable groups, and advancing equitable development. When participating in the negotiations of international economic and trade organizations and regional trade agreements, according to the actual situation of China's own economic, social and cultural

development, the Chinese delegation coordinated and listened to comments and suggestions from relevant domestic departments dealing with economic, social and cultural matters, to ensure the negotiation process and results are conducive to the Chinese people's enjoyment of their economic, social and cultural rights and that all people, especially those in poor regions, benefit from China's economic development and social progress, as well as from international financial and trade cooperation.

五、中国面临的困难与挑战

27、中国仍是发展中国家。中国的经济总量虽已位居世界前列，但人均水平仍排在世界100位以后。城乡之间、地区之间发展不平衡。人均资源占有率很低，经济和社会发展仍受到资源、能源、环境等瓶颈的制约。按中国现行扶贫标准(人均年收入1196元)，贫困人口仍有3597万人，贫困地区各项社会事业发展仍较滞后；社会保障制度须适应人口老龄化、城镇化加快、就业形式多样化和物价上涨等状况；卫生事业发展水平与人民群众健康需求不适应的矛盾比较突出；残疾人等特殊群体权利保障仍面临压力；国家工作人员，特别是地方政府工作人员人权意识和依法行政水平有待提高。

28、《公约》虽然对中国生效，但不意味着全部条款已全面实现，某些权利的享受还不能达到《公约》要求。但中国将根据《公约》尽最大能力采取步骤逐步达到《公约》中所承认权利的充分实现。

三、第三条 男女平

5. Difficulties and Challenges Facing China

27. China is still a developing country. Although China's overall economy has ranked among the top in the world, the per capita level is still ranked below 100 globally. The developments between urban and rural areas and between regions are unbalanced. The per capita share of resources is low and economic and social development is still subjected to resources, energy, environment constraints and other bottlenecks. According to China's current poverty line standard (annual per capita income of 1,196 yuan), there are still 35.97 million poor people and development of various social undertakings in poverty-stricken areas still lags behind; social security system needs to adapt to an aging population, accelerated urbanization, diversification of forms of employment, rising prices and other conditions; the contradictions between the level of health care development and health needs of the people is relatively pronounced; protection of the rights of people with disabilities and other special groups are still under pressure; the level of human rights awareness and capacity to govern in accordance with the law among state employees, especially staff from the local governments, need to be improved.

28. Even though the Covenant has come into force in China, it does not mean that all its articles have been fully realized. The degree of enjoyment of certain rights still does not meet the requirements of the Covenant. However, China will, based on the Covenant and to the maximum of its capacity, take steps to gradually achieve the full realization of the rights recognized in the Covenant.

III. Article 3 – Gender Equality

一、完善保障妇女权益的法律体系

29、2005年8月28日，全国人大常委会通过关于修改《妇女权益保障法》的决定，从政治权利、文化教育权益、劳动和社会保障权益、财产权益、人身权利、婚姻家庭权利等方面进一步加强对妇女权益的保障。修改后的《妇女权益保障法》对提高妇女参政程度做了规定，突出了对农村妇女的土地承包和相关经济利益的保护，增设了禁止对妇女实施家庭暴力的规定，扩大了妇女人身权的保护范围，增加了荣誉权、隐私权，并重点围绕防止就业中的性别歧视和女职工特殊劳动保护补充了新的内容。随着修改后《妇女权益保障法》的贯彻实施，截至2009年11月30日，中国已有29个省区市重新制定或修改了相关实施办法，将法律规定的內容切实纳入政府职责。

二、保障妇女权益方面的政策措施及成就

(一) 制定保障和促进妇女发展的政府规划

30、2001年，中国政府颁布了《中国妇女发展纲要（2001-2010）》，纲要包括妇女与经济、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的34项主要目标和100项策略措施。2007年5月，国务院妇女儿童工作委员会发布了《中国妇女发展纲要（2001-2010）》实施情况的中期评估报告，结果显示纲要各项内容实施情况总体良好。

31、2007年12月23日，国务院办公厅发布了《中国反对

1. Improve the Legal System that Safeguards Women's Rights and Interests

29. On August 29, 2005, the NPC Standing Committee adopted a decision on amending the Law on the Protection of Rights and Interests of Women, which further strengthened the protection of women's rights and interests including political rights, cultural and educational interests and rights, labor and social security rights, property rights, personal rights, and marriage and family rights. The amended Law on the Protection of Rights and Interests of Women improves women's participation in politics, highlights the protection of rural women's land contracting and related economic interests, adds provisions that prohibit domestic violence against women, expands the range of protection of women's personal rights, adds the right to honor, right to privacy, and new content that focuses on the prevention of gender discrimination in employment and special labor protection for female workers. With the implementation of the amended Law on the Protection of Rights and Interests of Women, as of November 30, 2009, 29 provinces, autonomous regions and municipalities in China re-enacted or amended their implementation measures and effectively incorporated the law into the governments' duties.

2. Policies and Measures to Protect Women's Rights and Achievements

(1) Formulate Government's Plans to Protect and Promote Women's Development

30. In 2001, the Chinese government promulgated an Outline Program for the Development of Chinese Women (2001-2010) which includes 34 major goals and 100 policy measures in six main areas: women and economy, women's participation in decision-making and management, women and education, women and health, women and laws, and women and environment. In May 2007, the State Council's Working Committee on Children and Women issued a mid-term evaluation report on the implementation of the Outline Program for the Development of Chinese Women (2001-2010). It shows the general implementation of the program is good.

31. On December 23, 2007, the State Council issued the

拐卖妇女儿童行动计划(2008-2012年)》。2009年4月，国务院批准建立了反对拐卖妇女儿童行动工作部际联席会议制度，明确了各成员单位在反拐方面的具体职责。2009年国务院新闻办公室发布《国家人权行动计划（2009-2010年）》，其中明确规定国家采取措施进一步保障妇女的权利。

China National Plan of Action on Combating Trafficking in Women and Children (2008-2012). In April 2009, the State Council approved the establishment of the inter-ministerial joint conference system on combating trafficking in women and children, which defines the specific duties of member units in combating trafficking. In 2009, the Information Office of the State Council released the National Human Rights Action Plan (2009-2010), which expressly provides that the State shall take measures to further protect women's rights.

(二) 妇女权益保障现状和趋势。

(2) Current Status and Trend of Women's Rights and Interests Protection

32、通过政府各部门不懈努力，中国妇女的生存和发展条件有了明显改善，在参政、就业、教育、卫生保健等方面的权利得到进一步保障。

32. Through unremitting efforts by different government departments, conditions for the survival and development of Chinese women have been significantly improved, and their rights to political participation, employment, education, [and] healthcare have been further guaranteed.

33、2008年，中国妇女在全国人民代表大会总席位中占21.3%。截至2008年底，全国共有女干部1500多万人，占干部总数的38.5%，其中省部级以上女干部占同级干部的10.3%，厅局级女干部占同级干部的12.9%，比2003年提高了1.3和0.7个百分点。

33. In 2008, Chinese women accounted for 21.3 percent of the total number of seats in the National People's Congress. As of the end of 2008, there were more than 15 million women cadres, accounting for 38.5 percent of the total number of cadres; among these, women accounted for 10.3 percent of all cadres on the provincial level or above and for 12.9 percent of all cadres on the bureau level, an increase of 1.3 percentage points and 0.7 percentage points, respectively, compared to the year of 2003.

34、平等就业是妇女最基本的生存权和发展权，中国政府始终致力于维护妇女的平等就业权。“十五”规划实施以来，全国各级妇联累计培训下岗失业妇女310.7万人次，职业介绍384.1万人次，帮助260.5万名妇女实现了再就业。中国妇女就业人数不断增加，2006年，全国城乡女性就业人数达3.47亿，占就业人口总量的45.4，越来越多的女性进入计算机、软件、通讯、金融等行业。

34. Equal employment is women's most basic right to life and right to development. Chinese government has always been committed to safeguarding women's right to equal employment. Since the implementation of the "Tenth Five-Year Plan", Women's Federations at all levels trained an estimated 3,107,000 laid-off unemployed women, while 3,841,000 women received employment placement assistance which helped 2,605,000 women be re-employed. The number of employed Chinese women has continually increased. In 2006, the number of employed women in both urban and rural areas nation-wide reached 347 million, accounting for 45.4 percent of the total employed population, and more and more women enter the computer, software, telecommunications, and financial industries.

35、中国在消除小学教育和中学教育中的两性差距方面进展顺利，2006年，小学女、男童净入学率分别达到99.29%和99.25%，基本达到初等教育入学的性别平等。2009年，小学女、男童净入学率分别达到99.44%和99.36%，全国小学净入学率的性别差异已经消除。妇女接受高等教育人数和比例持续增长，2009年在校女研究生数66.1万人，占在校研究生数的47.04%。男女平均受教育年限的差距缩小为一年。

36、中国政府将改善孕产妇保健问题纳入国家发展战略，在“十一五”规划中特别制定了降低孕产妇死亡率和提高住院分娩率的具体目标。从2001年到2008年底，卫生部“降低孕产妇死亡率、消除新生儿破伤风”项目由最初的378个贫困县扩展到1200个。此外，中国还开展知识普及和宣传教育工作，提高民众对孕产妇保健和生殖保健的科学认识和观念。这些措施都极大提高了孕产妇保健和生殖保健水平，孕产妇死亡率大幅降低，2009年已降至31.9/10万。

三、根据性别平等观点对立法和政策进行评估

37、中国政府先后制定了1995-2000年和2001-2010年两期《中国妇女发展纲要》，确定妇女优先发展领域和各项指标，并成立实施纲要监测评估机构。各省、自治区、直辖市建立了妇女状况监测统计网络。与此同时，妇联等妇女组织以代表和维护妇女权益，促进男女平等为基本职能，在依法参与法律、法规、规章和公共政策

35. China's progress in eliminating gender disparity in primary and secondary education has been smooth. In 2006, net enrollment rate for girls and boys in the primary schools respectively reached 99.29percent and 99.25percent, which meant that gender equality in enrollment to primary education has basically been reached. In 2009, net enrollment rate for girls and boys in primary schools respectively reached 99.44 percent and 99.36 percent, which shows that gender disparity in net enrollment rate in primary schools nation-wide has been eliminated. The number and percentage of women receiving higher education have grown constantly, the number of female graduate students in 2009 reached 661,000, accounting for 47.04 percent of the total number of graduate students. The difference in the average number of years of schooling between men and women has been narrowed to one year.

36. The Chinese government has included issues of improving maternal health into its national development strategies, especially setting specific goals in the "11th Five-Year Plan" to reduce maternal mortality and to improve the rate of hospital delivery. From 2001 to the end of 2008, the Ministry of Health expanded its projects on "Reducing the maternal mortality rate, and elimination of neonatal tetanus for new-born babies" from 378 poverty-stricken counties in the beginning to 1,200. In addition, China has also begun to undertake knowledge dissemination and public education work, to improve the public's scientific understanding and perceptions of maternal and reproductive health. These measures have greatly improved the level of maternal and reproductive health, while maternal mortality rate is significantly reduced, down to 31.9 female deaths per 100,000 live births in 2009.

3. Assessment of Legislation and Policy based on a Gender Equality Perspective

37. The Chinese Government has promulgated an Outline Program for the Development of Chinese Women for the periods of 1995-2000 and 2001-2010, which identifies priorities and indicators for women's development, and has set up a special agency to monitor and assess the progress of the Outline Programme. In addition, networks

的制定修改时，积极根据性别平等观点对立法和政策进行评估，提出修改意见和建议。仅2008-2009年间，全国妇联就应立法机构邀请对50余部法律和政策提出了意见和建议，得到相关部门重视。例如关于在《就业促进法》专门设立“公平就业”一章的建议被全国人大常委会采纳。

for the collection of statistical data on and the monitoring of women's situation have been established at the level of provinces, autonomous regions and municipalities directly under the Central Government. At the same time, in performing their basic functions, women's federations and other women's organizations represent and safeguard the rights and interests of women and promote equality between men and women. When they participated in the formulation or amendment of laws, rules, regulations and public policies, they actively assessed legislation and policies based on the gender equality perspective, and provided advice and recommendations on amendments. During 2008-2009 alone, the All China Women's Federation provided advice and recommendations to over 50 laws and policies on the invitation from legislative bodies and received attention from relevant departments. For example, the Standing Committee of the National People's Congress adopted the Federation's suggestion on adding one chapter on "fair employment" to the "Employment Promotion Law".

四、对结论性意见中相关建议的回应

4. Response to Recommendations in the Concluding Observations

(一) 第57段关于家庭暴力问题

(1) Paragraph 57 concerning Domestic Violence

38、在婚姻家庭权益方面，修订后的《妇女权益法》增设了禁止对妇女实施家庭暴力的规定，明确了国家和有关部门的救助责任。针对预防和制止家庭暴力的责任主体不明确、对家庭暴力的制裁缺乏可操作性等问题作了进一步的补充规定，首次明确国家采取措施预防和制止家庭暴力，列举了公安、民政、司法行政机关、城乡基层群众性自治组织及社会团体等一些在预防和制止家庭暴力方面负有重要责任的机构或组织，明确要求他们依法对受害妇女提供救助。截至2008年10月，各级法院建立“维权合议庭”、“反家暴合议庭”2000多个。公安机关在“110”报警网络中增加家庭暴力投诉内容，建立家庭暴力投诉站、报警点12000多个。司法行政部门不断加大对妇女的法律援助力度，仅2007年，全国各地法律援助机构办理涉及妇女的法律援助案件就达47218件。民政部门不断加强对包括妇女在内的弱势群体的社会救助，在1376个救助管理站建立反家庭暴力庇护所100多个。截至2009年11月，全国已有27个省出台了预防和制止家庭暴力地方性法规或政策。

38. Concerning the rights and benefits of marriage and family, the amended Law on the Protection of Rights and Interests of Women added provisions on domestic violence against women, and clearly articulated responsibilities of the State and relevant departments to rescue and help [women facing domestic violence]. Targeting problems such as a lack of clarity on which bodies are responsible for prevention and suppression of domestic violence and lack of operability in the sanctioning of domestic violence [in the past], [the amended law] made further supplementary provisions including, for the first time, explicitly stipulating that the State shall take measures to prevent and combat domestic violence, listing organizations and agencies that bear important responsibilities in the prevention and suppression of domestic violence, which include Public Security, Civil Affairs, judicial administration authorities, urban and rural grass-roots and mass self-governing organizations and social groups.[The law] explicitly requires these organs to rescue and provide aid to women victims in accordance with the law. As of October 2008,

the courts at all levels established over 2000 "rights protecting collegial panels" and "collegial panels against domestic violence". Public security organs added domestic violence complaints in their "110" emergency hotlines and set up over 12,000 domestic violence complaints stations and alarm points. Judicial administrative authorities have continually increased legal aids to women; in 2007 alone, number of legal aid cases involving women's rights handled by legal aid organizations across the country reached 47,218. Civil affairs departments continue to strengthen social assistance for vulnerable groups, including women, and established more than 100 anti-domestic violence shelters in 1376 rescue management stations. As of November 2009, 27 provinces have promulgated local regulations or policies to prevent and combat domestic violence.

(二) 第49段关于采取消除性别歧视的公众教育措施

39、关于就男女平等开展公众宣传，各级司法行政机关采取多种形式开展保障妇女权益法律法规的宣传教育，社会性别意识逐步提高。全国妇联还面向全国维权协调组成员单位以及基层维权协调机构人员，与澳大利亚人权委员会合办了全国妇女人权与社会性别高层研修班、反对家庭暴力研讨培训班和全国维护妇女劳动保障权益培训研讨班等专题培训，树立社会性别意识和维权理念。中国女法官协会举办了《消除对妇女一切形式歧视公约》和《妇女权益保障法》研讨班，进一步提高妇女维权案件的审判工作水平。司法部、农业部、劳动和社会保障部、全国妇联联合开展“三八”妇女维权周活动。司法部与全国妇联联合命名了首批100个“全国妇女法制宣传教育示范点”，联合开展“中国妇女法律援助行动”，为中西部、贫困地区妇女、女性农民工提供法律援助。全国妇联成立了妇女法制宣讲团，启动了妇女普法大讲堂，大力开展妇女法制宣传教育；以农村和农民工家庭为重点，建立100个“流动妇女平安之家”，评选1000个“零家庭暴力示范区”；向女性农民工赠送法律知识读本。

(2) Paragraph 49 concerning the Adoption of Public Education Measures to Eliminate Gender Discrimination

39. Concerning public awareness education on equality between men and women, judicial administrative authorities at all levels has used a variety of methods to educate the public on laws and regulations protecting women's rights, and [as a result] society's gender consciousness gradually has increased. Targeting members of the National Coordinating Committee to Safeguard Rights and personnel in grassroots coordinating agencies, All China Women's Federation and the Australian Human Rights Commission jointly organized specific trainings, including a high level national seminar on women's human rights and gender, a training seminar on combating domestic violence and a seminar on Chinese women's labor and social security interests and rights, which established gender awareness and a notion of rights protection. The China Association of Women Judges organized seminars on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Law on the Protection of Rights and Interests of Women, which further improved the level of judicial work on cases of women's rights protection. The Ministry of Justice, the Ministry of Agriculture, the Ministry of Labour and Social Security, and All China Women's Federation jointly launched "March 8" Women's Rights Defense Week activities. The

Ministry of Justice and the All China Women's Federation jointly named the first batch of 100 "National Women's Legal Education Demonstration Points", jointly carried out the "Women's Legal Aid Action in China" to provide legal assistance to women in the mid-west, women in poor areas, and women migrant workers. All China Women's Federation has set up Women's Legal Education Groups, initiated mass lectures to popularize the law among women and vigorously carried out legal dissemination and education for women. Focusing on rural and migrant families, [All China Women's Federation] established 100 "Peace Home for Migrant Women", named 1000 "Zero Family Violence Demonstration Areas" and donated law booklets to female migrant workers.

五、困难与挑战

40、由于受经济和社会发展水平等因素的制约和限制，特别是在经济结构调整和社会主义市场经济体制建立与完善的过程中，中国促进性别平等和妇女发展面临许多新情况和新问题：女性群体的社会分层日益复杂，女性生存、发展和权益保障的需求呈现多样性；不同地区、不同阶层、不同群体妇女发展的不平衡现象比较明显；历史文化中残存的男女不平等的陈规陋习尚未完全消除，侵犯妇女权益的现象在一些地区仍然不同程度地存在。

41、针对以上挑战，中国将进一步贯彻男女平等的基本国策，依法保障妇女权益，落实妇女发展纲要的目标要求，努力促进妇女在政治、经济、文化、社会和家庭生活等方面享有与男子平等的权利。

四、第六条 工作权

5. Difficulties and Challenges

40. Due to constraints and limitations imposed by such factors as the level of economic and social development, especially during the process of economic restructuring and establishing and improving a socialist market economic system, China faces many new situations and new problems when promoting gender equality and women's development, including: social stratification of women's groups is increasingly complex, women's needs for survival, development and rights protection are diversifying; imbalances in development between different regions, different walks of life, and different groups of women are obvious; remnants of stereotypes and inequality between men and women in Chinese history and culture have not been completely eliminated, and phenomena of violations on women's rights and interests still exist in some areas to varying degrees.

41. To meet the above challenges, China will further implement the basic national policy of gender equality and protect women's rights in accordance with the law, realize the objectives and requirements in the Outline Program for the Development of Chinese Women, make efforts to promote women to enjoy equal rights in the fields of politics, economics, culture, society, and family life.

IV. Article 6 – Right to Work

一、工作权

42、中国是人口和劳动力大国。政府采取积极的就业政策，实行劳动者自主择业、市场调节就业和政府促进就业的方针，努力为劳动者创造就业机会。近年来在保障公民工作权方面的情况如下：

(一) 《就业促进法》

43、2007年中国颁布了《就业促进法》，从法律上确立了促进就业再就业的政策体系，制度保障和长效机制，明确了就业援助和公共就业服务制度，还对实现公平就业，消除就业歧视，保障各类群体的平等就业权利作出了具体规范。内容包括：国家加大资金投入，县以上政府在财政预算中安排促进就业专项资金；对符合条件的企业和人员给予税收优惠，对自主创业人员给予小额信贷等扶持；统筹城镇新增劳动力就业、农业富余劳动力转移就业和失业人员再就业工作；为灵活就业人员提供帮助和服务；建立健全就业援助制度；发挥失业保险制度功能，加强对大规模失业的预防、调节和控制；支持民族地区发展经济等。

44、近年来，中国保持了就业总量的稳步增长和就业结构的不断改善，城镇登记失业率维持在较低水平。2009年底，全国就业人员达77995万人（2001年底为73025万人），就业规模进一步扩大；其中城镇就业人员31120万人，占总数的39.9%（2001年底为23940万人，占32.8%），乡村从业人员46875万人，占总数的60.1%（2001年底为49085万人，占67.2%）。2009年，国有和集体单位就业人数占城镇就业人员的比例为22.6%（2001年底为37.3%）；2003-2007年，有近2500万国有

1. Right to Work

42. China has a huge population and labor force. The government adopts proactive employment policies; implements guidelines that allow workers to choose their own work, market forces to regulate employment, and government to facilitate employment; and strives to create employment opportunities for workers. The situation of safeguarding citizens' right to work in recent years is described below:

(1) The Employment Promotion Law

43. In 2007, China promulgated the Employment Promotion Law, which legally establishes a policy regime to promote employment and re-employment, as well as long-term mechanisms for their institutional protection. The Law clarifies the system of employment assistance and public employment services, and lays down specific standards for realizing equal employment, eliminating employment discrimination, safeguarding the right of various groups to equal employment. Content includes: increasing State funding, allocating State budget specifically for employment promotion; giving tax breaks to qualified enterprises and persons, and small loans and other support to people who are self-employed or starting a new business; coordinating efforts on creating employment for new urban labor forces, transfer of employment for rural surplus labor forces, and re-employment for the unemployed; providing assistance and services to flexible employees; establishing a sound employment assistance system; making the unemployment insurance system work well and strengthening the prevention, regulation and control of massive unemployment; and supporting economic development of ethnic areas.

44. In recent years, overall employment grew steadily, the employment structure continuously, and urban employment rate held relatively level. At the end of 2009, 779,950,000 people were employed in the entire country (730,250,000 were employed at the end of 2001), representing an employment expansion; among them were 311,200,000 urban employees, 39.9 percent of the total (239,400,000 employees at the end of 2001 or 32.8 percent), 468,750,000 were rural employees or 60.1

和集体企业失业人员实现再就业。2009年底，第一、二、三产业就业人员的比重为38.1%、27.8%、34.1%，第一产业就业比重持续下降，第二、三产业持续增加。2003-2009年城镇登记失业率分别为4.3%、4.2%、4.2%、4.1%、4.0%、4.2%、4.3%。

percent of the total (490,850,000 employees at the end of 2001, or 67.2 percent). In 2009, 22.6 percent of urban employees worked for state-owned and collective units (37.3 percent at the end of 2001); in 2003-2007, approximately 25 million unemployed state-owned and collective units workers were re-employed. At the end of 2009, the percentage of persons employed in the primary, secondary and tertiary industries were respectively 38.1 percent, 27.8 percent and 34.1percent; the employment percentage in primary industry continued to decline whereas that in secondary and tertiary industries was on the rise. From 2003-2009, urban unemployment rates on record were 4.3 percent, 4.2 percent, 4.2 percent, 4.1 percent, 4.0 percent, 4.2 percent, 4.3 percent.

(二) 应对金融危机，稳定和扩大就业

2. Respond to the Financial Crisis, Stabilize and Expand Employment

45、为应对国际金融危机对中国就业的严重冲击，中国政府及时实施扩大内需、保持经济平稳较快发展的一揽子计划，包括实施更加积极的就业政策。总额4万亿人民币的资金有65%用于保障和改善民生。2009年预算安排就业资金420亿元，比2008年增长66.7%。稳定和扩大就业的具体措施包括：通过税收优惠、社保补贴等鼓励企业更多吸纳就业，充分发挥政府投资和重大项目带动作用，支持劳动密集型产业特别是中小企业和服务业的发展更多拉动就业；通过实行税费减免、小额担保贷款及贴息等政策和提供创业咨询及开业服务等，为劳动者自谋职业和自主创业创造良好环境；及时收集、发布准确有效的岗位信息，针对城乡劳动者求职就业需要，提供免费的职业介绍、职业指导、能力测评、政策咨询、就业失业登记等各项公共服务，等等。

45. In response to the serious impact on Chinese employment caused by the global financial crisis, the Chinese government promptly implemented a package of measures to expand domestic demand and maintain a stable and relatively quick pace of development, including even more proactive employment policies. 65percent of a total fund of four trillion yuan was used on safeguarding and improving livelihood. The 2009 budget allocated 42 billion *yuan* for employment, a 66.7 percent increase from 2008. Specific measures to stabilize and expand employment include: encouraging enterprises to recruit and employ more people through tax breaks and social security subsidies, maximizing the impact of state investment and large-scale projects on greater employment, supporting the development of labor-intensive enterprises especially small/medium enterprises in order to increase employment; creating a good environment for persons looking for jobs or starting up a new business, through policies such as tax cuts, small loans, and interests subsidies and by providing entrepreneurship counseling services; collect and publish accurate and effective vacancy information in a timely manner, and respond to the employment needs of urban and rural job-seekers by providing free public services including job placement, career guidance, aptitude tests, policy consultation, and employment/unemployment registration.

46、金融危机后，中国就业形势在2009年逐季好转，情况好于预期。城镇新增就业人数稳步回升，企业岗位流失止住下滑趋势，高校毕业生、农民工和就业困难人员三大群体就业基本稳定。2009年，全国城镇新增就业人数1102万人，下岗失业人员再就业人数514万人，就业困难人员就业人数164万人，分别为全年目标任务的122%、103%、164%。到2009年底，全国实有城镇登记失业人员921万人，登记失业率4.3%；高校毕业生就业率达87%。

(三) 保障特殊群体和地区平等就业

47、中国注意到委员会结论性意见第50段关于保障特殊群体和地区平等工作的建议。中国重视保障公民平等就业的权利，特别是加大对特殊群体和少数民族地区的就业扶持。

48、国务院2007年颁布的《残疾人就业条例》明确规定了残疾人就业保护和就业促进的措施，如规定用人单位安排残疾人就业的比例不得低于本单位在职职工总数的1.5%。各地出台一系列促进残疾人就业政策，实施了扶持残疾人灵活就业、社区就业、社会保障补贴、岗位补贴、资金扶持、公益性岗位开发以及自主创业等多项措施。残疾人集中就业得到稳定，按比例就业规模稳步增长，个体就业得到较快发展。2009年，城镇残疾人就业人数达到443.4万，农村残疾人就业人数达到1757.0万。

46. Following the financial crisis, employment in China has improved quarterly in 2009 and better than expected. The number of employed people in urban areas is steadily rising again, the trend of enterprise job losses has been halted, and employment among three major groups—college graduates, rural migrant workers and persons having difficulties in finding employment—is largely stable. In 2009, 11.02 million people were employed in urban areas, 5.14 million people were re-employed after being laid off, 1.64 million people were having difficulties in finding a job; these respectively represented 122 percent, 103 percent and 164 percent of annual targets. By the end of 2009, 9.21 million people registered their unemployment, the employment rate on record was 4.3 percent, and employment rate for high school graduates was 87 percent.

(3) Ensure Equal Employment Opportunities for Special Groups and Regions

47. China takes note of paragraph 50 in the Committee's Concluding Observations, concerning a recommendation on ensuring equal work for special groups and regions. China attaches importance to safeguarding the right of citizens to equal employment, especially on expanding employment support to special groups and ethnic minority areas.

48. Promulgated by the State Council in 2007, the Regulation on the Employment of the Disabled clearly provides for measures to protect and promote employment for people with disabilities; for example, the Regulation obliges employing units to ensure that disabled employees make up no less than 1.5 percent of the total number of staff. Local governments have introduced a series of policies to advance employment for persons with disabilities and implemented many measures, including support for flexible employment for persons with disabilities, community employment, social security subsidies, on-the-job subsidies, financial support, development of public welfare posts, and self-employment. Employment among persons with disabilities has been stabilized and proportionally increasingly at a steady pace, whereas individual employment is developing at a relatively fast pace. In

49、中国政府重视保障少数民族就业的平等权利，采取多种措施促进少数民族就业，包括：不断加大对民族地区就业再就业的支持。2003-2006年中央财政共安排5个自治区再就业补助资金36亿元，占中央财政对地方补贴的9%；2009年中央财政共安排5个自治区就业专项资金33亿元，占中央财政对地方补贴的8.5%。2005-2006年，有关部门共组织两批75名西藏就业服务机构工作人员到北京等9个城市参加培训，还在西藏举办多项培训活动，帮助民族地区提高就业服务能力；通过开展西部民族地区与东部沿海省市跨地区招聘等活动促进民族地区高校毕业生的就业。根据第五次全国人口普查，少数民族妇女的就业比重逐年上升，在8个民族省区的少数民族就业人员中，少数民族妇女达47%。

50、中国政府促进国有和集体企业下岗失业工人群众就业再就业的基本政策主要有：一是在经济发展和结构调整中广开就业门路。坚持扩大内需的方针，保持国民经济必要增长速度，积极调整经济结构，提高经济增长对就业的拉动能力，千方百计扩大就业。二是运用财税金融等政策扶持再就业。三是改进就业服务，加强再就业培训。四是加强对就业的管理和对失业的调控。五是完善社会保障体系，使用失业保险基金为困难企业稳定岗位支付社会保险补贴和岗位补贴。2003年至2008年，各地政府共帮助3000多万国有和集体企业下岗失业人员通过多种渠道和方式实现了再就业。

2009, 4.43 million persons with disabilities in urban areas were employed, while 17.57 million of them were employed in rural areas.

49. The Chinese government attaches importance to safeguarding ethnic minorities' equal right to employment and has adopted many types of measures to promote their employment, including: continuously expanding support for the employment and re-employment in ethnic areas. In 2003-2006, the central government allocated a budget of 3.6 billion *yuan* in employment subsidies to five autonomous regions, or 8.5 percent of the budget's total subsidies to local areas. In 2005-2006, relevant ministries provided trainings and brought to Beijing and nine other cities two delegations of 75 staff members of Tibetan employment services institutions; they also organized many training activities in Tibet to help ethnic areas to enhance the capacity of their employment services; promote employment of college graduates in ethnic areas by conducting cross-regional recruitment activities between ethnic areas and eastern/coastal provinces and cities. According to the 5th national census, the proportion of ethnic women employment increased yearly, and ethnic women make up 47 percent of all employees belonging to ethnic minorities in eight ethnic provinces and regions.

50. Basic government policies to promote the employment and re-employment of laid-off and unemployed workers of state-owned and collective enterprises mainly include: 1) create channels for employment while developing the economy and making structural adjustments. Stick to the principle of enlarging domestic demand, maintain the necessary growth speed of the national economy, actively adjusting the economic structure, enhance the capacity of economic growth to lift up employment, and use all means to expand employment. 2) Use fiscal and monetary policies to support re-employment. 3) Adjust and improve employment services, strengthen re-employment training. 4) Strengthen management of employment and regulation/control of unemployment. 5) Perfect the social security system, use unemployment insurance to help enterprises in difficulties to retain positions, by providing social insurance subsidies and position subsidies. From 2003 to 2008, local governments, through various

51、针对受失业风险影响较大的农民工群体，中国政府采取措施促进城乡统筹就业，取消进城务工和跨地区就业的限制，改善农民工就业环境，完善农民工合法权益保障的政策。每年春节后农民工进城求职高峰期间，人力资源社会保障部都组织全国各地为农民工提供“就业服务、技能培训、权益维护”三位一体的就业服务，收到了较好效果。2009年，全国农村外出劳动力1.49亿人，比2008年底增加850多万人。

二、职业培训

52、2005年以来，中国政府通过实施“城镇技能再就业计划”、“农村劳动力技能就业计划”、“能力促创业计划”、“特别培训计划”等专项计划，不断提高各类劳动者的技能水平（图表一）。

（一）城镇技能再就业计划

53、中国政府于2006年启动该计划，提出2006-2010年5年内对2000万下岗失业人员开展职业技能培训，培训合格率达90%，培训后再就业率达60%。在开展培训过程中发挥社会各类教育培训机构的作用，结合市场需求提高参训人员的岗位适应能力和职业技能水平，并按规定给予职业培训补贴。要求公共就业服务机构为下岗失业人员提供职业指导和就业信息专项服务，促使他们尽快实现就业。2006-2008年，中国有近2500万人次的下岗失业人员参加了再就业培训。

channels and methods, helped to re-employ more than 30 million people laid off by state-owned or collective enterprises.

51. Targeting rural migrant workers who face relatively greater risks of unemployment, the Chinese government has adopted measures to promote coordinated employment in both urban and rural areas, eliminate restrictions on cross-regional employment and entry into cities to take up work, improve the employment environment for rural migrant workers, and perfect policies on safeguarding rural migrant workers' legal rights and interests. During the peak job-seeking period when rural migrant workers travel into cities after Lunar New Year, the Ministry of Human Resources and Social Security would arrange for local governments to provide rural migrant workers three-in-one services in employment, capacity-training and rights defense, achieving relatively good results. In 2009, 149 million people found work outside of their rural base, an increase of 8.5 million from the end of 2008.

2. Vocational Training

52. Since 2005, the Chinese government has continuously enhanced various types of workers' technical capacity through special plans such as the “Urban Technical Capacity Reemployment Plan”, “Rural Labor Force Technical Capacity Employment Plan”, “Plan to Promote Entrepreneurship Through Capacity-building”, and “Special Training Plan” (Figure 1).

(1) Urban Technical Capacity Reemployment Plan

53. The Chinese government initiated this plan in 2006 and proposed to provide vocational skills trainings to 20 million laid-off workers within five years from 2006-2010; the trainings had a 90percent pass rate and 60percent of those who passed were re-employed. In the process of conducting these trainings, the government made full use of various types of educational and training institutions, enhanced trainees' on-the-job adaptability and their level of vocational skills while meeting market demands, and provided vocational training subsidies in accordance with regulations. It required employment services agencies to provide laid-off workers career counseling and special employment information services

54、中国政府从2006年开始在全国范围内组织实施该计划，利用5年时间对4000万农村劳动者进行非农职业技能培训。根据农村劳动力的特点分三类进行：组织农村初高中毕业未升学者、农村退役士兵和其他农村新生劳动力参加劳动预备制培训；组织有意愿外出务工的农村富余劳动力参加劳务输出培训；组织在城镇务工的农村劳动者参加技能提升培训。2006-2008年，中国共有2650多万农村劳动者参加该项培训。

（三）提高城乡劳动者的创业能力

55、中国政府从2005年底开始实施该计划，提出2006—2010年5年内对200万城乡劳动者开展创业培训，同时在全国300个城市普遍建立社会化创业服务体系。2005-2008年，中国共对300万人开展创业培训，培训后创业成功率达60%以上，并实现了平均1人创业带动3人就业的倍增效应。

（四）特别职业培训计划

56、为应对金融危机影响，中国政府决定在2009-2010年对困难企业在职职工集中开展技能提升和转岗转业培训，帮助其稳定就业；对失去工作返乡的农民工开展职业技能或创业培训，促进其转移就业或返乡创业；对失业人员（包括参加失业登记的大学毕业生、留在城里的失业农民工）开展中短期技能培训，帮助其实现再就业；对新成长劳动力开展储备性技能培训，提高其就业能力。中央财政在每年预算中安排就业专项资金补贴上述培训支出。2009年前三季度，共组织开展各类培训2000多万人次，其中，困难企业职工培训210多万人次，农村劳动力转移就业培训890万人次，城镇失业人员再就业培

to allow them to expeditiously find work. In 2006-2008, 25 million laid-off and unemployed workers in China participated in re-employment trainings.

54. The Chinese government began to implement this plan throughout the country since 2006 and provided non-agricultural occupational skill training to 40 million rural laborers in five years. The trainings were implemented in line with the three special features among rural labor force: organize pre-job trainings for rural middle and high school graduates before they enter university and for veterans and other new rural labor forces; organize labor services export trainings for surplus labor forces who are willing to work outside; and organize capacity-enhancing trainings for rural laborers already working in urban areas. In 2006-2008, 26.5 million rural laborers participated in these trainings.

(3) Enhancing Entrepreneurship Among Urban and Rural Laborers

55. The Chinese government has implemented this plan since the end of 2005 and proposed to conduct entrepreneurship trainings to two million urban and rural laborers within five years from 2006-2010, while also widely establishing systems of social entrepreneurship services in 300 cities across the country. In 2005-2008, China provided entrepreneurship trainings to three million people, 60percent of whom successfully founded a business later on. It also had a multiplying effect in that on average for every one business founded, three jobs are created.

(4) Special Occupational Training Plan

56. To address the impact of the financial crisis, in 2009-2010, the Chinese government decided to provide skill-enhancing and job switch trainings to staff of enterprises in difficulty, in order to help them stabilize employment; provide occupational skills or entrepreneurship trainings to rural migrant workers who returned to their home after losing their jobs; provide short- and medium-term skills trainings to unemployed persons (including registered unemployed university graduates, and unemployed rural migrant workers who remain in cities) and help them to be re-employed; and provide preparatory skills trainings to new labor forces to

训340万人次，新成长劳动力培训190万人次，创业培训79万人次，在岗农民工、退役士兵、大学生等中短期技能培训320万人次。

enhance their employability. The central government budget has allocated specific financial subsidies for abovementioned employment trainings. In the first three quarters of 2009, various trainings were organized for more than 20 million people. Among these were over 2.1 million staff members of enterprises in difficulty, 8.9 million rural laborers received re-employment trainings, 1.9 million people received new labor forces trainings, 790,000 people received entrepreneurship trainings, and 3.2 million employed rural migrant workers, veterans and university students received short- and medium-term skills trainings.

三、中国在就业领域仍面临着许多困难和挑战

3. China Still Faces Many Difficulties and Challenges in the Field of Employment

57、中国人口多，就业压力大，劳动力供大于求的矛盾仍将存在。高校毕业生等新成长劳动力就业和农村劳动力转移就业问题凸显。今后几年，城镇每年需安排2400万人就业，而每年增加的就业岗位只有1200万，供需缺口大。高技能人才严重缺乏，与加快经济增长方式转变，产业结构优化升级的要求不相适应。此外，国有和集体企业下岗失业人员再就业问题尚未完全解决，部分困难地区、行业和群体的就业问题仍然存在。中国政府将继续从本国国情出发，落实相关法规政策，积极促进就业。

57. China has a huge population and faces tremendous employment pressure. The tension between a greater supply of and a smaller demand for labor forces will continue to exist. Employment for college graduates and other new labor forces and employment transfer among rural labor forces are particularly difficult problems. In the next few years, there will be a large imbalance of supply and demand, as 24 million people need a job in urban areas, but only 12 million jobs are added annually. The dire lack of high-skilled workers is inconsistent with the need to change the economic growth model and to optimize and upgrade industrial structures. Besides, the problem of re-employment for unemployed workers laid off from state-owned and collective enterprises has not been completely resolved, and employment problems for some regions, sectors and groups facing difficulties persist. The Chinese government will continue to consolidate relevant laws and regulations and proactively promote employment, on the basis of its national conditions.

五、第七条 享有良好工作条件的权利

V. Article 7 – Right to Enjoy Favorable Conditions of Working

一.享有最低报酬

1. Enjoyment of Minimum Remuneration

(一) 最低工资制度

(1) Minimum Wage System

58、中国实行最低工资制度，以确保低收入职工的劳动报酬权益。2007年，原劳动和社会保障部下发了《关于进一步健全最低工资制度的通知》，2008年下发了《关

58. China implements a system of minimum wage to ensure the labor and remunerative rights and interests of low-income workers. In 2007, the then Ministry of Labor

于进一步做好失业保险和最低工资有关工作的通知》，要求各地加大调整最低工资标准的力度，使最低工资标准的调整幅度不低于当地城镇居民消费价格指数上涨幅度，促进低收入劳动者工资水平合理增长。各省市根据当地经济社会情况，相应调整了最低工资标准，如江苏省2010年2月1日起分三类地区分别提高最低工资标准线，幅度均超过12%，以南京市区、苏州等一类地区为例，从850元提高到960元，增幅达12.95%。广东省于2010年3月17日宣布提高企业职工最低工资标准，并相应提高非全日制职工最低工资标准，平均增幅超过21.1%，为历年最高。

59、中国初步建立了以劳动力市场供求为基础，与企业经营效益相挂钩，通过用人单位与劳动者进行工资集体协商决定企业工资的机制。从2006年开始，在非公有制小企业或同行业企业比较集中的街道（乡镇）、社区和工业园区，大力开展区域性、行业性工资集体协商。截至2008年底，全国签订工资专项协议41.7万份，涉及企业77.5万户，覆盖职工5110万人。

（二）中国职工工资水平增长情况

60、2005年至2009年期间，在国民经济持续快速增长的基础上，中国职工工资水平稳步增长，广大职工得到了实惠。中国城镇单位在岗职工平均工资从2005年的18364元，增长至2008年的29229元，年均增长16.8%，扣除物价因素，实际年均增长12.4%。其中，企业在岗职工平均工资从2005年末的17853元，增长至2008年的28359元，年均增长16.7%，扣除物价因素，实际年均增

and Social Security issued the “Circular on Further Improving the Minimum Wage System,” issued the “Circular on Better Implementation of Relevant Efforts on Unemployment Insurance and Minimum Wage,” in 2008, required local governments to step up efforts to adjust minimum wage standards to ensure the scope of adjustment of these standards does not fall below the increase of consumer price indices in urban areas, and promoted reasonable wage increases for low-income laborers. Various provinces and cities have adjusted minimum wage standards in accordance with local economic and social conditions. For example, beginning February 1, 2010, Jiangsu province raised the minimum wage baselines by an average of more than 12 percent in three types of districts; for instance, in Type 1 districts such as Nanjing city and Suzhou, the minimum wage was raised from 850 to 960 yuan, an increase of 12.95 percent. Guangdong province announced on March 17, 2010 that it was raising minimum wage for enterprise workers and for part-time workers by an average of 21.1 percent, a historical high.

59. China has basically established a mechanism by which enterprise wages are determined by collective negotiation between employers and laborers, based on labor market supply and demand and linked with business benefits. Since 2006, China has greatly pushed for regional, sectoral collective wage negotiation in small private enterprises or in streets (in villages and townships), communities and industrial parks with concentration of enterprises of the same sector. As of the end of 2008, 417,000 specific agreements between employers and employees have been signed throughout the country, involving 775,000 enterprises and covering 51.1 million workers.

(2) The Situation of Increasing Wage Levels for Chinese Workers

60. In the period from 2005 to 2009, on the basis of continued and fast economic growth, Chinese workers' wage levels have steadily increased, allowing many workers to enjoy tangible benefits. Average wage for staff members of urban units increased from 18,364 *yuan* in 2005 to 29,229 *yuan* in 2008, an average annual increase of 16.8 percent and a net annual average increase

长12.4%。

of 12.4 percent when adjusted to inflation. In particular, the average wage for staff members of business enterprises increased from 17,853 yuan at the end of 2005 to 28,359 yuan in 2008, an annual average increase of 16.7 percent or 12.4 percent when adjusted to inflation.

(三) 工资保障措施

(3) Measures to Safeguard Wages

61、2007年6月29日，全国人大常委会通过《劳动合同法》，规定用人单位应当按照劳动合同约定和国家规定，向劳动者及时足额支付劳动报酬。用人单位拖欠或者未足额支付劳动报酬的，劳动者可以依法向当地人民法院申请支付令，人民法院应当依法发出支付令；用人单位支付劳动报酬低于当地最低工资标准的，由劳动行政部门责令其支付差额部分。

61. On June 29, 2007, the Standing Committee of the National People's Congress passed the Labor Contract Lawⁱ, requiring employers to abide by the terms of labor contracts and national regulations and remunerate employees fully and on time for their labor. Where an employer defers paying or fails to pay the full amount of remunerations, employees may apply to the local people's court for an order of payment. If remuneration is lower than the local minimum wage, the labor administrative department is responsible to make the employer pay the shortfall.

62、2006年8月21日，最高人民法院出台了《关于人民法院为建设社会主义新农村提供司法保障的意见》，明确规定法院应对拖欠农民工工资、劳务报酬纠纷等5种民事案件予以及时裁定和执行

62. On August 21, 2006, the Supreme People's Court issued the "Opinion concerning the People's Court Providing Judicial Safeguards for the Establishment of Socialist New Rural Villages", which clearly requires the courts to promptly adjudicate and execute decisions in cases of delayed remunerations to rural migrant workers, wage disputes and five other types of civil cases.

63、2006年8月，强化对破产企业职工合法权益保障的《企业破产法》出台，规定对“破产人所欠职工工资、社保费和补偿金优先清偿”，破产企业应向法院提交职工安置预案和工资支付情况等。

63. In August 2006, the Enterprise Bankruptcy Lawⁱⁱ was promulgated to strengthen the protection of employees' rights and interests when enterprises go bankrupt. The Law stipulates that "debtors should prioritize payment of wages, social security premiums and compensations owed to employees," and that enterprises that go bankrupt must submit to the court a plan for employee arrangement and for payment of employees' wage.

二. 同工同酬

2. Equal Pay for Equal Work

64、在中国，劳动者的同工同酬的权利享有法律保护。《劳动合同法》第十一条、第十八条、第六十三条分别规定：用人单位与劳动者约定的劳动报酬不明确或者对劳动报酬约定有争议的，按照集体合同规定的标准执行；没有集体合同或者集体合同未规定的，实行同工同酬。被派遣劳动者享有与用工单位的劳动者同工同酬的权利；用工单位无同类岗位劳动者的，参照用工单位所在

64. In China, the right of employees to equal pay for equal work is protected by law. Articles 11, 18 and 63 of the Labor Contract Law require, respectively, that if the remuneration stipulated between the employer and the employee is not clear or is disputed, the remuneration shall conform to the provisions of the collective contract; that in the absence of a collective contract or if there is no

地相同或相近岗位劳动者的劳动报酬确定。

such stipulation about remuneration, the principle of equal pay for equal work shall be observed. Employees sent to work in another entity shall enjoy the right to equal pay for equal work on par with employees of that accepting entity; that if an accepting entity has no employee in the same position, the remunerations shall be determined with reference to that paid in the place where the accepting entity is located to employees at the same or a comparable position.

三. 享有同等工作机会

3. Enjoyment of Equal Work Opportunities

(一) 依法保障各类劳动者的工作权利

(1) Safeguarding Various Types of Workers' Right to Work in Accordance with Law

65、《中华人民共和国劳动法》规定：“劳动者就业，不因民族、种族、性别、宗教信仰不同而受歧视”。2008年1月1日起施行的《中华人民共和国就业促进法》规定：“劳动者依法享有平等就业和自主择业的权利。劳动者就业，不因民族、种族、性别、宗教信仰等不同而受歧视”，并通过“国家保障妇女享有与男子平等的劳动权利，用人单位招用人员，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提高对妇女的录用标准”、“各民族劳动者享有平等的劳动权利，用人单位招用人员，应当依法对少数民族劳动者给予适当照顾”等条款，对保障妇女、少数民族、残疾人、农村进城劳动者等群体公平就业权利做了专门规定。

65. The Labor Law of the PRC stipulates that “laborers shall not be discriminated against in employment due to their nationality, race, sex or religious belief.” Effective since January 1, 2008, the Employment Promotion Law of the PRC stipulates that workers “shall have the right to equal employment and to choose a job on their own initiative in accordance with the law. Workers seeking employment shall not be subject to discrimination based on factors such as ethnicity, race, gender, religious belief etc.” “the state shall ensure that women enjoy labor rights equal to those of men; when an employer recruits employees, it shall not refuse to recruit women or increase the thresholds for recruitment of women under the excuse of gender, except with respect to positions deemed unsuitable for women under national regulations,” and that “Workers of all ethnic groups enjoy labor rights. When an employer recruits employees, it shall give appropriate consideration to workers belonging to ethnic minorities.” Through these provisions, China has introduced specific regulations to safeguard equal right to work for women, ethnic minorities, persons with disabilities, rural workers in urban areas and other groups.

66、各级人力资源和社会保障部门根据《劳动法》、《就业促进法》、《劳动保障监察条例》（2004年12月起施行）等法律法规规定，通过开展各种形式的监察执法活动，督促用人单位遵守国家法律规定，维护各类劳动者的平等、劳动报酬、休息休假等权益。

66. In accordance with the Labor Law, Employment Promotion Law, Regulation on Labor Security Supervision¹ and other laws and regulations, the Departments under the Ministry of Human Resources and Social Security at various levels have conducted

¹ <http://www.lawinfochina.com/display.aspx?lib=law&id=3836&CGid=>

various forms of supervisory and enforcement activities, pressed employers to abide by national laws and regulations, and defended equality, remuneration, rest and leisure, and other types of rights and interests of various types of workers.

(二) 保证职工在行业中有同等晋升的机会

67、近五年来，中国政府从完善劳动合同制度法律政策体系、推进劳动合同法贯彻实施、加强对企业劳动用工的指导等方面入手，采取多种措施保证职工在行业中有同等的机会。在督促用人单位贯彻落实劳动法律法规的同时，引导用人单位依法制定合理的劳动规章制度，倡导企业将提级机会均等作为规章制度的重要内容，在考虑提级时主要依据资历和能力，不受性别、民族、种族、宗教信仰等因素的影响，营造公平、公正的晋级环境。

(2) Guarantee of Equal Opportunity for Employees to be Promoted in their Sector

67. In the last five years, the Chinese government has adopted many types of measures to guarantee equal opportunity for workers to be promoted in their sector, such as through improving laws and policies for a labor contract system, advancing the implementation of the Labor Contract Law, and strengthening guidance to enterprise employers. While supervising employers' implementation of labor laws and regulations, the government has also provided guidance to them on formulating a reasonable labor regulations system in accordance with the law, advocated for employers to place equal promotion opportunity as an important part of their regulations system and to consider mainly seniority and competence when making promotion decisions, without being influenced by factors such as sex, ethnicity, race and religious belief, so as to create an equal and just environment for upward mobility.

四、享有休息权

68、中国《劳动法》第三十六条规定，“国家实行劳动者每日工作时间不超过八小时、平均每周工作时间不超过四十四小时的工作制度”。过去5年，中国在立法保障公民休息休假权方面取得了新的重大进展。2007年12月14日颁布、2008年1月1日起施行的《国务院关于修改〈全国年节及纪念日放假办法〉的决定》，将全体公民放假的节日由10天调整为11天，形成了春节、国庆节2个长假和元旦、清明、五一、端午、中秋5个小长假，为广大劳动者休闲旅游创造了有利条件。2007年12月14日颁布、2008年1月1日起施行的《职工带薪年休假条例》，明确规定：职工累计工作已满1年不满10年的，年休假5天；已满10年不满20年的，年休假10天；已满20年的，年休假15天。单位应保障职工享受年休假，职工在年休假期间享受与正常工作期间相同的工资收入。单位确因工作需要不能安排职工休年休假的，经职工本人同意，可以不安排职工休年休假，对职工应休未休的年休假天数，单位应当按照该职工日工资收入的

4. Enjoyment of the Right to Rest

68. Article 36 of the Labor Law stipulates that the “State shall practice a working hour system wherein laborers shall work for no more than eight hours a day and no more than 44 hours a week on the average.” In the last five years, China has achieved great progress in safeguarding citizens' right to rest and leisure through legislations. Issued on December 14, 2007 and effective since January 1, 2008, the “Decision of the State Council on Amending the Regulation on Public Holidays for National Annual Festivals and Memorial Days (2007)”ⁱⁱⁱ adjusted the number of public holidays for all citizens from 10 to 11 days, creating two long holidays (Lunar New year and Independence Day) and five mini-holidays (New Year's Day, Qingming, May 1st, Dragon Boat Festival, and Mid-Autumn Festival). This created a favorable condition for leisure and travel for workers. Issued on December 14, 2007 and effective since

300%支付年休假工资报酬。县级以上地方人民政府人事部门、劳动保障部门应当依据职权对单位执行本条例的情况主动进行监督检查。单位不安排职工休假又不按照本条例规定给予年休假工资报酬的,由县级以上地方人民政府人事部门或者劳动保障部门依据职权责令限期改正;对逾期不改正的,除责令该单位支付年休假工资报酬外,单位还应当按照年休假工资报酬的数额向职工加付赔偿金;对拒不支付年休假工资报酬、赔偿金的,属于公务员和参照公务员法管理的人员所在单位的,对直接负责的主管人员以及其他直接责任人员依法给予处分;属于其他单位的,由劳动保障部门、人事部门或者职工申请人民法院强制执行。

January 1, 2008, the Regulations on Paid Annual Leave for Employees^{iv} clearly stipulate that where an employee has served one full year but less than 10 years accumulatively, he is entitled to five days of annual leave. If he has served 10 full years but less than 20 years, annual leave is 10 days. If he has served for 20 full years, annual leave is 20 days. Units shall guarantee that employees are entitled to annual leave. Employees taking annual leave are entitled to the wages of a normal working day. Units that are unable to arrange for annual leave for employees due to job requirements may, with the consent of the employee, forfeit the annual leave. In respect of the annual leave that should have been taken but is not, units shall pay wage remuneration to such employees at the rate of 300percent of the daily wage income of such employees. Human resources departments and labor security departments of people's governments at the county level or above shall actively conduct supervision and examination on the implementation of these Regulations by units, in accordance with their authority. Where a unit fails to arrange for annual leave for employees and pay wage remuneration on annual leave in accordance with the Regulations, the human resources department or the labor security department of people's governments at the county level or above shall order rectification within a time limit. If no rectification is made within the time limit, such unit shall be ordered to pay wage remuneration for annual leave and also make additional compensation to employees on the basis of the amount of the wage remuneration of annual leave. Where no wage remuneration on annual leave or compensation is made, and the personnel of such units are public servants or if the units are administered with reference to the Public Servants Law, the person-in-charge that is directly responsible and other directly responsible personnel shall be punished in accordance with the law, if such unit belongs to other categories, the labor security department, the human resources department or the employee shall apply for compulsory implementation by a people's

69、按照《职工带薪年休假条例》第九条的授权规定，2008年2月15日颁布了《机关事业单位工作人员带薪年休假实施办法》，2008年9月18日颁布了《企业职工带薪年休假实施办法》。上述法规规章的颁布实施，从法制层面保障了广大劳动者的劳动权、休假权、报酬权，使他们能够及时分享经济发展的成果。此外，近年来随着劳动保障监察工作力度的加强，对切实有效地维护广大劳动者工作时间、休息休假等方面的合法权益提供了制度保障。

五、对结论性意见中相关建议的回应

(一) 第46段关于农民工享受平等待遇和户籍制度

70、2006年1月，中国国务院发布了《关于解决农民工问题的若干意见》，该文件是改善农民工待遇的系统性工作规划，从“解决农民工工资偏低和拖欠问题”、“搞好农民工就业服务和培训”等八个方面提出了32项工作目标，目的是推动农民工在就业、培训、工资、医疗、子女上学等方面与城市职工享受平等的公共服务。该文件下发后，各地、各部门把做好农民工工作摆在经济社会发展全局的突出位置，制定了明确的工作目标、具体任务和配套文件。从中央到地方建立了农民工工作的新机制。在解决农民工工资偏低和拖欠问题、规范农民工劳动管理和保障农民工劳动安全、搞好农民工就业服务和培训、推进农民工参加社会保险、加强对农民工子女上学等公共服务方面取得了明显进展，有力地保障了广大农民工的合法权益。2008年1月1日起施行的《中华人民共和国就业促进法》规定，“农村劳动者进城就业享有与城镇劳动者平等的劳动权利，不得对农村劳动者进城就业设置歧视性障碍”。

court.

69. In accordance with and authorized by Article 9 of the Regulations on Paid Annual Leave for Employees, the Implementation Measures for Paid Annual Leave for Employees of State Organs and Public Institution^v were issued on February 15, 2008, and the Implementation Measures for Paid Annual Leave for Employees of Enterprises^{vi} were issued on September 18, 2008. The promulgation and implementation of these aforementioned laws and regulations provide the broad masses of workers with legal guarantees of their labor rights, right to rest and leisure, right to remuneration, enabling them to enjoy the benefits of economic development in a timely manner. Besides, in recent years, with the strengthening of the supervision of labor security work, workers' legal rights and interests with respect to work hours, rest and leaves have received concrete and effective institutional protection.

5. Responses to Relevant Recommendations in the Concluding Observations

(1) Paragraph 46 concerning Equal Treatment of Rural Migrant Workers and the Hukou System

70. In January 2006, the State Council issued its “Opinions on Resolving Problems related to Rural Migrant Workers.”^{vii} This document is a systematic work plan designed to improve treatment of rural migrant workers; it proposes 32 goals in eight areas such as “resolving the problem of low and delayed payment of wages to rural migrant workers” and “improving employment services and trainings for rural migrant workers,” the objective being the advancement the right of rural migrant workers to equal access to public services in areas such as employment, training, wage, healthcare and schooling for their children. Since the document was issued, local governments and departments have prioritized better treatment of rural migrants workers in economic and social

development and formulated clear work goals, specific duties, and supporting documents. New mechanisms for work related to rural migrant workers have been established at all levels, from the central government down to local governments. China has made notable progress in the following areas of public services and significantly protected the legal rights and interests of rural migrant workers: resolving the problems of low wage and delayed payment of wage to rural migrant workers, standardizing labor management concerning rural migrant workers and protection of their work safety, improving employment services and training for rural migrant workers, promoting their participation in social security, and strengthening efforts to enroll children of rural migrant workers in school. Effective since January 1, 2008, the Employment Promotion Law stipulates that “Rural workers who move to urban areas to seek employment shall enjoy equal labor rights on par with urban workers and shall not be subjected to discriminatory restrictions.”

71、目前，中国正积极推进户籍制度改革，由国务院牵头，包括公安部、国家发改委、国务院法制办等在内的14个部委正积极协商户籍改革事宜。全国已有河北、辽宁等13个省、自治区、直辖市相继出台统一城乡户口登记制度的改革措施。2010年初的中央经济工作会议特别提出积极稳妥推进城镇化，放宽中小城市和城镇户籍限制，目的是逐步解决长期在城市就业的农民工户籍问题，有利于促进农民工享受平等待遇。2010年2月27日，国务院总理温家宝接受中国两家主要网站联合专访，与广大网友在线交流时谈到，中国现代产业工人队伍的主体已经是农民工，新生代农民工比老一代农民工有一些特殊的困难，要高度重视新生代农民工问题，推进户籍制度改革，让那些长期在城市生活和工作，并具备一定条件的农民工融入城市，享有同城里人一样的福利待遇、生活条件。

71. At present, China is proactively advancing reform of the hukou system, led by the State Council, together with 14 ministries and commissions, including the Ministry of Public Security, National Development and Reform Commission, and Legal Affairs Office of the State Council, all of whom are actively conferring on matters concerning hukou reform. 13 provinces (including Hebei and Liaoning), autonomous regions, and municipalities directly under the administration of the central government, one after the other, have introduced reform measures to unified household registration systems between urban and rural areas. In early 2010, the Central Economic Work Conference made particular proposals to actively and steadily advance urbanization and relax household registration restrictions in small/medium cities and towns, with the aim of gradually resolving the problem of household registration for those rural migrant workers in long-term urban employment and enabling them to enjoy equal treatment. On

February 27, 2010, Premier Wen Jiabao was interviewed jointly by two major Chinese websites and in his online discussion with netizens, he said China's modern industrial workforce is comprised mainly of rural migrant workers, the younger generation of whom faces certain particular difficulties different from the older generation, that he attaches great importance to the problems facing the new generation of migrant rural workers, and that China would advance reform of the household registration system and help migrant rural workers who have been living and working in cities for a long period of time and who meet certain conditions to enjoy the same welfare treatment and living condition as urban residents.

(二) 第48段关于男女机会均等、同工同酬

72、在本章节第三部分关于依法保障各类劳动者的工作权利内容中已进行阐述。

(2) Paragraph 48 concerning Equal Opportunities and Equal Pay for Equal Work for Both Men and Women

72. Already explained in Part 3 of the present chapter concerning legal protection of the right to work for various types of employees.

(三) 第51段关于批准国际劳工组织第29号公约问题

73、中国政府一贯重视国际劳工公约，积极稳妥、认真负责地研究、批准和实施公约、在国际劳工组织8个核心公约中，中国批准了《同工同酬公约》、《最低就业年龄公约》、《禁止童工劳动公约》和《就业和职业歧视公约》4个公约。中国政府注意到经社文权利委员会的建议。事实上，我们已与国际劳工组织就相关公约多次开展调研和技术合作活动。今后，我们将进一步加强研究。随着中国经济社会不断发展，中国将逐步批准更多劳工公约，更好地促进劳工权利的保护。

(3) Paragraph 51 concerning the Ratification of ILO Convention No. 29

73. The Chinese government consistently attaches importance to international labor conventions, and actively, prudently, seriously and responsibly study, ratify and implement them. Among the eight core ILO conventions, China has ratified the Equal Remuneration Convention (No. 100), Minimum Age Convention (No. 138), Worst Forms of Child Labour Convention (No. 182), and Discrimination (Employment and Occupation) Convention (No. 111). The Chinese government takes note of the CESCR's recommendation. In fact, we will study it further. As the Chinese economy and society continue to grow, China will gradually ratify more labor conventions and better promote the protection of labor rights.

74、在中国，劳动教养是对犯罪情节轻微、尚不够刑事处罚或多次违反治安管理法律的人进行教育矫治的行

74. In China, re-education through labor (RTL) is an administrative measure and an early crime

政措施，是一种预防犯罪的早期手段。该制度有明确的法律依据、严格的法定程序和充分的司法救济途径。全国各省、自治区、直辖市和大中城市的人民政府设有劳动教养管理委员会，由人民检察院对劳动教养工作实施监督。劳动教养管理委员会依照劳动教养法律法规，对符合法定条件的行为人，根据其违法犯罪事实、性质、情节和危害程度，作出劳动教养决定。被劳教的人及其家属有权利获知决定劳教的根据及其期限。对决定不服的，可依照《劳动教养试行办法》规定向劳动教养管理委员会申请复查；也可按照《行政复议法》的规定申请行政复议或者按照《行政处罚法》、《行政诉讼法》的规定，向人民法院提起行政诉讼；对当事人提起的诉讼，人民法院依法公正、独立审判。

75、从有利于劳教人员教育和期满后就业的目的出发，劳教所依照中国《关于劳动教养问题的决定》开展职业技能培训，帮助劳教人员学习劳动技能，提高就业能力，并发给适当报酬。劳教所办有电脑、裁剪、缝纫、电器维修、木工、烹调、理发、汽车驾驶和维修等培训项目，劳教人员经考试合格的，发给社会承认的技术等级证书。上述措施有助于帮助劳教人员重新融入社会。

prevention method used to educate and correct individuals who have committed minor crimes that are not serious enough for criminal prosecution or who have repeatedly violated public security laws. The RTL system has a clear legal basis, strict legal procedures and sufficient recourse to judicial remedies. RTL Administration Committees are set up in the people's government in provinces, autonomous regions, and directly administered municipalities, and the People's Procuratorate supervises the implementation of RTL. RTL Administration Committees make decisions in accordance with RTL laws and regulations and target those who meet legal criteria in view of the facts, nature, circumstance and extent of harm of the offenses. Individuals subjected to RTL and their families have the right to know the basis of the decision and its duration. Those who disagree with a decision may apply for a review by the RTL Administration Committee in accordance with the provisions of the Trial Methods for Implementation of Re-education through Labor; they may also apply for administrative review in accordance with the Administrative Review Law or bring an administrative lawsuit before the people's court in accordance with the Administrative Penalty Law and Administrative Litigation Law; the people's court shall review the litigant's complaints and make a judgment fairly and independently.

75. From the starting point of enabling persons undergoing RTL to gain employment after serving their terms, RTL centers, in accordance with the "Decision on the Question of Re-Education Through Labor"^{viii}, conduct occupational skills trainings and assist persons undergoing RTL to learn labor skills, enhance their employment capability, and give them appropriate remuneration. RTL centers organize training programs on computer, tailoring, sewing, appliance repair, carpentry, cooking, hairdressing, driving and maintenance, etc. Those who pass these trainings are given certificates for socially recognized technical skills. The

76、近年来，随着中国民主法制建设的不断发展，有关部门正在研究总结实践经验，对劳动教养制度进行改革、完善。全国人大常委会已将劳教立法（违法行为矫治法）列入了立法规划，有关部门一直在抓紧进行研究。立法过程本身推动了劳教制度改革。中国主管机关已推出许多重要改革措施，包括律师代理劳动教养案件、全面实行聆询制度、缩短劳动教养期限、扩大所外执行范围、强化监督工作等，旨在从法律程序上确保劳教审批更加严谨，执行更加人性化

六、安全生产

77、安全生产事关人民群众最关心最直接的根本利益。中国政府历来高度重视，并相继采取了一系列重大政策措施加强安全生产和劳动保护。中国在首次报告中阐明，中国在安全生产领域已基本做到有法可依，除《宪法》保障外，2002年全国人大常委会专门颁布了《安全生产法》。另外，《矿山安全法》、《劳动法》、《工会法》、《矿产资源法》、《煤炭法》、《电力法》、《建筑法》等法律法规都有明确、具体的安全生产规定；在体制方面，中央和地方政府设有安全生产监督管理机构，不断强化垂直与分级管理相结合的安全生产监管监察体系，采取专项整治行动；国务院颁布了《关于特大安全事故行政责任追究的规定》，强化了各级政府的安全生产责任制，建立了权责追究的法律制度；加大安全生产设施的技术改造力度，促使企业建立安全生产自我约束机制；大力开展安全生产宣传教育和培训工作；加强安全生产领域的国际交流与合作。有关具体法律规定和行政措施已在首次履约报告中做详细说明，此次不再赘述。现就近年来情况说明如下：

aforementioned measures are helpful to the social re-integration of persons who have undergone RTL.

76. In recent years, as China's democratic and legal institution building continues to develop, relevant departments are studying and summarizing the practical experience and undertake reform and improvement of the RTL system. The Standing Committee of the National People's Congress has included RTL legislation (Law on Correcting Unlawful Actions) into its legislative plan, and relevant departments are closely studying the issue. The legislative process itself has given impetus to RTL system reform. The competent authorities in charge have put forth many important reform measures, including legal representation in RTL cases, full implementation of a hearing system, shortening of RTL duration, expansion of the scope of RTL outside of the centers, and strengthening of supervision, etc. These measures aim to ensure, through legal procedures, stricter RTL examination and approval and more humanistic implementation.

6. Work Safety

77. The public cares most deeply about work safety and considers it a direct, fundamental public interest. The Chinese government has always attached great importance to this issue and has taken a series of important policy measures to strengthen work safety and worker protection. As explained in its initial state report, China has basically provided a legal basis in the field of work safety. Besides safeguards in the Constitution, the Standing Committee of the National People's Congress specifically promulgated the Production Safety Law^{ix}. Additionally, the Mine Safety Law, Labor Law, Labor Union Law, Coal Law^x, Electricity Law, Construction Law and other laws and regulations all contain clear and specific production safety provisions; institutionally, central and local governments have agencies to supervise and

administer work safety, have continuously strengthened a production safety monitoring and supervision system that combines both vertical and hierarchical management, and adopted specific rectification actions; the State Council promulgated the Provisions on Investigation of Administrative Responsibility for Extraordinarily Serious Safety Accidents^{xi}, which has strengthened the responsibility system of local governments for work safety and established a legal accountability system; increased efforts at innovating the technology for work safety equipment and pressed enterprises to set up self-discipline mechanisms to ensure work safety; devoted greater energy to conduct work safety public education campaigns and trainings; strengthened international exchange and cooperation in the field of work safety. The initial state report has provided detailed explanation on the relevant laws, regulations and administrative measures, so they will not be repeated in details here. Situations in recent years are as follows:

(一) 安全生产工作目标和成效

78、中国全国人大2006年通过的“十一五”规划明确提出，“保障人民群众生命财产安全。坚持安全第一、预防为主、综合治理，落实安全生产责任制，强化企业安全生产责任，健全安全生产监管体制，严格安全执法，加强安全生产设施建设。切实抓好煤矿等高危行业的安全生产，有效遏制重特大事故。”

79、目前，全国安全生产工作取得了明显成效。全国事故总起数、死亡人数均已连续七年下降。2009年全国安全生产保持了整体稳定、逐步好转的态势。事故死亡人数在2008年降到10万人以下的基础上，2009年降到9万人以下，事故起数和死亡人数同比分别下降8.4%和8.8%，其中特别重大事故起数和死亡人数同比分别下降50%和56.1%。亿元GDP生产安全事故死亡人数下降

(1) Work Safety Goals and Achievement

78. The 11th Five-Year Plan passed in 2006 by the National People's Congress clearly proposed to “safeguard the people's physical security and property. Insist on safety as a first priority, focus on prevention, administer comprehensively, implement work safety accountability, strengthen business responsibility for work safety, improve work safety supervision and administration systems, strictly enforce safety standards, [and] strengthen building of work safety facilities. Concretely observe work safety in coal mines and other high-risk sectors, effectively limit major serious accidents.”

79. At present, work safety efforts have achieved clear results nation-wide. The total number of accidents and fatalities nation-wide have declined seven years in a row. In 2009, work safety nation-wide was generally stable and gradually improving. Number of fatalities in accidents have dropped to below 100,000 in 2008 and further

20.5%。工矿商贸企业安全生产状况持续改善，就业人员10万人事故死亡人数下降14.9%。

decreased to 90,000 in 2009, and the overall number of accidents and fatalities decreased in that time by 8.4 percent and 8.8 percent respectively; in the same period, the number of particularly serious major accidents and fatalities therein dropped by 50 percent and 56.1 percent respectively. Number of fatalities resulting from work safety accidents for every hundred million GDP produced decreased by 20.5 percent. Work safety situation in mining and trading enterprises continues to improve, as fatalities in 100,000 accidents in these enterprises dropped by 14.9 percent.

(二) 安全生产政策措施

(2) Work Safety Policy Measures

80、能够取得上述成效，是因为中国相继采取了一系列重大政策措施加强安全生产工作，主要包括以下几方面：

80. The achievement of the aforementioned results was possible because China adopted a series of major policies measures to strengthen production safety work, including the following main areas:

81、加大立法和执行力度，保证从业人员生命安全。2007年，全国人大常委会审议通过了《突发事件应对法》，国务院发布了《生产安全事故报告和调查处理条例》。为加强安全生产管理，有关部门依据《安全生产法》等法律法规的规定，先后制定了详尽的部门规章，包括《安全生产培训管理办法》（2005年2月1日施行）、《生产经营单位安全培训规定》（2006年3月1日施行）、《劳动防护用品监督管理规定》（2005年9月1日施行）、《非煤矿山企业安全生产许可实施办法》（2009年4月30日施行）等。这些规章对于保证从业人员生命安全、促进安全生产起到非常重要的作用。如《劳动防护用品监督管理规定》明确规定，要加强和规范劳动防护用品的监督管理，保证从业人员的安全与健康；生产经营单位应当安排用于劳动防护用品的专项经费。生产经营单位不得以货币或者其他物品代替应当按规定配备的劳动防护用品。

81. Strengthening legislative and executive efforts, guaranteeing workers lives and safety. In 2007, the Standing Committee of the National People's Congress deliberated and passed the Emergency Response Law^{xii}, and the State Council issued the Regulations on the Reporting, Investigation and Disposition of Work Safety Accidents. To strengthen management of work safety, relevant departments, in accordance with the Work Safety Law and other regulations, formulated detailed departmental rules, including the Administrative Measures for Work Safety Training^{xiii} (effective since February 1, 2005), Provisions on Safety Training of Production and Operation Entities^{xiv} (effective since March 1, 2006), Provisions on the Supervision and Administration of Labor Protection Articles^{xv} (effective since September 1, 2005), Measures for the Implementation of Work Safety Licenses for Non-coal Mine Enterprises (effective since April 30, 2009) and others. These regulations play an important role in guaranteeing the physical safety of workers and promoting production safety. For example, the Provisions on the Supervision and Administration of Labor Protection Articles

82、为了加大监督力度，中国每年都组织安全生产法专项检查。2005年全国人大常委会组织了“安全生产法实施情况”专项检查，查出一些问题，并提出了整改措施。各地安全生产监管监察部门高度重视，相继制定了整改方案，保证整改措施落实到位。

83、2009年，国务院决定开展“安全生产年”活动，各地区、各部门、各单位全面加强安全生产工作，通过推进安全生产执法、宣教、治理“三项行动”，以及安全生产体制机制法制、安全保障能力和安全监管监察队伍“三项建设”等方式全面完善落实措施。其中全国安全生产执法行动共查处各类非法违法行为共计849万多起，依法关闭取缔各类非法生产、经营、建设、运输等单位2.26万余个。此外，还启动了为期4年的全国市、县、乡三级政府分管负责人安全培训计划，举办了两期市地分管领导安全生产工作研讨班。

clearly require stronger and standardized supervision and administration of labor protection articles in order to ensure the safety and health of workers, and that production and business units should allocate funding for labor protection articles. Production and business units cannot use paper currency or other items to substitute for labor protection items required by the regulations.

82. To expand supervision, China has annually conducted targeted monitoring and inspection under the Work Safety Law. In 2005, the Standing Committee of the National People's Congress conducted a targeted inspection of the "implementation status of the Work Safety Law," found some problems, and introduced rectification measures. Local work safety monitoring and supervision departments have also attached great importance to these problems and one after another formulated rectification proposals to ensure the rectification measures are properly implemented.

83. In 2009, the State Council decided to conduct activities to commemorate "Work Safety Year." Various regions, departments and units comprehensively strengthened their work safety work and improved and implemented the measures through advancing the "three actions"--work safety enforcement, education, and management, as well as the "three institution-building"--work safety institution, mechanisms and legal system, capacity to ensure safety, and safety supervision teams. Among these measures to enforce work safety nation-wide enforcement, authorities have investigated and punished 849,000 cases of various illegal actions and violations, closed down and outlawed 22,600 illegal production, business, construction and transportation units. In addition, a four-year safety training program was initiated for persons in positions of responsibility on the municipal, county and village levels. Two safe production working seminars were organized for city leaders.

84、五年来，中国不断加强安全生产宣传教育力度，大力宣传安全发展理念，不断增强从业人员安全生产意识，提高安全生产技能。2009年，各级安全监管监察部门会同宣传、公安、工会、媒体、共青团组织，以“关爱生命、安全发展”为主题，组织开展了“安全生产月”、“安全生产万里行”活动。首都和各地举办了安全发展与安全法制论坛、“安全伴我行”演讲比赛、职工安全文艺汇演、安全知识竞赛、“安全文化到基层”等主题鲜明、形式多样的宣传教育活动。

85、国家安全生产监督管理总局制定了《“十一五”安全文化发展纲要》，深入开展以企业为重点的安全文化建设，目前全国共有19000多家企业启动深化安全文化建设。28个省（自治区、直辖市）32500多家企业启动了安全生产诚信企业试点创建工作，加强企业负责人、安全管理人员、特种作业人员“三项岗位人员”和农民工安全培训，开展煤矿“万名班组长安全培训工程”等。

86、不断深入推进安全社区建设，制定发布了安全社区评定细则，成立了安全社区工作委员会，召开三次安全社区命名大会。目前全国共有18000多个社区启动了安全社区建设工作，共命名了124家安全社区，其中23家为国际安全社区。

84. In the last five years, China continued to strengthen its efforts at work safety public education, devote great energy to disseminating the idea of safety development, continuously increase the awareness of work safety among workers, and enhance capacity for safe production. In 2009, safety supervision departments at various levels, together with propaganda, public security, trade unions, media and Communist Youth organizations, under the theme of “Care for Life, Develop Safely”, began to carry out “Safe Production Month”, “Safe Production March” activities. Fora on safety development and safety laws, “Always Safe” speech contests, workers' art shows on safety, safety quiz shows, the many types of dissemination and education activities with stand-out themes like “Bringing Safety Culture to the Grassroots”, were organized in the capital and other locations.

85. Issued by the State Administration of Work Safety, the “11th Five-Year Plan Program for the Development of a Safety Culture” aims to extensively build up a safety culture, with a focus on enterprises. At present, there are more than 19,000 enterprises nation-wide that have begun to deepen their efforts to build a safety culture. More than 32,500 enterprises in 28 provinces (autonomous regions, directly-administered municipalities) began to, among others, experiment with creating work safety high-integrity enterprises; strengthen safety trainings for the three key positions of enterprises managers, safety management personnel, special operations personnel, as well as for rural migrant workers; and conduct projects to provide safety trainings to 10,000 team leaders in coal mines.

86. Consistently deepen and advance the building of safe communities, formulated and promulgated detailed rules for the evaluation and determination of safe communities, established safe community working committees, convened three conferences where safe communities were named. At present, there are more than 18,000

communities nation-wide that have begun to work on building a safe community, 124 safe communities have been named, including 23 that are designated as international safe communities.

(三) 煤矿安全生产

87、中国政府重视煤矿安全生产问题，积极采取措施促进煤矿安全生产。《煤炭工业发展“十一五”规划》明确提出到2010年全国保留小煤矿数量在1万处以内的目标。政府采取措施坚决淘汰落后煤炭生产能力，严厉打击非法开采，全国已关闭不具备安全生产条件和破坏资源环境的小煤矿12000多处。

88、1999年12月30日国务院办公厅印发了《煤矿安全监察管理体制实施方案》，2000年1月10日国家煤矿安全监察局正式成立，为促进煤矿安全生产形势的持续稳定好转提供了重要制度保障。煤矿安全国家监察体制创建10年间，陆续实施《煤矿企业安全生产许可证实施办法》、《煤矿安全生产事故报告和调查处理办法》、《煤矿防治水规定》、《防治煤与瓦斯突出规定》及《煤矿职业安全卫生个体防护用品配备标准》，五次修订《煤矿安全规程》，以切实保障职工人身安全和职业健康。

(3) Work Safety in Coal Mines

87. The Chinese government attaches importance to the work safety problem in coal mines and has taken proactive measures to promote safe production in coalmines. The “11th Five-Year Plan Program for the Development of the Coal Industry” has a clear goal to keep the number of small coalmines under 10,000 by 2010. The government is determined to adopt measures to do away with coal production forces that are lagging behind and to crack down on illegal extraction, having already closed down more than 12,000 small coal mines that did not meet safety production standards and were destroying the natural environment.

88. On December 30, 1999, the General Office of the State Council issued the “Proposals for Implementing the Reform of the Supervision and Administration of Coal Mines Safety,” and on January 10, 2000 the State Administration of Coal Mine Safety was formally established, thereby providing important institutional safeguards for advancing the continued stabilization and improvement of safety in coalmines. In the ten years since its founding, the State Administration of Coal Mine Safety has implemented in succession the “Methods to Implement Coal Industry Work Safety Licenses,” “Regulations on the Reporting, Investigation and Disposition of Work Safety Accidents in Coal Mines,” “Provisions for the Prevention and Control of Water-inrush in Coal Mines,” “Provisions for the Prevention and Control of Coal and Gas Outbursts,” and “Standards of Personal Protective Equipment for Occupational Safety and Health in Coal Mines.” It also amended the “Rules and Procedures for Safety in Coal Mines” five times to concretely safeguard the physical safety and occupation health of workers.

89、10年来，煤矿安全生产状况总体好转。全国煤炭总产量增长近2倍，而煤矿事故死亡总人数由2002年高峰期到2009年下降了62.4%。一次死亡10人以上重特大事事故起数由2000年的75起减少到2009年的20起，下降了73.3%。全国煤炭生产百万吨死亡人数比2000年下降了84.4%，同比下降24.5%，历史性地降到了1以下，为0.892。

（四）困难与挑战

90、综上所述，近年来政府加大对高危行业的安全投入，出台一系列政策措施，提高企业基础安全水平，减少工伤事故发生，已取得显著成效。但是，由于中国正处在工业化快速发展时期，生产力总体水平较低，经济增长方式比较粗放，安全生产基础薄弱，目前面临的安全生产压力仍很大。我们将继续转变经济增长模式，不断提高安全生产水平，改善工人安全生产条件。

六、第八条 工会权

91、中国在首次履约报告中阐明，中国《宪法》、《劳动法》和《工会法》等相关法律明确赋予劳动者享有结社自由、自愿组织和参加工会的权利；中国工会以维护职工合法权益为根本宗旨，建立健全各级组织，积极开展工作。出于保障国家安全和维护公共秩序的目的，同时由于中国实行义务兵役制，军队和武装警察的现役人员不是以工资收入为主要生活来源的劳动者，没有参加和组织工会。有关法律规定和工会工作情况在此不再赘述。

89. In the last ten years, the general situation of work safety in coalmines has improved. Total national output of coal increased almost twofold, but the total number of fatalities in coalmine accidents dropped from the peak in 2002 to 62.4 percent in 2009. Major accidents involving ten or more fatalities dropped from 75 cases in 2000 to 20 cases in 2009, declining by 73.3 percent. The number of fatalities for every million tons of coal produced dropped by 84.4 percent compared to 2000, or by 24.5 percent compared with a year ago, to a historic low of 0.892.

(4) Difficulties and Challenges

90. In summary, the government in recent years has put in greater efforts on safety in high-risk sectors, introduced a series of policy measures, enhanced the basic safety level in enterprises, reduced the occurrence of work injury accidents, and already achieved notable results. However, China is in a period of rapid industrialization, its overall productivity is relatively low, its economic growth model relatively unconstrained, and its foundation of occupational safety weak; therefore the pressure of work safety China presently faces is quite huge. We will continue to change our economic growth model, continuously enhance the level of work safety and improve the conditions for workers' occupational safety.

VI. Article 8 – The Right to Join a Trade Union

91. China's initial report clarified that the Chinese Constitution, Labor Law, Trade Union Law, and other related laws bestow upon laborers the right to freedom of association, to form an organization, and to join trade unions. The mission of China's trade unions is to protect the rights of laborers, to establish a sound structure for organizations of all levels, to actively develop/carry out work. To protect national security and maintain public order, and due to China's compulsory military service, military troops and armed police on active duty are not motivated by wages and thus have not joined or organized trade unions. The relevant laws and the work

of trade unions will not be detailed here.

一、中国职工参加和组织工会的权利

92、(一) 在立法层面，中国充分保障中国职工参加和组织工会的权利。中国工人和其它劳动者作为国家的主人，充分享有《宪法》规定的公民结社自由的权利。《劳动法》规定，“劳动者有权依法参加和组织工会。工会代表和维护劳动者的合法权益，依法独立自主地开展活动”。《工会法》规定，“在中国境内的企业、事业单位、机关中以工资收入为主要生活来源的体力劳动者和脑力劳动者，不分民族、种族、性别、职业、宗教信仰、教育程度，都有依法参加和组织工会的权利。任何组织和个人不得阻挠和限制。”《工会法》还规定了阻挠职工参加和组织工会的法律责任。

93、(二) 在组织形式方面，中国《工会法》规定，在全国建立统一的中华全国总工会。这是中国工人运动在长期发展过程中的历史选择，反映了中国广大职工的意愿和要求，有利于中国工会更好地代表和维护广大职工的利益。在工会的组织体制及组建工会的程序上，中国与外国不尽相同。在历史上，中国的工会运动是在反对帝国主义、封建主义、官僚资本主义的斗争中不断发展壮大起来的，在这个过程中形成了全国统一的中华全国总工会。在工会的组织体制上则确立了产业和地方相结合的组织领导原则，即在同一个企业、事业、机关单位中的会员，组织在一个工会基层组织中；同一行业或性质相近的几个行业，根据需要建立全国的或地方的产业工会组织；省（自治区、直辖市）、市、县一级建立地方总工会，全国建立统一的中华全国总工会。中国工会大力推进基层组织建设。最近五年，全国工会会员平均每年净增1500万人以上。截至2009年9月，会员总数增加至2.26亿人（2002年为1.31亿人），全国基层工会达184.5万个（2002年为165.8万多个），覆盖企事业单位395.9万家，其中农民工会员8014.8万人。中华全国总工

1. The Rights of Chinese Workers to Participate and Organize in Trade Unions

92. (1) On the legislative level, China fully protects the right of Chinese workers to participate and organize trade unions. Chinese workers and other laborers form the backbone of the country and, under the Constitution, are provided with the right to freedom of association. The Labor Law stipulates that “laborers shall have the right to participate in and organize trade unions in accordance with the law. Trade unions shall represent and safeguard the legitimate rights and interests of laborers, and stage activities independently in accordance with the law” (Art. 7). The Trade Union Law stipulates that “all manual and brain workers in enterprises, institutions and government departments within the territory of China who rely on wages or salaries as their main source of income, irrespective of nationality, race, sex, occupation, religious belief or educational background, have the right to organize or join trade unions according to the law. No organizations or individuals shall obstruct or restrict them” (Art. 3). The Trade Union Law also stipulates legal liabilities for obstructing workers to join or organize a trade union (Art. 50).

93. (2) With respect to the structure of organizations, China’s Trade Union Law stipulates that the establishment of the “All-China Federation of Trade Unions” shall be established as the unified national organization” (Art. 10). This was a historical choice that resulted from longterm Chinese workers’ movements and developments, and a reflection of the broad wishes and requests of Chinese workers—[all of which] benefits Chinese trade unions to better represent and broadly protect the interests of workers. In the organization of trade unions and process of establishing trade unions, China is not the same as other states. Historically, China’s trade union movement developed and grew in the continuous struggle against imperialism, feudalism, and bureaucratic capitalism—and in this process the All-China Federation of Trade Unions was established. Through the organizational structure of trade unions, leadership principles of combining industries and localization were established; members of the same

会已成为世界上最大的工会组织。

enterprises, institutions, organizational units are to be organized in one trade union; [those from] the same industry or in similar industries, based on need, can establish national or local industry trade union organizations; provinces (autonomous regions and direct-controlled municipalities), cities, and county level create their local trade unions and the country establishes a unified national All-China Federation of Trade Unions. China's trade unions vigorously promote the establishment of grassroots organizations. In the past five years, the number of members across the country increased on average over 15 million people per year. As of September 2009, the total membership number increased to 226 million (131 million in 2002), the number of grassroots trade unions reached 1.845 million (1.658 million more than 2002)—this covered 3.959 million enterprises and institutions, and within these included 80.148 million migrant workers. The All-China Federation of Trade Unions has become the world's largest trade union organization.

94、近年来，中国工会以发展和完善基层民主制度为方向，丰富职工民主参与形式，畅通职工民主参与渠道，积极推行以职代会为基本形式的企事业单位民主管理制度，提高企事业单位和机关的职代会制度建制率，在中小企业集中的地方广泛建立区域性、行业性职代会，推动厂务、校务等公开和职工董事、职工监事制度的规范化，组织职工依法实行民主选举、民主决策、民主管理、民主监督，落实职工的知情权、参与权、表达权、监督权。

94. In recent years, with a mission to develop and improve a grassroots democratic system, Chinese trade unions have enriched methods for workers' democratic involvement; smoothed out channels for workers' democratic participation; actively promoted the democratic management system in enterprises and institutions based on the basic model of workers' congresses; improved the institutional establishment rate of workers' congresses in enterprises and institutional organizations; established regional and industry workers' congresses in locations with concentration of small and medium enterprises; promoted transparency of activities in factories and schools and standardization of systems of staff as board members and supervisors; organized employees, in accordance with the law, to hold democratic elections, to formulate policies democratically, to manage democratically, and to supervise/monitor democratically; and implemented the rights of workers to information, to participation, to expression, and to supervise.

95、二、近年来，中华全国总工会及其各级工会组织代表职工实行民主参与和社会监督，反映职工的意见和要求，与政府协商解决职工群众的困难和问题，为维护职

95. 2. In the past few years, the All-China Federation of Trade Unions and trade unions on various levels have represented workers in implementing democratic participation and social supervision, reflected the

工合法权益发挥了积极和重要作用,具体有以下几方面:

96、(一) 通过多种方式促进就业。近年来,积极参与《劳动合同法》、《就业促进法》、《职业技能培训条例》、《残疾人就业条例》等就业方面的法律法规和政策的制定,并协同有关部门监督检查执行情况。截至2009年底,全国县级以上工会建立困难职工帮扶中心3249个,2003-2009年共筹集资金84.8亿元,帮扶困难职工3446.1万人。2009年,全国各级工会为362.21万名农民工提供就业服务,帮助207.23万名农民工实现就业。2009年4-9月,各级工会共帮助15.2万名困难职工家庭高校毕业生实现就业,使困难职工家庭高校毕业生的总体就业率达到96.4%。2005-2009年,全总与人保部、全国工商联连续五年在全国100多个大中城市举办民营企业招聘周活动,共404万求职者与企业达成就业意向,其中农民工144.6万人。

97、(二) 推动建立和完善最低工资保障制度。近年来开展的工作有参与制定有关法规政策,大力推行工资集体协商,推动建立企业工资共决机制,依法对企业最低工资规定执行情况进行监督等。各地工会积极参与当地最低工资标准的制定和调整落实,拟到2015年末逐步使各地最低工资标准达到或接近当地社会平均工资40%-60%的水平。

opinions and demands of workers, negotiated with government officials to help solve challenges and problems workers faced, played an active and important role in safeguarding the legitimate rights and interests of workers. These are specified below:

96. (1) Promoting employment through different ways. In recent years, [trade unions] actively participated in the legislation of different laws and regulations, including: Labor Contract Law, Employment Promotion Law, Regulation on Vocational Skills Training, and Regulation on the Employment of Persons with Disabilities, and worked with relevant government departments to supervise and inspect the status of implementation. As of the end of 2009, trade unions on the county level or above across the nation established 3249 help centers to assist workers facing difficulties; from 2003 to 2009, 8.48 billion *yuan* in funds were raised to assist more than 34.461 million workers with difficulties. In 2009, trade unions of all levels across the country provided employment support programs to 3.6221 million migrant workers and helped 2.0723 million migrant workers find employment. Between April and September 2009, trade unions of different levels assisted 152,000 college graduates, who are family members of workers with difficulties, find employment, resulting in an employment rate of 96.4 percent for this class of college students. Between 2005 and 2009, the All-China Federation of Trade Unions, the Ministry of Human Resources and Social Security of the PRC, and the China Federation of Industry and Commerce organized, for five consecutive years, private enterprises recruitment weekly events in 100 large and middle-sized cities; a total of 4.04 million job seekers and corporations reached employment intention agreement; among them were 1.446 million migrant workers.

97. (2) Promoting the establishment and improvement of minimum wage protection system. In recent years, the work carried out involved the formulation of relevant regulations and policies, promotion of collective wage negotiations, promotion of a mechanism to jointly determine wages in enterprises, and supervision of implementation by enterprises of minimum wage regulations. Trade unions from different regions have actively participated in setting out and adjusting their

local minimum wage standards, with the intention that by the end of 2015, minimum wage would be near 40 to 60 percent of the average wage of the local community

98、(三) 帮助解决拖欠工资问题。就部分地方和企业欠薪问题向政府、人大和政协反映情况, 提出解决问题的意见建议; 会同有关部门开展包括农民工在内的职工工资支付情况检查, 通过投诉窗口和热线受理职工和农民工投诉, 帮助他们追讨欠薪, 及时向他们提供必要的法律援助和咨询服务。全总积极参与国有企业改制工作, 推动于2005年5月成立了中央11个部门组成的解决企业欠薪工作部际联系会议制度。经各方共同努力, 国有企业历史陈欠于2007年底前基本清理完毕。各级工会积极推动农民工工资“月清月结”, 五年来共清理拖欠职工工资近百亿元。

98. (3) Helping to solve the problem of wage arrears. Problems with wage arrears at the local or enterprise level have been brought before the government, the National People's Congress, and the People's Political Consultative Conference, solutions and recommendations were raised. Along with relevant government departments, investigations were conducted on the situation of payment to workers, including migrant workers; complaints of workers and migrant workers were received through complaint windows and hotlines, helping them recover unpaid wages, and providing them with timely and necessary legal assistance and consulting services. The All-China Federation of Trade Unions actively participated in the reform of State-owned enterprises, and promoted the May 2005 establishment of 11 centralized departments to solve the problem of wage arrears through an inter-departmental contact conference system. Through the efforts of different parties, by the end of 2007, state-owned enterprises paid almost all past wage arrears. Trade unions of all levels have actively promoted the "Monthly Clearing" of wages for migrant workers; in the past five years, the amount of cleared wage arrears has amounted to close to 10 billion *yuan*.

99、(四) 推动外资企业建工会。2006年, 中国各级工会推动长期拒建工会的美国沃尔玛公司在华企业全部组建了工会。2008年, 全总开展了推动世界500强等跨国公司在华企业建工会集中行动, 使这些企业的工会组建率由之前的43%提高到85%, 会员由187万人增加到212.5万人。截至2009年9月底, 全国建工会外资企业(含港澳台) 12.0万家, 建会率达到78.7%; 建工会私营企业155.5万家, 建会率达到76.7%。

99. (4) Promoting foreign-funded enterprises to establish trade unions. In 2006, trade unions of different levels in China promoted the establishment of trade unions inside Chinese branches of American-based Wal-Mart Inc., which has long refused trade unions. In 2008, the All-China Federation of Trade Unions started promoting the establishment of trade unions in the world's top 500 multinational corporations, which have operations in China. This led to an increase of trade unions from 43 percent to 85 percent, with members increasing to 2.25 million people from 1.87 million. As of the end of September 2009, 120,000 foreign-funded corporations (including Hong Kong, Macao, and Taiwan) established trade unions – with an establishment rate of 78.7 percent. In the private sector, 1.555 million corporations established trade unions, reaching 76.7 percent.

100、(五) 积极扩大对外交往与合作。近年来, 中国工

100. (5) Actively expanding foreign exchanges and

会积极开展对外交往,加强了同各国工会的交流与合作,增进了中国职工同世界各国工人的相互了解和友谊。2008年,中国工人代表再次当选国际劳工局理事会副理事长,积极参与国际劳工组织的各项工作并开展各种合作。目前,中华全国总工会已同全世界150多个国家和地区的400多个全国性工会组织以及国际性和区域性工会组织建立了友好交往关系。

三、中国职工的集体谈判权

101、中国职工集体谈判的权利得到《劳动法》、《工会法》、《劳动合同法》、《公司法》和《集体合同规定》的保障。中国工会全面深入参与了上述法律法规的制定过程,多项合理意见被吸纳。中国工会通过依法推行平等协商和集体合同制度更好地维护职工的劳动经济权益。工会积极指导和帮助职工与企业签订劳动合同并监督合同的执行。截至2009年9月,全国共签订集体合同124.7万份,覆盖企业211.2万家(2002年为63.5万多家),覆盖职工1.62亿人(2002年为8000万人);签订的区域性、行业性集体合同覆盖企业126.98万家(2002年仅32.88万家),覆盖职工6084.3万人。全国签订工资专项集体合同51.2万份,覆盖职工6177.6万人。截至2009年底,签订女职工权益保护专项集体合同60.5万份,覆盖单位100.7万个,覆盖女职工4621.8万人。截至2008年9月,沃尔玛在华建会企业全部签订了集体合同。2009年以来,中国各级工会还积极开展推进世界500强等跨国公司在华企业签订集体合同工作。

cooperation. In recent years, China's trade unions have actively developed external relations and reinforced exchanges and cooperation with trade unions around the world; this has increased mutual understanding and friendship between workers in China and other countries. In 2008, China's worker representative was re-elected as one of the Deputy Members in the International Labor Organization's Governing Body, and actively participated in the all kinds of work of the ILO and began different forms of cooperation. Presently, the All-China Federation of Trade Unions has established friendly relations with over 400 national, international, and local trade unions in 150 different countries and regions.

3. Chinese Workers' Right to Collective Bargaining

101. Workers' right to collective bargaining is protected in the *Labor Law*, *Trade Union Law*, *Labor Contract Law*, *Company Law*, and the *Collective Contract Provisions*. Chinese trade unions have had comprehensive and in-depth participation in the formulation of these laws and regulations, and many of their opinions have been incorporated. China's trade unions have better protected the economic interests of workers through promoting equal consultation and collective contracts according to the law. Trade unions actively advise and assist the signing of collective agreements between workers and enterprises, and also supervise the implementation of the agreements. As of September 2009, 1.247 million collective contracts were signed across the country, covering 2.112 million enterprises (635,000 enterprises in 2002), 162 million individuals (80 million in 2002); 1.2698 million enterprises (328,800 in 2002) signed on to regional or industrial collective contracts, covering 60.843 million people. Across China, 512,000 specialized wages collective contracts have been signed, covering 61.776 million workers. As of the end of 2009, 605,000 collective contracts protecting the rights of women have been signed, covering 1.007 million units and 46.218 million female workers. As of September 2008, all Wal-Mart's branches in China having trade unions signed onto collective contracts. Since 2009, trade unions of different level in China have been actively pushing the world's top 500 multinational corporations based in China to sign collective contracts.

四、中国职工的罢工权

102、关于罢工问题，中国在首次履约报告中阐明，除了为保证国家安全和社会稳定，中国法律明确规定警察、国家机关工作人员不得罢工外，中国现行法律没有涉及此类问题；根据《工会法》有关规定，如发生个别停工、怠工事件，工会都积极向有关方面反映职工的合理要求，协助妥善解决问题。

103、在此我们重申，中国《宪法》没有禁止罢工的规定，其他法律也没有限制罢工的自由。中国工会主张职工可以通过各级工会组织、职工代表大会制度、劳动关系三方协调会议制度、劳动争议调解和仲裁制度等多种渠道有效维护自身合法权益。

四、委员会结论性意见第55段关于中国人大批准《公约》时所作的声明

104、（注：2001年2月，中国全国人大常委会第二十次会议批准《公约》，同时声明，中国政府对《公约》第八条第一款（甲）项，将依据中国《宪法》、《工会法》和《劳动法》等法律的有关规定办理。）

105、在批准国际公约时，各国根据本国情况就公约条款作出声明或保留，符合国际惯例。中国的《宪法》、《劳动法》和《工会法》等法律有效地保障了中国工人全面参与政治、经济、社会和文化生活的权利，包括参加和组织工会的权利。从中华人民共和国建立以来，中国的劳动者就依据这些法律参加和组织工会。全国人大常委会批准公约时作出的声明表明，中国将继续依据本国法律的规定，保障劳动者参加和组织工会的权利。

4. The Right of Chinese Workers to Strike

102. On the question of striking, China has already stated in its initial report, that other than Chinese laws forbidding police and state personnel to strike to ensure national security and social stability, no other laws exist to deal with this matter. Pursuant to provisions in the *Trade Union Law*, where there are incidents of work stoppages or work slowdown, trade unions should actively seek out relevant parties to convey the reasonable demands of workers and help to reach resolutions.

103. We reiterate here that China's *Constitution* does not forbid striking and other laws do not limit the right to strike. Chinese trade unions advocate that workers can effectively protect their legal rights through trade unions of different levels, the Workers' Congress system, the tripartite coordination mechanism for labor relations system, labor dispute mediation and arbitration system, and other channels.

4. Paragraph 55 of the Committee's Concluding Observations Concerning the NPC's Declaration upon Ratification of the Covenant

104. (Note: In February 2001, the Standing Committee of the NPC ratified the Covenant at its 20th Meeting, and at the same time made a Declaration that the application of Article 8.1(a) of the Covenant shall be consistent with relevant provisions of the *Constitution*, the *Trade Union Law*, and the *Labor Law*.)

105. When ratifying an international convention, States make declarations and reservations in line with domestic circumstances; this is consistent with international practice. China's *Constitution*, *Labor Law*, *Trade Union Law*, and other relevant laws effectively protect the right of Chinese workers to participate in political, economic, social, and cultural life; this includes the right to participate and organize trade unions. Since the establishment of the People's Republic of China, Chinese workers have relied on these laws to participate and organize trade unions. The NPC's declaration at the time of ratification signifies that China will continue to protect

the rights of workers to participate and organize trade unions in accordance with existing domestic laws.

七、第九条 享有社会保障的权利

106、中国在首次履约报告阐明，中国已初步建立以社会保险、社会救济、社会福利和社会互助等为主要内容，多渠道筹集保障资金、管理服务逐步社会化的社会保障体系，介绍了养老保险、医疗保险、工伤保险、失业保险、生育保险、最低生活保障、灾害救助、社会公益捐助、残疾人社会保障等各项制度的具体内容。

107、近年来，中国政府按照“到2020年基本建立覆盖城乡居民的社会保障体系、人人享有基本生活保障的目标”，不断完善社会保障体系各项内容，现就有关情况报告如下：

一、社会保险是社会保障体系的核心部分

（一）关于企业职工养老保险制度

108、基本养老保险覆盖范围不断扩大，从城镇企业职工扩展到城镇个体工商户、灵活就业人员、农民工等各类从业人员。2005年至2009年底，全国参保人数从1.7亿增至2.35亿，其中参保职工人数从1.3亿增至1.77亿。

109、城镇企业参保退休人员基本养老金水平稳步提高，其基本养老金按时足额发放成果不断巩固。国务院连年调整企业退休人员基本养老金标准，从2004年的月人均700多元增加到2010年初的1300多元。2005年至2009年底，参保离退休人员从4300多万增至5795万，为确保发放，养老保险基金支出由4000多亿元增至8100多亿元。

VII. Article 9 – The Right to Social Security

106. China in its initial report stated that it has progressively created a social security system that features social insurance, social relief, social welfare, and social mutual assistance; collects funds through a variety of channels; and gradually socializes management services. [The initiate report] introduced pension insurance, medical insurance, industrial injury insurance, unemployment insurance, maternity insurance, minimum living security, disaster relief, social welfare donation, social security system for persons with disabilities, and other specific content.

107. In recent years, the Chinese government has followed the “Goal to establish a social security system covering urban and rural citizens, where everyone enjoys basic living standards by 2020,” and has continuously improved the social security system in all aspects; the relevant situation is reported below:

1. Social Insurance is at the Core of the Social Security System

(1) Old-Age Insurance System for Enterprise Employees

108. The scope of basic pension insurance is expanding, covering not only urban enterprises employees, but also the urban self-employed, temporary or part-time workers, migrant workers and other types of workers. From 2005 to the end of 2009, the number of people with insurance plans jumped from 170 million to 235 million; among these, the number of workers jumped from 130 million to 177 million people.

109. Retired individuals who participate in the pension insurance of urban enterprises have seen a steady improvement in their pension; timely and full payment of basic pension has been continually reinforced. The State Council continually and annually adjusts the standard of basic pension for retired enterprise employees from an average of 700 *yuan* per month per person in 2004 to 1300 *yuan* in early 2010. From 2005 to the end of 2009,

110、为维护参保人员特别是广大农民工的养老保险权益，国务院2009年底颁布了《城镇企业职工基本养老保险关系转移接续暂行办法》，解决了跨省转移接续、异地权益认同、农民工退保和管理服务方便群众等问题，具有重大意义。

(二) 关于医疗保险制度

111、目前，基本医疗保障制度框架已初步形成，城镇职工基本医疗保险、城镇居民基本医疗保险、新型农村合作医疗和城乡医疗救助分别覆盖城镇从业人员、未就业居民、农村居民和困难群体，从制度上实现了对城乡居民的全面覆盖。今年中国政府还要实施跨省流动的人员医疗保险的转移接续问题的解决办法。

112、五年来，基本医疗保险参保人数快速增加，参保人基本医疗待遇得到有效保障。2005年，参加城镇医疗保险人数为13709万，其中参保职工9959万，参保退休人员3750万。截至2009年年底，职工医保、居民医保和新农合参保人数分别达到2.19亿，1.81亿和8.33亿，基本医疗保险制度已覆盖超过12亿人口。

(三) 关于工伤保险制度

the retired individuals who participated in pension insurance jumped from 43 million to 57.95 million people; to ensure funds are disbursed, pension insurance funds have increased from approximately 400 billion *yuan* to 810 billion *yuan*.

110. To protect insured individuals, particularly a large number of migrant workers, and their pension insurance interests, at the end of 2009, the State Council announced the “Interim Measures for the Transfer and Continuation of Urban Enterprise Worker’s Basic Pension Insurance,” which had great significance in solving problems related to movement across provinces, recognition of rights and interests of people from out of town, migrant workers’ withdrawal from the pension insurance, and management services that are convenient for the masses.

(2) Medical Insurance System

111. Presently, the preliminary structure of a basic medical insurance system has been formed, including: medical insurance for urban workers, medical insurance for urban residents, cooperative medical treatment in new rural areas and medical assistance in urban and rural areas cover, respectively, urban employed workers, unemployed urban residents, rural residents, and disadvantaged groups. Comprehensive [medical insurance] coverage has been realized on a systemic level for both urban and rural citizens. This year, the Chinese government is looking to implement medical insurance for individuals who move across provincial borders and solve transfer and continuation problems.

112. In the past five years, the number of people participating in basic medical insurance has rapidly increased, and insured individuals have received effective medical treatment. In 2005, 137.09 million people were registered for urban medical insurance; these included 99.59 million workers, and 37.05 million retirees. As of the end of 2009, there were 219 million people on workers’ medical insurance, 181 million on citizens’ medical insurance, and 833 million on new rural area medical insurance. The basic medical insurance system already reaches more than 1.2 billion people.

(3) Industrial Injury Insurance System

113. 国家通过立法扩大工伤保险的覆盖范围，提高保障水平。2004年实施的《工伤保险条例》，以国家立法形式保障劳动者在工作中遭受事故伤害或患职业病时能够及时按照法定标准得到医疗救治和获得经济补偿。实施以来参保人数不断增加，已从2004年的4500万增至目前的近1.5亿，其中农民工参保人数从1200多万增至5580万。

113. Through legislation, China has expanded the scope of industrial injury insurance, and raised the level of protection. The *Injury Insurance Regulation*, implemented in 2004, established a legislative system to protect workers who are injured at work or suffer work-related illnesses and enable them to receive adequate and timely medical treatment or indemnification. Since the Regulation's implementation, the number of individuals insured has rapidly increased – from 45 million in 2004 to the current 150 million; within figure, the number of migrant workers jumped from 12 million to 55.80 million.

(四) 关于失业保险制度

(4) Unemployment Insurance System

114. 2005年末至2009年11月，失业保险参保人数由10648万增至12612万人。2008年底，为应对国际金融危机对就业的冲击，经国务院同意，人力资源社会保障部联合财政部、税务总局出台了《关于采取积极措施减轻企业负担稳定就业局势有关问题的通知》，明确了减轻企业负担稳定就业局势的相关政策：允许困难企业缓缴失业保险费；一定时期内降低失业保险费率；使用失业保险基金为困难企业稳定岗位支付社会保险补贴和岗位补贴。

114. From the end of 2005 to November 2009, the number of individuals on unemployment insurance increased from 106.48 million to 126.12 million. At the end of 2008, to respond the effects of the international economic crisis on employment, the Ministry of Human Resources and Social Security, Ministry of Finance, and State Administration of Taxation, with approval from the State Council, jointly issued the “Notice on Issues Related Issues to the Adoption of Proactive Measures to Reduce the Burden on Enterprises and Stabilize the Employment Situation,” which clearly sets out relevant policies to reduce the burden on enterprises and to stabilize the employment situation. The Notice allowed enterprises facing difficulties to defer payments of unemployment insurance premiums; it allowed for the temporary reduction of unemployment insurance premiums rate; it allowed enterprises facing difficulties to use unemployment insurance funds to pay social insurance subsidies and job subsidies to keep stable jobs.

115. 2009年前11个月，失业保险支持企业减负稳岗涉及资金161亿元。其中使用失业保险基金支付稳岗补贴60亿元，缓缴失业保险费5.1亿元，涉及职工127万人。降费率减收失业保险基金95.7亿元，涉及职工6400多万人。

115. During the first eleven months of 2009, 16.1 billion *yuan* was used to ease the burden of enterprises paying unemployment insurance and to ensure the maintenance of jobs. Of this amount, 6 billion *yuan* was used to ensure that workers were not laid-off and 5.1 billion used in relation to the holdover of unemployment insurance premiums, affecting 1.27 million workers. 9.57 billion *yuan* was used to help reduce premium rate for unemployment insurance funds, affecting more than 64 million workers.

(五) 关于生育保险

116、近几年，生育保险参保人数年增1000万人以上。2006年全国参保人数为6459万。截至2009年年底，参保职工人数达10860万，首次突破1亿人大关。生育保险基金运行平稳，筹资比例在用人单位职工工资总额的0.68%左右。主要支付项目包括生育津贴和生育期间的医疗费。

117、2009年国务院出台了《关于妥善解决城镇居民生育医疗费用的通知》，将城镇居民住院分娩发生的医疗费用纳入城镇居民基本医疗保险基金支付范围；随着新农合医疗制度的建立，农村妇女住院分娩也得到保障。目前，中国城乡非就业人员都可以享受到生育保障待遇。

(六) 农村养老保险

118、新农保的正式启动是中国向实现建立覆盖城乡居民的社会保障体系目标迈出的突破性一步。中国有近9亿农村居民，其中60岁以上的超过1亿人。解决农村居民养老保障问题，对于促进经济社会协调发展、改变城乡二元结构、实现社会公平正义，都具有十分重要的意义。2009年9月1日，国务院印发《关于开展新型农村社会养老保险试点的指导意见》。2009-2010年首批在全国27个省、自治区的320个县和4个直辖市试点，覆盖农业人口1.2亿多，其中60周岁以上农业人口1500万多人。2009年全国10%的县试点，2010年扩大到23%的县，2020年前实现对农村适龄居民的全覆盖。

(5) Maternity Insurance

116. In recent years, the number of individuals participating in maternity insurance increased yearly by more than 10 million people. In 2006, 64.59 million people across China had maternity insurance. As of the end of 2009, the number of workers [on maternity insurance] reached 108.6 million, the first time it passed the 100 million mark. The operation of the maternity insurance fund has been smooth and around 0.68 percent of the salary is allocated to the fund by employers. [Maternity insurance] mainly pays for expenses such as maternity allowance and medical expenses during childbirth.

117. In 2009, the State Council issued the "Notice on the Proper Resolution of Medical Expenses for Childbirth of Urban Residents," which includes medical expenses of child delivery of urban residents in the scope of basic medical insurance for urban citizens. With the establishment of a medical system for new rural areas, rural women hospitalized for child delivery have also received social protection. Presently, unemployed Chinese citizens in rural and urban areas all can enjoy the benefits of maternity insurance.

(6) Rural Pension Insurance

118. The formal launching of new rural areas social welfare is a breakthrough in China's quest to realize its goal to build a social security system that covers both rural and urban residents. China has nearly 900 million rural residents; among them more than 100 million are over 60 years of age. Finding a solution to problems related to rural pensions is extremely important to advancing the coordinated improvement of economic and social development, to changing urban-rural disparity, and to realizing social equality and justice. On September 1, 2009, the State Council issued the "Guiding Opinion on Carrying out the Social Endowment Insurance Pilot in New Rural Areas." In 2009 to 2010, the first batch of the pilot project was conducted in 320 counties in 27 provinces and autonomous regions, and in four directly-administered municipalities – covering 120 million rural citizens, among them more than 15 million were rural citizens over the age of 60. In 2009, the pilot project reached ten percent of China's counties, in 2010 it

119、新农保试点采取个人缴费、集体补助、政府补贴相结合的筹资模式。参保农民按规定参保缴费，地方可根据实际情况增设缴费档次，由参保农民自主选择。有条件的村集体应当对村民参保缴费给予适当补助，地方财政应当对参保农民给予缴费补贴，补贴标准不低于每人每年30元。年满60周岁、符合条件的参保农民可领取新农保养老金。新农保养老金由个人账户养老金和基础养老金两部分组成，支付终身。2010年2月底前1426万符合条件的农村老年人领到了中央财政补贴的基础养老金。

二、最低生活保障制度

(一) 城市低保制度在全国普遍建立并日益规范

120、国家继续规范城市低保制度，大幅度增加资金投入，积极采取措施应对物价波动，初步建立低保标准动态调整机制，保障水平明显提高，城市低保制度进入了平稳运行时期。截至2009年底，全国共2345.6万城市贫困居民得到最低生活保障，全年累计支出城市低保资金482.1亿元，比上年同期增长22.5%（图表二）。

(二) 农村最低生活保障

reached 23 percent of counties; by 2020 the goal is to implement the program to all rural citizens [over 60 years of age] across the country.

119. The new rural insurance pilot's funding model incorporates individual contributions, collective benefits, and government subsidies. Rural citizens participating in the insurance project pay contributions according to stipulated rules, and local authorities can add different contribution levels to cater to specific circumstances, and allow rural citizens to choose the desired contribution. Village collectives with the capacity should give appropriate subsidies to help villagers pay for insurance contributions; local governments should also subsidize contributions of rural citizens; the minimum standard subsidy is at least 30 *yuan* per year. For those 60 and above, and who meet the requirements to participate in rural insurance plans can receive the new rural insurance pensions. The new rural insurance pensions are composed of two parts: individual pension account and basic pension, and the payments are for life. Before the end of February 2010, 14.26 million aged (senior) rural citizens who met the requirements received basic pension insurance subsidies from the central government.

2. Minimum Living Security System

(1) Urban Minimum Living Security Established Nation-wide and Increasingly Standardized

120. The country continues to standardize the urban minimum living security system, has significantly increased funding of the program, has actively taken measures to deal with inflation, has taken first steps to establish a mechanism to adjust the minimum standard of allowance, has noticeably raised the standard of securing, and has allowed the minimum living security system to enter a period of smooth operation. As of the end of 2009, there were 23.456 million destitute urban citizens across China receiving minimum living security; the annual cumulative distributions for urban minimum living security amounted to 48.21 billion *yuan*, an increase of 22.5 percent from the year prior (see Figure 2).

(2) Rural Minimum Living Security

121、农村低保是指政府对家庭年人均纯收入低于当地低保标准的农村贫困家庭，按照其家庭年人均纯收入与保障标准的差额发放最低生活保障金的制度。2007年7月，国务院下发《关于在全国建立农村最低生活保障制度的通知》，对农村低保标准、保障对象、资金落实等内容作出了明确规定。同年9月底，这一制度已在全国31个省（直辖市、自治区）所有2777个涉农县（市、区）全面实施。国家对财政困难地区重点补助。三年来，中央财政补助资金逐年大幅增长，分别为30亿、90亿和216亿元。2007年以来，全国累计发放农村最低生活保障金700.8亿元。截至2009年底，全国共有农村低保对象2291.7万户、4760万人，占农村人口的5.4%。各地因病残、年老体弱、丧失劳动力、生存条件恶劣等原因造成生活常年困难的农村居民基本纳入保障范围。随着经济社会发展水平不断提高，国家不断提高保障标准和水平。2009年，全国平均标准为月人均补助64元，全年累计支出农村低保资金363亿元，比上年增长58.7%。

121. Rural minimum living security refers to a system of subsidies that the government provides for poor rural families whose annual net income per capita is below local minimum subsistence standards; this system permits distribution of minimum living allowance to poor rural families based on the difference between the family's annual per capita net income and the local subsistence standard. In July 2007, the State Council issued the "Circular on Establishing the Minimum Living Security System in Rural Areas," which clearly set out rules related to, among others, the standard for rural minimum living security, the beneficiaries, and implementation of funds. At the end of September of that same year, this system was implemented in all 2777 rural/agricultural counties (or cities or districts) in 31 provinces (including directly-administered municipalities and autonomous regions) across the country. The country has focused on subsidizing economically disadvantaged areas. In three years, central government subsidies have increased significantly, respectively 3 billion *yuan* [the first year], 9 billion *yuan* [the second year], and 21.6 billion *yuan* [the third year]. Since 2007, the cumulative amount of funds distributed for rural minimum living security was 70.08 billion *yuan*. As of the end of 2009, beneficiaries of rural minimum living security included 22.917 million families, 47.60 million individuals – making up 5.4 percent of the rural population. Those that fall within the scope of the living security system include those who face long-term hardship due to illness or disability, of advanced age, have lost capacity to work, and are living under extremely harsh conditions. As social economic standards continue to improve, the State continues to increase the level and standard of subsidy. In 2009, the standard subsidy was 64 *yuan* according to the monthly per capita income; the cumulative annual expenditures on rural minimum living security was 36.3 billion *yuan*, an increase of 58.7 percent from the year before.

三、社会福利

（一）农村五保供养制度实现了体制创新

122、农村五保供养指国家对无劳动能力、无生活来源又无法定赡养、抚养、扶养义务人或法定赡养、抚养、扶养人无赡养、抚养、扶养能力的老年、残疾或者未满16周岁的村民，在吃、穿、住、医、葬方面给予的生活

3. Social Welfare

(1) The Rural Five Guarantees Social Welfare System is an Institutional Innovation

122. The Rural Five Guarantees Social Welfare refers to a State system that provides basic subsistence for food, clothing, housing, medical treatment, burial or other needs to the elderly, the disabled, or minors under 16

照顾和物质帮助。2006年1月，国务院通过新的《农村五保供养工作条例》，使该制度由原农村集体福利事业转为全部由政府财政保障。2009年5月，国务院将五保供养经费纳入县乡财政预算，进一步从资金来源上保证供养水平。目前，五保供养法规体系初步形成，供养资金专项管理，标准逐步提高。全国平均标准为分散供养每人每年1843元，集中供养2587元。全国共有五保供养服务机构31286个，设施条件和服务水平不断改善。截至2009年底，全国农村五保供养人数为553.3万，其中在敬老院等机构集中供养171.8万人，集中供养率为31%。2006—2009年，全国累计支出农村五保供养资金261.8亿元。

years of age who are unable to work, who have no sources of income, and who have no statutory supporters (or guardians?) to provide elderly care, dependent care, or spousal support; or if a statutory guardian exists, the guardian cannot provide elderly care, dependent care, or spousal support. In January 2006, the State Council passed a new “Rural Five Guarantees Social Welfare Work Regulations” which transformed the system from what was originally a rural collective welfare program into one that is entirely funded by the government. In May 2009, the State Council incorporated the Rural Five Guarantees Social Welfare into the budget of local counties and towns, further guaranteeing the standard of support through financing. Presently, a legal system of Rural Five Guarantees Social Welfare has been established, the funds are managed under specific items, and standards continue to improve. The national average standard for decentralized support is 1843 *yuan* annually per person, and 2587 *yuan* for centralized support. Nationally, there are 31,286 organizations administering the Rural Five Guarantees Social Welfare, and conditions and service standards continue to improve. As of the end of 2009, 5.533 million people nation-wide benefitted from the Rural Five Guarantees Social Welfare; among them 1.718 million individuals received centralized supported from nursing homes and related organizations – making up 31 percent of centralized support recipients. Between 2006 and 2009, the national cumulative expenditures for the Rural Five Guarantees Social Welfare reached 26.18 billion *yuan*.

(二) 残疾人社会福利制度建设日渐完善

(2) The Social Welfare System for Persons with Disabilities Has Progressively Improved

123、2006年中国政府实施了第二次全国残疾人抽样调查，摸清了残疾人的基本情况和需求，为制定保障残疾人权益的法律政策提供了科学依据。2008年4月，全国人大审议修订《残疾人保障法》，对保障残疾人权利做了全面系统的规定。

123. In 2006, the Chinese government conducted the second national survey on persons with disability, determined the basic situation and needs of persons with disabilities, and provided empirical evidence for formulating laws and policies that protect the rights and interests of persons with disabilities. In April 2008, the NPC amended the *Law on the Protection of Persons with Disabilities* and set up a comprehensive legal structure to protect the rights of persons with disabilities.

124、近年来，国家大力推进残疾人社会保障体系建设，力求使残疾人基本生活、医疗、康复、教育、就业等基

124. In recent years, the State has vigorously promoted a social security system for persons with disabilities in

本需求得到制度性保障。目前，贫困残疾人普遍纳入城乡最低生活保障。城镇残疾人62.1%参加基本医疗保险，42.1%参加基本养老保险，农村残疾人94.4%参加新农合，新农保试点地区35万残疾人参保。

125、国家对重度、智力、精神残疾人及低保家庭中的残疾人等特殊困难残疾人的基本生活给予特殊照顾，采取提高救助标准或增发一定数额的补贴等措施；残疾人因病、因灾等导致生活暂时困难的普遍得到临时性救济和专项救助；农村“五保”和城镇“三无”残疾人员的集中供养和社会救助水平继续提高。

四、社会互助

126、近年来，中国继续加强对社会捐助活动的鼓励和规范管理，全国人大2007年颁布的《企业所得税法》为社会捐赠出台了税收优惠措施。政府加大对公益慈善类社会组织的扶持力度，发挥这些组织在保障困难群众和弱势群体基本生活，促进社会公平公正等方面的积极作用。截至2009年底，全国有基金会1843个，还有为数众多的慈善公益性社团，每年筹集资金数百亿元。例如，中国青少年基金会自1989年开始实施“希望工程”，10年内募集捐助10多亿元，资助了250多万名失学儿童。

order to allow such individuals to attain systemic assistance for their basic subsistence, medical treatment, rehabilitation, education, and employment. Presently, destitute persons with disabilities have been largely incorporated in urban and rural minimum living security systems. 62.1 percent of persons with disabilities living in urban areas have participated in basic medical insurance, 42.1 percent in basic pension insurance; 94.4 percent of persons with disabilities living in rural areas have joined the new rural areas schemes and 350,000 persons with disabilities living in the new rural areas pilot social welfare system have been enrolled in new rural areas schemes.

125. The government takes special care to provide for the subsistence needs of individuals with severe physical, intellectual, and mental disabilities, and persons with disabilities from low-income families; and it has improved standards of support or increased some amount of subsidies. Persons with disabilities, who face temporary hardships because of illness or natural disasters, are universally offered urgent and specialized support. The centralized support for persons with disabilities under the rural “Five Guarantees” and urban “Three Withouts” social welfare systems continues to improve.

4. Social Mutual Aid

126. In recent years, China has continuously increased its encouragement and structural management of social donation activities; in 2007, the NPC enacted the *Enterprise Income Tax Law* and introduced tax incentives for social donations. The government has increased its efforts to support public interest and charitable organizations so that they can play an active role in assisting disadvantaged and vulnerable groups in their basic subsistence needs, and promoting social equality and justice. As of the end of 2009, there were 1843 foundations nation-wide and many more public interest and charitable organizations, which annually raise more than 10 billion *yuan*. For example, the Chinese Youth Foundation, since its creation in 1989, began implementing its “Project Hope,” and within 10 years raised more than 1 billion *yuan*, and helped more than 2.5 million children who could not afford to go to school.

127、2008年，中国经历了低温雨雪冰冻灾害、四川汶川特大地震等严重自然灾害。国家重视救灾及灾后重建，社会各界积极行动，人民群众积极参与，形成了建国以来最大规模的社会捐助和志愿行动，为抗灾救灾的胜利和灾区群众安居乐业作出了巨大贡献。截至2008年底，全国共建立经常性社会捐助工作站、点和慈善超市3.8万个。民政部全年直接接收社会捐款共764亿元（其中民政部门498.8亿元，慈善会187.9亿元，各类在民政部门登记的社会组织77.3亿元），捐赠物资折款19.6亿元；间接接收其他部门转入的社会捐款139亿元。这些捐赠款物使5202.9万人次困难群众受益。

127. In 2008, China experienced extreme cold weather, snow and ice storms, as well as natural disasters like the Wenchuan earthquake in Sichuan Province. The State placed great importance in disaster relief and reconstruction, different sectors of society went into action, and citizens actively participated [in rescue efforts], thus creating the biggest social donation and voluntary rescue mission since the establishment of the PRC, and making enormous contributions to the success of disaster relief and prevention for people who live and work in the disaster areas. As of the end of 2008, China has set up 38,000 recurrent social donation workstations, spots and charity supermarkets. The Ministry of Civil Affairs directly received donations amounting to 76.4 billion *yuan* (including 49.88 billion *yuan* from the Civil Affairs authorities, 18.79 billion *yuan* from charity foundations, and 7.73 billion *yuan* from social organizations registered under the Civil Affairs authorities), 1.96 billion *yuan* in donated goods, and 13.9 billion *yuan* in indirect donations from social donations forwarded by other different government departments. These donations benefitted 52.029 million individuals affected [by the disaster].

五、困难与挑战

128、当前中国的社会保障体系建设存在的困难主要表现在：体制转轨遗留问题还比较突出，计划经济时期没有基金积累，各项社会保险支付压力巨大；城乡社会保障发展不平衡，制度设计不完善，部分人群缺乏有效的制度安排；覆盖范围窄，统筹层次低，社会保险关系转移接续还存在一定困难。从今后一个时期看，做好社会保障工作面临着人口老龄化、城镇化和就业方式多样化的严峻挑战。

5. Difficulties and Challenges

128. Presently, major difficulties exist in China's social welfare system: there are enormous remaining problems caused by institutional changes [from planned economy to market economy]; no funds were accumulated [to finance the social welfare system] in the period of Planned Economy; financial pressure on various insurance payments is huge; unequal development of urban and rural social welfare because of flawed planning of the system and thus leaving parts of the population lacking in effective institutional arrangements; the coverage is narrow, planning level is low and there exists difficulties related to the transfer and continuation of social security programs. For the next period, establishing an effective social welfare system [is vital] to meeting serious challenges such as an aging population, urbanization, and the diversification of the types of employment.

129、下一步，中国政府将进一步建立健全社会保障制度和管理服务体系，实现资金来源多渠道、保障方式多

129. As a next step, the Chinese government will take a step forward to establish an effective social security

层次、管理服务社会化，扩大社会保障覆盖范围，基本实现城镇各类就业人员平等享有社会保障，并进一步健全农村社会保障制度。

八、第十条 对家庭的保护

一、保护婚姻家庭权益

130、中国首次履约报告已详细阐明中国公民婚姻自由受法律保护，包括2001最近一次修订《婚姻法》的情况，此次报告不再赘述，在此谨重申：中国坚持实行婚姻自由、一夫一妻、男女平等的婚姻制度，维护平等、和睦、文明的婚姻家庭关系，禁止重婚、有配偶者与他人同居，禁止家庭暴力。中国公民的婚姻自由受法律保护，双方自愿可以结婚或离婚。

131、《婚姻登记条例》由国务院颁布，于2003年10月1日施行。公民办理结婚和离婚登记手续时，不必出具所在单位、村（居）民委员会开具的婚姻状况证明。准备结婚的男女双方无需出具婚检证明。2009年，中国公民登记结婚的人数为1212.2万对，比上年增长10.4%，粗结婚率为9.1‰，比上年上升0.8个千分点；离婚246.8万对，比上年增长8.8%，粗离婚率为1.85‰，比上年上升0.14个千分点。

二、加强生育保护

132、关于妇女孕产期、哺乳期的保护，首次报告中已阐明《劳动法》和《人口与计划生育法》有关规定，在女职工怀孕和哺乳期间不得安排高强度或禁忌从事的劳

structure and management system, to attain different channels of funding, to provide different levels of social security, to socialize management and services, to expand the scope of the social security system, to basically realize equal enjoyment of social security by different types of urban workers, and to improve the rural social security system.

VIII. Article 8 – Protection of the Family

1. The Protection of Marriage and Family Interests

130. China, in its initial report, already detailed that Chinese citizens' freedom of marriage is protected by law; this includes the *Marriage Law* most recently amended in 2001. This report will not repeat, but does reaffirm: China insists on implementing the freedom to marriage, between a husband and a wife, and equality between men and women; it protects equality, harmony, and civilized marriage and family relations; polygamy, adultery, or domestic violence is prohibited. Chinese citizens' freedom to marriages protected by the law, and both parties can freely marry or divorce.

131. *Regulation on Marriage Registration* was promulgated by the State Council and implemented on October 1, 2003. At the time of registering a marriage or divorce, citizens do not need to show proof of their marital status as issued by their employer or village (neighborhood) committee. Men and women intending to marry are not required to show proof of premarital examinations. In 2009, 12.122 million couples registered their marriage, an increase of 10.4 percent from the year before, and a rough estimated marriage rate of 9.1 percent, an increase of 0.8 per millage points from the year before. [In 2009], 2.468 million couples registered their divorce, an increase of 8.8 percent from the year before, and a rough estimate divorce rate of 1.85 percent, an increase of 0.14 per millage points from the previous year.

2. Strengthening Maternity Protection

132. In its initial report, China has already provided explanation of the protection of women during pregnancy, childbirth, and breastfeeding stages in the *Labor Law* and the *Population and Family Planning Law*.

动、女职工生育享受不少于90天的带薪产假、产前检查和分娩等费用由企业按比例报销等规定仍适用。

133、中华全国总工会的调查显示：据不完全统计，截至2009年底，执行禁止安排女职工从事矿山井下及四级体力劳动强度的劳动和在月经期、孕期、产期、哺乳期间禁忌从事劳动的有关规定的企事业单位167.4万个，覆盖女职工4282.6万人，执行女职工在孕期、产期、哺乳期享有特殊待遇的有关规定的企事业单位171.4万个，覆盖女职工4439.5万人。

134、近年来，中国政府认真履行对国际人发大会《行动纲领》和千年发展目标（“到2015年实现人人享有生殖健康”）的承诺，重视保障妇女生殖健康权利，有关情况如下：

135、（一）人口计生部门及相关部门积极促进生殖健康和母婴保健事业，大力实施以“优生咨询、高危人群指导、孕前优生健康检查、均衡营养”为主要内容的优生促进工程。目前，全国几乎所有的县级地区和95%的乡镇地区都设立了生殖健康服务中心，提供优生优育服务，80%以上的县开展了各种形式的生殖健康和母婴保健优质服务。

Provisions of these laws are still being applied to provide protection, including by ensuring that pregnant or breastfeeding female workers are not be assigned highly arduous labor or other types work that they are not supposed to carry out; they are entitled to no less than 90 days of maternity leave with pay; and expenses of prenatal care and childbirth are proportionally reimbursed by employers.

133. According to a study by the All-China Federation of Trade Unions, based on incomplete statistics, as of the end of 2009, 1.674 million enterprises implemented regulations forbidding employers to assign female workers to work in underground mines or to work of Grade-IV arduousness; and also forbidding physical labor during periods of menstruation, pregnancy, childbirth, or breastfeeding – this affected 42.826 million female workers. There were 1.714 million enterprises that implemented regulations allowing special treatment to female workers during periods of pregnancy, childbirth, and breastfeeding – 44.395 million female workers were affected.

134. In recent years, the Chinese government has been diligently fulfilling the promises toward the International Conference on Population and Development’s “Programme of Action” and the Millennium Development Goals (to achieve, by 2015, universal access to reproductive health), and it views with importance the protection of women’s right to reproductive health. Below are some examples:

135. (1) The population and family planning department and other relevant departments have actively promoted work related to reproductive health and maternal and child health, and have actively implemented a healthy birth promotion program that focuses on “healthy birth counseling, guidance for high-risk populations, prenatal health checks, balanced nutrition”. Presently, almost all county-level regions and 95 percent of town and village-level regions have set up reproductive health information centers, which provide services related to healthy births and good childrearing; more than 80 percent of counties have started different forms of services related to reproductive health and to promote maternal and child health.

136、(二) 国家创造条件, 保障公民选择安全、有效、适宜的避孕节育措施, 提高公民的生殖健康水平。政府提供免费的计划生育公共产品和服务, 注重提供多种避孕方法, 反对强制绝育。据2007年调查结果, 已婚育龄夫妇使用宫内节育器的占52.30%, 输卵管结扎的32.25%, 输精管结扎的6.14%, 口服避孕药的1.22%, 用避孕套的7.38%, 皮下埋植的0.33%, 外用避孕药的0.21%, 其它方法的0.17%。避孕方法构成上的总趋势是可逆性的逐渐上升, 占有所有避孕方法的60%以上。

137、(三) 《中国妇女发展纲要(2001-2010年)》提出的生育保险目标是2010年覆盖面达到90%, 2005年已由2000年的26%增加到46.1%, 预计到2010年基本可以达到目标要求。2005年底, 全国参保职工5408万人, 比2000年增加2407万人, 其中女职工参保增加1133万人。近几年, 生育保险每年参保人数增长1000万人以上。截至2009年底, 参加生育保险的职工人数达到10860万人。

138、(四) 国家在5·12地震受灾地区全面实施再生育家庭特别扶助制度, 为受灾群众提供免费生育咨询和技术服务, 积极开展再生育全程服务。截至2009年11月底, 已为拟再生育夫妇提供咨询和孕前健康检查3.7万人次, 终止避孕措施3027人, 不孕不育相关疾病诊治4013人次, 产前筛查和诊断

136. (2) China has created conditions to ensure citizens choose safe, effective, and appropriate methods of contraception, and to enhance the level of their reproductive health. The government has provided public goods and services for family planning, emphasized on providing many types of contraceptive measures, and opposed forced sterilization. According to survey results in 2007, 52.30 percent of married couples of childbearing age use intrauterine devices, 32.25 percent undergo surgical tubal ligation, 6.14 percent undergo vasectomy, 1.22 percent take oral contraceptives, 7.38 percent use condoms, 0.33 percent undergo contraceptive implants, 0.21 percent use external contraceptives, and 0.17 percent use other methods. Preference for reversible methods of contraceptive is increasing, constituting more than 60 percent of all methods used.

137. (3) The Program for the Development of Chinese Women (2001-2010) aims to achieve a maternity insurance coverage rate of 90 percent by 2010; in 2005, the coverage rate increased to 46.1 percent from 26 percent in 2000, and it is expected to reach the target by 2010. At the end of 2005, 5,408,000 workers nationwide were insured; an increase of 2,407,000 from the year 2000, including an increase of 1,133,000 insured female workers. In the last several years, the number of persons covered by maternity insurance increased annually by more than one million. As of the end of 2009, the number of workers covered by maternity insurance has reached 108,600,000.

138. (4) China has comprehensively implemented a procreation support system for families in the disaster area of the May 12 Earthquake, providing the affected population with free advice and technical services on reproduction and pregnancy, and actively expanding full services for procreation. As of the end of November 2009, the government provided information and pre-pregnancy health examinations to 37,000 married couples, contraception-termination services for 3,027 persons, treatment of infertility and related diseases for 4,013 persons, prenatal screening and diagnosis for 692 persons, reproductive assistance to 135 persons. As a result, 2,726 women became pregnant and 1,489 babies were born in good health.

139、(五) 综合治理出生人口性别比偏高问题。出生人口性别比偏高问题的原因很复杂, 在中国主要包括传统观念使人们在生育问题上产生男孩偏好; 大部分农村地区家庭生产劳动和家庭养老主要依靠男性; B超鉴定胎儿性别等技术的滥用等。中国政府采取了一系列措施解决出生人口性别比偏高问题, 包括: 一、在全社会倡导男女平等、消除性别歧视; 二、建立部门协作、全社会参与的综合治理有效机制, 维护女孩及其家庭的合法权益; 三、开展孕产期全程服务, 严查非医学需要的胎儿性别鉴定和选择性别的人工终止妊娠。

三、保护儿童权益

140、中国首次履约报告已阐明, 国家重视保护未成年人身心健康, 禁止使用童工, 用人单位不得招用不满16周岁的未成年人, 国家已制定了《劳动法》、《未成年人保护法》、《禁止使用童工规定》等相关法律法规, 相关内容不再赘述。鉴于中国将于今年向联合国提交执行《儿童权利公约》第三、四次合并报告, 全面反映近年来中国儿童事业的情况, 包括保障未成年人合法权益, 打击非法使用童工的措施和成效, 在此仅就以下两点做原则性说明:

141、(一) 全国人大修订《未成年人保护法》(2006年12月29日公布, 2007年6月1日施行), 进一步明确了保障16周岁以下未成年人健康成长的原则。第3条增加了非歧视原则的内容、并在确认儿童享有生存权和发展权的基础上, 首次将参与权规定为儿童的一项基本权利, 明确了在家庭事务方面应当听取、尊重未成年人的意见。修订后的《未成年人保护法》还规定了家庭教育的内容、加强了对儿童免受暴力的保护, 并对儿童隐私权进行了专门规定。

139. (5) Comprehensive management of the problem of sex ratio at birth. The causes of high sex ratio at birth in China are very complex, including preference for boys resulting from traditional ideas; reliance on men within families for productive labor and support of elders in most rural areas; and the abuse of type-B ultrasonic and other technology to identify the sex of the fetus. The Chinese government adopted a series of measures to resolve the problem of high sex ratio at birth, including: 1) advocating for gender equality throughout society and eliminate gender discrimination; 2) defending legal rights and interests of girls and their families through inter-ministerial coordination, societal participation and effective, comprehensive management institutions; 3) develop full maternal services and strictly monitor medically unnecessary fetal sex determination and sex-selective abortion.

3. Protecting the Rights of the Child

140. As explained in the initial State report, China attaches importance to protecting the physical and mental health of minors, prohibiting the use of child labor, and prohibiting employers from hiring minors below the age of 16. To these ends, China has formulated the Labor Law, Law on the Protection of Minors, Provisions on the Prohibition of Using Child Labor and other relevant laws and regulations. The detailed content of these need not be repeated here. China's combined third and fourth periodic reports this year on its implementation of the UN Convention on the Rights of the Child fully reflect the situation of children's matters in recent years, including the protection of the legal rights of minors and the impact of measures taken to combat the illegal use of child labor. The following two examples demonstrate in principle China's efforts in this area:

141. (1) The National People's Congress amended the Law on the Protection of Minors (promulgated on December 29, 2006, entered into force on June 1, 2007) to more explicitly uphold the principle of ensuring the healthy development of minors below the age of 16. Article 3 of the Law added provisions to enshrine the principle of non-discrimination. The Law, for the first time, codified children's right to participation as a fundamental right, based on the recognition of their rights to life and to development, clarifying that minors have a

142、(二) 禁止使用童工的进一步措施。2007年劳动和社会保障部制定的《就业服务与就业管理规定》规定用人单位不得招用未成年人，禁止职业中介机构介绍未成年人就业。2004年国务院公布施行的《劳动保障监察条例》对查处使用童工的违法行为提供了法律依据，作出了具体规定。公安部和人保部等部门通过日常巡视、专项检查、受理投诉举报等方式，坚决纠正并查处使用童工的违法行为。

九、第十一条 享有适当生活水准的权利

一、享有适足生活水准的权利

143、(一) 城乡居民人均收入持续快速增长，生活质量继续得到改善。2009年，城镇居民人均可支配收入17175元，农村居民人均纯收入5153元，“十一五”期间年均增长分别为10.2 percent和8.3%左右。2009年，中国社会消费品零售总额125343亿元，比2005年增长86.6%，城乡居民恩格尔系数则由2000年的39.4%和49.1%，分别下降到2009年的36.5%和41.0%。

144、(二) 扶贫开发目标的落实：国务院《中国农村扶贫开发纲要》明确提出2001-2010年“尽快解决少数贫困人口温饱问题”的总体目标。目前，东部绝大部分地区已提前完成该目标，中西部地区大部分可如期完成。农村绝对贫困人群占农村人口比重从2000年的3.4% 降至2008年的1%，低收入人群所占比重从6.69%降至3.2%（图表三）。中国从2008年起实施人均年收入1196元人民币的新扶贫标准，并取消绝对贫困和低收入人群的旧有划分，扶贫对象覆盖扩大，2009年为3597万人。

right to be heard and respected in the conduct of family affairs. The amended Law on the Protection of Minors also stipulates the content of family education, strengthens the protection of children against violence, and includes provisions specific to children's right to privacy.

142. (2) Additional measures to prohibit the use of child labor. Formulated by the Ministry of Labor and Social Security in 2007, the Provisions of Employment Services and Employment Management prohibits employers from hiring minors and prohibits employment agencies from placing minors for work. Promulgated and enforced by the State Council in 2004, the Regulation on Labor Security Supervision formulated precise rules and provided a legal basis for the inspection and punishment of illegal use of child labor. The Ministry of Public Security, Ministry of Human Resources and Social Security, and other government agencies resolutely rectify, inspect, and punish illegal acts of using child labor, through daily inspection tours, specific inspections and the receipt and review of complaints and tip-offs.

IX. Article 11 – Right to an Adequate Standard of Living

1. Right to an Adequate Standard of Living

143. (1) Urban and rural residents' per capita income continues to grow at a fast pace, quality of life continues to improve. In 2009, urban residents' per capita disposable income was 17,175 *yuan* while rural residents' per capital net income was 5,153 *yuan*, representing an approximate increase of 10.2 percent and 8.3 percent, respectively, during the 11th Five-Year Plan period.

144. (2) Realizing poverty alleviation and development goals: the State Council's Development-oriented Poverty Reduction Program for Rural China is clear on its overall goal of “resolving the problems of adequate food and clothing [or livelihood] for a handful of the population living in poverty” during 2001-2010. At present, the vast majority of areas in eastern China have met this goal ahead of schedule, and most areas in midwestern China can meet the goal on schedule. The proportion of rural persons living in absolute poverty to the overall rural population decreased from 8 percent in 2000 to 1 percent

145、(三) 基于城乡差别较大的客观国情, 中国近年来加快农村改革发展, 促进和保护农民权益, 为保障人人享有适足生活水准和免于饥饿提供了宏观政策保障。《农业税条例》于2006年1月1日起正式废止, 政府在全国范围内免征农业税, 大大减轻了8亿农民的负担。2008年10月, 中国共产党十七届三中全会通过推进农村改革发展的决定, 提出到2020年农民人均收入比2008年翻一番, 消除农村绝对贫困现象。为实现这一目标, 三中全会作出了允许农民以多种形式流转土地承包权的重大决定。提出了保障农民民主权利和增进农民福祉的许多措施。

146、(四) 国际减贫合作与贡献: 联合国2008年千年发展目标报告显示, 中国已提前实现了使绝对贫困人口和饥饿人口比例减半的目标。这是中国为世界减贫事业作出的巨大贡献。2005年至今, 中国为促进其他发展中国家的经济社会发展, 举办了1623期援外培训班, 培训了来自100多个国家的43823名官员和技术人员。中国国务院扶贫办每年一度举办的“10·17减贫与发展高层论坛”、“中国-东盟社会发展与减贫论坛”成为重要的国际减贫交流活动。

in 2008; the proportion of persons earning low-income to the overall population decreased from 6.69 percent to 3.2 percent (Figure 3). Since 2008, China has aimed to reach an annual per capita income of 1,196 *yuan* as a new poverty reduction benchmark, and to eliminate the old distinction between absolute poverty and low-income population, thereby expanding the scope of poverty reduction measures, which covered 3.597 million people in 2009.

145. (3) In view of the relatively large rural-urban gaps, China has sped up rural reform and development in recent years, promoted and protected farmers' rights, and provided macro-policy security to ensure everyone enjoy an adequate standard of living and is free from hunger. The Regulations on Agricultural Tax was formally abolished on January 1, 2006, providing agricultural tax exemption throughout the country and alleviating burden on 800 million farmers. In October 2008, at its 17th Third Plenary Session, the Communist Party of China adopted a decision to advance rural reform and development, proposing to double the 2008 per capita income of farmers by 2020 and to eliminate absolute poverty in rural areas. To achieve this goal, the Third Plenary Session made an important decision to allow farmers to rotate their right to land contracting through various methods. The CPC also proposed various measures to safeguard farmers' democratic rights and to advance their welfare.

146. (4) Contribution to and cooperation in international poverty reduction: as stated in the 2008 U.N. Millennium Development Goals report, China has already achieved ahead of schedule goals to reduce by half the proportion of people living in poverty and hunger. This is a huge contribute China made to global poverty reduction efforts. In order to facilitate economic and social development in other developing countries, China has organized, since 2005, 1,623 foreign assistance training courses and trained 43,823 government officials and technical personnel from over 100 countries. The “October 17 Poverty Reduction and Development High-Level Forum” and “China-ASEAN Forum on Social Development and Poverty Reduction,” organized by the State Council Leading Group Office of Poverty Alleviation and Development, have become important

147、(五) 中国目前仍是世界上贫困人口最多的国家之一。中国城乡、区域和居民收入差距还在扩大。此外，自然生态保护与经济发展矛盾较突出；社会发展与扶贫政策实施体系需要完善，减贫效率亟待提高。中国政府将继续为本国人民人人享有适足生活水准，缩小城乡和地区差距而努力。

二、享有足够粮食的权利

148、(一) 总体来看，2003-2009年中国人民的食物供应数量和质量都有了较大程度的改善，粮食权基本得到了保障。

149、粮食生产能力稳步提高，供给日益丰富，供需基本平衡。2003-2009年，粮食产量连年增长，从2003年的4.3亿吨增至2009年的5.3亿吨，增长23.2%，平均增速3.5%，远高于同期人口年均递增率；同期粮食作物播种面积从0.99亿公顷增至1.09亿公顷，增长9.6%（图表四）。油料、糖料和水果等农产品以及肉类、禽蛋和水产品产量均逐年增长，2009年分别达到3154.3万吨、1.2亿吨、2.04亿吨、7649.9万吨、2740.6万吨和5120万吨，分别比2003年增长12.2%、27.3%、40.5%、18.7%、17.5%和25.6%。人均农产品占有量提高。2009年人均粮食、棉花、油料、猪牛羊肉、水产品和牛奶占有量分别达到399公斤、4.8公斤、23.7公斤、44.4公斤、38.5公斤和26.4公斤，分别比2003年增长19.3%、27.0%、8.6%、12.4%、21.7%、94.1%（图表五）。

events of international exchange on poverty reduction.

147. (5) China still has the largest population of people living in poverty. Urban, rural, regional and resident income gaps are still widening. Besides, the conflict between the protection of the environment and economic development is quite prominent; systems to implement policies of social development and poverty alleviation still need improvement and the effectiveness of poverty reduction must be enhanced urgently. The Chinese government will continue to strive to achieve an adequate standard of living for our people and to narrow urban-rural and regional gaps.

2. Right to Adequate Food

148. (1) Overall, from 2003 to 2009, both the quantity and quality of the Chinese people's supply of food improved to a greater extent, and the right to food was basically assured.

149. Food production capacity is steadily improving, providing increasingly abundant supply and a fundamental equilibrium between supply and demand. From 2003 to 2009, grain production increased yearly, from 430 million tons in 2003 to 530 million tons in 2009, a growth of 23.2 percent, and average annual growth of 3.5 percent, much higher than the average annual growth rate in population in the same period; in the same period, the area of food crops planted increased from 99 million hectares to 109 million hectares, an increase of 9.6 percent (Figure 4). The volume of agricultural produce such as oils, sugars, and fruit, as well as meat, eggs, and water products produced all increased yearly, in 2009 they broke down into 31.543 million tons, 120 million tons, 204 million tons, 76.499 million tons, 27.406 million tons and 51.2 million tons respectively, an increase from 2003 of 12.2 percent, 27.3 percent, 40.5 percent, 18.7 percent, 17.5 percent, and 25.6 percent, respectively. The per capita share of agricultural products increased. 2009 per capita grain, cotton, oils, pork, beef and mutton, water products, and milk stood at 399 kilograms, 4.8 kilograms, 23.7 kilograms, 44.4 kilograms, 38.5 kilograms and 26.4 kilograms, respectively, an increase on 2003 of 19.3 percent, 27.0 percent, 8.6 percent, 12.4 percent, 21.7 percent, and 94.1 percent, respectively (Figure 5).

150、粮食均衡供给能力增强，城乡居民食物消费品种丰富，营养状况日益改善。近年来，城乡居民收入持续增长，生活水平不断提高（图表六、七）。城镇居民恩格尔系数保持在37%左右，2009年为36.5%；农村居民恩格尔系数总体呈下降趋势，2009年为41.0%，比2003年下降4.6个百分点。城乡居民恩格尔系数差距缩小了4.5个百分点。从食物消费结构上看，2003-2009年，城镇居民人均口粮消费相对稳定在80公斤，农村逐年减少，由2003年的222.4公斤降至199.1公斤；各种农产品的人均消费量保持稳定或有所增长。中国城镇居民膳食结构进一步改善，营养水平显著提高。

150. The ability to achieve equilibrium in the supply of food has strengthened, urban and rural inhabitants have a rich variety of food goods and the nutritional situation is improving. In the past few years, the income of urban and rural inhabitants has continued to increase and the standard of living keeps improving (Figures 6 and 7). The Engel coefficient of urban residents remains steady at around 37 percent and was 36.5 percent in 2009; the Engel coefficient of rural residents showed an overall downward trend, in 2009 it was 41 percent, a decrease of 4.6 percentage points from 2003. The difference in the Engel coefficients between urban residents and rural residents was reduced by 4.5 percentage points. In terms of food consumption structures, from 2003 to 2009, per capita food consumption among urban residents was relatively stable at 80 kilograms, while it continued to decrease in rural areas, from 222.4 kilograms in 2003 to 199.1 kilograms; per capita consumption of all types of agricultural product remained stable or slightly increased. Chinese urban residents' food structure took a step forward, and the nutrition level visibly improved.

(二) 粮食价格调控机制对保障粮食安全的作用

(2) The Function of Grain Price Control Mechanisms in Guaranteeing Grain Security

151、2004年起，中国全面放开粮食收购市场，收购价格由市场形成，充分发挥市场机制在配置粮食资源中的基础性作用。为保护种粮农民利益，保障国家粮食安全，中国政府采取了一系列综合调控措施，主要是在主产区对稻谷、小麦实行最低收购价政策，对玉米、大豆等实行临时收储政策，不断完善临时存储粮食拍卖和储备粮食轮换机制。

151. Starting in 2004, China fully opened up the grain purchase market, allowing purchasing prices to be decided by the market and fully unleashing market mechanism's fundamental function in allocating grain resources. To protect the interests of farmers who grow crops and to safeguard national grain security, the Chinese government adopted a series of comprehensive adjustment and control measures, mainly by adopting a minimum-price purchasing policy on rice and wheat in the main producing areas and temporary buying and storage policies on corn, soybeans, and other crops, and by continually improving mechanisms for the auctioning of temporary grain reserves and the rotation of grain reserves.

152、在市场机制和综合调控措施的共同作用下，中国粮食价格保持了稳步上升的良好态势。2009年，稻谷、小麦、玉米三种粮食平均收购价格为每50公斤89.62元，比2003年上升了75.5%。粮食收购价格稳步上升，提高了种粮的比较效益，调动了农民种粮积极性，实现了粮

152. Under the combined use of market mechanisms and comprehensive adjustment and control measures, Chinese food prices followed a positive trend of steady improvement. In 2009, the average purchasing price of rice, wheat, and corn was 89.62 yuan per 50 kilograms,

食生产连续多年增产增收，为保障国家粮食安全发挥了重要作用。

an increase of 75.5 percent from 2003. As the purchasing price of grain steadily increases, so increases the comparative advantage of planting crops, which incentivizes farmers to grow crops, realizing the continued increase in production of grain and income, which has an important function in guaranteeing national food security.

(三) 未来目标

(3) Future Aims

153、中国现阶段已实现粮食基本自给。今后将继续依靠自己的力量保障公民粮食权。2008年中国制定了《国家粮食安全中长期规划纲要》(2008-2020)，未来中国保障国家粮食安全和人民享有粮食权利的主要目标包括：

153. China has already reached the stage of self-sufficiency in grain. Henceforth, it will continue to depend on its own ability to guarantee the right to food to its citizens. In 2008, China formulated the Outline of Plan for National Food Security in the Medium and Long Term (2008-2020). The main aims of China's future guarantees of national food security and the people's right to food include:

154、稳定粮食播种面积。到2020年，耕地保有量不低于18亿亩，基本农田数量不减少、质量有提高。

154. *Stabilizing crop-planting area.* By 2020, arable land will not be less than 1.8 billion *mu*, the amount of primary farmland will not be reduced and its quality will be improved.

155、保障粮食等重要食物基本自给。粮食自给率稳定在95%以上，到2010年粮食综合生产能力稳定在5000亿公斤以上。

155. *Guaranteeing self-sufficiency in important foods such as grains.* The grain self-sufficiency rate is stable at around 95 percent or above, by 2010 the comprehensive production capability of grain will be stable at 500 billion kilograms or above.

156、保持合理粮食储备水平。中央和地方粮食储备保持在合理规模水平。粮食库存品种结构趋向合理。

156. *Retaining a reasonable food storage level.* Central and local food storage will remain at a reasonable size. The structure of the variety of food stocks is heading toward a reasonable state.

157、农业科技创新能力稳步提高。科技对农业增长的贡献率年均提高1个百分点。

157. Agricultural technological creative ability is steadily improving. The contribution of scientific technology to the agriculture growth rate is by an annual average of one percentage.

(四) 对世界粮食安全作出的贡献

(4) Contribution to Global Food Security

158、中国以占世界9%左右的耕地和6.5%左右的淡水资源，解决了世界22%左右人口的温饱问题，实现了人民生活从温饱不足向总体小康的历史性跨越，提前达到联合国千年发展目标中的减贫目标。这是中国人民为全

158. China accounts for about 9 percent of the world's farmland and 6.5 percent of its fresh water resources, but it has managed to feed and clothe 22 percent of the world's population, a historic feat that lifted people out of poverty and hunger and allowed them to live a

球粮食安全以及世界和平与发展作出的巨大贡献。

159、中国作为发展中国家，始终在力所能及的范围内为世界粮食和农业发展贡献力量。中国在积极向国际粮农机构提供捐赠、向一些国家提供紧急人道主义粮食援助的同时，一直致力于充分发挥农业技术优势，帮助其他发展中国家提高粮食生产水平。截至目前，中国向亚洲、非洲、拉美、加勒比和太平洋等地区近100个国家提供了农业和粮食援助，共援建了221个农业项目，包括农场、农业技术示范中心、实验站和推广站、农田水利工程等，并提供了大量农用生产设备和物资。此外，先后派遣了3万余人次农业专家和技术人员，帮助这些国家培养了一大批农业技术人员。

160、今后，中国将继续与世界各国在粮食和农业发展领域加强交流与合作，愿意在多双边框架下继续向其他发展中国家提供力所能及的农业援助，包括扩建农业技术示范中心、增派农业专家、拓展农业培训、提供紧急人道主义粮援等。2008年中国已决定，把对外派遣的农业专家和技术人员数量翻番，为发展中国家提供3000人次的来华农业培训。中国承诺向联合国粮农组织捐款3000万美元成立信托基金已签约启动，用于帮助发展中国家提高农业生产能力的项目和活动。中国将一如既往地继续加大对国际粮农机构的支持。

（五）问题和挑战

161、中国人口众多，对粮食的需求量大，而农业生产资源有限，粮食安全的基础比较脆弱。从今后发展趋势看，随着工业化、城镇化的发展以及人口增加和人民生活水平提高，粮食消费需求将进一步增长，而耕地减少、水资源短缺、气候变化等对粮食生产的约束日益突出。中国粮食的供需将长期处于紧平衡状态，保障粮食安全和人民享有充足粮食权利面临严峻挑战，包括以下

comfortable life. This is the Chinese people's monumental contribution to world food security and global peace and development.

159. Even as a developing country, China has made contributions within its capacity to world food and agricultural development. In addition to making financial contribution to the Food and Agriculture Organization (FAO) and providing emergency humanitarian food aid to some countries, China has always strived to leverage its advantage in agriculture technology to assist other developing countries in enhancing their food production. To date, China has provided agricultural and food assistance to close to 100 countries in Asia, Africa, Latin America, the Caribbean and the Pacific. It has supported 221 agricultural projects, including farms, agricultural technology demonstration centers, laboratories and promotion stations, and irrigation and water conservation projects. China has also provided a large amount of farming production equipment and materials. Besides, it has successively dispatched more than 30,000 agriculture experts and technicians to assist these countries to train a large group of technical experts.

160. Moving forward, China will continue to strengthen exchange and cooperation in the field of food and agricultural development, and is willing to, within its capacity and through multilateral frameworks, provide other developing countries agricultural assistance, including extending the agricultural technology demonstration centers, dispatching more agriculture experts, expanding agricultural trainings, and giving emergency humanitarian food aid. In 2008, China has already decided to double the number of agriculture experts and technicians sent abroad, as well as providing opportunity for 3000 people from developing countries to receive agricultural trainings in China.

(5) Problems and Challenges

161. China's population is vast and its food needs are immense, yet its agricultural production resources are limited and the foundation of its agricultural security is comparatively weak. From the perspective of future development trends, following the development of industrialization and urbanization, as well as population increase and an increase in people's livelihoods, the

几方面：

162、耕地数量逐年减少。截至2009年底，中国耕地总面积为18.258亿亩，比2003年减少6.3%。人均耕地面积1.37亩，约为世界平均水平的40%。质量相对较差的中低产田约占2/3。土地沙化、土壤退化。宜耕后备土地资源日趋匮乏，扩大粮食播种面积的空间极为有限。

163、水资源短缺。目前，中国人均占有水资源量约为1800立方米，为世界平均水平的1/4。每年农业生产缺水300亿立方米左右，且水资源时空分布极不均衡，水土资源很不匹配。此外，近年来中国自然灾害严重，不利气象因素较多，北方地区降水持续偏少，干旱化趋势严重。

164、粮食消费结构升级，消费需求呈刚性增长。今后我国居民人均口粮消费减少，但饲料用粮需求增加，并且随着人口的增加，粮食需求总量增长。

165、保持农业稳定发展难度加大。由于农业已连续六年增产，基数较高，继续增产难度加大。如果农产品价格降低，农业经营效益下降，农民生产积极性会受到一定影响。

demands of food consumption will increase further, but the limitations on food production caused by decreased arable land, declining water resources, and changing weather will be increasingly felt. The supply and demand of food in China will maintain a tight balance, the guarantee of food security and the person's right to sufficient food will face serious challenges, including the following:

162. The amount of arable land decreases year on year. By the end of 2009, the total area of China's arable land was 1.8258 billion *mu*, a reduction of 6.3 percent from 2003. Per capita arable land area was 1.37 *mu*, approximately 40 percent of the world average. Two-thirds of the producing land was of lower and middling quality. The resources of back-up arable lands are increasingly scarce and the space to increase food cultivation is extremely limited.

163. Shortages of water resources. At present, China's per capita water resources are 1800 cubic meters, a quarter of the world's average standard. Each year, agricultural production is short of water by around 30 billion cubic meters, and there is an extreme imbalance in the temporal and spatial distribution of water resources, soil and water resources do not match. Apart from this, in the past few years the natural disasters in China have been serious, unfavorable meteorological factors have been greater, the rainfall in northern areas has stayed low and the tendency for drought is becoming more and more severe.

164. The food consumption structure is up scaling, consumer demand is irreversibly increasing. In the future, national grain consumption per capita will decrease, but the demand for feed for livestock will increase, together with the population growth, the total food demand will increase.

165. Maintaining the steady development of agriculture is becoming increasingly difficult. Because agricultural output has already increased for six consecutive years, the baseline is comparatively high and it is increasingly difficult to continue expanding production. If the prices of agricultural products fall, the revenues of agriculture business will decrease, and incentives for farmers to

produce will definitely be affected.

(六) 食品安全问题

166、2008年三鹿婴幼儿奶粉事件是一起重大食品安全事故。国务院在事故发生后全力展开对婴幼儿免费筛查诊断和患病婴儿的免费救治工作，对全国婴幼儿奶粉和液态奶进行三聚氰胺专项检查，有质量问题的产品立即全部召回，严肃处理违法犯罪分子和责任人。2009年1月22日，原三鹿集团董事长被一审判决无期徒刑，并处罚金2000多万元。截至2009年1月22日，全国已有超过26万名患儿家长与责任企业签订了赔偿协议并领取了赔偿金，占患儿总数的90.7%；6名死亡患儿的家长及已联系到的891名重症患儿的家长除2名外，全部接受了责任企业的主动赔偿。整个赔偿工作进展平稳、有序、顺利。中国政府在处理过程中及时公布了事件调查进展和患病儿童的医治情况，及时向世界卫生组织通报，切实保障了公众的知情权和监督权。

167、针对三鹿事件暴露出来的问题，中国近年来采取了一系列重大措施强化食品安全监管，不断健全食品安全生产的法律法规和政策措施体系。2008年12月起，中国在全国范围内启动专项整治行动，严厉打击违法添加非食用物质的行为，清理、规范食品添加剂市场。2009年全国人大通过《食品安全法》及其实施条例，在监管体制、举报制度、安全标准、添加剂监管、召回制度方面作出了规定。2010年国务院成立了食品安全委员会，由国务院副总理任主任，有15个部门参加，统筹指导食品安全工作，体现了中国政府依法加大监管力度，提高食品安全水平的决心。

(6) Food Safety Issues

166. The 2008 Sanlu baby milk powder incident was a major food safety accident. Following the incident, the State Council applied its full strength to roll out free screening and diagnoses of infants and free treatment for victims, and carried out special melamine inspections on all powder and liquid milk formula nationally. Faulty products as a whole were immediately recalled and the government dealt severely with criminals, law violators, and those responsible. On January 22, 2009, the original Sanlu Group director was sentenced to life imprisonment and fined more than 20 million *yuan*. By January 22, 2009, parents of more than 260,000 injured children nationwide had signed a compensation agreement with the responsible companies and received compensation, addressing 90.7 percent of all injured children; with the exception of two children, parents of six dead infants and the parents of 891 babies known to have been severely injured have all received compensation from the responsible companies on their own initiative. The entire compensation process developed steadily, in an orderly fashion, and smoothly. In the process of addressing the matter, the Chinese government promptly issued progress reports on its investigation and the status of injured children, promptly reported to the World Health Organization, and firmly guaranteed to the public their right to information and to supervise.

167. Regarding the problems exposed by the Sanlu incident, in recent years China has adopted a series of major measures to strengthen the supervision of food safety, continuing to improve a system of laws, regulations, and policy measures concerning food safety. Starting from December 2008, on a national scale, China had initiated a special campaign targeting the illegal inclusion of non-edible materials, and cleared up and regulated the food additives market. In 2009, the National People's Congress passed the Food Safety Law and its implementing regulations, prescribing the supervision regime, reporting system, safety standards, additives monitoring system, and recall system. In 2010, the State Council established a food safety committee with the Vice Premier as its director and 15 participating

departments, giving overall guidance to food safety work, demonstrating the Chinese government's determination to strengthen supervision under the law and to raise the level of food safety.

三、获得适当住房的权利

168、中国政府围绕“人人享有适当住房”和“城市化进程中人类住区的可持续发展”两大主题，加快住房建设。近年来，城乡居住水平和居住环境明显改善，中国有12个城市获得联合国“人居奖”。

3. Right to Enjoy Adequate Housing

168. Centering around the dual themes of “adequate housing for everyone” and “sustainable development of human habitat in the process of urbanization”, China has expedited the construction of homes. In recent years, the living standard and environment in urban and rural areas have clearly improved. 12 Chinese cities have won the UN's Habitat Award.

(一) 明确任务目标，解决低收入家庭的住房困难

169、中国政府高度重视解决城乡居民的住房问题，特别是解决低收入家庭住房困难。2005年以来，中央政府把解决低收入家庭住房困难作为政府重要职责，提出了工作目标和政策措施。建立廉租房制度，通过公共财政投入，实行实物配租和租赁补贴相结合，向城市低收入家庭提供住房保障；改进和规范经济适用房制度，各地每年建设一定规模的经济适用房；建立住房公积金制度。

(1) Clarify Mission and Goals, Address Housing Difficulties for Low-income Families

169. The Chinese government attaches great importance to resolving housing problems for urban and rural residents, especially the housing difficulties facing low-income families. Since 2005, the Central Government considers the resolution of housing difficulties for low-income families an important duty and has proposed performance objectives and policy measures. The government has created a system of low-rent homes, and afforded housing security to urban low-income families through public financing and a combination of direct provision of rent houses and rent subsidies. It has improved and standardized the system of affordable housing, annually constructing affordable houses that meet a certain standard in various places. It has created a system of housing accumulation fund.

170、2009年3月，政府工作报告又提出加快落实和完善促进保障性住房建设的政策措施，争取用三年时间，解决750万户城市低收入住房困难家庭和240万户林区、垦区、煤矿等棚户区居民的住房问题。为确保目标实现，中央和地方各级政府通过加大财政投入、确保土地供应、实行税费减免、实施政策性公共住房金融政策、完善产权政策等有效措施，多渠道、多方式解决低收入家庭的住房困难问题。近年来，中央财政加大对廉租住房和棚户区改造的投资支持力度，2007、2008、2009年分别安排51亿元、168亿元、470亿元。到2009年底，全国累计竣工廉租住房102万套、经济适用住房559万套，发放廉租住房租赁补贴362万户。

170. In March 2009, the government's work report also proposed to expedite the implementation of and improvement of policy measures to promote the construction of indemnificatory housing, striving to resolve, within three years, housing problems faced by 750,000 low-income urban families with housing difficulties and 240,000 families of slum-dwellers living in forests, reclamation and coal mine areas. To ensure achieving the goals, the central government and local governments at all levels are solving the low-income families housing problems in a multi-channel and multi-mode way through the effective measures such as increasing financial investment, ensuring land supply,

171、中国四川汶川2008年“5·12”特大地震中，每8个四川人中就有一人失去安身之所。中国政府决定到2010年9月基本完成灾后恢复重建任务。截至2009年8月，城镇永久性住房累计开工20.74万套，维修加固124.44万套，四川灾后交通基础设施恢复重建项目已完成总投资的48.1%。

(二) 加强监督管理，努力实现分配公平公正

172、合理确定住房保障范围。为帮助那些单纯依靠自身努力无法通过市场途径解决住房困难的家庭逐步改善住房条件，中央政府指导各地科学确定保障对象准入条件。2005-2008年，有关部委陆续制定了《城镇最低收入家庭廉租住房申请、审核及退出管理办法》、《廉租住房保障办法》、《经济适用住房管理办法》、《城市低收入家庭认定办法》等，对有关条件作出详细规定。

173、建立申请、审核、公示、轮候、复核等制度。各市、县通过部门联动的审核机制，核定申购家庭的住房和收入、财产状况，实行媒体公示、群众举报、政府监督等措施，确保操作过程公开透明、分配结果公平公正，确保公共资源优先用于满足最困难家庭的需要。目前全

practicing tax and fees relief, implementing public housing finance policy and improving property right policy. In recent years, the central government has increased investment in efforts to support the transformation of low-rent housing and shantytowns. There were 5.1 billion RMB, 16.8 billion RMB and 47 billion RMB respectively allocated in 2007, 2008 and 2009. Up to the end of 2009, there were 1.02 million units of low-rent housing and 5.59 million units of affordable housing completed cumulatively, and 3.62 million of low-rent housing rental subsidies issued.

171. In the aftermath of the great May 12 earthquake that hit Wenchuan, Sichuan, one out of every eight Sichuan residents lost his/her home. The Chinese government is determined to basically complete post-disaster reconstruction by September 2010. As of the end of August 2009, construction of an estimated total of 207,400 units of permanent housing has already started, 124,440 units have been repaired and reinforced, and 48.1 percent of the total investment into the rehabilitation and reconstruction of transportation infrastructure have been fulfilled.

(2) Strengthen Supervision and Administration, Strive to Achieve Equal and Just Distribution

172. Reasonably determining the scope of housing security. To help those who cannot resolve housing difficulties through market channels and by relying solely on their own hard work, the Central Government has instructed all regions to scientifically determine the entry criteria to identify targets for protection. Between 2005 and 2008, relevant ministries introduced in succession the Measures for the Management of the Application, Approval and Disqualification in Low-rent Housing for Urban Lowest-income Families, Measures for Low-rent Housing Guarantees, Measures for the Management of Affordable Housing, Measures for the Identification of Low-income Families in Cities, and other measures, and made detailed provisions for relevant conditions.

173. Creating systems for application, verification, public notification, waiting list, and review. Through inter-departmental review mechanisms, cities and counties appraise and determine the property, income and housing situations of applicant families; implement

国各市县基本建立了多级审核、公示制度，健全了准入、退出机制。

measures such as media notification, public whistle-blowing, and government supervision in order to ensure operational transparency, fair and just distribution outcomes, and the prioritization of public resources to meet the needs of families in the most difficult situation. At present, cities and counties across the country have established multiple levels of mechanisms for verification and public notification and improved mechanisms on qualification and disqualification.

(三) 回应结论性意见第61段关于拆迁问题

(3) Responses to Paragraph 61 in the Concluding Observation Concerning Forced Eviction Problems

174、中国是一个发展中国家，在经济社会发展中面临诸多挑战。但中国政府重视在经济社会发展的过程中促进和保障中国公民的住房权利，同时在重大活动中重视保护被拆迁人房屋财产权益，通过完善法规、规范行为、依法补偿安置和提供必要法律救助等措施，保障被拆迁人的合法权益不受侵害。

174. China is a developing country and faces many challenges in economic and social development. However, the Chinese government attaches importance to the promotion and protection of Chinese citizens' right to housing in the process of economic and social development while also paying attention to and safeguarding the property and housing rights of those already evicted due to major events. Through measures such as improvement of legal provisions, regulation of behaviors, compensation and relocation in accordance with the law, and the provision of necessary legal assistance, China ensures that the legitimate rights and interests of evictees are not violated.

175、2007年3月经历七审通过的《物权法》是中国建国以来首部规定对国家、集体和私人物权平等保护的律，它明确并保护私人所有权、宅基地使用权、业主建筑物区分所有权、土地承包经营权等，更加细化土地征收补偿，注重保护被征收者和农民的合法权益，是一部维护人民群众切身利益、保证百姓安居乐业的民事基本法。

175. In March 2007, the Property Law was passed after seven readings. It is the first law since the founding of the nation that requires equal protection of State, collective and private properties. The law clarifies and protects private ownership, homestead rights, owners' condominium rights [owners' partitioned ownership of building areas], right to the contracted management of land, and others. It provides further details on compensation of land expropriation and stresses on protecting the legitimate rights and interests of persons and farmers whose land has been expropriated. It is a basic civil law that defends the vital interests of the masses and guarantees the people's ability to live and work in peace and contentment.

176、中国《宪法》、《物权法》等规定，国家为了公共利益可依法对公民的私有财产实行征收或征用并给予补偿。国务院《城市房屋拆迁管理条例》对拆迁许可、听证、评估、裁决、强迁、补偿标准、法律救助等环节有具体规定。各地方人民政府也都根据当地实际情况完善

176. Under the Chinese Constitution, the Property Law and other such regulations, the State can expropriate, or expropriate with compensation, citizens' private properties for the purpose of public interests, in accordance with the law. The State Council's Regulations

拆迁相关政策,防止损害被拆迁人合法权益的情形发生,并对损害被拆迁人合法权益的行为进行严肃查处。《物权法》实施后,中国政府正在制定《国有土地上房屋征收与补偿条例(征求意见稿)》,并已于2010年初通过“中国政府法制信息网”公开征求公众意见。中国政府将继续健全拆迁中利益协调机制、诉求表达机制、矛盾排查调处机制和权益保障机制,认真落实涉及民众利益的各项政策。

177、 中国是历史悠久的文明古国,政府高度重视拆迁中对具有历史价值建筑的保护。《文物保护法》对拆迁中涉及文物古迹的情况专门作出规定。无论西藏拉萨还是其他地区,只要进行拆迁、必须严格按照法律法规规定的条件和程序进行。拉萨是国家历史文化名城,近年来中国政府投入上亿巨资用于维护布达拉宫等历史文化遗迹,并未发生强制拆迁的情况。

178、 针对三峡工程移民安置等重大项目,国家专门通过《大中型水利水电工程建设征地补偿和移民安置条例》,投入巨额资金,全国各省市均对移民安置在资金、技术、信息、人员培训等方面给予大力支持。目前,安置进展顺利。对于群众反映的个别问题,政府和司法部门都进行了及时的调查、纠正和赔偿。

on the Dismantlement of Urban Houses lay down detailed provisions on permissions for demolition and relocation, public hearing, assessment, judgment, forced relocation, compensation criteria, legal assistance and other matters. Local governments have improved demolition and relocation policies in accordance with local conditions, prevent the violation of the lawful rights of evictees, and seriously investigate and punish actions that violate the lawful rights of evictees. After the Property Law entered in force, the Chinese government has been formulating the Regulations on the Requisition of and Compensation for Properties on State-Owned Land (consultation draft), and has sought public comment through the “Chinese Government Legislative Information Network” in early 2010. The Chinese government will continue to improve mechanisms to coordinate the various interests in demolition and relocation, to appeal and express concerns, to mediate conflicts, and to safeguard rights, thereby seriously implementing various policies that affect the interests of the people.

177. China is an ancient civilization with a long history. The government attaches great importance to protecting buildings with historical values in the process of demolition and relocation. The Law on the Protection of Cultural Relics makes provisions to deal with situations where demolition and relocation affect cultural relics and historical sites. Regardless of location, be it Lhasa, Tibet or elsewhere, demolition and relocation must be carried out in strict accordance with provisions and procedures of law and regulations. Lhasa is a national historical and cultural city, and the Chinese government has made huge investment of more than 100 million *yuan* to maintain the Potala Palace and other historical and cultural heritage sites. There have been no instances of forced demolition and relocation in Lhasa.

178. Regarding the important program of relocating residents from the Three Gorges area, China specifically passed the Regulation on Land Requisition, Compensation and Resettlement of Migrants for Large and Medium Water Conservation and Power Construction Projects, invested huge sums of money, and received strong support from provinces and cities across the country in areas of money, technology, information, and personnel training for the resettlement of migrants. At present, the resettlement is proceeding smoothly. As

179、北京奥运会是中国举办的国际性体育赛事。北京市作为承办城市尽力做好筹备和举办工作，包括城市建设中涉及的房屋拆迁问题。本着节俭办奥运的原则，尽量利用已有场馆进行升级改造，严格控制新建场馆占地规模。自2001年起，因2008年奥运会场馆建设需搬迁的居民6037户、14901人、住宅建筑面积111.5万平方米。所有奥运拆迁项目均依照国务院《城市房屋拆迁管理条例》和当地拆迁法规政策获得拆迁许可，在拆迁前取得了发展改革部门的立项审核，城市规划部门的规划批准，土地管理部门的用地审批，并有切实可行的拆迁补偿安置方案和充足的补偿资金和安置房源予以保障，被拆迁人均得到合理补偿和妥善安置。

十、第十二条 健康权

一、医药卫生体制改革

180、2009年4月，为切实保障人民的健康权，中国医药卫生体制改革正式启动，总体目标是到2020年基本建立覆盖城乡的基本医疗卫生制度，向全民提供基本医疗卫生服务。该医改方案有三层涵义，一是把基本医疗卫生制度作为公共产品向全民提供，这在理念和制度上是一个重大突破；二是建立一个由政府、社会和民众共同负担的基本医疗保障制度；三是努力使13亿中国人全民享有基本医疗卫生服务。确定了2009-2011年五项重点改革任务，主要包括：到2011年实现90%的人口享有基本医疗保险、逐步实现基本公共卫生服务均等化、基层医疗卫生服务体系覆盖城乡、建立基本药物制度和进行公

for particular problems identified by the public, government and judicial departments have conducted investigation, made corrections, and provided compensation in a timely manner.

179. The Beijing Olympics is an international sporting event hosted by China. As the host city, Beijing made every effort to prepare and host the Games well, including addressing the problem of demolition and relocation that came with urban construction. Observing the principle of frugal organization of the Olympic Games, China to the extent possible used, upgraded or altered existing arenas and facilities, as well as strictly limited the area of new facilities. Since 2001, 6,037 families or 14,901 persons were relocated to make way for construction of Olympic facilities, covering an area of 111,500 square meters. All Olympic-related demolitions and relocations were in accordance with the State Council's Regulations on the Dismantlement of Urban Houses, and received permission under local demolition and relocation laws and regulations. All demolition and relocation projects received prior project approval from the development and reform department, permission from the city planning department, and approval to use land from the land management department; they were also accompanied by feasible compensation and resettlement plans and guarantees of sufficient compensation funds and resettlement housing. All persons whose houses have been demolished and have been relocated received reasonable compensation and were properly resettled.

X. Article 12: Right to Health

1. Reform of the Medical and Healthcare system

180. In April 2009, to concretely safeguard the people's right to health, reform of China's medical and healthcare system officially began. The reform's overall goal is to establish, by 2020, a basic system of medical and healthcare that covers both urban and rural areas, and provide medical and health services to all people. This healthcare reform has three levels of implication: 1) to provide a medical and healthcare system as a public good for all people, which is an important breakthrough both conceptually and institutionally; 2) to establish a basic medical security system for which the State, society, and the public are jointly responsible; 3) to strive to allow all

立医院改革试点。

1.3 billion Chinese people to enjoy basic medical and health services. In 2009-2011, five key reform tasks have been identified, including: the enjoyment by 90 percent of the population of basic medical insurance by 2011, gradual achievement of the equalization of basic public health services, a system of grassroots medical and health services that covers both urban and rural areas, and the establishment of a basic medicines system and experimentation of public hospital reform.

181、中国医改将是一个漫长、复杂的过程，需要分阶段推进。为了在今后三年内突破重点，中国政府推出了五项举措：

181. Healthcare reform in China will be a long and complex process and needs to be advanced in stages. To achieve key breakthroughs within the next three years, the Chinese government has introduced five measures:

182、第一，按照广覆盖、保基本、可持续的要求，用“政府支持一部分，社会帮助一部分，民众拿出一部分”的方式，将基本医疗保障制度在全国范围建立起来。

182. First, in view of the need for wide coverage, minimum standards, and sustainability, establish a basic medical security system nation-wide, use a method of “partial government support, partial social assistance, and partial public contribution.”

183、第二，最近出台了国家基本药物制度，逐步实施把乡镇、社区医院使用的307余种基本药物纳入报销范畴。

183. Second, in line with the national basic medicines system introduced recently, gradually expand the reimbursement coverage to include the more than 307 types of basic medicines used by village, town, and community hospitals.

184、第三，完善乡镇卫生院、社区卫生服务中心、县医院的软硬件配备，培养全科医生，保障广大群众尤其是农村人口享有基本医疗卫生服务。

184. Third, improve the software and hardware capability of clinics in villages and towns, community health service centers, and county hospitals; train general practitioners; and ensure that the wider public in general, and rural population in particular, enjoy basic medical and health services.

185、第四，促进基本公共卫生服务逐步均等化，比如为15岁以下人群补种乙肝疫苗等，最大限度地预防疾病。

185. Fourth, promote the gradual equalization of basic public health services (for instance, resowing hepatitis B vaccine for population under the age of 15) to prevent diseases to the greatest extent.

186、第五，推进公立医院改革方案，通过建立完善的法人治理制度、实行院长负责制、建立激励和约束机制、允许社会资本进入、建立多元化竞争机制等方式提高效率。

186. Fifth, advance reform of public hospitals and enhance effectiveness through establishing an improved system of corporate governance structure, a chairman accountability system, and a system of incentives and constraints, as well as allowing the entry of social capital and creating a system of diverse competition.

二、促进人人享有基本医疗卫生服务

2. Promote Everyone's Enjoyment of Basic Medical

and Health Services

(一) 基本医疗保险

187、近年来，中国的基本医疗保障制度建设取得了积极进展。基本医疗保障覆盖面进一步扩大。到2009年，城乡居民参保人数超过12亿，其中，城镇职工基本医疗保险、城镇居民医疗保险参保人数4.01亿人；新型农村合作医疗参合人数达到8.33亿人。基本医疗保险保障水平逐步提高。城镇居民基本医疗保险和新型农村合作医疗统筹基金最高支付限额提高到当地居民可支配收入、农民人均纯收入的6倍以上。城镇职工基本医疗保险、城镇居民基本医疗保险和新型农村合作医疗政策范围内住院费用报销比例平均为72%、55%、55%。30%以上的统筹地区实现了城镇居民基本医疗保险和新型农村合作医疗的门诊统筹。

188、中国针对农村居民实施了新型农村合作医疗制度，建立了以县（市、区）为单位统筹，个人缴费、集体扶持和政府资助相结合的筹资机制，以家庭为单位自愿参加。该制度自2003年开始试点，2008年实现了基本全覆盖。截至2009年9月，开展新农合的县数由最初的333个增加到2716个；参合人口数从试点初期的8000万增长到8.3亿，参合率为94%（图表八）；新农合当年筹资总额820.9亿元，2003年至今新农合累计筹资达2362.7亿元（图表九），累计有19.9亿人次享受到新农合补偿（图表十），实际住院补偿比从2003年的25%提高到2009年的41%，最高支付限额已提高到当地农民人均纯收入的6倍或更高，报销水平的不断提高有效减轻了农民就医经济负担。

(1) Basic Medical Insurance

187. In recent years, China has actively advanced the setting up of a basic medical security system. The coverage of basic medical security has further expanded. Up to 2009, urban and rural residents who were insured exceeded 1.2 billion. Among them are 401 million people who are covered by basic medical insurance for urban workers and residents; up to 833 million people were covered by new rural cooperative medicare. The level of security provided by basic medical insurance steadily rose. Maximum payment ceiling of the overall financing of urban residents' basic medical insurance and new rural cooperative medical services increased to more than six times that of local urban disposable income and rural per capita net income. The proportion of hospitalization expense claims within the policy scope of urban workers' basic medical insurance, urban residents' basic medical insurance, and new rural cooperative medicare were 72 percent, 55 percent, and 55 percent respectively. More than 30 percent of the implementing areas have managed to coordinate outpatient services for basic urban medical insurance and new rural cooperative medicare.

188. China has implemented a new rural cooperative medicare system for rural residents. It established a system where the county (city, district) is the coordinating unit while financing is made possible by a combination of personal contribution, collective support, and government funding. Families are the basic unit and participation is voluntary. This system has been experimented with since 2003, and achieved basic comprehensive coverage in 2008. As of the end of September 2009, the number of counties adopting the new rural cooperative medicare system increased from 333 in the beginning to 2,716; the number of participants grew from 80 million at the outset of the experiment to 830 million, representing a 94 percent participation rate (Figure 8). The financing for the new rural cooperative medicare was 82 billion *yuan* at the outset and has accumulated up to 236.27 billion since 2003 (Figure 9), and in total the system has provided assistance 1.99 billion times (Figure 10). Actual hospitalization expense coverage increased from 25 percent in 2003 to 41 percent

189、中国分别在2003年和2005年建立了农村和城市医疗救助制度，为城乡低保对象、农村五保对象和低收入家庭患者提供医疗帮助。近年来，救助资金不断增加，救助人数持续扩大，救助水平稳步提高。到2009年，全国城市医疗救助支出48亿元，救助2017万人次；农村医疗救助支出69亿元，医疗救助5236万人次。医疗救助制度在促进困难人群病有所医方面发挥了重要作用。

(二) 基本医疗卫生服务

190、为促进基本公共卫生服务均等化，中国政府近年来加大卫生投入。政府卫生支出占卫生总费用的比重，从2001年的16%增加到2008年的25%；社会卫生支出的比重，从2001年的24.1%增至2008年的35%；个人卫生支出占卫生总费用比重，从2001年的59%降至2008年的40%（图表十一）。

191、为逐步实现基层医疗卫生服务体系覆盖城乡，2005年以来，中国各级政府不断加大投入力度，重点加强城乡基层医疗机构建设。2005-2008年，中国政府组织实施农村卫生服务体系建设和发展规划，安排中央投资117.74亿元，集中力量支持了25457所乡镇卫生院、8823所村卫生室的建设和，并为23378所乡镇卫生院配置了基本医疗设备；2009年，为配合医药卫生体制改革工作，中国政府又分别安排中央投资25亿元和20亿元，支持3549所中心乡镇卫生院和1154所社区卫生服务中心建设。

in 2009; maximum payment ceiling already increased to a level six times (or higher) that of the rural per capita net income; and the level of reimbursement continuously increased, effectively lessening farmers' economic burden of seeking medical care.

189.China established systems of medical assistance for rural and urban areas in 2003 and 2005, respectively, providing medical aid to those not adequately insured, those targeted by the Five Guarantees policy in rural areas^{xvi}, and patients from low-income family. In recent years, the funding for such assistance and number of beneficiaries increased continuously, and the quality of assistance also steadily rose. By 2009, expenditure on urban medical assistance nationwide reached 4.8 billion *yuan*, providing assistance 20.17 million times; expenditure on rural medical assistance reached 6.9 billion, providing assistance 52.36 million times. This system of medical assistance played an important role in strengthening the ability of groups in need to seek medical treatment.

(2) Basic Medical and Health Services

190. To promote the equalization of basic public health services, the Chinese government in recent years has expanded investments in health. Government expenditure on health accounts for a large percentage of the total health expenditure, increasing from 16 percent in 2001 to 25 percent in 2008; the proportion of social expenditure on health increased from 24.1 percent in 2001 to 35 percent in 2008; the proportion of personal expenditure on health to the total health expenditure decreased from 59 percent in 2001 to 40 percent in 2008 (Figure 11).

191. To progressively realize full medical and health care coverage for both urban and rural areas at the grassroots level, the Chinese government has continuously devoted greater resources and attention to strengthen the building up of basic medical and health care infrastructure. Between 2005-2008, the Chinese government led efforts to build up and plan the development of rural health services system, arranged for 11.77 billion *yuan* of investment by the central government, and focused its effort to support the construction of 25,457 village/town health centers and 8,823 village clinics, while also providing basic medical equipment to 23,378

192、城乡居民医疗卫生服务利用的可及性不断提高，卫生人力、医院床位等卫生资源不断增加。在城市，93.5%的家庭居住在离医疗机构2公里的范围内，97.1%的家庭在20分钟内可到达最近的医疗机构；在农村，75.9%的家庭距医疗单位不足2公里，85.4%的家庭在20分钟内可到达最近的医疗单位。2009年底，中国卫生机构达28.4万个，卫生机构床位数为441.6万张，卫生人员数为659.2万人，每千人口医院卫生院床位数3.06张，每千人口执业(助理)医师数1.65人。

(三) 基本药物制度建设

193、中国政府建立基本药物的目的是保证全体国民获得基本药物的权益，为此，中国成立了国家基本药物工作委员会。2009年8月18日，为保障群众基本用药，减轻医药费用负担，卫生部、国家中医药管理局等九部门联合印发了《关于建立国家基本药物制度的实施意见》。国家发展改革委调整药物价格，加强全程质量监管。到2009年底，27个省份实施了省级集中招标采购统一配送，并将在中国30%政府举办的城市社区卫生服务机构和农村基层医疗卫生机构实施国家基本药物制度。

三、保障妇女儿童健康权利

village/town health centers; in 2009, to support the reform of the medical and health system, the Chinese government additionally arranged for an investment of 2.5 billion *yuan* and 20 billion *yuan* to support the construction of 3,549 village/town health centers and 1,154 community health services centers.

192. Urban and rural residents are increasingly able to access and receive medical and health services. Number of health workers, number of hospital beds and other health resources are rising continuously. In cities, 93.5 percent of families live within two kilometers of a medical institution, 97.1 percent of families can reach a medical institution within 20 minutes; in rural villages, a medical unit is within 2 km of 75.9 percent of families, and 85.4 percent of families can reach a medical unit within 20 minutes. At the end of 2009, there were 28,400 medical institutions in China, 441,600 hospital beds in these institutions, 659,200 health workers, 3.06 hospital beds for every 1,000 persons, and 1.65 (assistant) practicing doctors for every 1,000 persons.

(3) Basic Institution-building of a Drug System

193. In establishing a system of basic medicines, the Chinese government aims to guarantee the right of all citizens to access basic medicines. Therefore, China has founded the National Basic Medicines Working Committee. On August 18, 2009, to safeguard basic medicines for the public and to lessen the burden of medical expenses, the Ministry of Health, State Administration of Traditional Chinese Medicine, and nine other departments jointly issued the "Implementation opinions on the establishment of a national system of basic medicines." The National Development and Reform Commission regulates medicine prices and strengthened quality supervision throughout the process. As of the end of 2009, 27 provinces have taken actions to purchase medicines by centralized bidding and ensure their uniform distribution at the provincial level. Moreover, the national basic medicines system will be implemented in 30 percent of China's municipal community health service institutions and rural grassroots medical and healthcare institutions.

3. Safeguard Women's and Children's Right to Health

194、关于妇女儿童的健康权益和妇幼卫生保健。中国政府一直把保护妇女儿童的健康权益和妇幼卫生保健作为公共卫生的优先重点。孕产期保健服务不断加强，住院分娩率不断提高，孕产妇死亡率和婴儿死亡率持续下降。2009年，孕产妇产前检查率为94.4%，比2003年增加了6.6个百分点；孕早期检查率为65.2%，比2003年增加了14.2个百分点；住院分娩率为88.6%，比2003年增加了20.3个百分点，尤其是农村地区增幅高于城市地区（图表十二、十三）。孕产妇死亡率由2003年的51.3/10万下降到2009年的31.9/10万，婴儿死亡率由2003年的25.5‰下降到2009年的13.8‰（图表十四、十五、十六）。2009年，中国农村孕产妇住院分娩受补助人数达到627万人次、育龄妇女补服叶酸319万人次、农村妇女宫颈癌受筛查149万人次、乳腺癌受筛查98万人次。城市和农村的妇幼健康差异正在逐渐减小。

四、平均预期寿命

195、近年，我国人口总体健康状况有了极大改善，平均预期寿命显著提高，从1981年的67.8岁，提高到2005年的73.0岁，提高了5.2岁，高于2005年世界人口平均预期寿命（67岁）和发展中国家及地区人口平均预期寿命（65岁）。其中男性平均预期寿命从1981年的66.3岁提高到2005年的70.8岁，女性从69.3岁提高到75.3岁。

五、环境卫生和公共卫生

（一）主要污染物减排

196、2007年6月，成立了国务院应对气候变化及节能减排工作领导小组，温家宝总理担任组长，批复了《“十一五”期间全国主要污染物排放总量控制计划》，印发了《节能减排综合性工作方案》以及污染减排统计、检测、考核办法等文件，批准了《国家酸雨和二氧化硫污染防治

194. Regarding women's and children's health rights and maternal and children health care. The Chinese government has always viewed the protection of women's and children's right to health and maternal and child health care as key public health priorities. Maternal health care services are being continuously strengthened, the rate of hospital birth deliveries continues to increase, and maternal mortality rate and infant mortality rate continue to decrease. In 2009, the prenatal examination rate was 94.4 percent, a 6.6 percentage point increase from 2003; early pregnancy examination rate was 65.2 percent, a 14.2 percentage point increase from 2003; hospital birth rate was 88.6 percent, a 20.3 percentage point increase from 2003, with a higher increase in rural areas (Figures 12 and 13). Maternal mortality rate decreased from 51.3/100,000 in 2003 to 31.9/100,000 in 2009. Infant mortality rate decreased from 25.5 percent in 2003 and 13.8 percent in 2009 (Figures 14, 15 and 16). In 2009, 6,270,000 rural women received assistance and gave birth in a hospital, 3,190,000 women of childbearing age took folic acid supplements, 1,490,000 rural women underwent screening for cervical cancer, and 980,000 women underwent screening for breast cancer. The health gap between urban and rural women is gradually narrowing.

4. Average Life Expectancy

195. In recent years, the overall health situation of the Chinese population greatly improved, average life expectancy markedly increased from 67.8 years in 1981 to 73.0 years in 2005, higher than the average life expectancy globally (67 years) and among developing nations and regions (65 years) in 2005. Average life expectancy increased from 66.3 years in 1981 to 70.8 years in 2005 among men, and increased from 69.3 years to 75.3 years among women.

5. Environmental Health and Public Health

(1) Reduced Emission of Main Pollutants

196. In June 2007, China created under the State Council the National Leading Working Group on Addressing Climate Change, Energy Conservation and Emission Reduction, chaired by Premier Wen Jiabao. The Working Group provided an official written reply to the “Plan to

“十一五”规划》。

197、“十一五”规划纲要确定，到2010年，全国主要污染物排放总量比2005年减少10%的目标。通过大力推进工程治污、结构调整、监督管理三大减排措施，“十一五”前三年，全国装备脱硫设施的燃煤机组占全部火电装机容量比例由2005年的8%提高到2008年的60%；全国城镇污水处理率由2005年的52%提高到2008年的66%。化学需氧量和二氧化硫排放量与2005年相比分别下降6.61%和8.95%，2009年上半年分别比2008年同期减少2.46%和5.4%。二氧化硫“十一五”减排目标有望提前一年实现，化学需氧量减排目标可以如期实现。

(二) 城市大气环境综合整治

198、各地区优化城市产业布局，一大批重污染企业实施了搬迁改造。2008年，全国集中供热面积达到30亿平方米。国家先后颁布实施83项机动车环保标准，彻底禁用含铅汽油。与2000年相比，2008年我国新生产轻型汽车的单车污染物排放量下降了90%以上。城市园林绿化工作得到加强，城市人均公园绿地面积由2005年的7.89平方米增加到2008年的9.71平方米，有效抑制了城市扬尘污染。与2000年相比，2008年全国城市空气中二氧化硫、可吸入颗粒物和二氧化氮年均浓度分别下降28.5%、33.3%和31.5%，空气质量达到国家二级以上标准的城市比例由35.6%提高到76.8%，增长了41个百分点。

Control the Total Emission of Main Pollutants Nationwide during the 11th Five Year Plan Period,” published the “Integrative Work Plan on Energy Conservation and Emission Reduction” and other documents concerning the statistics, inspection and assessment of pollutants emission reduction, and approved the “National 11th Five-Year Program on the Prevention of Pollution by Acid Rain and Sulfur Dioxide.”

197. The 11th Five-Year Plan program aims to reduce by 10 percent the total amount of emission of main pollutants by 2010, using 2005 as a baseline. China has vigorously promoted the three major emission reduction measures of project waste treatment, structural adjustment, and supervision and control. As a result, in the first three years of the 11th Five-Year Plan, the proportion of coal-fired units equipped with de-sulphurization facilities to the total thermal power installed capacity increased from 8 percent in 2005 to 60 percent in 2008; the national rate of waste water treatment increased from 52 percent in 2005 to 66 percent in 2008. Chemical oxygen demand and emission of sulfur dioxide decreased from 2005 to 6.61 percent and 8.95 percent respectively, and decreased to 2.46 percent and 5.4 percent respectively in the first half of 2009 from the same period in 2008. The 11th Five-Year Plan's goal of reducing emission of sulfur dioxide can be met a year ahead of schedule while the goal of reducing emission of chemical oxygen demand can be met according to schedule.

(2) Comprehensive regulation of atmospheric environment in cities

198. Various regions have been optimizing industrial layout in cities, and a large number of pollution-heavy enterprises have been relocated and modified. In 2008, national central heating area reached 3 billion square meters. The State has promulgated in succession 83 environmental protection standards for automobiles, completely banning gasoline-containing lead. Compared to 2000, sulfur dioxide, inhalable particles, and nitrogen dioxide annual average concentration in cities nation-wide in 2008 decreased to 28.5 percent, 33.3 percent and 31.5 percent, respectively; the percentage of cities whose air quality reached Level 2 or above

according to national standards grew from 35.6 percent to 76.8 percent, a 41 percentage point jump.

(三) 饮用水安全

199、中国政府重视饮用水安全，有关部门先后编制了一系列保障规划。2005年，国务院明确提出，“以饮水安全和重点流域治理为重点，加强水污染防治。要科学划定和调整饮用水水源保护区，切实加强饮用水水源保护，建设好城市备用水源，解决好农村饮水安全问题。坚决取缔水源保护区内的直接排污口，严防养殖业污染水源，禁止有毒有害物质进入饮用水水源保护区，强化水污染事故的预防和应急处理，确保群众饮水安全。”修订后的《生活饮用水卫生标准》将饮用水水质指标由35项增加到106项。

200、环保、国土资源、建设、水利、卫生等部门结合各自职责，不断强化对饮用水各个环节的监督检查和检测，并严肃查处相关违法行为。主管部门推动建设城市饮用水卫生监测网络，组织饮用水卫生监督抽检，加强消毒产品和涉水产品卫生监督管理，稳妥处置饮用水污染等公共卫生事件，全面推进饮用水安全保障工作。

201、近4年，国家投入320亿资金解决农村人口的饮水安全问题。通过财政补贴、税收优惠等方式，与地方政府、有关部门和企业合作，在中国不同地区选择1000个行政村推广2000套先进的农村饮用水分散处理设备，培训2000位农村饮用水处理技术员，在几年内使100万以

(3) Potable water safety

199. The Chinese government attaches importance to the safety of potable water, and its relevant ministries have formulated a series of protection plans. In 2005, the State Council clearly stated that China shall “strengthen prevention and treatment of water pollution, focusing on potable water safety and management of key watersheds; scientifically designate and adjust reserves of potable water sources, concretely strengthen protection of these sources, adequately establish backup water supplies in cities, and adequately resolve potable water problems in rural areas; resolutely outlaw direct drain outlets located within water source reserves, strictly prevent water pollution by livestock and aquaculture industries, prohibit toxic and harmful substances in potable water sources reserves, strengthen prevention of and responses to incidents of water pollution, and ensure potable water safety for the public.” The amended Standards for Potable Water Safety increased the number of potable water quality indicators from 35 to 106.

200. The Ministries of Environmental Protection, Land and Resources, Construction, Water Resources, Health and other ministries are pooling together their respective responsibilities to continuously strengthen supervision, inspection, and testing at all stages of potable water safety, as well as to seriously investigate and punish illegal acts in this regard. The competent authorities push forward efforts to establish networks to monitor potable water safety in cities, organize supervision and sample-testing of potable water safety, strengthen supervision and management of disinfectants and all other products that affect potable water safety, soundly deal with potable water pollution and other public health incidents, and comprehensively advance efforts to safeguard potable water safety.

201. In the last four years, China invested 32 billion [yuan] to resolve the potable water safety problems for the rural population. Through methods such as budget subsidies and tax breaks, the central government collaborated with local governments, relevant ministries and enterprises, and chose 1000 administrative villages

上的农村居民喝上放心、高质的饮用水。

202、近年来，中国政府城乡居民安全饮用水条件得到改善，城市住户安全饮用水已达98.2%。农村安全饮用水比例和自来水普及率分别为85.8%和41.9%，明显高于2003年的80.2%和34.0%。2000年，农村无法获得安全饮用水的人口数量为3.79亿，到2007年，该数字降为2.51亿。按照“十一五”规划，2006-2010年将再有1.6亿人可获得安全饮用水，将大大超过千年发展目标的要求。

(四) 农村环境保护

203、在农村环境保护工作中，重点保障农村饮用水安全，整治畜禽养殖污染、生活污水和垃圾污染、工矿企业污染和土壤污染，加快推进农村环境保护基础设施建设。2008年以来，中央财政投入农村环境保护专项资金达15亿元，支持2160多个村镇开展环境综合整治和生态示范建设，带动各地投资达25亿元，直接受益农民达1300多万人。

204、农村改水改厕工作进展顺利。2005-2009年，国家加大对农村改水改厕工作的支持力度。自2005年中央补助地方公共卫生专项资金农村改水改厕项目实施以来，中央共安排28.63亿元，省级安排18.08亿元，用于851.12万户无害化卫生厕所建设。截至2008年底，中国农村卫生厕所普及率达到59.72%，与2005年底相比提高了4.41个百分点，无害化卫生厕所普及率提高6.73个百分点。

across the country to promote 2000 units of advanced potable water distribution processing equipment and train 2000 rural potable water processing technicians. Within a few years, this allowed more than one million rural residents access to safe and high-quality potable water.

202. In recent years, conditions of urban and rural residents' access to safe potable water have improved. 98.2 percent of urban households have access to safe potable water. 85.8 percent of rural households have access to safe potable water while 41.9 percent have access to tap water; both are notable increases compared to 80.2 percent and 34.0 percent respectively in 2003. In 2000, 379 million rural residents had no access to safe potable water; in 2007, that number decreased to 251 million. In accordance with the 11th Five-Year Plan, 160 million people are to have access to safe potable water between 2006-2010, which far exceeds the requirements of the Millennium Development Goals.

(4) Environmental Protection in Rural Areas

203. In protecting the environment in rural areas, China focuses on protecting potable water safety and rectifying pollution resulting from livestock- and poultry-raising, domestic sewage and garbage pollution, mining industrial pollution, and soil pollution, and accelerates the building of basic infrastructure for environmental protection. Since 2008, the central government invested approximately 1.5 billion *yuan* specifically in environmental protection in rural areas, which helped 2,160 villages and towns to develop comprehensive environmental management and build ecological demonstration sites. This government investment mobilized approximately another 2.5 billion *yuan* from other regions and directly benefited 13 million farmers.

204. The work of improving drinking water and lavatories in villages is proceeding smoothly. In 2005-2009, China increased the level of its support for improving drinking water and lavatories in rural areas. Since 2005, when the central government began to provide public health project subsidies to local governments specifically to improve drinking water and lavatories in rural areas, the central government has allocated a total of 2.863 billion *yuan* and provincial governments, 1.808 billion *yuan*, on building harmless

(五) 卫生监督工作

205、卫生监督工作不断推进。2004年，中国仅有80.7%的市和45.8%的县建立了卫生监督机构。截至2009年底，中国已有98%的市和93%的县组建独立的卫生监督机构。中央财政几年累计投入资金超过13亿元，用于支持中西部地区卫生监督机构能力建设和卫生监督人员培训。食品卫生监督合格率从2005年的88.64%上升到2008年的91.26%。2005-2009年每年组织开展重点公共场所卫生监督检查，加强公共场所空气性传播疾病的防控，推行以住宿业为重点的公共场所卫生监督量化分级管理制度。

六、免疫方案和其他传染病控制战略

206、中国高度重视预防接种工作，继续扩大计划免疫规划，把乙肝疫苗、卡介苗、脊灰疫苗、百白破疫苗、麻疹疫苗、白破疫苗、甲肝疫苗、流脑疫苗、乙脑疫苗、麻腮风疫苗纳入国家免疫规划，对适龄儿童进行常规接种。共计14种疫苗预防15种传染病，其中儿童常规接种的疫苗达11种，预防12种疾病。2009年，城乡儿童计划免疫建卡率为97.9%，与2003年的88.8%相比有明显提高。儿童实际五苗接种率均高于90%，与2003年相比，卡介苗、白百破、脊髓灰质炎，尤其是乙肝疫苗接种率均明显增加。中国继续保持无脊髓灰质炎状态。

sanitary lavatories for 8.51 million households. As of the end of 2008, 59.72 percent of rural villages in China have access to sanitary lavatories, a 4.41 percentage-point increase from the end of 2005. Access to harmless sanitary lavatories increased by 6.73 percentage points.

(5) Health Monitoring

205. Health monitoring work continues to advance. In 2004, only 80.7 percent of cities and 45.8 percent of counties have established institutions to monitor health. As of the end of 2009, 98 percent of cities and 93 percent of counties have established independent institutions to monitor health. The central government has invested over several years more than 1.3 billion *yuan* to support capacity building of health monitoring institutions in mid-western regions and train their personnel. Percentage of food products that passed inspection increased from 88.64 percent in 2005 to 91.26 percent in 2008. In 2005-2009, health monitoring and inspection were carried out in important public facilities to strengthen prevention of air-borne infectious diseases at these locations; a management system of quantitative classification was introduced to monitor the health condition of public facilities, especially in the hospitality sector.

6. Immunization Plans and Other Strategies to Control Other Infectious Diseases

206. China attaches great importance to preventive inoculation and continues to expand immunization programs by routinely vaccinating children at an appropriate age and by including in the national immunization program the following vaccines: hepatitis B vaccines, Bacillus Calmette-Guérin vaccines, polio vaccines, DPT vaccines, measles vaccines, Epstein-Barr virus vaccines, hepatitis A vaccines, meningitis vaccines, encephalitis B vaccines, and vaccines for measles, mumps and rubella. There are a total of 14 vaccines that prevent 15 types of infectious diseases, including 11 types of routine vaccines for children preventing 12 types of diseases. In 2009, 97.9 percent of urban and rural children participated in the immunization program and received vaccination cards, which is notable increase from 2003, when the figure was 88.8 percent. The actual rate of children receiving the five inoculations was higher

207、血吸虫病、疟疾和包虫病等寄生虫病防治工作得到强化。中国所有血吸虫病流行县已达到疫情控制标准。2007年，疟疾、包虫病被列为国家免费救治的重大传染病。95%的县疟疾发病率已降至万分之一以下。截至2009年12月中旬，中国疟疾报告病例数为13914例，较2008年同期下降近50%。

208、消除碘缺乏病工作取得显著成效。目前，中国已有27个省实现或基本实现消除碘缺乏病目标。居民合格碘盐食用率由1995年的39.9%上升到2009年的96.4%，中国95.4%的县居民户合格碘盐食用率达到90%以上。

209、地方病防治工作不断推进。截至2009年，中国燃煤污染型氟中毒病区改炉改灶600万户，改炉改灶率为72.3%；2007年评估显示中国饮水型氟中毒病区村改水率为58%，受益人口4950万人；饮水型砷中毒病区村和高砷区改水率为36.2%，受益人口65万人。

210、癌症的早诊早治试点和重点人群的癌症筛查项目取得了显著成效。2005年起，在中国逐步开展食管癌、宫颈癌、乳腺癌等七种癌症的早诊早治工作，截至2009年已在31个省115个县开展子宫颈癌、乳腺癌、食管癌等癌症早诊早治项目，共累计筛查人群约65万。2009年将农村妇女宫颈癌和乳腺癌两癌筛查工作纳入到国家公共卫生重大专项中，在一定范围内开展适龄妇女两癌筛查。2009-2011年三年间，将对全国31个省（区、市）221个县（市、区）的1000万名妇女进行免费宫颈癌检

than 90 percent, and the rate of inoculation against BCG, tetanus, polio, and, especially, hepatitis B clearly increased. China continues to be polio-free.

207. Prevention of schistosomiasis, malaria, echinococcosis and other parasitic diseases has been strengthened. Counties which are epidemic areas of schistosomiasis have all had the disease under control. In 2007, malaria and echinococcosis were added to the list of major infectious diseases for which treatment is free of charge. In 95 percent of these counties, the malaria disease rates had dropped to one case per 10,000 people. As of mid-December 2009, there were 13,914 reported cases of malaria, an approximately 50 percent drop from the same period in 2008.

208. Efforts to eliminate iodine deficiency disorder (IDD) made significant gains. At present, there are 27 provinces in China, which have achieved or largely achieved the objective of eliminating IDD. The rate of consumption of adequately iodized salt increased from 39.9 percent in 1995 to 96.4 percent in 2009. More than 90 percent of residents in 95.4 percent of the counties consume adequately iodized salt.

209. Disease prevention at the local level continues to move forward. By 2009, six million households living in areas with incidences of fluorosis resulting from coal-burning pollution are improving their stoves, with 72.3 percent of these households having completed such improvement; in 2007, the water improvement rate in village areas with incidences of fluorosis resulting from water consumption was 58 percent, benefiting 49.5 million people; water improvement rate in village areas with incidences of arsenic poisoning resulting from water consumption and areas with high concentration of arsenic was 36.2 percent, benefiting 650,000 people.

210. Programs to screen cancer among pilot and focus populations identified for early diagnosis and early treatment have achieved marked results. Since 2005, efforts at early diagnosis and treatment of seven types of cancer, including esophageal cancer, cervical cancer, breast cancer and seven other types of cancer have gradually developed; as of the end of 2009, early diagnosis and treatment programs for the aforementioned cancer already started in 115 counties in 31 provinces,

查，对200个县（市、区）的100万名妇女进行免费乳腺癌检查。

screening a total of 650,000 people. In 2009, cervical and breast cancer screening for rural women was included as a major national public health special project, and screening for the two types of cancer has begun within a certain scope. In the three year period of 2009-2011, ten million women in 221 counties (cities, districts) in 31 provinces (districts, cities) are to undergo free cervical cancer screening, while one million women in 200 counties (cities, districts) are to undergo free breast cancer screening.

211、切实加强职业病防治和放射防护工作。2005-2009年，中国国务院办公厅印发《国家职业病防治规划（2009-2015年）》，组织制修订24项职业病诊断标准、43种化学品毒性鉴定评价方法、10个行业职业卫生防护指南、制修订118种工作场所空气中有害物质的测定方法、10种生物接触限制检测方法等，建立了职业卫生、放射卫生监督管理的法规标准体系。组织职业卫生技术服务机构资质审定，加强监督管理；组织开展建设项目职业病危害与评价、防护设施设计卫生审查和竣工验收工作，竣工验收合格率从2005年的73.8%上升到2008年的93.8%。

211. Concrete strengthening of prevention and treatment of occupational diseases and protection against radiation. Between 2005-2009, the State Council's General Office published, among others, the National Plan for the Prevention and Treatment of Occupation Diseases (2009-2015); organized the revision of the diagnostic criteria for 24 categories of occupational diseases, the methods to identify and evaluate toxicity of 43 types of chemical products, health and prevention guidance for 10 sectoral professions, methods to measure 118 types of harmful air-borne substances in workplaces, and methods to test the exposure limits of 10 types of organisms. By doing so, the General Office established a system of regulations and standards to monitor and manage occupational health and radiological health. The government organized the examination of qualifications of institutions providing technical services concerning occupational health and strengthened supervision and management in this regard; organized activities to evaluate the risks of occupational diseases in the construction sector, inspected the design of protective facilities and approval upon completion, with the rate of approval upon completion increasing from 73.8 percent in 2005 to 93.8 percent in 2008.

七、强化公共卫生应急工作、加强预防疾病能力

7. Strengthen Public Health Emergency Response, Increase Capacity to Prevent Diseases

212、中国政府坚持预防为主的方针，加强公共卫生服务体系和医疗救治体系建设。2003-2006年间，中央及地方财政筹资106亿元，支持建设2448个疾病预防控制中心。2004年1月1日起，中国启动了以传染病个案报告为基础的传染病网络直报系统和以事件报告为基础的突发公共卫生事件信息报告管理系统。截至2008年底，中国100%的疾病预防控制机构、96.98%的县级以上医疗

212. The Chinese government insists on a prevention-led policy to strengthen institutions of public health services and medical treatment. In the period of 2003-2006, central and local governments allocated 10.6 billion yuan and supported the building of 2,448 disease prevention and control centers. Since January 1, 2004, China activated an information management system designed for reporting outbreaks of public health incidents; the

机构及82.21%的乡镇卫生院已实现网络直报。

system is based on direct online reporting of individual cases of infectious diseases and on reporting of incidents. As of the end of 2008, 100 percent of China's disease prevention and control institutions, 96.98 percent of its medical institutions at and above the county-level, and 82.21 percent of its village and township health centers have already adopted direct online reporting.

213、2008年5月12日，中国四川汶川发生特大地震。中国从各地组织调遣数万名医疗卫生人员奔赴救灾第一线，开展医疗救援和防疫工作。向20个省紧急转送地震伤员10015名，安置陪护家属9000余人，派出医务人员5000余人沿途护送伤员，使伤员得到及时有效救治。

213. On May 12, 2008, a huge earthquake hit Wenchuan, Sichuan, China. Organizations from various regions across the country mobilized and dispatched several tens of thousands of medical and health workers to provide disaster relief at the frontline and immediately began to provide medical assistance and disease prevention services. 10,015 injured persons were urgently transferred to 20 other provinces, 9,000 or so of their family members were resettled and cared for, and 5,000 medical professionals were dispatched to escort the injured persons throughout the transfer, allowing the latter to receive timely and effective treatment.

214、2009年，全球暴发甲型H1N1流感疫情。中国政府完善流感样病例监测网络，将甲流感纳入《传染病防治法》规定的乙类传染病预防控制措施，同时纳入《国境卫生检疫法》规定的检疫传染病，有效延缓了疫情在中国的输入、扩散和流行速度。2009年甲流感疫苗正式投产，中国成为世界上第一个完成疫苗研发和注册使用的国家。按照“知情、自愿、免费”的疫苗接种原则，截至2010年1月10日，中国累计完成接种5739万人。

214. In 2009, there was a global outbreak of an influenza A H1N1 epidemic. The Chinese government perfected a monitoring network of sample influenza cases and subjected influenza to the prevention and control measures for category B infectious diseases required by the Law on Prevention of Infectious Diseases. At the same time, influenza A H1N1 has also been incorporated into the Border Health and Quarantine Law as one of the infectious diseases on which aquarantine can be imposed, and it effectively reduced the speed at which the disease entered, spread and became prevalent in China. In 2009, influenza vaccine has officially gone into production, and China became the first country in the world to complete research and development of, register, and use the vaccine. In accordance with principles of “informed, voluntary, and free” inoculation, China has vaccinated a total of 57,390,000 people as of January 10, 2010.

八、国际卫生合作进一步加强

8. Further Strengthen International Cooperation in Health

215、中国政府积极开展全方位、多层次、宽领域的卫生国际合作与交流，争取国际多边、双边的无偿援助以及国际金融组织和外国政府的赠款和优惠贷款，建立新项目，为卫生扶贫工作、少数民族卫生工作、区域卫生规划争取援助、创造机会。同时，积极参与全球卫生发

215. The Chinese government actively engages in all-round, multi-level, and wide-ranging international cooperation and exchange on health, seeking international multilateral, bilateral aid gratis, as well as donation and concessional loans from international

展进程，支持世界卫生组织、联合国艾滋病规划署、全球抗击艾滋病、结核病和疟疾基金的工作，推动南南合作。2002年来，中国先后向亚洲、非洲、拉丁美洲、欧洲和大洋洲的48个国家和地区派遣援外医疗队，累计共派出人员约4800人次，诊治受援国病人5000万人次。目前中国在48个亚非拉丁美洲国家派出50支医疗队，分布在120个医疗点上，在外人数共1252人。其中，在41个非洲国家有42支医疗队，约1000人在非洲工作。中国将继续大力支援发展中国家的卫生事业发展。

financial institutions and foreign governments. These funds are used to build new programs and to support and create opportunities for efforts on health, poverty reduction, health of ethnic minorities, and regional health planning. At the same time, China also actively participates in international health development, supports the World Health Organization, UNAIDS, and the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, and promotes South-South cooperation. Since 2002, China has dispatched foreign aid medical teams to 48 countries and regions in Asia, Africa, Latin America, Europe and Oceania, sending a total of about 4,800 personnel and treating 50 million patients. At present, China has 42 medical teams, or 1,252 personnel, on the ground in 48 Asian, African and Latin American countries, stationing in 120 locations. Among them, 42 medical teams, or about 1,000 personnel, are in 41 African countries. China will continue to put great efforts into supporting the development of health services in developing countries

九、对结论性意见中相关建议的回应

9. Responses to Relevant Recommendations in the Concluding Observations

（一）第60段关于防止艾滋病传播

(1) Paragraph 60 Concerning the Prevention of the Spread of HIV/AIDS

216、中央财政用于艾滋病防治工作的经费逐年增加，地方财政投入也大幅提高。5年来，中国在加强艾滋病预防控制和保护艾滋病感染者、艾滋病病人的权益方面采取积极措施，加强疫情监测，严格疫情报告；全面落实“四免一关怀”政策；积极推广使用安全套、开展社区药物维持治疗和清洁针具交换等干预工作；建立艾滋病综合防治示范区，探索符合各地实际的艾滋病防治机制和模式；积极开展基础研究和应用型研究。国际社会交流与合作进一步加强，社会团体和民间组织在艾滋病防治工作中发挥着越来越大的作用。截至2009年10月31日，历年累计报告艾滋病病毒感染者/艾滋病病人319877例，其中艾滋病病人102323例；死亡报告49845例。截至2009年底，估计中国现存活艾滋病病毒感染者和病人约74万人。

216. Allocation of funds in the central government's budget for HIV/AIDS prevention work increases annually while budgetary allocation by local governments has also greatly increased. In the last five years, China has adopted proactive measures to: strengthen prevention and control of HIV/AIDS and protection of people living with HIV/AIDS and their rights; strengthen monitoring of the disease and strict reporting of the situation; comprehensively implement the policy of "Four Frees and One Care"; actively promote the use of condoms, develop community-based drug maintenance treatment, clean needles exchange and other prevention efforts; create integrative AIDS prevention demonstration district to explore mechanisms and models of AIDS prevention that accord with real local conditions; and actively develop basic research and applied research. Exchange and cooperation with the international community has further strengthened, and social organizations and NGOs have growing importance in HIV/AIDS prevention. As of October 31, 2009, a total of 319,877 HIV-infected individuals and AIDS patients

over the years have been recorded, 102,323 of who are AIDS patients and 49,845 died. As of the end of 2009, it is estimated that there are 740,000 surviving HIV-infected individuals and patients in China.

(二) 第64段关于精神卫生防治工作

217、根据国家2009年3月提出的《关于深化医药卫生体制改革的意见》，中国政府计划用3年时间、投资100多亿元改扩建500多所精神病医疗机构，在16个城市设立心理援助热线，向公众提供方便、及时的心理健康教育、心理咨询和心理危机干预服务。

218、自杀率特别是女性自杀率显著下降。卫生部2008年10月公布的《中国第三次死因回顾抽样调查报告》，中国居民自杀总死亡率为13.09/10万（女性为12.29/10万，男性为13.85/10万），为全球中等水平。同时，卫生部居民死亡监测数据显示，自1991年以来中国城乡居民自杀总死亡率下降了33.9个百分点（图表十七），其中农村妇女自杀死亡率下降了48.3个百分点；2000年以后中国的城市和农村妇女自杀死亡率均低于男性，与上世纪90年代初农村妇女自杀率较男性高的状况有很大改进。

十、困难与挑战

219、在妇幼卫生保健方面，农村和边远地区的产科服务和急救能力整体上还处于薄弱状态。在乙肝防治工作方面，受预防保健服务可及性的限制，快速、大幅度提高西部地区、边远农村地区和流动人口聚集地新出生的儿童乙肝疫苗全程接种率难度较大。在艾滋病防治方面，受艾滋病影响人群对防治工作的参与度不高，歧视感染者和病人的现象仍然存在，降低了他们接受防治服务的主动性等。

(2) Paragraph 64 Concerning the Prevention and Treatment of Mental Illness

217. According to the Opinion on Deepening the Health Care System Reform, published by the government in March 2009, China will invest more than 10 billion *yuan* over three years to renovate and expand more than 500 mental health medical institutions and establish psychological assistance hotlines in 16 cities, in order to provide the public convenient, timely mental health education, psychological counseling, and psychological crisis intervention services.

218. Suicide rates, especially among women, dropped significantly. Published in October 2008, the Ministry of Health's "Third National Sampling Survey Review of Causes of Death" indicates that the national suicide rate is 13.09 deaths per 100,000 (12.29 deaths per 100,000 among women, 13.85 per 100,000 among men), which places China in the medium bracket globally. At the same time, according to data collected through monitoring by the Ministry of Health, the total suicide death rate in both urban and rural areas dropped 33.9 percentage points (Figure 17), with the rate dropping by 48.3 percentage points among rural women; since 2000, suicide death rates among both urban and rural women are lower than those among men, which represent a big improvement compared to the early 1990s when the suicide rate among rural women was higher than that among men.

10. Difficulties and Challenges

219. With respect to maternal and child health care, obstetric services and first-aid capacity in rural and remote regions is still weak. With respect to prevention and treatment of hepatitis B, due to constraints on accessibility of prevention and care services, it is more difficult to quickly and substantially increase the coverage rates for hepatitis B vaccination among children in western China and remote rural areas as well as newborns in areas with high migrant populations. With respect to AIDS prevention and treatment, the level of

220、针对上述情况，中国将在妇幼卫生工作中投入更大的力量，坚持不懈努力，实现新的发展目标。卫生部将通过采取推进住院分娩、强化乙肝疫苗的预防接种、加强宣传教育等综合措施，遏制乙肝的高流行状态。在艾滋病防治方面继续加大宣传教育力度，提高全民艾滋病防治知识的知晓率，减少社会歧视，营造良好的艾滋病防治社会环境。

十一、第十三条和第十四条 受教育权

一、国家对受教育权的法律保障以及教育改革政策规划

221、受教育权是中国《宪法》规定的公民的一项基本权利。中国目前已经形成以《教育法》为核心，包括《义务教育法》、《职业教育法》、《高等教育法》、《教师法》等法律以及一批法规、规章组成的法律体系，明确了中国教育的学制、基本制度、学校、学生与教师的权利义务等，从立法上将公民的受教育权落到实处。有关法律在首次报告中已阐明，在此不再赘述。

222、2008年，中国政府启动《国家中长期教育改革和发展规划纲要（2010-2020年）》的制定工作，对到2020年的教育改革提出了总体规划和具体任务。历时两年，进行了深入调查研究、专家学者研讨评估、规划纲

participation in prevention and treatment among populations affected by AIDS is not high, and discrimination against infected persons and patients persists, thereby undermining their eagerness to seek prevention and treatment services.

220. To address the above-mentioned situations, China will put greater energy into maternal and child health care work, and continue to make unremitting efforts to achieve its new development goals. Through adopting integrative measures such as promoting hospital delivery, reinforcing preventive inoculation against hepatitis B, and strengthening public education, the Ministry of Health aims to contain the high prevalence of hepatitis B. China will continue to expand public education with respect to AIDS prevention and treatment, enhance awareness among the entire population of AIDS prevention and treatment, reduce social discrimination, and nurture a sound environment for the prevention and treatment of AIDS.

XI. Articles 13 and 14 – The Right to Education

1. The State's Legal Guarantees and Policy Reform Planning for the Right to Education

221. China's Constitution stipulates that receiving education is a fundamental right of citizens. Currently, China has a legal system with the Education Law [教育法] at its core and includes other laws such as the Compulsory Education Law of the PRC [义务教育法], the Vocational Educational Law of the PRC [职业教育法], the Higher Education Law of the PRC [高等教育法], the Teachers Law [教师法], and a number of regulations and rules. These clearly establish China's education system, basic structure, schools, and the rights and responsibilities between students and teachers. From the legislative perspective, the citizen's right to education is realized. Since the legal provisions have already been set out in China's initial report to the CESCR, they will not be elaborated here.

222. In 2008, the Chinese government began to formulate the "National Outline for Medium and Long-term Education Reform and Development (2010-2020)" (the Outline) [国家中长期教育改革和发展规划纲要

要文本向社会公开征求意见等工作。2010年4月15日、5月5日,国家科教领导小组会议和国务院常务会议审议并原则通过规划纲要送审稿。预计很快将颁布实施。规划纲要提出:实现更高水平的普及教育、形成惠及全民的公平教育、提供更加丰富的优质教育、构建体系完备的终身教育,健全充满活力的教育体制。

223、针对当前中国教育存在的主要矛盾和突出问题,规划纲要提出“优先发展、育人为本、改革创新、促进公平、提高质量”工作方针。其中,育人为本是核心,促进公平和提高质量是工作重点,优先发展和改革创新是保证。

224、规划纲要设计了8项发展任务,即学前教育、义务教育、高中阶段教育、职业教育、高等教育、继续教育、民族教育和特殊教育;6项改革任务,即人才培养体制、招生考试制度、学校制度、办学体制、管理体制改革和扩大教育开放;6项保障任务,即加强组织领导、加强教师队伍建设、保障经费投入、加快教育信息化进程、推进依法治教、实施重大项目和改革试点。

225、规划纲要明确提出,到2012年将国家财政性教育经费支出占国内生产总值(GDP)的比例提高到4%。自上世纪90年代提出4%的目标后,国家不断加大对教育的

(2010-2020年)], and determined the overall planning and specific tasks for educational reform and development until 2020. [The formulation of the outline] took a period of two years during which [the government] conducted extensive research and surveys, experts and scholars made assessments, and public opinions were solicited on the Outline. On April 15 and May 5, 2010, the Outline was reviewed and in principle approved at meetings at the State Science and Technology Education Leading Group and the State Council's Standing Committee. It is expected that the Outline will soon be promulgated and implemented. The Outline sets out: to achieve higher quality of universal education, to establish equal level of education that benefits all citizens, to provide richer and higher quality education, to build a complete system of lifelong education, and to develop a vibrant education system.

223. Specifically targeting dilemmas and obstacles in China's present education system, the Outline sets out the following work direction: "prioritizing development, educating people, reform and innovation, promoting equality, and raising quality". Among these, educating people is the core [principle], promoting equality and raising quality are the focus, and prioritizing development and reform and innovation are guarantees.

224. The Outline designates **eight development tasks**: pre-school education, compulsory education, high school level education, vocational education, higher level education, continuing education, ethnic education, and special education; **six reform tasks**: talent cultivation system, examination and enrollment systems, school systems, establishing schools system, management system reform, and expanding the opening up of education; **six support tasks**: reinforce organizational leadership, reinforce team building for teachers, guarantee financial input, expedite educational informational improvement, push for rule of law in education, implement major projects and pilot reform [programs/projects].

225. The Outline clearly states that by 2012, the national expenditure on education will rise to 4 percent of gross domestic product (GDP). Since the 4 percent goal was set

投入力度。2004年至2008年，中国财政性教育经费支出由4466亿元增加到10450亿元，年均增长23.7%，占GDP的比例逐年递增，依次为2.79%、2.82%、3%、3.32%、3.48%。考虑到中国2009年财政收入占GDP的比重是20.4%，低于各国平均水平约10个百分点，短期内提高财政收入占GDP比重的难度较大，而中国处在经济社会发展的关键时期，要求财政重点保障的支出项目较多，实现4%目标的难度不小，需要各级政府作出艰苦的努力。

二、各教育阶段情况

226、2003年以来，教育事业持续健康协调发展。2009年，中国有各级各类学校55.24万所，其中初等教育学校32.2万所，中等教育学校8.8万所（含中等职业学校1.4万多所），高等教育学校2689所，另有幼儿园、特殊教育学校等学校14万所，遍布全国城市与农村，在校生2.6亿人，专任教师1396.2万人。国民人均受教育年限达到8.7年，新增劳动力平均受教育年限达到12.4年。据统计，2007年底，中国总人口中大专以上受教育程度的达7000多万，占总人口的6.2%

227、中国政府一直致力于普及九年免费义务教育。2006年，中国全面修订了1986年通过的《义务教育法》，进一步明确了义务教育是国家必须予以保障的公益性事业，不收学费、杂费。国家从2006年开始先后在全国农村和城市地区免除义务教育阶段学生学杂费，从而在全国范围内实现了城乡免费义务教育，1.5亿学生受益。这是中国在保障教育权方面的重要进步。国家还对农村义务教育阶段家庭经济困难寄宿生补助生活费。截至2009年底，1000多万名家庭经济困难的寄宿生领到了生活补贴。全

out in the 1990s, the State has continuously increased the education inputs. From 2004 to 2008, China's national education expenditure increased from 446.6 billion yuan to 1.045 trillion yuan, an average annual growth of 23.7 percent -- the proportion of such expenditure to the GDP increased per year by, respectively, 2.79 percent, 2.82 percent, 3 percent, 3.32 percent, and 3.48 percent. Considering that China's 2009 national revenue was 20.4 percent of its GDP, ten percentage points lower than the national average of all countries. In the short term, it will be difficult to raise the national revenue as a portion of the GDP. Further, because China is in a critical stage of economic development, there are more programs needing fiscal protection, realizing the 4 percent goal is no easy task and requires strenuous efforts from all levels of government.

2. Situation of Education at all Levels

226. Since 2003, education matters continue to develop in a healthy and coordinated way. In 2009, China had a total of 552,400 schools at different levels, among them were 322,000 schools providing primary education, 88,000 schools providing secondary education (including 14,000 vocational schools), 2689 higher education facilities, as well as 14,000 kindergartens and special education schools throughout urban and rural areas in the entire country. There were 260 million enrolled students and 13.962 million teachers. Chinese citizens on average go through 8.7 years of formal education; the average number of years of education among new labour forces is 12.4 years. According to statistics, at the end of 2007, individuals with junior college or higher education reached more than 70 million, or 6.2 percent of the total population.

227. The Chinese government has been committed to nine years of free universal compulsory education. In 2006, China comprehensively amended the 1986 *Compulsory Education Law of the PRC* and took a step forward in clarifying that compulsory education is vital to the protection of public welfare, and that no fees and incidentals are to be collected. From 2006, the State began nationwide phasing out of fees for compulsory education in rural and urban areas. From then on, free compulsory education was realized in urban and rural

国普及九年义务教育人口覆盖率在2007已达到99%，义务教育进入了新的发展阶段。

locations throughout China; 150 million students benefited. This is an important step forward in China's protection of the right to education. The State also provided free textbooks to rural students in compulsory education, and provided living expenses for boarding students who come from economically disadvantaged families in the urban and rural compulsory education stage. Up to the end of 2009, 10 million economically disadvantaged households with children in boarding schools received aid for living expenses. By 2007, attendees of the national nine-year compulsory education system reached 99 percent; compulsory education entered a new era of development.

228、2009年，小学学龄儿童净入学率由2001年的99.05%提高到99.40%（其中男童入学率由99.08%提高到99.36%，女童入学率由99.01%提高到99.44%），初中毛入学率为99%。扫盲工作取得重大进展。青壮年文盲率由2000年的4.8%降至2007年的3.58%以下。

228. The net enrollment rate of elementary school-aged students increased from 99.05 percent in 2001 to 99.40 percent in 2009 (the number of boys increased from 99.08 percent to 99.36, and girls increased from 99.01 percent to 99.44 percent); the gross enrollment rate for junior middle school-aged children was 99 percent. Literacy rates significantly improved. The percentage of illiterate youths decreased from 4.8 percent in 2000 to below 3.58 percent in 2007.

229、2009年，全国高中阶段毛入学率达79.2%，比2002年提高了36.4个百分点。国家不断加快中等职业教育的改革与发展。2009年，中等职业教育规模占高中阶段教育规模的一半，在校生达2195万人。中职学生就业率达到96%以上。国家通过各种形式的职业教育年培训城乡劳动者1.5亿人次以上。

229. In 2009, the national gross high school enrollment rate reached 79.2 percent, an increase of 36.4 percentage points from 2002. The State is continuously expediting the reform and development of secondary vocational level education. In 2009, the capacity of the secondary vocational education system was half of that of the high school system, with 21.95 million students. The employment rate of students from vocational schools reached more than 96 percent. National vocational education training through various programs reached yearly more than 150 million workers/times in rural and urban areas.

230、国家在中等职业学校建立健全国家助学金制度。从2007年秋季学期起，资助具有中等职业学校全日制正式学籍的在校一、二年级农村学生和城市家庭经济困难学生，每人每年1500元。截至2009年，国家用于中职学校助学金的投入为400多亿元，其中中央财政安排了240多亿元，年均资助1200万余人，占中职学校一、二年级学生的近90%。2009年，中国政府决定逐步实行免费中等职业教育，从2009年秋季学期起，先期启动了中职学

230. The State established a national education grant system for secondary vocational education institutions. Since the fall of 2007, those receiving financial assistance included rural students in the first and second level of full-day vocational schools and urban students from economically disadvantaged families, with each person receiving 1,500 *yuan* per year. As of 2009, the State provided more than 40 billion *yuan* of financial assistance to students in secondary vocational schools; of this

校农村家庭经济困难学生和涉农专业学生免学费工作。

amount, 24 billion *yuan* were allocated from the central government's budget, providing assistance annually to an average of 12 million students – 90 percent of whom were students from the first and second levels of vocational school. In 2009, the Chinese government decided to incrementally realize free vocational education. From the fall of 2009, [the government] started providing free education to vocational school students who came from rural financially disadvantaged families and who were in agriculture-related programs.

231、高等教育毛入学率从2002年的15%提高到2009年的24.2%。高等教育在学人数从2001年的1300万人增加到2009年的2979万人。国家在全国高校设立国家奖学金，每年奖励5万名特别优秀的学生，每生每年8000元；设立国家励志奖学金，奖励品学兼优的家庭经济困难学生，约占在校生的3%，每生每年5000元；设立国家助学金，资助家庭经济困难学生，约占在校生20%，平均每生每年2000元。国家还进一步完善国家助学贷款制度，2009年新增贷款学生102.1万人，新增贷款金额87亿元。高等教育阶段基本形成了奖、贷、助、补、减相结合的家庭经济困难学生资助政策体系。

231. The gross enrollment rate for students in higher education increased from 15 percent in 2002 to 24.2 percent in 2009. The number of students in higher education increased from 13 million people in 2001 to 29.79 million people in 2009. The State established National Higher Education Scholarships and annually awards 50,000 exceptional students, who receive 8000 *yuan* per year. The State has established National Motivational Scholarships to reward students who excel in all aspects and come from economically disadvantaged families — making up 3 percent of students, each receiving 5000 *yuan* per year. The State has established National Assistance grants to help students from economically disadvantaged families — making up 20 percent of students, each receiving on average 2,000 *yuan* per year. The government further improved the National Student Loan System; in 2009, 1.021 million new students took out student loans, which reached 8.7 billion *yuan*. The higher education established a basic system combining awards, loans, assistance, supplement, and reduction to help students from economically disadvantaged families.

三、加强师资力量

232、为提高教育质量，中国政府依据《教师法》、《教师资格条例》等法律法规不断加强教师队伍建设，提高教师的待遇和社会地位。2009年中国各级各类教育专任教师发展到1398万人。教师学历层次和教学水平有了较大的提高。2003-2007年国家组织了一轮中小学教师全员培训，提高了800多万义务教育阶段教师和80多万高中教师实施素质教育的水平。从2008年起，又启动了新一轮全国中小学教师全员培训，目前正在实施中。中央财政支持实施中等职业学校教师素质提高计划，加强“双师型”教师队伍建设（“双师型”含义：对教师个体而言，

3. Increasing the Capacity of Teachers

232. To increase the quality of education, the Chinese government, pursuant to the Teachers Law and the Regulations on the Qualifications of Teachers and other laws and regulations, continuously improved the capacity building for teachers, and increased the salary and benefits and social position of teachers. In 2009, the number of teachers from different levels and institutions increased to 13.98 million. The academic and teaching level of teachers improved significantly. From 2003 to 2007, the State started a round of training for elementary

教师既能够教理论，又能够教操作；对教师队伍构成来讲，职业学校除有一批专任教师外，还有一批来自企业生产服务一线的兼职教师)。为进一步重视和加强师范教育，培养造就大批优秀教师，中国政府决定从2007年秋季起，在教育部直属师范大学实行师范生免费教育。2009年，中国政府决定对义务教育阶段教师实行绩效工资制度，提高1051万中小学教师待遇，中央财政为此投入120亿元。

and middle school teachers, thereby increasing the actual education level of more than 8 million teachers from compulsory-level institutions and 800,000 teachers from high school institutions. Since 2008, the government started a new round of training for all elementary and middle school teachers and the training is presently being implemented. The central government's financial department supported the implementation of the plan to train teachers from vocational schools and reinforce the "Double Teachers Method" among the ranks of teachers. "Double Teacher Method" encompasses the following meanings: in terms of teachers per se, it means teachers who can teach the theories and practices; in terms of the ranks of teachers, it means vocational schools have a group of full-time teachers as well as a group of part-time teachers who come from the front line of the production and service sectors. To further emphasize the importance of and improve the education of normal schools and cultivate a large group of talented teachers, the Chinese government decided that from the fall of 2007 to provide free education to students attending normal universities under the Ministry of Education. In 2009, the Chinese government decided to implement a system of salary-commensurate-with-performance for teachers in compulsory level grades, to raise the remuneration of 10.51 million elementary and middle school teachers. For this [initiative], the central government put in 12 billion yuan.

233、近年来，国家实施了“农村义务教育阶段学校教师特设岗位计划”：通过公开招募高校毕业生到中西部农村边远地区义务教育阶段学校任教；大力推进城镇教师支援农村教育工作，组织东部经济发达地区与西部地区建立教育对口支援关系；实施“农村学校教育硕士师资培养计划”，为县镇及以下农村学校培养优秀师资；组织实施以中西部农村教师为重点的中小学教师国家级培训计划，提高在职教师业务能力。在中央和地方政府的共同努力下，农村教师数量基本能够满足教学需求，整体素质得到进一步提高。

233. In the past few years, the State implemented the "Plan for Specific Teaching Positions in Rural Compulsory Education Level Schools." It did so through open calls to university and college graduates to work in compulsory level schools in central and western rural areas; vigorous promotion to encourage urban teachers to support rural education; and the establishment of dialogues and support system between economically developed eastern regions with western areas. The "Training Scheme/ Plan of Teachers with Master of Degrees for Rural Areas Education" is implemented to help towns, counties, and villages to cultivate talented teachers; national plans to train elementary and middle school teachers in the central and western rural areas were formulated and implemented to elevate the professionalism of teachers. Thanks to the joint efforts of central and local governments, rural teachers can

basically satisfy the needs of schools, and, on the whole, the quality has improved.

四、保障特殊群体受教育权

234、随着中国城镇化的快速发展，大量农民进入城市务工就业，其子女的教育问题成为教育发展面临的一个突出问题。中国政府高度重视该问题，近几年出台了一系列法律、法规和政策保障农民工子女接受义务教育的权利。中央财政对接收进城务工农民随迁子女较多的地方给予补助。各地均明确“以流入地政府管理为主和以公办中小学为主”的指导原则，积极为农民工子女接受平等义务教育提供条件。

235、中国政府近几年采取了一系列措施推进农村地区义务教育发展。一是投入专项资金改善农村中小学办学条件，包括：从2003年起构建农村中小学现代远程教育网络，覆盖36万所农村中小学校，一亿多农村中小學生得以共享优质教育资源；2004-2007年实施西部“两基”（基本普及九年制义务教育、基本扫除青壮年文盲）攻坚，新建改扩建8000多所农村寄宿制学校，从2009年起实施中小学校舍安全工程，使中小学校舍达到重点设防类抗震设防标准，同时提高综合防灾能力。二是将农村义务教育全面纳入国家财政保障范围。2005年底，国务院决定建立中央和地方分项目、按比例分担的农村义务教育经费保障新机制，全面提高农村义务教育阶段中小学公用经费保障水平。三是重点推进义务教育均衡发展，努力缩小城乡之间义务教育发展差距。从制度和政策等多方面推动各地解决区域内义务教育差距问题，要求地方各级教育行政部门制定本地区推进义务教育均衡发展的目标任务、实施步骤和政策措施。各地都已针对本地实际开展了大量工作。

4. Protecting the Right to Education of Special Groups

234. Through China's rapid urbanization, a large number of rural villagers have entered cities to look for employment; the education of their children has become an acute problem for the development of education. The Chinese government takes this problem very seriously; in the past few years it has passed a series of laws, regulations, and policies to protect the right to compulsory education of children of rural migrants. The central government has provided subsidies to areas that have accepted many rural migrants who migrated with their children. Through the guiding principles of "emphasizing the integration into the local government's management and into public elementary and middle schools," [the government] actively provides conditions for children of rural migrants to have equal compulsory education.

235. In the past few years, the Chinese government has taken a series of measures to develop compulsory education in rural areas. First, it provides specific funds to improve the condition of elementary and middle schools, including: establishing, since 2003, distance education networks for rural elementary and middle school students, which span 360,000 rural elementary and middle schools, allowing over 100 million elementary and middle school students to benefit from high quality education resources. Between 2004 and 2007, [the government] has implemented in the west the "Two Basics" (basic universal nine-year compulsory education, basic elimination of youth illiteracy). [It] renovated and expanded 8,000 rural boarding schools. Starting from 2009, the [government] has implemented safe building [projects] for elementary and middle schools so that elementary and middle schools can meet earthquake-proof standards, while at the same time elevate the [buildings'] prevention capacity. Second, it has included rural compulsory education into the context of the entire country's financial security. At the end of 2005, the State Council decided to establish a new financial guarantee mechanism for the rural compulsory

education system in which the central and local government share financial burdens based on projects and proportions — in order to elevate and protect the overall funding of rural compulsory education at the elementary and middle school levels. Third, the government pushes for even development of the compulsory education system, and works hard at eliminating the disparity of compulsory education between rural and urban areas. Local governments have been urged to reduce the disparity of compulsory education inside the regions from an institutional and a policy perspective, and local education departments have been asked to develop local plans, objectives, tasks, implementation steps and policy measures for the even development of compulsory education. To implement these measures in their areas, different local governments have begun massive work.

236、中国政府保障少数民族受教育的权利，积极推进民族地区教育事业发展。中央财政不断加大经费投入，20世纪90年代初国家就设立民族教育补助专款，用于支持少数民族地区加快发展教育事业；近年来，国家先后实施贫困地区义务教育工程、农村中小学危房改造工程、西部地区“两基”攻坚计划等工程，中央财政先后投入近300亿元，极大地改善了民族地区办学条件。民族地区普及九年义务教育的县已经由2003年的405个增加到2009年的685个，占民族地区县总数的94.7%。高等教育方面，发展民族院校和学科研究，2009年底共有15所民族院校，在校生20多万人，设立了中央民族大学“中国少数民族研究中心”等重点研究基地；2001年开始实施高校对口支援，目前支援高校64所，受援高校38所，覆盖全部民族地区。目前，民族地区已形成从幼儿教育到高等教育的完整体系，少数民族受教育年限显著提高。朝鲜、满、蒙古、哈萨克、锡伯等14个民族的受教育年限高于全国平均水平。截至2009年底，全国各级各类学校少数民族专任教师人数已达113.55万，少数民族在校生总数为2280.02万。其中，普通本专科、普通中学、普通小学的少数民族在校生人数分别为141.05万、679.94万、1059.12万，占学生总数的比重分别为6.58%、8.64%、10.52%。

236. The Chinese government protects ethnic minority groups' right to education and has actively pushed for development of education in ethnic regions. The Central Government continues to increase the budget invested; in the early 1990s the country already established a special fund for ethnic education, with the purpose of supporting ethnic regions to speed up the development of education. In recent years, the country has implemented programs to provide compulsory education in poverty-stricken areas, renovate dilapidated buildings in rural elementary and secondary schools, implement the “Two Basics” relief program and other projects in the western regions; in all, the Central Government invested almost 30 billion *yuan* and has greatly improved school conditions in ethnic regions. Number of counties in ethnic regions that have universalized the nine-year compulsory education has increased from 405 in 2003 to 685 in 2009, representing 94.7 percent of counties in ethnic regions. With respect to higher education -- developing ethnic education institutions and research facilities -- at the end of 2009, there were a total of 15 ethnic education institutions with more than 200,000 enrolled students, major research bases such as the “National Minority Research Center” inside the Central University for Nationalities were established. Starting from 2001, national programs of partner assistance among higher education facilities were implemented; currently, 64 higher education institutions are providing support and 38 institutions receive support, covering all ethnic regions. Currently, ethnic regions

237、中国重视残疾儿童的义务教育工作，继续完善以特殊教育班和随班就读为主体、以特殊教育学校为骨干的残疾儿童义务教育体系。为保障残疾儿童受教育权，2006年新修订的《义务教育法》对于促进特殊教育发展作了明确规定，如规定县级以上地方人民政府负责设置特殊教育学校（班），普通学校应接收具有接受普通教育能力的残疾儿童随班就读并为其学习、康复提供帮助，特殊教育学校（班）学生人均公用经费标准应高于普通学校学生人均公用经费标准等。2009年，国务院办公厅转发了教育部、财政部、中国残联等八部门《关于进一步加快特殊教育事业发展的意见》，拓展了残疾人义务教育范围，要求采取多种形式对孤独症、脑瘫和重度残疾儿童等实施义务教育；明确提出加快发展特殊教育，特别是加快发展以职业教育为主的残疾人高中阶段教育和高等特殊教育；针对特殊教育的薄弱环节，提出了完善特教经费保障机制、加强师资队伍建设、提高随班就读质量、多种形式扫除残疾人青壮年文盲等一系列政策措施。教育部、国家发改委正在中西部地区新建改扩建特殊教育学校1160所，将使特教办学条件得到明显改善。接受义务教育和中等职业教育的残疾学生普遍享受“两免一补”政策和国家助学金，家庭经济困难残疾大学生得到相应的资助。2009年全国共有特殊教育学校1672所，教职工4.7万人，其中专任教师3.8万人，在校残疾儿童42.8万人。此外还有大量轻度残疾的少年儿童在普通学校随班就读。高校累计录取残疾考生31780人。

have established complete systems of education from kindergarten to higher level education, the number of years of education for ethnic minorities have significantly increased. The number of years of education for 14 ethnic minorities, including ethnic Koreans, Manchurians, Mongolians, Kazakhs, and Xibes, is higher than the national average. As of the end of 2009, the number of full-time teachers for ethnic minority reached 1.135 million nationwide, and the number of enrolled ethnic minority students was 22.8,002 million. Among them, the number of ethnic minority students enrolled in general junior colleges, high schools, and elementary schools reached 1.4105 million, 6.7994 million, and 10.5912 million respectively, making up 6.58 percent, 8.64 percent, and 10.52 percent of the total students.

237. China places importance on the compulsory education of children with disabilities, continues to improve the compulsory education system for children with disabilities that places emphasis on special education classes and incorporating children with disabilities in classes in regular public schools as well as schools for special education as backbone. To protect the right to education of children with disabilities, the 2006 amended *Compulsory Education Law of the PRC* stipulate specific rules for the improvement and development of special education; for example, local governments from the county level and above are responsible for setting up special education schools (classes); ordinary schools should accept children with disabilities who have the ability to receive general education and provide them with aid in study and rehabilitation. The public funds allocated per student in special education schools and classes should be higher than that of ordinary students. In 2009, the General Office of the State Council of the PRC transmitted the “Opinions on Further Accelerating the Development of Special Education” from eight government departments, including the Ministry of Education, the Ministry of Finance, and the China Disabled Person’s Federation. This expanded the scope of compulsory education for persons with disabilities, and called for the implementation of compulsory education for children with various forms of autism, cerebral palsy, and children with severe disabilities. It clearly put forward the [need] to accelerate development of special education,

particularly accelerating the development of primarily vocationally-oriented special education for persons with disability at higher secondary and higher education. Targeting the weaker links in special education, it put forward a series of policies and measures such as: improve the special education cost guarantee mechanism, strengthen the building of a body of special education teachers, elevate the quality of education for children with disabilities in the regular classes, and eliminate illiteracy among young individuals with disability. The Ministry of Education and the National Development and Reform Commission are currently building and renovating 1,160 schools in mid-western [China], thus allowing special education conditions to be significantly improved. Students with disabilities who receive compulsory education and vocational training universally enjoy “Two Exemptions and One Subsidy” policies [exemption of tuition and sundry study costs and subsidies to help cover living costs] and national grants, and students with disabilities from economically disadvantaged families receive necessary financial support. In 2009, the number of special education schools in China reached 1,672, educational staff reached 47,000 – among them 38,000 were teachers – and the number of students reached 428,000. Outside of this, a large number of students with mild disabilities attend ordinary schools. The cumulative number of students with disabilities who are admitted to universities reached 31,780.

五、社会办学情况和择校自由

238、在大力发展公办教育的同时，中国政府十分重视吸纳社会上各种资源共同举办教育机构，共同推进中国的教育事业。2002年全国人大通过《民办教育促进法》，明确了积极鼓励、大力支持、正确引导、依法管理的方针。2009年，全国共有各级各类民办学校10万余所，在校生3065.4万人，占全国各级各类学校总数的19.3%，在校生的11.8%。

5. The Situation of Private Schools and the Freedom to Choose Schools

238. Alongside the significant efforts to develop public education, the Chinese government places great importance on attracting various resources from society to cooperate in establishing educational institutions and in advancing China's education cause. In 2002, the National People's Congress passed the Private Education Promotion Law. It explicitly sets out the principles of “active encouragement, strong support, proper guidance, and management in accordance with the law.” In 2009, the entire country had different levels and types of private schools that numbered more than 100,000, with 30.654 million students, representing 19.3 percent of the total number of schools of different levels and types and 11.8 percent of all students, respectively, in all of China.

239、在中国，父母和法定监护人可自由为孩子选择非公立但符合国家教育标准的学校，孩子在学校能够得到道德教育。

240、中国宪法规定，公民有宗教信仰自由，这包括信教和不信教自由、信仰不同宗教的自由。中国对于父母和监护人向未成年人传播宗教知识、携带未成年人参加宗教活动等从未禁止过。同时中国实行宗教与教育分离的原则，宪法规定不得利用宗教进行妨碍国家教育制度实施的活动。因此，在中国国民教育体系中，不进行宗教教育，特别对于少年儿童，不得因为学习宗教而干扰其接受正常的学校义务教育。

六、困难与挑战

241、当前，中国教育事业的发展既面临着难得的机遇，更面临着严峻挑战，有不少困难和问题，主要有：一是教育发展水平还不能适应广大公民接受教育的需求；二是城乡之间、区域之间教育发展不协调；三是公共教育投入不足，教育资源总量性短缺问题还十分严重。今后一个时期，中国政府将继续贯彻《教育法》等法律，落实《国家中长期教育改革和发展规划纲要（2010-2020年）》，加大对教育事业的投入。

七、回应委员会结论性意见

242、以上几部分相关内容分别回应了委员会结论性意见第66段关于免费义务教育和特殊群体受教育权等建议。

239. In China, parents and legal guardians have the freedom to choose for their children non-public schools that meet the country's education standards. Children in school can receive moral education.

240. China's Constitution mandates that citizens have freedom of religion, including freedom to [choose] religion and the freedom not to have religious belief, and the freedom to have different religious beliefs. China has never banned parents and legal guardians from preaching religious knowledge to minors and taking them to participate in religious practices. At the same time, China implements the principle of separation between religion and education. The Constitution stipulates that religion shall not be used to obstruct the activities undertaken by the country's education system. Thus, in China's national education system, there is no religious education, particularly towards young children. Religion studies must not impede children from receiving their regular compulsory education.

6. Difficulties and Challenges

241. Currently, the development of China's education system is faced with rare opportunities, and, even more so, faced with harsh challenges. There are many difficulties and problems, which include: 1) the level of educational development still cannot meet the education demands of a large population; 2) between rural and urban areas, and between different regions, the development of education is not uniform; 3) the public educational budget is insufficient, and the total shortage of educational resources is a very serious problem. In the next period, the Chinese government will continue to implement the *Education Law* and other laws, to realize the "National Outline for Medium and Long-term Education Reform and Development (2010—2020)," and increase funding for the education system.

7. Response to the Committee's Concluding Observations

242. The information in the above sections separately respond to paragraph 66 of the Committee's concluding observations and recommendations regarding free compulsory education and the right to education for

special groups.

八、教育对外合作交流进一步扩大

243、截至2009年底，中国已与190个国家和地区以及联合国教科文组织等国际组织建立了教育合作交流关系，与35个国家和地区签订了学历学位互认协议。中国政府一贯支持公民出国留学。2009年，各类出国留学人员达到22.93万人，同比增长27.5%

244、新中国成立60年来，中国累计接受来华留学人员169万人次。2009年全国共有来自190个国家和地区的238184名各类来华留学人员，比上年增长6.57%，来华留学生总数、生源国家和地区数、中国接受单位数及中国政府奖学金人数四项均创新中国成立以来新高。

十二、第十五条 参加文化生活、享受科技进步的权利

一、文化权

(一)发展公共文化服务

245、中国政府近年来提出加快建立覆盖全社会的公共文化服务体系的目标，并采取了一系列相关政策措施。

246、2003年6月，国务院公布了《公共文化体育设施条例》，从规划、建设、经费、服务和管理等方面确定了促进图书馆、博物馆、文化馆（站）、美术馆等公共文化设施发展的基本制度。目前国务院正在审议《博物馆管理条例》。2009年，文化部制定了《基层公共文化服务体系建设实施方案（2009-2013年）》等规范性文件，出台了《乡镇综合文化站管理办法》，明确了乡镇综合文化站公益性文化事业的性质、功能、任务和保障措施，正在

8. Further Expansion of Education Foreign Exchange and Cooperation

243. As of the end of 2009, China has established educational exchanges with more than 190 countries and regions, UNESCO, and other international organizations, and signed agreements to mutually recognize degrees from 35 different countries and regions. The Chinese government consistently supports its citizens to study abroad. In 2009, the number of students who studied abroad reached 229,300 people, an increase of 27.5 percent.

244. Since the founding of the new China 60 years ago, the cumulative number of foreign students that China has received is more than 1.69 million. In 2009, there were 238,184 foreign students in China from 190 countries and regions, an increase of 6.57 percent. Since new China was founded, new high was recorded in four areas: the total number of foreign students, the number of countries and regions where students come from, the number of foreign students that China accepts, and the number of recipients of Chinese government scholarships.

XII. Article 15 – The Right to Participate in Cultural Life and to Enjoy the Progress of Science and Technology

1. The Right to Culture

(1) Development of Public Cultural Services

245. In recent years, the Chinese government raised the goal of accelerating the establishment of public cultural services throughout the country, and took a series of related government measures.

246. In June 2003, the State Council announced the “Regulation on Public Cultural and Sports Facilities” to improve the basic system of public cultural facilities including, libraries, museums, cultural centers, and art galleries and other public from planning, constructing, funding, services and management point of view. At the present time, the State Council is currently reviewing the “Regulation on Museum Management.” In 2009, the

进行公共图书馆立法的前期调查研究。

Ministry of Culture formulated the “Program for the Construction and Implementation of a Basic Public Cultural Service System (2009-2013)” and other normative documents; it promulgated the “Measures for Village and Towns Joint Cultural Stations Management” to clearly set out the nature, function, responsibilities, and safeguard measures for non-profit cultural programs at joint village and town cultural stations. [The State] is currently in the process of preliminary investigation and research on legislation related to public libraries.

247、2003-2008年，中国文化事业费累计达946.51亿元，年均增幅21.41%；各级财政对艺术表演团体投入达239.09亿元，年均增幅16.3%；对公共图书馆投入191.38亿元，年均增幅18.4%；对群众文化事业投入198.1亿元，年均增幅22.67%。

247. Between 2003 and 2008, China’s total expenditure on cultural programs cumulatively amounted to 94.651 billion *yuan*, an annual rate of increase of 21.41 percent. The financial investment in performing arts groups by different levels of government financial departments reached 23.909 billion *yuan*, an annual rate of increase of 16.3 percent. Financial investment into public libraries amounted to 19.138 billion *yuan*, an annual rate of increase of 18.4 percent. The investment in mass culture programs reached 19.81 billion *yuan*, an annual rate of increase of 22.67 percent.

248、2003-2008年，公共文化设施基本建设完成投资额达到214.26亿元，新建扩建了一大批图书馆、博物馆、文化中心、影剧院和音乐厅等文化设施。2007-2010年，国家投入39.48亿元补助2.42万个乡镇综合文化站建设，到2010年末将基本实现“乡乡有综合文化站”。从2008年起国家对已建成的乡镇综合文化站配备必需的设备，2008年安排资金2.59亿元，2009年安排4.83亿元。截至目前，已对中西部地区10871个乡镇综合文化站配备业务设备，占中国乡镇总数的26.63%

248. Between 2003-2008, capital construction investment on public cultural facilities reached 21.426 billion *yuan* including a large number of newly built and expanded libraries, museums, cultural centers, theaters, concert halls and other cultural facilities. Between 2007 and 2010, the country invested 3.948 billion *yuan* to support the construction 24,200 joint village and town cultural stations, by the end of 2010 the goal of “A Joint Cultural Station in Each Village” would be realized. Starting from 2008, the state equipped existing joint village and town cultural stations with the necessary equipment, and allotted 259 million *yuan* in 2008, 483 million *yuan* in 2009. Up until now, 10,871 joint village and town cultural stations in central west China regions have been equipped with operations equipment, accounting for 26.63 percent of the total number of towns and villages in China.

249、从2004年开始，中国各级各类国有博物馆、纪念馆、美术馆等公共文化设施逐步实行了免费或者优惠开放制度，使更多的民众能够使用公共文化设施。截至2008年底，全国已有1007个博物馆、纪念馆陆续向社会

249. Beginning in 2004, state-owned museums, memorial halls, art galleries and other public cultural centers of all levels and types in China have gradually implemented policies of free admission or discounted admission, thus

免费开放，观众人数突破1.54亿人次。

allowing more members of the public to utilize these facilities. As of the end of 2008, 1,007 museums and memorial halls in China successively provided free admission and the number of attendees reached more than 154 million.

250、国家计划从2007-2010年累计安排资金24.76亿元，建成以数字资源建设为核心，多种传播方式手段，资源丰富、覆盖城乡的数字文化服务体系，努力实现“村村通”。2007年至2009年，中央财政已安排资金20.71亿元。

250. The State is planning to allocate a cumulative budget of 2.476 billion *yuan* from 2007 to 2010 to build a digital service system that is full of resources and covers urban and rural areas with digital resource construction as core and multimedia as methods. [the government] is working hard to realize [the plan] of “Every Village Connected”. Between 2007 and 2009, the Central government’s finance department already allotted 2.071 billion *yuan*.

(二) 繁荣和规范文化市场

(2) A Prosperous and Standardized Cultural Market

251、中国政府不断繁荣演出、音像、艺术品、娱乐业等各类文化市场。2008年，全国有图书出版物275668种，期刊9549种，录音制品11721种，录像制品11772种。目前，中国有电台和电视台2600多座，广播电视人口覆盖率分别达96.3%和97.2%。截至2009年底，中国互联网普及率达28.9%，超过世界平均水平。

251. The Chinese government continues to flourish in cultural markets such as performances, audio and video, art, and entertainment. In 2008, there were 275,668 different books and materials published, 9,549 periodicals, 11,721 sound recordings, and 11,772 video products. At the present time, there are more than 2,600 different radio and television stations, whose broadcasts reach 96.3 percent and 97.2 percent respectively. As of the end of 2009, China’s Internet penetration rate reached 28.9 percent – higher than the international average.

252、2009年国务院公布了《文化产业振兴规划》，重点发展一批园区、重点产业、重点项目、重点会展。同时，中国政府不断完善文化市场法制建设，规范文化市场行政执法行为，在制度上保障文化市场的发展公平公正、健康有序，在流通领域保障民众的文化权益不受侵害。国务院先后于2005年、2008年两次修订《营业性演出管理条例》，2006年完成对《娱乐场所管理条例》的修订工作。目前，《艺术品市场管理条例》的立法工作正在进行。

252. In 2009, the State Council announced the “Cultural Industry Promotion Plan” – prioritizing the development of numerous parks and gardens, prioritizing industry, prioritizing projects, and prioritizing exhibitions. At the same time, the Chinese government continues to improve the legal framework of the cultural market, standardizing administrative enforcement action of the cultural market, and creating a fair, equitable, healthy, and orderly system of cultural development, thus ensuring that the public’s right to culture in the circulation market is not infringed. In 2005 and 2008, the State Council amended twice the “Regulation on Commercial Performances Management,” in 2006 completed amended work on the “Regulation on Entertainment Venues Management.” At the present time, legislative work is being done on the “Regulations on Art Products Market Management.”

253、现在，绝大多数文化产品通过市场自由、平等交换来实现价值，文化市场已经成为文化产品供给和满足民众文化需求的主渠道。目前中国娱乐、演出、音像、文物艺术品、网络文化、动漫游戏等领域，基本实现了对国内非公有资本全方位、全过程开放，同时适当对外国投资者开放。截至2008年底，全国文化系统登记注册的演出经纪机构1305个，文化娱乐场所84356家，艺术品经营机构1697家，音像制品批发零售出租机构74369家，网吧13万多家。全国文化部门艺术表演团体年演出达42万场次，全国在网吧上网的网民7119万人，占网民总数的33.9%。文化市场形成了多样化、多层次、多渠道的文化产品供给格局和传播快、覆盖广、容量大的文化产品流通网络。

(三) 重视文化遗产的保护

254、中国于2004年加入联合国教科文组织《保护非物质文化遗产公约》，共有26项入选人类非物质文化遗产代表作名录。2005年12月，国务院《关于加强文化遗产保护的通知》确立了非物质文化遗产保护的基本制度。《非物质文化遗产保护法》目前正在审议。2007年12月，全国人大常委会再次修订《中华人民共和国文物保护法》，增强了政府保护文物的职责。

255、中央和地方各级财政大力支持非物质文化遗产保护工作。截至2009年7月，中央财政已累计投入6.59亿元用于非物质文化遗产保护专项资金，用于资助非物质文化遗产的普查、采录、保护、培训、研究、传播、出版及传承人开展传习活动等。据不完全统计，2005-2009

253. The majority of cultural products now realize their true value through the open market and equal exchange. The cultural market has become the main channel for providing cultural products and satisfaction to the public. At the present time, China's entertainment, performances, audio and video, cultural/historic art products, Internet culture, animation games, and other products have basically realized the full range of domestic private capital with an open process, at the same time, the [market] is also open to foreign investors in a proper way. As of the end of 2008, the national cultural registry system has registered 1,305 performance agencies; 84,356 cultural entertainment venues; 1,697 art products operation agencies; 74,369 wholesale, retail, and rental operations of audio and video products; and 130,000 Internet cafes. There are 420,000 performances by performance groups of the national cultural department, 71.19 million netizens in Internet cafes across the country, representing 33.9 percent of all netizens. The cultural market has produced a supply and demand structure for cultural products with diversity and multi-channeled, and a distribution network for culture products with fast circulation, broad coverage and with large capacity.

(3) Emphasis on Cultural Heritage Protection

254. In 2004, China joined the UNESCO *Convention for the Safeguarding of the Intangible Cultural Heritage*, and a total of 26 items were selected into the List of the Intangible Cultural Heritage of Humanity. In December 2005, the State Council, through the "Notice on Strengthening the Protection of Cultural Heritage," established a basic protection system for intangible cultural heritage. The *Intangible Cultural Heritage Protection Law* is presently being reviewed. In December 2007, the Standing Committee of the National People's Congress again amended the *Cultural Relics Protection Law of the PRC*, and strengthened the government's responsibility to protect cultural relics.

255. The central and local governments of all levels have strongly supported the work of protecting intangible cultural heritage. As of July 2009, the central government has cumulatively invested 695 million *yuan* specifically allotted for the protection of intangible cultural heritage.

年省级财政共投入约11.3亿元。经费的增加有力地保障了相关工作的开展。

256、2005年6月启动的全国非物质文化遗产普查工作，基本摸清了非物质文化遗产的种类、数量、分布状况、生存环境、保护现状和存在问题等基本情况，并进行了详尽的记录、保存，抢救保护了一批濒临消亡的、珍贵的非物质文化遗产。2006年、2008年，国务院批准公布了两批共1028项国家级非物质文化遗产名录。全国共评审公布了省级非物质文化遗产名录4315项，一些市、县也建立了本级非物质文化遗产名录。国家非物质文化遗产名录体系基本形成。2007、2008、2009年，文化部先后命名并公布了第三批国家级非物质文化遗产项目代表性传承人共1488名。自2008年起，国家按每人每年8000元的标准予以资助，鼓励和资助他们开展传承活动。2006年，中国艺术研究院编撰完成中国第一部全面系统研究非物质文化遗产的理论专著《非物质文化遗产概论》。

(四) 加强少数民族文化建设

257、中国各民族都有使用和发展自己语言文字的自由和权利。中国55个少数民族中，除回族和满族通用汉语文外，其余53个民族都有自己的民族语言。无论在国家政治还是社会生活中，还是在司法、行政、教育等领域，少数民族语言文字都得到广泛使用。

The funds were used for census investigations, record keeping, protection, training, research, dissemination, publication, and inheritors to start activities that pass [knowledge] about the intangible heritage products. According to incomplete data, from 2005 to 2009 provincial level governments invested 1.13 billion *yuan*. The increase of funds has been effectively ensured that the work is carried out.

256. Through a national census of intangible cultural heritage starting in June 2005, [the state] has assessed the basic condition of intangible cultural heritage [sites], including types, quantity, distribution, environment, conservation status and problems. [It] also had the detailed records and conservation, which saved a group of precious intangible cultural heritage [sites] that faced imminent destruction. In 2006, 2008, the State Council approved and announced two lists that contained 1,028 national intangible cultural heritage items. In total, the State assessed and announced 4,315 provincial-level intangible cultural heritage items; several cities and counties also established their own levels of intangible cultural heritage items. The national intangible cultural heritage lists system has been practically realized. In 2007, 2008, and 2009, the Ministry of Culture named and announced three groups of national level intangible cultural heritage inheritors that totaled 1,488 people. Beginning in 2008, the State annually provided 8,000 *yuan* per person to [those inheritors] to encourage and fund them doing activities that passed on the culture. In 2006, the China Academy of Art edited and finished China's first comprehensive and systematic research theory for intangible cultural heritage called "An Introduction to the Intangible Cultural Heritage."

(4) Strengthening the Building of Ethnic Minority Culture

257. Every ethnic group in China has the right and freedom to use and develop their own language. Among China's 55 ethnic minority groups, other than the Hui and Manchu that use Mandarin, the 53 other groups have their own ethnic languages. Regardless of whether it is in the country's political, social, judicial, administrative, educational or other contexts, the languages of ethnic minorities are widely used

258、中国各少数民族在长期的历史发展过程中，都形成了本民族独具特色和风格迥异的文化。在中国，少数民族传统文化受到尊重和保护，各民族都可以自由地保持和发展本民族的文化。为使少数民族传统文化得到保护，国家有计划地组织对各少数民族的文化遗产进行搜集、整理、翻译和出版工作，保护少数民族的名胜古迹、珍贵文物和其他重要的历史文化遗产。现在，中国55个少数民族都各自有了一部文字记载的简史。对少数民族地区文化设施建设，文艺人才培养，对外文化交流，文物保护实行特殊的优惠政策。

259、中国少数民族大多具有宗教信仰。中国政府实行宗教信仰自由政策，历来尊重和保护包括少数民族在内的公民在宗教信仰上自由选择的权利。中国宪法和法律对此予以保障。以西藏为例，各级政府对西藏的各种宗教、各个教派及信教和不信教群众一视同仁，尊重并依法保护各种宗教活动。中央政府和西藏自治区先后将布达拉宫和大昭寺、哲蚌寺、萨迦寺、色拉寺等著名宗教活动场所列为全国或自治区的重点文物保护单位。在过去的20年里，国家累计投资7亿多元人民币用于维修寺庙、文物古迹和宗教场所1400多处。

260、为推动少数民族地区的文化建设，中国政府为少数民族文化发展制定了文化设施建设、文艺人才培养、对外文化交流、文化遗产保护“四优先政策”。目前，全国共有民族文化事业机构10282个，从业人员76152人，其中艺术表演团体651个，少数民族歌舞团127个，艺术表演场所191个，剧场、影剧院163个，图书馆604个，群众艺术馆80个，文化馆643个，文化站6859个，博物馆

258. Through China's long history and development, ethnic minorities have established their own unique and different cultures. In China, the traditional culture of ethnic minorities are respected and protected; every ethnicity can freely retain and develop its own ethnic culture. To ensure ethnic minority cultures are protected, the State set plans to organize the work of collecting, collating, translating, and publishing ethnic minority cultural heritage, and to protect ethnic minority historical sites, rare cultural relics, and other important historical cultural heritage. Currently, each of China's 55 ethnic minority groups has a booklet that briefly documents their history. For the construction of cultural facilities in ethnic minority regions, the training of artistic talent, the exchange with foreigners, and the protection of historical relics, preferential governmental policies have been implemented.

259. The majority of China's ethnic minorities have their own religious beliefs. The Chinese government has implemented policies of freedom of religious belief, and always respects and protects citizens' – including ethnic minorities – right to freely choose their religious beliefs. These protections are entrenched in China's Constitution and laws. Using Tibet as an example, towards every type of religion, every denomination, believers and non-believers in Tibet, all levels of government have treated them equally, respected and protected all religious activities according to the law. The Central Government and the Tibetan Autonomous Region have set numerous locations – such as the Potala Palace, the Jokhang Temple, the Drepung Monastery, the Sakya Monastery, and the Sera Monastery – as national or regional important protected relics. In the past 20 years, the state has cumulatively invested 700 million *yuan* to restore more than 1,400 monasteries, historical relics, and religious venues.

260. To promote the establishment of culture in ethnic minority regions, the Chinese government has, for developing ethnic minority culture, set out a “Four Priority Policy” including favoring the construction of cultural facilities, the training of literary and artistic personnel, the culture exchange with the outside world, and the protection of cultural heritage. Presently,

240个

261、中央财政通过重大文化工程对少数民族地区文化建设给予了很大支持。在文化共享工程方面，截至2008年底，已在新疆、西藏等8个民族省区建设了34357个各级中心和基层服务点。同时，从2006年8月开始，陆续展开少数民族语言的译制工作。2007、2008连续两年共投入1600万元，开展卫藏藏语、安多藏语、蒙古语、维吾尔语、哈萨克语、朝鲜语的译制。在送书下乡工程方面，文化部和财政部于2003至2008年共向内蒙、西藏、新疆等8个民族和边疆省份赠送图书142万册，价值2975万元。2006至2008年，中央财政向西藏和新疆划拨294万元，用于采购民族语言文字图书。在流动舞台车工程方面，2006至2008年文化部共为8个民族省份配送流动舞台车174辆，价值5727万元。2009年启动了投资约5.7亿元的西藏“十一五”重点文物保护工程。2009年中国政府在西藏自治区全面实施古籍保护工作。

(五) 重视国际间文化交流和合作，促进文明对话和相互了解

262、中国公民在接触、了解、欣赏其它国家、地区文化方面享有充分的权利。截至2009年，中国已同145个国家签订了政府间文化合作协定和近800个年度文化交流执行计划，与上千个文化组织保持密切的合作关系，已与120个国家建立了1500对友好省州和友好城市关

nationwide, there are 10,282 ethnic cultural organizations, which employ 76,152 people, and include 651 performing troupes, 127 ethnic minority song and dance performing groups, 191 performance centers, 163 theaters and cinemas, 604 libraries, 80 mass art galleries, 643 cultural centers, 6,859 cultural stations, and 240 museums.

261. Through important cultural projects in ethnic minority areas, the Central Government has provided enormous support to their cultural work. With respect to cultural sharing projects, as of the end of 2008, 34,357 centers of all levels and primary service points were constructed in eight ethnic regions, including Xinjiang and Tibet. At the same time, translation and dubbing work of ethnic minority languages began in August 2006. In 2007 and 2008, two years in a row, a total of 16 million *yuan* was spent on carrying out translations of Weizang Tibetan, Anduo Tibetan Mongolian, Uyghur, Kazakh, and Korean. In projects to send books to the countryside, the Ministry of Culture and the Ministry of Finance, between 2003 and 2008, sent 1.42 million books with value of 29.75 million *yuan* to eight different ethnic minority provinces or regions and border regions including Inner Mongolia, Tibet, and Xinjiang. Between 2006 and 2008, the central government transferred 2.94 million *yuan* to Tibet and Xinjiang to purchase ethnic language books. In performance caravan projects, between 2006 and 2008 the Ministry of Culture sent to eight different ethnic minority provinces 174 performance caravans, valued at 57.27 million *yuan*. In 2009, [the state] initiated the Tibet's "Eleventh Five Year" Important Culture Objects Protection Project with a 570 million *yuan* investment. In 2009, the Chinese government fully implemented projects to protect ancient books in the Tibetan Autonomous Region.

(5) Emphasizing International Cultural Exchange and Cooperation, Promoting Civilized Conversations and Mutual Understanding

262. Chinese citizens enjoy broad rights in having contact, understanding, and appreciating the cultures of other countries and regions. As of 2009, China has signed 145 inter-governmental agreements for cultural cooperation and for the planning of nearly 800 annual

系，与148个国家的458个民间团体和组织建立友好合作关系。近5年来，在中国举行的大型国际文化活动不断增多，国际多边文化交流空前活跃。

263、中国一贯主张保护和促进世界文化多样性并积极开展与联合国教科文组织在该领域的合作。中国于2006年12月批准加入《保护和促进文化表现形式多样性公约》，并于2007年6月在首届缔约国大会上当选文化多样性政府间委员会委员国。2007年至2009年，中国作为政府间委员会委员国，一直积极参与该《公约》实施细则的制订。

二、涉及科技的权利

264、继2002年6月颁布实施《中华人民共和国科学技术普及法》后，修订后的《中华人民共和国科学技术进步法》也于2008年7月1日起施行，并明确规定“国家保障科学技术研究开发的自由，鼓励科学探索和技术创新，保护科学技术人员的合法权益”。

265、2004年7月，中国政府制定了《2004-2010年国家科技基础条件平台建设纲要》，在研究试验基地与大型仪器设备、自然科技资源、科学数据、科技文献、网络科技环境和科技成果转化等六方面建立了30多个面向社会开放服务的科技基础条件平台，投入经费超过20亿元人民币。2008年7月新修订的《科技进步法》明确了政府在推进科技资源共享中的职责以及科技资源管理单位必须履行开放共享的义务。2009年9月，中国政府开通了“中国科技资源共享网”，整合了1.4万台原值在20万元以上的大型科学仪器、867万份自然科技资源、35.5TB

cultural exchange programs, has intimate connections and cooperations with thousands of cultural organizations, has established 1,500 friendly states and cities relationships in 120 countries, and has also established friendly cooperation relations with 458 civil society groups and organizations in 148 countries. In the past five years, the number of large international cultural events that China has hosted continues to increase; the international multilateral cultural exchanges are now more active than ever.

263. China has consistently advocated for the protection and promotion of cultural diversity and has enthusiastically developed cooperation with UNESCO in relevant fields. In December 2006, China ratified the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and in June 2007, at the first session, China was elected as a committee member of the Intergovernmental Committee for the Protection and Promotion of Diversity of Cultural Expressions. Between 2007 and 2009, China as a committee member, has been actively involved in the formulating the implementation rules of the Convention.

2. Technology Related Rights

264. After the enactment of the *Law of the PRC on Popularization of Science and Technology* in June 2002, the amended *Law of the PRC on Progress of Science and Technology* also went to effect on July 1, 2008, and it clearly provided that: “The State guarantees the freedom of scientific research and technological development, encourages scientific exploration and technological innovation and protects the legitimate rights and interests of scientists and technicians.”

265. In July 2004, the Chinese government formulated the “2004-2010 National Science and Technology Infrastructure Platform Construction Program” – established more than 30 technology infrastructure platforms providing service to society in six areas including research and testing basic and large equipment, natural science and technology resources, scientific data, scientific literature, network technology environment, and technological achievements transformation. [It] has invested more than 2 billion

以上的科学数据、21.5万种科技图书、1.7万种西文科技期刊等科技基础条件资源信息可供社会开放共享。

yuan. The July 2008 amended *Law of the PRC on Progress of Science and Technology* clarified the government's responsibilities in promoting sharing scientific and technological resources, as well as the requirement for organizations managing scientific and technological resources to fulfill the obligations of resource sharing. In September 2009, the Chinese government launched the "Portal of Chinese Science and Technology Resource," which integrates and shares with the public 14,000 units of large scientific instruments that originally cost more than 200,000 *yuan*, 8.67 million copies of natural science and technology resources, more than 35.5 terabytes of scientific data, 215,000 different scientific and technological books, 17,000 Western science and technology journals and other related science and technology infrastructure resources.

266、为促进新能源和节能环保等产业发展，中国政府制定了《节能减排科技专项行动方案》，据初步统计，“十一五”以来，已累计安排国拨经费130亿元，安排节能减排技术研发项目350多项。

266. To promote the development of industries such as new energy and energy conservation, the Chinese government developed the "Energy-Saving and Reducing Emission Technology Special Action Program." According to preliminary statistics, since the "11th Five-Year Plan," 13 billion *yuan* have cumulatively been allocated and more than 350 research and development projects have been arranged to energy-saving and emission-reducing technology.

267、“十一五”期间，科技支撑计划对涉农领域的经费投入比“十五”增加3倍多，达55亿元。建设完善技术推广服务机构7700多个，支持培育农村科技合作组织8084个，培训农民6900多万人次。

267. In the period of the "11th Five-Year Plan," technology support programs for agriculture-related fields received three times more funding than the "10th Five-Year Plan" did and reached 5.5 billion *yuan*. There are more than 7,700 organizations that promote the improvement and promotion of technological services, 8,084 rural cooperation organizations that support and provide training on agriculture-related technologies – more than 69 million farmers have been trained.

268、中国政府的经费投入是科学研究基本权利得以实现的基本保障（图表十八）。在过去五年中，中国政府持续加大对国家自然科学基金的经费投入，从2005年的27亿元，增加至2009年的64亿元。自《国家科学技术奖励条例》颁布实施以来，国家科技奖励制度在实践中不断完善和发展。2000年至2009年，共有3022个项目、27772人和1个国际组织获得国家科学技术奖

268. The Chinese government's investment is the basis for the realization of the right to scientific research (Figure 18). In the past five years, the Chinese government continues to increase its funds into national natural science [projects] – from 2.7 billion *yuan* in 2005 to 6.4 billion *yuan* in 2009. Since the promulgation and implementation of the *Regulation on National Science and Technology Award*, the national science and technology award system continues to improve and

269、2006年，中国政府发布了《全民科学素质行动计划纲要（2006—2010—2020年）》，全面规划了科技普及工作。2008年全国共有各类科普人员176.10万人，比2006年增长8.47%。2008年共有建筑面积500平方米以上的各类科普场馆1107个，比2006年增长了28.87%。2008年全国共出版科普类图书3888种，比2006年增长22.96%；全国共出版科普期刊561种，出版总册数1.43亿册，比2006年增长近8%。2008年全国共举办科普（技）讲座95万次，听众达1.60亿人次，比2006年增长8.06%；举办科普（技）专题展览11.53万次，参观人次超过1.97亿，比2006年增长35.77%；各类机构共举办科普（技）竞赛4.69万次，参加人次达到4848.84万，比2006年增长14.77%。

270、从2006年开始，中国科协、财政部联合启动了“科普惠农兴村计划”。通过奖励和补助农村科技推广先进社团的方式带动更多的农民提高科学文化素养，掌握生产劳动技能，增强农民学科技、用科技的兴趣和意识。四年来，中央财政共安排转移支付资金4.5亿元。

271、《科技进步法》规定：中国政府发展同外国政府、国际组织之间的科学技术合作与交流，鼓励科学技术研究开发机构、高等学校、科学技术人员、科学技术社会团体和企业事业组织依法开展国际科学技术合作与交流。目前中国政府已与152个国家、地区和国际组织建

develop in the practice. Between 2000 and 2009, 3,022 projects, 27,772 individuals, and one international organization have won the national science and technology award.

269. In 2006, the Chinese government promulgated the “National Scientific Literacy Action Plan (2006—2010—2020 year)” – a comprehensive plan for popularizing science and technology. In 2008, there were 1.761 million science-related staff from different fields, an increase of 8.47 percent from 2006. In 2008, 1,107 science venues of different types with more than 500 square meters were constructed, this was an increase of 28.87 percent since 2006. In 2008, a total of 3,888 kinds of science-popularization books were published, an increase of 22.96 percent from 2006; a total of 561 scientific journals were also published, totaling 143 million volumes, this was an increase of nearly 8 percent from 2006. In 2008, 95,000 science and technology workshops were organized, with 160 million participants, an increase of 8.06 percent from 2006; 115,300 thematic science and technology exhibitions were also organized, with more than 197 million participants, an increase of 35.77 percent since 2006; 46,900 competitions were organized by different science and technology organizations, participant numbers reached 48.4884 million, an increase of 14.77 percent since 2006.

270. Beginning in 2006, the China Association for Science and Technology and the Ministry of Finance jointly launched the “Science Popularization, Benefits to Farmers and Making Villages Prosperous Plan.” Through awards and subsidies to organizations that advance and develop agricultural science and technology, more farmers are driven to improve their knowledge of science and culture, they have mastered production labor skills, enhanced the technology of agricultural sciences and the use, interest, and knowledge of science and technology. In the four years, the Central Government has made arrangements to transfer 450 million *yuan* of funds.

271. The Law of the PRC on Progress of Science and Technology stipulates: The Government of the People’s Republic of China shall promote scientific and technological cooperation and exchange with the governments of other countries and international

立了科技合作关系，与其中近百个国家签订了政府间科技合作协定。

organizations, and encourage scientific research and technological development institutions, institutions of higher education scientists and technicians, scientific and technological public organizations as well as enterprises and institutions to carry out international scientific and technological cooperation and exchange according to law. At the present time, the Chinese government has established science and technology cooperative relationships with 152 countries, regions, and international organizations, and has signed cooperation agreements on science and technology with nearly a hundred foreign governments.

三、知识产权保护

3. Protecting Intellectual Property Rights

272、中国于2006年12月29日批准加入《世界知识产权组织版权条约》(WCT)和《世界知识产权组织表演和录音制品公约》(WPPT)，于2007年10月28日批准接受世界贸易组织《关于修改TRIPS协议的议定书》。

272. On December 29, 2006, China ratified and joined onto the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). On October 28, 2007, ratified and accepted the World Trade Organization (WTO)'s Protocol Amending the TRIPS Agreement.

273、国务院相继发布与著作权保护相关的一系列行政法规，如《著作权集体管理条例》(2004年)、《信息网络传播权保护条例》(2006年)和《广播电台电视台播放录音制品支付报酬暂行办法》(2009年)。再次修改后的《著作权法》于2010年4月1日起施行，进一步完善了著作权保护制度。

273. The State Council has issued a series of administrative regulations for copyright protection, such as the Copyright Collective Management Regulations (2004), the Information Network Transmission Right Protection Regulation (2006), and the Interim Measures for the Payment of the Remuneration for Audio Products Played by Radio and Television Stations (2009). The amended Copyright Law came into effect on April 1, 2010, presenting a step forward in improving the system of protecting the copyrights.

274、此外，修改后的《专利法》于2009年10月1日起施行，增加了提高创新能力、促进经济社会发展的内容；修改后的《专利法实施细则》于2010年2月1日起施行；修改后的《知识产权海关保护条例》自2010年4月1日起施行。

274. Aside from this, the amended *Patent Law*, which came into effect on October 1, 2009, improved the ability for innovation, and promoted economic and social development. The amended *Patent Law Implementing Rules* came into effect on February 1, 2010. The Amended *Customs Protection of Intellectual Property Rights Regulations* came into force on April 1, 2010.

275、2009年，全国各地地方知识产权局共受理专利侵权纠纷案件937件，各级工商行政管理机关共查处各类商标违法案件51044件，各地共查办网络侵权案件541件，向司法机关移送24起涉嫌构成刑事犯罪的重大案件。2009年，全国海关共采取知识产权保护措施67051次，

275. In 2009, local intellectual property bureaus across the country received 937 patent infringement cases, different levels of industry and commerce administrative authorities investigated and dealt with 51,044 trademark violation cases, 541 network infringement cases were

实际扣留侵权嫌疑货物65810批，与2008年相比，分别增长了4.1倍和4.9倍。

276、2009年，知识产权民事案件数量继续增长，审判质量和效率不断提高。全国地方法院共新收和审结知识产权民事一审案件30626件和30509件，分别比上年增长25.49%和29.73%。共审结涉及知识产权侵权的刑事案件3660件，判决发生法律效力5836人，其中有罪判决5832人，分别比上年上升10.04%、8.31%、8.28%。

277、2008年6月5日，国务院颁布《国家知识产权战略纲要》。纲要特别就完善知识产权制度、促进知识产权创造和运用、加强知识产权保护、防止知识产权滥用、培育知识产权文化提出了5项战略重点。纲要现已转入全面实施阶段。

278、自1985年4月1日中国《专利法》实施到2009年底，中国累计受理中国申请人提交的专利申请4898273件，授权2643852件（图表十九）。自2002年以来，中国商标注册申请量每年以近10万件的速度增长，连续8年位居世界第一，2009年突破80万件。

四、对结论性意见中相关建议的回应

第68段关于言论自由

279、中国公民享有言论自由，包括批评各级政府的权利。《宪法》第35条规定，公民有言论、出版的自由。第41条规定，对于任何国家机关和国家机关工作人员，

investigated, and 24 cases suspected to involve criminal matters were transferred to judicial authorities. In 2009, customs officers across China took intellectual property protection measures 67,051 times, and confiscated 65,810 infringing goods, compared to 2008, these numbers increased respectively 4.1 and 4.9 times.

276. In 2009, the number of civil intellectual property cases continued to rise and the efficiency of and quality of trials also continued to improve. Local courts across the country received a total of 30,626 new intellectual property cases and issued concluded 30,509 cases – an increase of 25.49 and 29.73 percent respectively. [Courts] concluded total 3,660 criminal cases that involved intellectual property infringement. Among them, 5,836 individuals were impacted by effective verdicts and 5,832 individuals were convicted – an increase of 10.04, 8.31, and 8.28 percent respectively.

277. On June 5, 2008, the State Council promulgated the “National Intellectual Property Strategy Outline.” The Outline specifically sets out five strategic focus points: to improve the intellectual property rights system, to promote the creation and the use of intellectual property, to strengthen the protection of intellectual property rights, to prevent the abuse of intellectual property, and to cultivate a culture of intellectual property rights. The Outline is currently at the full implementation stage.

278. Since April 1, 1985 [when] China’s *Patent Law* took effective through 2009, the Chinese government has received 4,898,273 Chinese patent applications and has granted 2,643,852 patents (see Table 19). Since 2002, trademark applications saw an annual growth rate of nearly 100,000 times – ranking first in the world for eight consecutive years – and in 2009, exceeded 800,000 applications.

4. Response to the Recommendations in the Concluding Observations

Relating to Freedom of Expression (paragraph 68)

279. Chinese citizens enjoy freedom of expression, including the right to criticize any level of government. Pursuant to Article 35 of the *Constitution*, citizens have

公民有提出批评和建议的权利。中国积极推进政务公开，健全新闻发言人制度，扩大公民的知情权和监督权。中国现有电台和电视台2600多座，报纸2000余种。中国政府历来鼓励广开言路，中国公民获取国内外信息的渠道通畅。中国很多报刊、杂志、电视、电台、网站都在自由讨论各种问题。但对于利用学术研究、出版物和互联网造谣、诽谤或者发表、传播有害信息，煽动颠覆国家政权、推翻社会主义制度，煽动分裂国家、破坏国家统一，煽动民族仇恨、民族歧视，破坏民族团结等违法犯罪行为，依法将受到处罚。《公民权利和政治权利国际公约》对言论自由也有相应限制

280、中国政府积极促进互联网的发展，鼓励使用互联网。互联网在政治、经济、文化、社会生活等方面发挥了重要作用。中国互联网是开放的，网上言论活跃。2002年，中国互联网用户为5910万人，网站数量为37万个，国际出入口带宽为9380Mbps；至2009年底，互联网用户增至3.84亿，网站总数达323万个，国际出入口带宽达866367Mbps，手机上网用户数量2.33亿，博客超过2亿。中国网民在国内外各种网站、论坛、博客上浏览信息、互动交流，并开展电子商务和电子医疗等各项活动。中国政府把依法管理互联网、行业自律和公共教育监督结合起来，提高公众防范网上有害信息的能力，特别是尽可能使青少年免受有害信息的侵害。

freedom of the speech and the press. Article 41 stipulates that citizens have the right to criticize and make suggestions to any state organ or functionary. China actively promotes open government information and press spokesmen/women system in order to expand the citizen's right to know and supervise. In China, there are presently more than 2600 television and radio station and more than 2000 types of newspapers. The Chinese government has always encouraged open communication; Chinese citizens' have channels to access domestic and international information. Many newspapers, magazines, televisions, radios, and websites have discussed different issues freely. However, when academic research, publications, and the Internet are used to spread rumors, defamation, and harmful information, to incite subversion of state power, to overthrow the socialist system, to incite splittism and undermine national unity, to incite ethnic hatred and discrimination, to undermine nationalities unit or other criminal behavior, [individuals] will be punished according to the law. There are similar limitations in the International Covenant on Civil and Political Rights

280. The Chinese government has been actively promoting Internet development and encourages the use of the Internet. The Internet plays an important role on political, economic, cultural, and social life. China's Internet is open and online discussions are lively. In 2002, Chinese internet users reached 59.1 million; there were more than 370,000 websites, with the international gateway bandwidth to 9,380 Mbps. At the end of 2009, 384 million people were connected to the Internet; the number of websites reached 3.23 million, and the international gateway bandwidth reached 86,6367 Mbps; more than 233 million people were connected to the Internet through their cellphones and the number of bloggers reached passed 200 million. Chinese netizens have viewed information, exchanged information, developed information technology businesses, spread medical treatment information through different websites, forums, and blogs. The Chinese government has combined management of the Internet, self-regulation, and public oversight to raise awareness to improve the capacity [to protect] the public from harmful information, especially to prevent young people from being hurt by harmful information.

附件一 (Annex 1)

报告撰写跨部门工作组成员单位

Members of the inter-departmental working group preparing the report on the implementation of the Covenant

全国人大常委会法制工作委员会、最高人民法院、外交部、国家发展和改革委员会、教育部、科技部、工业和信息化部、国家民族事务委员会、公安部、民政部、司法部、人力资源和社会保障部、环境保护部、住房和城乡建设部、农业部、商务部、文化部、卫生部、国家人口和计划生育委员会、国家安全生产监督管理总局、国家统计局、国家知识产权局、国务院港澳事务办公室、国务院法制办公室、国务院新闻办公室、国务院扶贫开发领导小组办公室

Legislative Affairs Commission of the Standing Committee of the National People's Congress

Supreme People's Court

Ministry of Foreign Affairs

National Development and Reform Commission

Ministry of Education

Ministry of Science and Technology

Ministry of Industry and Information Technology

State Ethnic Affairs Commission

Ministry of Public Security

Ministry of Civil Affairs

Ministry of Justice

Ministry of Human Resources and Social Security

Ministry of Environmental Protection

Ministry of Housing and Urban-Rural Development

Ministry of Agriculture

Ministry of Commerce

Ministry of Culture

Ministry of Health

National Population and Family Planning Commission

State Administration of Work Safety

National Bureau of Statistics

State Intellectual Property Office

Hong Kong and Macao Affairs Office of the State Council

Legislative Affairs Office of the State Council

State Council Information Office

State Council Leading Group Office of Poverty Alleviation and Development

参与报告征询意见的非政府组织和学术研究机构**Non-governmental organizations and academic institutions consulted during the preparation of the present report**

中国社会科学院、中华全国妇女联合会、中华全国总工会、中国残疾人联合会、中国人权研究会、中国联合国协会、中国民间组织国际交流促进会、中国红十字会、中国计划生育协会、中国藏学研究中心、中国关爱协会、中国少数民族对外交流协会、中国女企业家协会、中国光彩事业促进会、中国教育国际交流协会、中国西藏文化保护与发展协会

Chinese Academy of Social Sciences

All-China Women's Federation

All-China Federation of Trade Unions

China Disabled Persons' Federation

China Society for Human Rights Studies

United National Association of China

China NGO Network for International Exchanges

Red Cross Society of China

China Family Planning Association

China Tibetology Research Center

China Care and Compassion Society

China Ethnic Minorities Association for External Exchanges

China Association of Women Entrepreneurs

China Society for Promotion of the Guangcai Program

China Education Association for International Exchange

China Association for Preservation and Development of Tibetan Culture

附件二：图表一至十九 (Annex II: chart one to nineteen)

图表一：2005-2009年全国开展职业培训人数（单位：万人次）

Chart 1: 2005-2009, the number of vocational training (Unit: million)

Figure 1: 2005-2009 Annual Number of People Receiving Vocational Training (Unit: 10,000s)

年 份 Year	各类职业培训 Various types of Vocational Training	其中：再就业培训 Re-employment Training	其中：创业培训 Entrepreneurship Training
2005年	1625	610	51
2006年	1905	645	63
2007年	1960	643	64
2008年	2053	600	81
2009 前三季度 (First three quarters of 2009)	2000	340	79
合 计	9543	2838	338

来源：中国人力资源和社会保障部

Source: Ministry of Human Resources and Social Security

图表二：2002-2009年城市低保基本情况表

Figure 2: 2002-2009 Basic Situation of Urban Low Income Benefits

年度 Year	平均低保标准(元) Average Benefit Standard (<i>yuan</i>)	人均月补贴水平(元) Level of Per Capita Monthly Subsidy (<i>yuan</i>)	保障人数(万) Number of People Receiving Benefits
2002	-	52	2064.7
2003	149	58	2246.8
2004	152	65	2205.0
2005	156	72.3	2234.2
2006	169.6	83.6	2240.1

2007	182.4	102.7	2272.1
2008	205.3	143.7	2334.8
2009	227.8	172	2345.6

来源：中国人力资源和社会保障部

Source: Ministry of Human Resources and Social Security

图表三：2003-2009年中国农村居民贫困状况

Figure 3: 2003-2009 Poverty Situation on China's Rural Areas

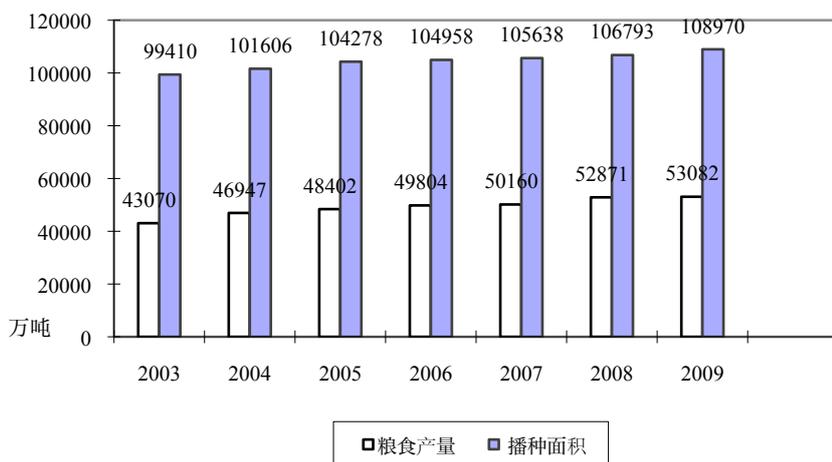
年份 Year	贫困标准 (元/人) Poverty Standard (yuan/person)	贫困人口 (万人) Number of People in Poverty (10,000)	贫困发生率 (%) Incidence of Poverty (%)
2003	637	2900	3.1
2004	668	2610	2.8
2005	683	2365	2.5
2006	693	2148	2.3
2007	785	1479	1.6
2008	1196	4007	4.2
2009	1196	3597	3.8

来源：中国农业部（注：2008年起，中国提高了贫困标准，农村贫困人口中含低收入人口，此前统计数据仅为绝对贫困人口，不含低收入人口。）

Source: Ministry of Agriculture (Note: Since 2008, China raised the poverty standard, the number of rural poor include individuals with low income, prior statistical data included only those in absolute poverty and excluded the low-income population)

图表四：2003-2009年中国粮食产量和播种面积的变化

Figure 4: 2003-2009 Annual Changes in Food Production and Acreage



来源：《中国统计摘要2010》，中国国家统计局编，2010年5月出版

Source: China Statistical Abstract 2010, compiled by China's National Bureau of Statistics, published in May 2010

图表五:2003-2009年主要农产品人均占有量(单位:公斤)

Figure 5: 2003-2009 Per Capita Consumption of Major Agricultural Products (Unit: Kilograms)

年份	粮食 Food	棉花 Cotton	油料 Oil	猪牛羊肉 Livestock	水产品 Water Products	牛奶 Milk
2003	334	3.8	21.8	39.5	31.6	13.6
2004	362	4.9	23.7	40.4	32.8	17.4
2005	371	4.4	23.6	42.0	33.9	21.1
2006	380	5.7	20.1	42.7	35.0	24.4
2007	381	5.8	19.5	40.1	36.0	26.7

2008	399	5.7	22.3	42.4	37.0	26.8
2009	399	4.8	23.7	44.4	38.5	26.4

来源:《中国统计摘要2010》,中国国家统计局编,2010年5月出版

Source: China Statistical Abstract 2010, compiled by China's National Bureau of Statistics, published in May 2010

图表六:中国城镇居民生活水平变动情况(单位:元、%、公斤/人)

Figure 6: Changes in Urban Resident Living Standards (Unit: *yuan*, %, kg/person)

年份	可支配收入 Disposable Income	恩格尔系数 Engel coefficient	粮食消费量 Food Consumption	畜肉消费量 (猪肉、牛羊肉) Meat Consumption (Pork, Beef, Lamb)	禽肉消费量 Poultry Consumption	水产品消费量 Water Consumption	蔬菜消费量 Vegetable Consumption
2003	8472.2	37.1	79.5	23.7	9.2	13.4	118.3
2004	9421.6	37.7	78.2	22.9	6.4	12.5	122.3
2005	10493.0	36.7	77.0	23.9	9.0	12.6	118.6
2006	11759.5	35.8	75.9	23.8	8.3	13.0	117.6
2007	13785.8	36.3	77.6	22.1	9.7	14.2	117.8
2008	15780.8	37.9		22.7	8.0		123.2
2009	17174.7	36.5	81.3	24.2	10.5		120.5

来源:《中国统计摘要2010》,中国国家统计局编,2010年5月出版

Source: China Statistical Abstract 2010, compiled by China's National Bureau of Statistics, published in May 2010

图表七：农村居民收入水平及主要食物消费量(单位：元、%、公斤/人)

Figure 7: Rural Citizen Income Levels and Food Consumption (Unit: yuan, %, Kg/person)

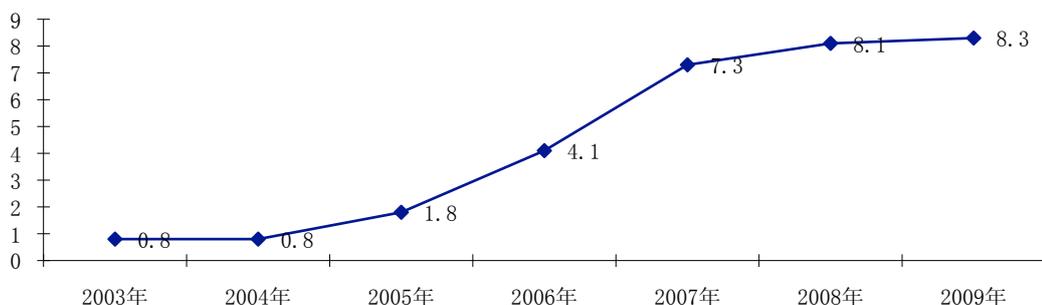
年份	人均纯收入 Per Capita Net Income	农村居民家庭 恩格尔系数 Rural Households Engel Coefficient	人均食物消费量 Per Capita Food Consumption				
			粮食 Food	食油 Oil	蔬菜 Vegetables	肉禽及制品 Meat and Poultry Products	蛋及制品 Egg Products
2003	2622.2	45.6	222.4	6.3	107.4	19.7	4.8
2004	2936.4	47.2	218.3	5.3	106.6	19.2	4.6
2005	3254.9	45.5	208.9	6.0	102.3	22.4	4.7
2006	3587.0	43.0	205.6	5.8	100.5	22.3	5.0
2007	4140.4	43.1	199.5	6.0	99.0	20.5	4.7
2008	4760.6	43.7	199.1	6.2	99.7	20.2	5.4
2009	5153.2	41.0	189.3	6.3	98.4		5.3

来源：《中国统计摘要2010》，中国国家统计局编，2010年5月出版

Source: China Statistical Abstract 2010, compiled by China's National Bureau of Statistics, published in May 2010

图表八：2003-2009 年新农合参合人口数变化（亿人）

Figure 80: 2003-2009 New Rural Area Insurance Participants (million)

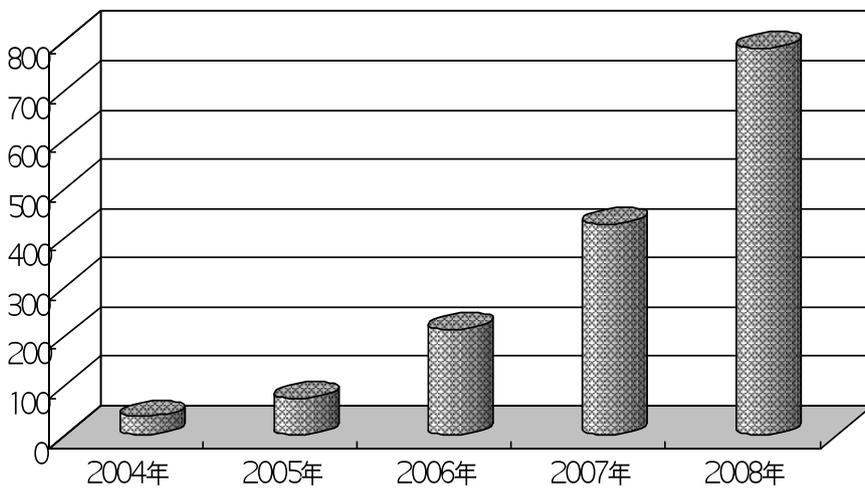


来源：中国卫生部

Source: Ministry of Health

图表九：2004—2008年新农合筹资总额情况（单位：亿元）

Figure 9: 2004-2009 Total Funding for Rural Area Insurance (Unit: 100 million yuan)

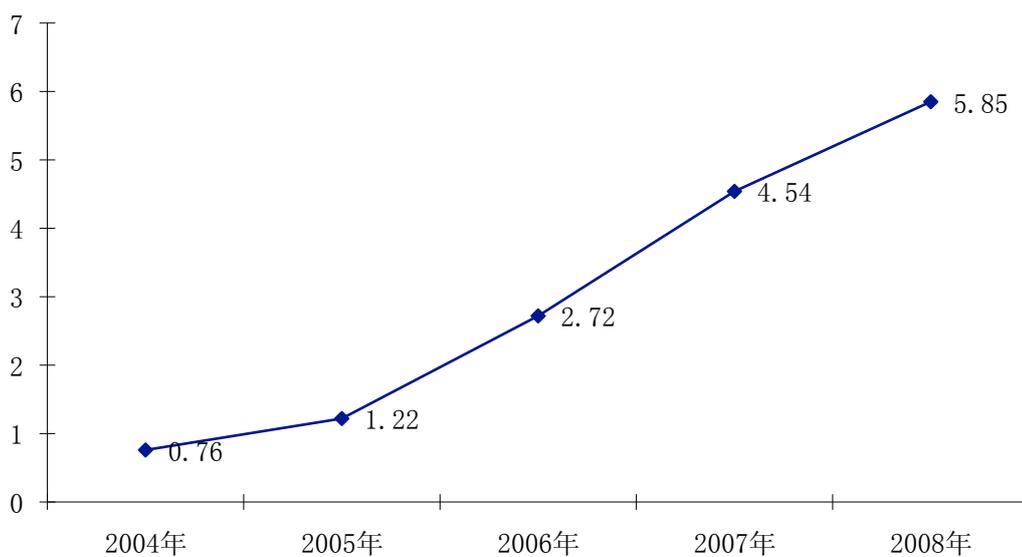


来源：中国卫生部

Source: Ministry of Health

图表十：2004-2008年新农合受益人次数（亿人次）

Figure 10: 2004-2008 Number of Rural Area Insurance Beneficiaries (100 million people)



来源：中国卫生部

Source: Ministry of Health

图表十一：年中国卫生总费用构成

Figure 11: 2000~2008 Annual Total Health Costs

年份	卫生总费用 (CTEH)	政府卫生支出		社会卫生支出		个人现金卫生支出	
	Total Health costs	Government Expenditure on Health		Social Expenditure on Health		Individual Expenditure on Health	
	亿元 (100 Million yuan)	亿元	占 CTEH%	亿元	占 CTEH%	亿元	占 CTEH%
2000	4586.63	709.52	15.47	1171.94	25.55	2705.17	58.98
2001	5025.93	800.61	15.93	1211.43	24.10	3013.88	59.97
2002	5790.03	908.51	15.69	1539.38	26.59	3342.14	57.72
2003	6584.10	1116.94	16.96	1788.50	27.16	3678.67	55.87
2004	7590.29	1293.58	17.04	2225.35	29.32	4071.35	53.64
2005	8659.91	1552.53	17.93	2586.41	29.87	4520.98	52.21
2006	9843.34	1778.86	18.07	3210.92	32.62	4853.56	49.31
2007	11573.97	2581.58	22.31	3893.72	33.64	5098.66	44.05
2008	14535.40	3593.94	24.73	5065.60	34.85	5875.86	40.42

来源：中国卫生部

Source: Ministry of Health

图表十二：2000-2008年住院分娩率（%）

Figure 12: 2000-2008 Annual Hospitalized Childbirth Rate (%)

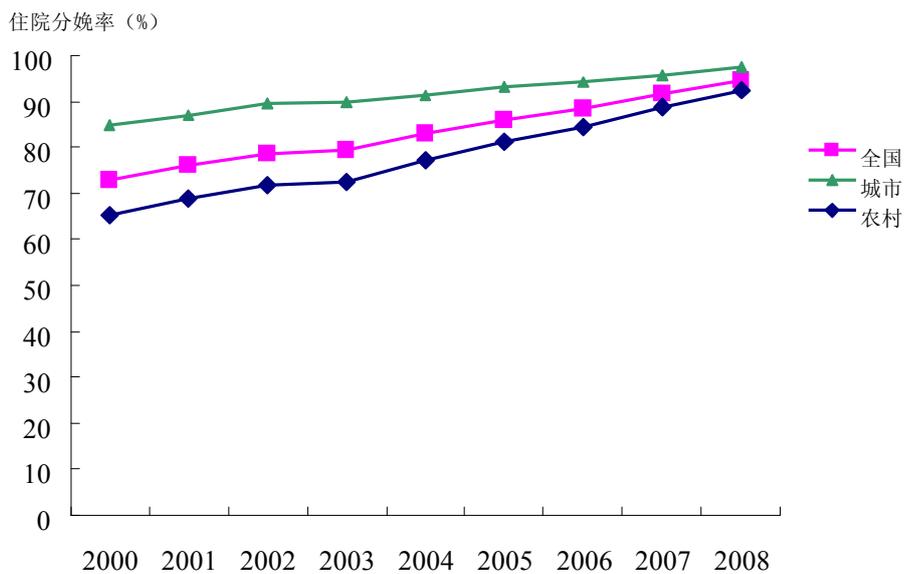
年份	全国 Nation-Wide	城市 Urban	农村 Rural
2000	72.9	84.9	65.2
2001	76.0	87.0	68.9

2002	78.8	89.4	71.6
2003	79.4	89.9	72.6
2004	82.8	91.4	77.1
2005	85.9	93.2	81.0
2006	88.4	94.1	84.6
2007	91.6	95.8	88.8
2008	94.5	97.4	92.3

来源：中国卫生部
Source: Ministry of Health

图表十三：2000-2008年孕产妇住院分娩率变化趋势

Figure 13: 2003-2008 Annual Trend for Maternal Hospital Delivery Rate



来源：中国卫生部
Source: Ministry of Health

图表十四：2000-2008年孕产妇死亡率和婴儿死亡率

Figure 14: 2000-2008 Annual Maternal Mortality and Infant Mortality Rates

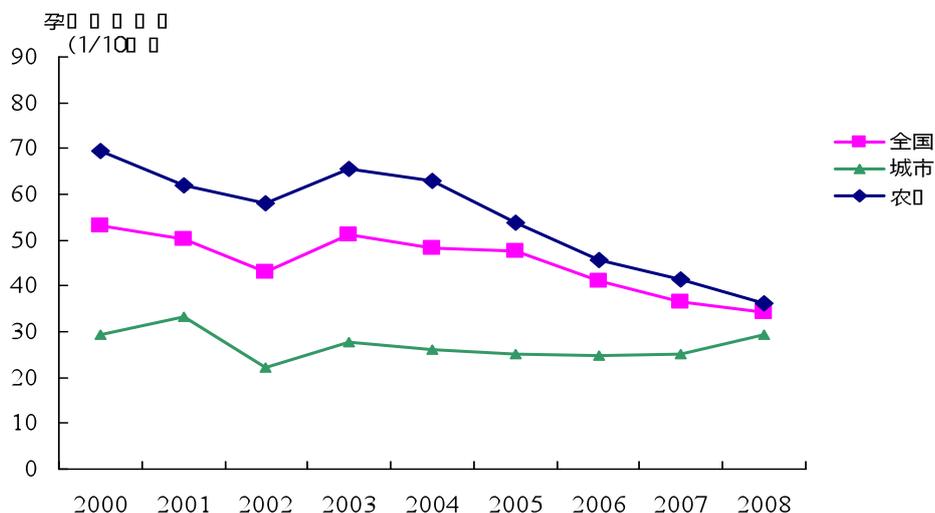
年份	孕产妇死亡率 (1/10万)			婴儿死亡率 (‰)		
	Maternal Mortality (1/100,000)			Infant Mortality (%)		
	全国	城市	农村	全国	城市	农村
	Nation- wide	Urban	Rural	Nation- wide	Urban	Rural
2000	53.0	29.3	69.6	32.2	11.8	37.0
2001	50.2	33.1	61.9	30.0	13.6	33.8
2002	43.2	22.3	58.2	29.2	12.2	33.1
2003	51.3	27.6	65.4	25.5	11.3	28.7
2004	48.3	26.1	63.0	21.5	10.1	24.5
2005	47.7	25.0	53.8	19.0	9.1	21.6
2006	41.1	24.8	45.5	17.2	8.0	19.7
2007	36.6	25.2	41.3	15.3	7.7	18.6
2008	34.2	29.2	36.3	14.9	6.6	18.4

来源：中国卫生部

Source: Ministry of Health

图表十五：2000-2008年孕产妇死亡率变化趋势

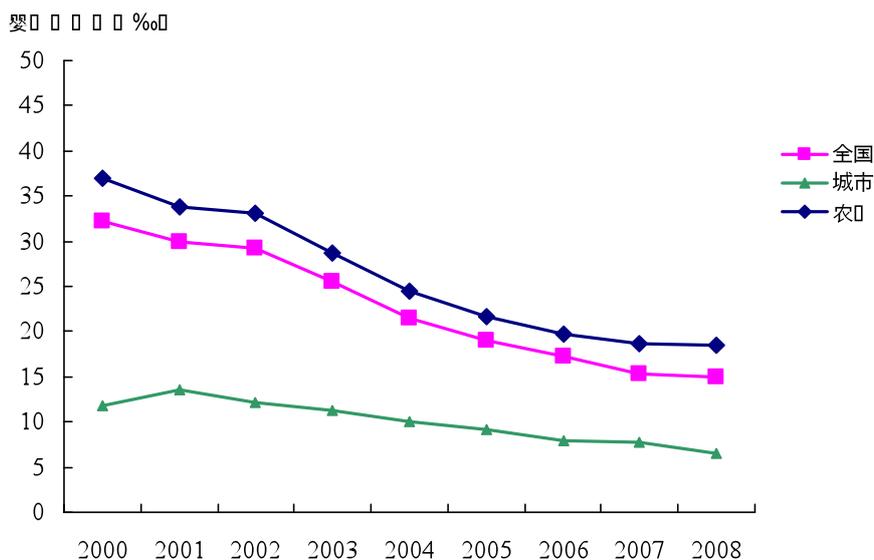
Figure 15: 2000-2008 Annual Maternal Mortality Trends



来源：中国卫生部
Source: Ministry of Health

图表十六：2000-2008年婴儿死亡率变化趋势

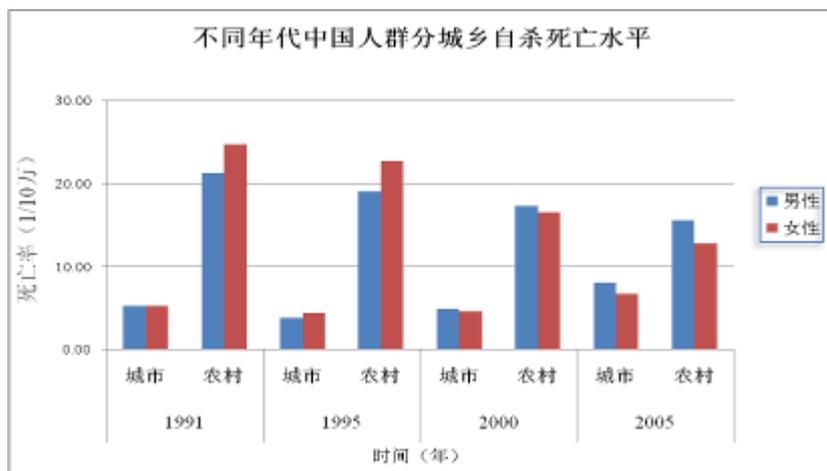
Figure 16: 2000-2008 Annual Infant Mortality Trends



来源：中国卫生部
Source: Ministry of Health

图表十七：不同年代城乡自杀死亡率水平

Figure 17: Urban Rural Suidice Mortality Rates



来源：中国卫生部
Source: Ministry of Health

图表十八：2005—2008年国家财政科技投入增长情况（单位：亿元）

Figure 18: 2005-2008 Annual National Financial Investment Growth (Unit: 100 million yuan)

	2005	2006	2007	2008
国家财政科技拨款	1334.91	1688.50	2114	2581.8

来源：中国科技部
Source: Ministry of Health

图表十九：1985-2009年中国国内专利申请受理和授权年度状况

Figure 19: 1985-2009 Annual Domestic Patent Application and Authorization Status

	受理件数 Applications	授权件数 Authorizations
1985-2004年	1863521	1092549
2005年	383157	171619
2006年	470342	223860
2007年	586498	301632

2008年	717144	352406
2009年	877611	501786
总计	4898273	2643852

来源：中国国家知识产权局

Source: China State Intellectual Property Office

i <http://www.lawinfochina.com/display.aspx?lib=law&id=6133&CGid=>

ii <http://www.for68.com/new/2008/6/wa001343847146800210030-0.htm>

iii <http://www.lawinfochina.com/display.aspx?lib=law&id=6536&CGid=>

iv <http://www.lawinfochina.com/display.aspx?lib=law&id=6549&CGid=>

v <http://www.lawinfochina.com/display.aspx?lib=law&id=6666&CGid=>

vi <http://www.lawinfochina.com/display.aspx?lib=law&id=7133&CGid=>

vii http://www.gov.cn/jrzg/2006-03/27/content_237644.html

viii <http://hrlsw.blogspot.com/2012/11/decision-of-state-council-on-question.html>

ix <http://www.lawinfochina.com/display.aspx?lib=law&id=2387&CGid=>

x <http://www.chinalawedu.com/news/23223/23228/2007/1/zh53031183719170025555-0.htm>

xi <http://en.ciqcid.com/Laws/Administrative/zjxgzxzf/45950.htm>

xii. <http://www.lawinfochina.com/display.aspx?lib=law&id=6358&CGid=>

xiii. <http://www.lawinfochina.com/display.aspx?lib=law&id=10181&CGid=>

xiv. <http://www.lawinfochina.com/display.aspx?lib=law&id=4975&CGid=>

xv. <http://www.lawinfochina.com/display.aspx?lib=law&id=4547&CGid=>

xvi The policy refers to a welfare system in which the State provides assistance in food, clothing, medicare, housing and burial expenses.