

“一带一路”倡议中的性别平等

**IMPROVING GENDER EQUALITY
THROUGH CHINA'S BELT AND
ROAD INITIATIVE**

致谢

本研究是由英国大使馆文化教育处委托进行的。在英国首相特蕾莎·梅 2018 年 1 月对中国的访问中，双方同意将继续探讨在“一带一路”中如何合作。本项研究就是来发现怎样做的。基于双方都对可持续发展目标五做出的承诺，“一带一路”提供了一个中英双方探索怎样合作通过“一带一路”嵌入性别平等的相关国际规范的机会。

报告由中国人民大学法学院副教授、中国人民大学国家人权教育与培训基地秘书长陆海娜博士，中国纺织信息中心副总经济师、中国纺织工业联合会社会责任办公室首席研究员梁晓晖博士和中国人民大学国家人权教育与培训基地助理研究员王陈平女士研究撰写。

Acknowledgement

This research was commissioned by the Cultural and Education Section of the British Embassy in China. During the visit to China in January 2018 by British Prime Minister Theresa May, the two sides agreed to hold further discussions on how they might co-operate on the Belt and Road Initiative (BRI). This research in turn identifies how, with a shared commitment to SDG5, the BRI presents an opportunity to explore how China and the UK could work together to map the opportunities to embed gender equality norms through and throughout China's Belt and Road.

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Improving Gender Equality Through China's Belt and Road Initiative (BRI)

Executive Summary

As China continues to grow its influence as a global power, so too does its footprint in development sector. Outward investment and foreign aid are a crucial embodiment of Chinese economic openness and developmental inclusiveness, as well as a major means of China's economic strength's influencing politics, economy and society on a global scale. In 2013, China launched the Belt and Road Initiative (BRI), a development strategy promoted by the Chinese government that focuses on connectivity and cooperation between China and Eurasian countries. Being one of the largest infrastructure and investment mega-projects in history, the BRI covers more than 68 countries, equivalent to 65% of the world's population and 40% of global GDP as of 2017 and the Chinese government has committed to increase its assistance to the developing countries along the 'Belt and Road'. The total assistance over the next three years (2018-2020) is expected to exceed RMB 60 billion.

The 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs) were adopted by world leaders in 2015. Governments, businesses and civil society together with the United Nations are mobilizing efforts to achieve the targets by 2030. SDGs No 5 is focused on achieving gender equality and empowerment for all women and girls. Equality is not only a fundamental human right, but also a necessary foundation for a peaceful, prosperous and sustainable world. Providing women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes will fuel sustainable economies and benefit societies and humanity at large. This mapping research focuses on the gender equality theme, makes recommendations for improving gender equality throughout China's Belt and Road Initiative (BRI) and explores how China and UK might work together on this.

The research aims to provide an overview by mapping China's foreign aid and investments particularly through the BRI in **Section 1**. When it comes to outbound investment, in 2016, China's net outward direct investment reached a peak of \$196.15 billion US dollars, and was the second highest in the world. However, the mega trends of China's outbound investment demonstrate that the social and environmental risks faced by the Chinese investment keep increasing.

Unlike the statistical data concerning foreign investment, foreign aid data is less accessible and transparent. Despite this, over the past 5 years, we knew characteristics of China's development are clearly evident.

Firstly, China's foreign aid is transforming from one-to-one grants to a more systematic mechanism which contributes to global governance initiatives. Examples include a series of international platform proposals under the global governance mechanism, such as the UN's 70 anniversary summit, United Nations Framework Convention on Climate Change, China African Cooperation Forum, G20 Summit and the BRICs Summit. Secondly, China's foreign aid strategy is responding more to global challenges, such as African food crisis, climate change and refugee crisis. Thirdly, China's foreign aid is becoming more and more standardized and institutionalized. In 2014, the Ministry of Commerce issued Interim Measures on Foreign Aid, the first of its kind in China's history. The most recent major development is the announcement by the Chinese government of establishing the State International Development and Cooperation Agency in March 2018. Fourthly, China's foreign aid has started to focus more on capacity building and tackling the roots of poverty. At the end of this section, the report also analyzes the positive impact of China's increasing foreign aid investments and the risks they are facing in the future.

As one major purpose of this research is to map and identify ways in which China and UK could work together to improve gender equality through and throughout China's Belt and Road, 11 countries have been identified. These are all BRI countries, have either DfID or British Council operations and provide the context for which the gender equality situation throughout these countries can be examined. The Gender Development Indexⁱ and Gender Inequality Indexⁱⁱ suggest challenging levels of inequality in these countries. When China implements BRI either through aid or investment, it should have strong knowledge of the local gender equality situation so that investment or aid would not exacerbate tensions around the current climate however instead positively promote gender equality and women's rights in these countries.

An overview of the gender equality situation in these 11 countries from multi-perspectives is provided in **Section 2**, covering the following aspects of these countries:

- commitments to international treaties
- legal/political framework regarding women
- women's participation in political and public life
- women's employment
- women's access to education
- women's access to justice
- marriage and family life
- violence against women

All data and latest Concluding Observations on the country reports of the UN Committee on the Elimination of All Forms of Discrimination against Women has been collected from available and credible resources.

ⁱ Gender Development Index.<http://hdr.undp.org/en/composite/GDI>

ⁱⁱ Gender Inequality Index.<http://hdr.undp.org/en/composite/GII>

In the context that China is both shaping and increasing its foreign aid strategy and investment, this research aims to advocate recommendations to government policy makers as well as enterprises who have investments in other countries on how to embed gender equality in China's overseas footprint based on a shared commitment to SDG5 and an understanding of international standards and norms.

In **Section 3**, the research provides a gap analysis on gender issues of China's existing foreign aid and investment policies in the light of international standards and best practices.

Firstly, this section provides an overview of the international legal framework on gender equality for China's foreign investment and foreign aid. It mainly includes international human rights treaties of which China is a contracting party. The research argues that it is an international legal obligation for China to ensure that its foreign investments and foreign aid should comply with international standards on gender equality. The research also presents other gender equality guidance provided by UNCTAD and UNWOMEN on investment and development programmes, which could provide a strong reference for China's BRI.

Also in this section, the research team has summarized 8 highlights from experiences of other countries, in particular UK's Department of International Development (DFID), for reference of audience as good practices. These are:

(1) Putting gender equality as the priority of foreign aid and reflect it through policy documents; (2) Considering gender equality in foreign investment (3) Country-based information disclosure/sharing; (4) Encouraging multilateral cooperation; (5) coordination across various departments and social forces; (6) Pre-action Research and Post-action assessment; (7) Seeking synergy between SDG5 and other SDGs; (8) Data transparency. The research also presents two cases selected as success examples.

Based on international standards and best practices, the research examines China's policy on gender equality in general and its deficiencies in practice, especially with regard to the BRI. The research indicates that China has a general commitment to promote gender equality and women's rights at a global level and possesses a comprehensive legal and policy framework on gender equality, which provides a good legal basis to develop gender policy for BRI. However, the research also indicates that to date, China has not issued any BRI specific gender policy or technical guidance for agencies or enterprises involved; and the idea of gender-mainstreaming, although entering the official discourse, has not been effectively integrated in the policy-making process of government organizations and public institutions. Furthermore, there is a lack of gender budget and segregated data on gender in BRI implementation.

Bearing in mind the international standards and practices, the research team has put forward policy recommendations to both government and enterprises for when they

venture outbound on how to embed gender considerations in their policies and strategies in **Section 4**.

1. Policy Suggestions for the Chinese Government

- 1) Raise awareness of the value-promoting role of the BRI and China's investment and foreign aid
- 2) Strengthen policy incentives and institutional guarantees for foreign investment and aid that promotes gender equality
- 3) Strengthen analysis, supervision and guidance on the gender impact of investment and aid projects
- 4) Strengthen research and information services on gender issues and strengthen the diversification of participants of foreign investment and aid
- 5) Deepen international exchanges and multi-lateral cooperation in the field of gender issues

2. Action Suggestions for Chinese Enterprises

- 1) Raise awareness and establish a culture of gender equality
- 2) Pay attention to cultivating and hiring female talents
- 3) Research, track and control risks and opportunities related to gender issues
- 4) Strengthen communication and cooperation on gender issues
- 5) Promote gender equality in business relations

The recommendations focus on policy level at this stage and it is anticipated that next stage research will complement these recommendations with practical suggestions/tools.

Finally, **Section 5** explores potential for cooperation between UK and China, including:

1. Government to Government:

- smooth and regular communication and information-sharing between DfID and the new China International Development and Co-operation Ministry on matters relating to development work in BRI countries, particularly when promoting gender equality.
- exchange and draw upon experiences in policy planning, monitoring and evaluation, as these relate to a shared commitment to the international rules-based system, and to working to shared norms and safeguards regarding development activity in those countries
- to exchange information about specific country aid strategies and planning, to explore potential co-operation and complementarities, while avoiding overlap and gaps

- to consider new leadership engagement programmes, and training, to promote dialogue on key international development issues, and to increase knowledge and understanding of different perspectives and approaches to achieving shared goals
- to explore the options for a working group to be established between the UK and China to share best practice on embedding gender specific safeguards into major programme activity and major projects
- to identify potential to co-fund specific aid projects or programmes , giving full play to each other's expertise
- Cooperation on policy exchange could be focused in a new working group/leading group, specifically focused on various topics such as developing joint research or training programmes on gender budgeting or gender mainstreaming evaluation of investment and aid programmes.

2. In recipient countries:

- to set up country-based communication channels to share contextual information and explore co-operation for synergy, and for possible 3 country engagement
- to coordinate project design and implementation in the same field and/or sector, including project scoping, implementation and monitoring and evaluation, to ensure gender equality is a cross cutting consideration to promote and support sustainable development including SDG 5 in working with local stakeholders
- to share good practices and lessons, including various project outputs such as toolkits, manuals, recommendations, training materials as well as development of project management tools and indicators.

Introduction

This research was sponsored by the Culture and Education Section of the British Embassy, Beijing, and aims to explore how to work with China, through a shared commitment to Sustainable Development Goal 5 (SDG5), to embed international norms of gender equality in China's overseas footprint, mapping and identifying ways in which China and the UK could work together on improving gender equality through, and throughout, China's Belt and Road Initiative (BRI).

The current research focuses on the policy level, covering both major elements of the BRI, namely government-funded aid programmes and foreign investments. The results of this research may serve as a starting point for more in-depth, field work-based research projects and programme activity for the future.

Firstly, this research maps China's assistance and investments globally and especially in BRI countries, providing a general picture on how the BRI may have an impact on gender equality both in BRI countries and globally.

Secondly, this research reviews the current situation relating to gender equality in BRI countries, focusing on 11 countries, namely Afghanistan, Bangladesh, Burma, India, Iraq, Jordan, Lebanon, Nepal, Pakistan, Syria, and Yemen. These are also countries where UK has, or has had, its own aid programmes. The selection of the 11 countries is based on the premise that the UK's experience of implementing aid programmes could offer helpful experience for China to consider; and that it is important to have good knowledge of the gender equality situation of the countries concerned before investments or aid programmes are designed and implemented – IF gender equality is to be fully embedded in planning.

Thirdly, the research reviews international standards on gender equality in transnational trade and foreign investment and aid projects, in light of SDG 5 and international human rights' norms. This part intends to clarify and recognize China's obligations to promote gender equality within the BRI under international law. The research also collects information on gender policy, best practice and lessons learned by the UK, which may provide technical support to assist China in promoting gender equality through its own projects in BRI countries by various forms.

Based on the above findings, this research conducts a gap analysis on the gender policy in China's overseas investment and aid programmes, set within the context of international standards and good practices.

Fourthly, based on these findings, the research provides further recommendations on

possible policy steps to ensure gender equality is mainstreamed in BRI projects led by China.

Fifth and finally, the research explores the potential for future co-operation between the UK and China on BRI, specifically in promoting gender equality. Detailed recommendations are given in conclusion on such potential cooperation.

In sum, this report contains the following five parts:

- I. Overview on China's current assistance and investments in BRI countries;
- II. Overview on the gender equality situation in BRI countries;
- III. Gap analysis on the gender policy of China's overseas investment and aid programmes in the light of international standards and good practice;
- IV. Recommendations on gender mainstreaming policies in BRI;
- V. Potential for cooperation between the UK and China on BRI in promoting gender equality

I. An overview of China's investments and assistancea

Outward investment and foreign aid are a crucial embodiment of Chinese economic openness and developmental inclusiveness, as well as a major means of China's economic strength's influencing politics, economy and society on a global scale

1. China's Outward Investmenta

1.1 The Status and Development of China's Outward Investment

In 2000, China implemented the "going-out" strategy and encouraged domestic enterprises to venture outbound and participate in international cooperation and competition, taking advantage of domestic and foreign markets resources, to develop an open economy on a higher level. That was the beginning of an express lane for China's outward investment, since which China has become one of the primary drivers of global economic growth. From 2013 when China put forward the "Belt and Road" initiative, its outward investment has demonstrated even stronger growth and potential.

Before discussion on the status and development of China's outward investment, it is necessary to stress that, in the last 10 years; China has shared the data concerning its outward investment transparently. Since 2011, China's Ministry of Commerce has been publishing annual reports titled "Report on Development of China's Outward Investment and Economic Cooperation"¹. In 2003, China's Ministry of Commerce, National Bureau of Statistics and State Administration of Foreign Exchange began to compile and publish the annual "Statistical Bulletin of China's Outward Foreign Direct Investment"². Such transparency makes the study of China's outward investment possible, increasingly objective and reliable. In addition, as of now, the latest comprehensive annual official statistics of outward investment are those from 2016, and hence the 2016 statistical data forms the basis for the research and analysis of this chapter.

In 2016, China's net outward direct investment (or "outflow", "flow") reached a peak of \$196.15 billion US dollars, an increase of 34.7%³ over 2015, and was the second highest in the world. It was the 14th year of continuous growth in China's outward direct

¹ The first report of this series is "Report on Development of China's outward Investment and Economic Cooperation 2010", see <http://coi.mofcom.gov.cn/article/bt/br>.

² The first report of this series is "2003 Statistical Bulletin of China's Outward Foreign Direct Investment", see <http://images.mofcom.gov.cn/fec/201512/20151204094208657.pdf>.

³ 2016 Statistical Bulletin of China's Outward Foreign Direct Investment, p. 3, and Report on Development of China's outward Investment and Economic Cooperation 2017, p. 3. For the former, see <https://www.yidaiyilu.gov.cn/wcm.files/upload/CMSydyIgw/201711/201711230223022.pdf>, for the latter, see <http://fec.mofcom.gov.cn/article/tjsj/>. And all data concerning investments are from these two report hereafter, unless otherwise noted.

investment (ODI), based on the Chinese government's annual data published since 2003. In 2016, China's ODI flows were 72.6 times those of 2002, with an average annual growth rate of 35.8%, and its global share increased from 0.5% to 13.5%. 2016 was the first year to exceed 10%. China thus officially became "a major international investor"⁴. As a sign of this rapid growth, by the end of 2016, China's 24,400 investors had established 37,200 foreign direct investment enterprises abroad or in regions beyond Chinese administration (hereinafter referred to as 'overseas enterprises'), located in 190 countries and regions around the world⁵. Moreover, China's foreign direct investment exceeded the inflow of foreign capital (USD 134 billion) once again, achieving net capital output in two-way direct investment for two years, while the total assets of China's overseas enterprises reached 5 trillion U.S. dollars at the end of the year, and the cumulative net value of outward direct investment (hereinafter called stock) amounted to \$1,357,390,000,000, which was 45.4 times the stock at the end of 2002.

It is worth mentioning that, according to the United Nations Conference on Trade and Development (UNCTAD) World Investment Report 2017 global FDI inflows in 2016 were \$1.75 trillion, a drop of 2% year-on-year⁶. Calculated according to this figure, China's foreign direct investment in 2016 accounted for 13.5% of the global investment flow, and 5.2% of the stock, with the global share of flow increasing by 3.6% on an annual basis and the ranking of stock rising from 2015's 8th to 6th.

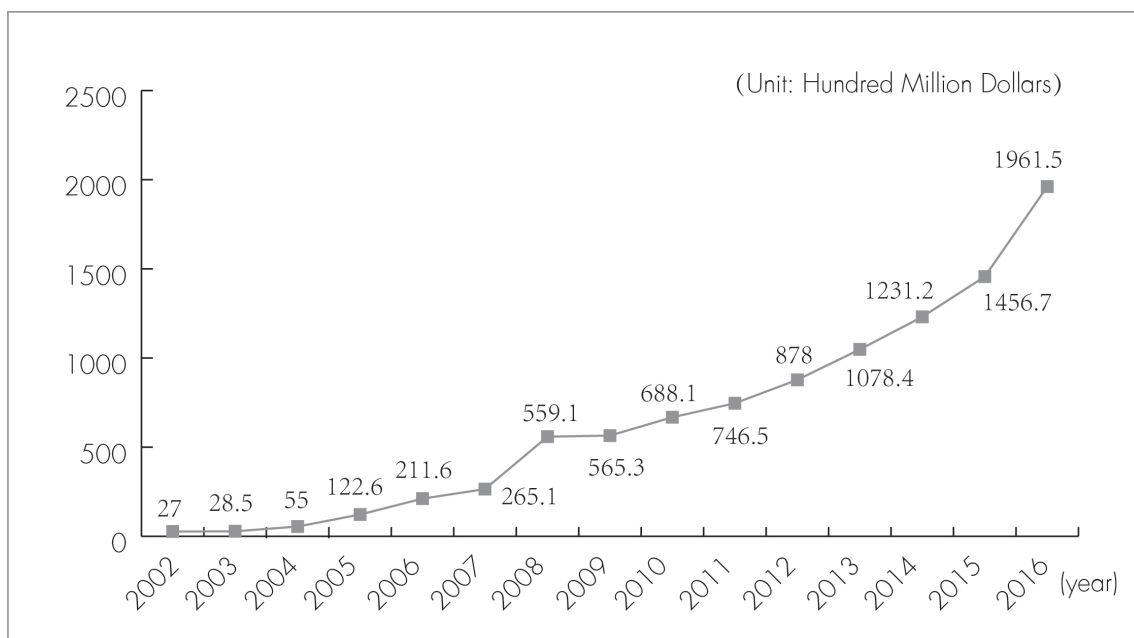


Figure 1: China's outward direct investment flow (2002-2016)

⁴ Report on Development of China's outward Investment and Economic Cooperation 2017, p. 3.

⁵ Report on Development of China's outward Investment and Economic Cooperation 2017, p. 7.

⁶ See World Investment Report 2017, p. 2, at http://unctad.org/en/PublicationsLibrary/wir2017_en.pdf.

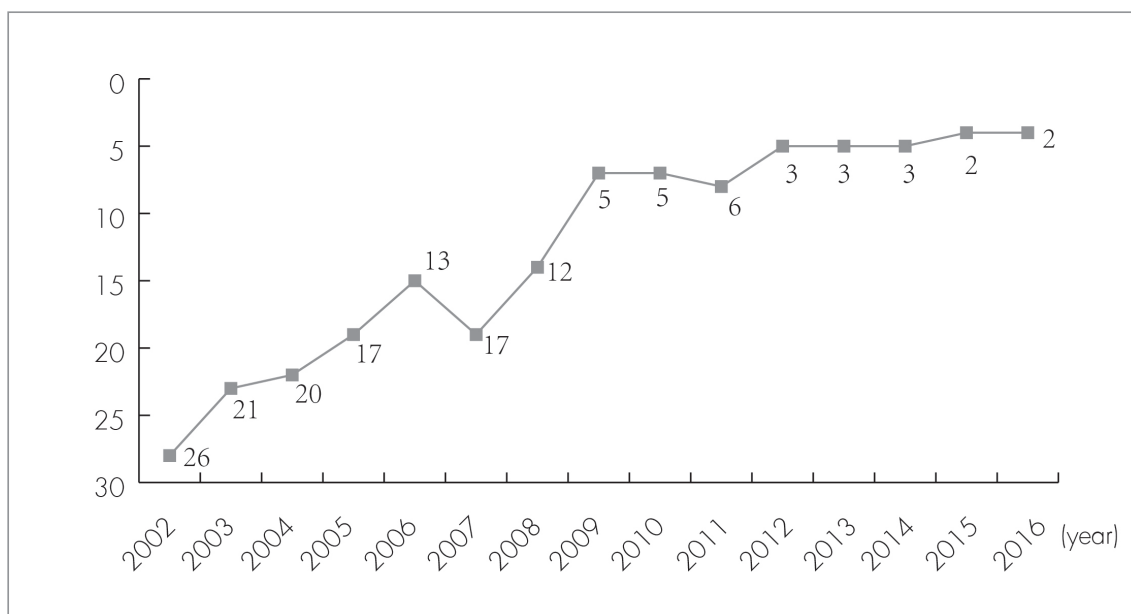


Figure 2: Rankings of China's outward direct investment (2002-2016)

Like other major investment countries in the world, China's outward investment is dominated by non-financial direct investment. In 2016, China's outward non-financial direct investment reached a total of 181.23 billion U.S. dollars, with an increase of 49.3% year-on-year, and by the end of 2016, outward non-financial direct investment had a stock value of more than 1.18 trillion U.S. dollars, while the total assets of foreign enterprises reached 2.87 trillion U.S. dollars. However, China's ODI was “different from global capital flow, and with unique characteristics” in the direction of flow, industrial structure, investment modes and investment agents ⁷.

With regard to the distribution of investment across sectors, China's foreign direct investment flowed to 18 categories in 2016, while the stock ranged across all sectors of the economy, in which leasing and business services continued to top the list. It is noteworthy that investment flowing to the manufacturing sector rose to second place in 2016 for the first time, with a total value of 29.05 billion U.S. dollars and an increase of 45.3% year-on-year, accounting for 14.8% of the total flow. The flow of investment towards the manufacturing sector covered automotive, telecommunications and other electronic equipment manufacturing, as well as specialized equipment, chemical materials and products, and even high-end manufacturing, including railways, ships and aerospace transport equipment, as well as traditional manufacturing industries such as plastics, textiles, leather & footwear and food manufacturing. In addition, manufacturing, in 2016, became one of the 5 industries with a stock of more than 100 billion dollars. At the end of 2016, capital stock in manufacturing amounted to \$108.11 billion dollars, accounting for 8% of the total stock, less than the mining industry which accounted for 11.2%.

⁷ Report on Development of China's outward Investment and Economic Cooperation 2017, p. 3.

As for regional distribution of investment, China's investment in the European Union, the United States and Australia was the highest in history, and developed countries became the preferred destination for outward investment by many Chinese enterprises. However around 80 per cent of the stock of China's foreign direct investment was still being distributed in developing economies. At the end of 2016, China's investment in developing economies was \$1,142.618 billion U.S. dollars, accounting for 84.2% of the total stock.

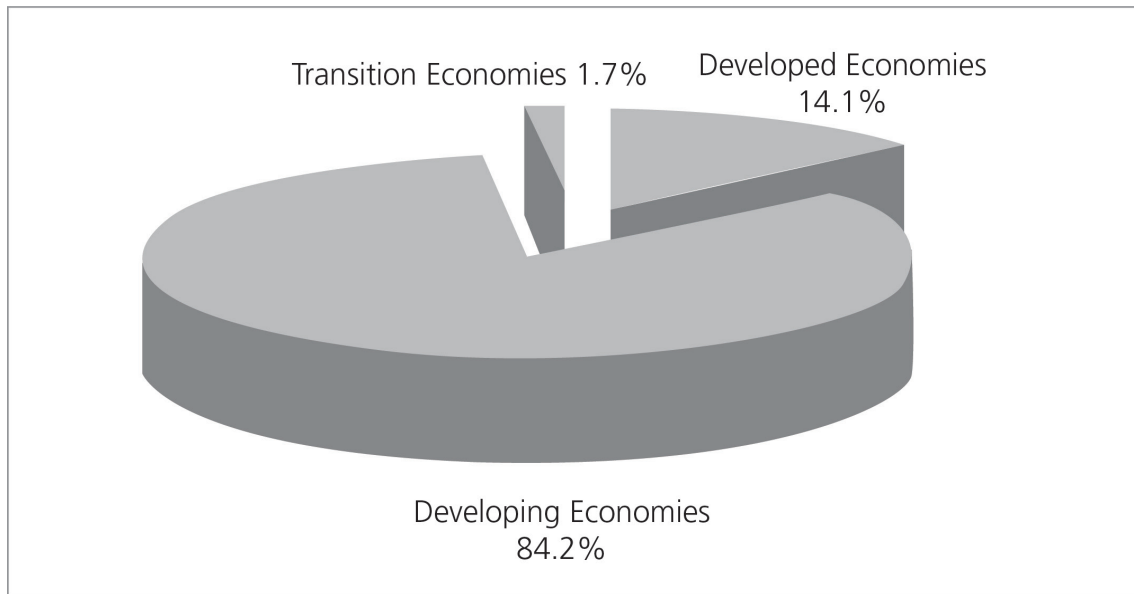


Figure 3: Distribution of China's outward direct investment among types of economies

Concerning investor profile, in China's foreign non-financial investment flows throughout 2016, non-public-owned domestic investors contributed 123.24 billion U.S. dollars accounting for 68% with public-owned investors 32% respectively. In respect of the stock, among the foreign non-financial direct investment stock of 1180.05 billion U.S. dollars by late 2016, state-owned enterprises accounted for 54.3%, with non-state-owned enterprises accounted for 45.7%. Furthermore, the percentage of non-public economy was continuously increasing. By the end of 2016 from among 24,400 outward direct investors, limited liability companies were the most active group, accounting for 43.2% of the total number of investors, private enterprises held second place with a percentage of 26.2%, and state-owned enterprises accounted for only 5.2%, decreasing by 0.6% over the previous year. Finally, from the industrial distribution of China's overseas enterprises, wholesale & retail, manufacturing, leasing & business services were the most concentrated industries, with a cumulative number of more than 23,000 companies, accounting for 62.7% of the total number of overseas enterprises, among which there were more than 7,700 manufacturing enterprises, accounting for 20.8%.

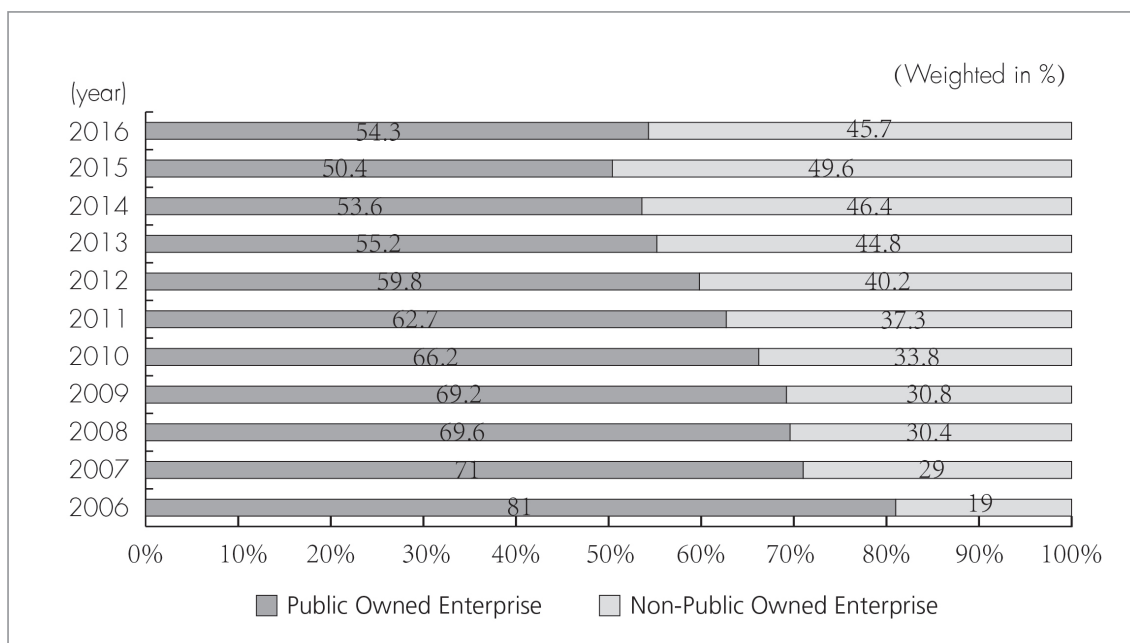


Figure 4: Types of investors in China's non-financial outward direct investment (by the late 2016)

The current data on China's 2017 outward investment shows that the indicators of China's outward investment flow had declined in 2017. Throughout the year, China's investors had invested in 6,236 overseas enterprises located in 174 countries and regions around the world, and the cumulative amount of non-financial direct investment was 810.75 billion RMB, with a decrease of 8.2%. This was equivalent to 120.08 billion U.S. dollars, with a decrease of 29.4%. As for the distribution among industries, 19.12 billion U.S. dollars flowed to manufacturing, down by 38.4%, and accounting for 15.9%⁸. Nonetheless, there has been no intrinsic impact on China's status as one of the world's largest international investors and on the constituent characteristics of its investment, especially in terms of stock.

1.2 China's investment status in the "Belt and Road" regions

The purpose of the "Belt and Road" initiative is to promote comprehensive all-round and pragmatic cooperation between China and the countries along the Road, including economic cooperation, to create a "community of shared interests, destiny and responsibility featuring mutual political trust, economic integration and cultural inclusiveness"⁹. Investment is the core foundation of this community. Since President Xi Jinping proposed the "Belt and Road" initiative in the fall of 2013, cross-border

⁸ Ministry of Commerce of PRC, "A brief statistics of China's outward non-financial direct investment in 2017", see <http://www.mofcom.gov.cn/article/tongjiziliao/dgzz/201801/20180102699454.shtml>.

⁹ National Development and Reform Commission, Ministry of Foreign Affairs, Ministry of Commerce, "Vision and proposed actions outlined on jointly building Silk Road Economic Belt and 21st-Century Maritime Silk Road", see http://www.xinhuanet.com/world/2015-03/28/c_1114793986.htm.

direct investment has always been a core area of economic cooperation between China and countries along the "Belt and Road", while the investment focus includes infrastructure interconnection, energy & resources cooperation, construction of industry parks and cooperation concerning advantageous capacities. From 2014 to 2016, China's outward investment in the "Belt and Road" was on the rise, and investment flows remained above \$14 billion in the last four years. In particular, in order to effectively promote investment and financing in the "Belt and Road" area, China has also advocated the establishment of the "Asian Infrastructure Investment Bank" (AIIB), a multilateral financial institution, and set up a "Silk Road Fund" that would give priority to supporting interconnected investment in the "Belt and Road" framework. So far, the AIIB have been involved in the construction of 24 infrastructure projects, located in 12 countries, and the total amount of loans has exceeded 4.2 billion U.S. dollars¹⁰.

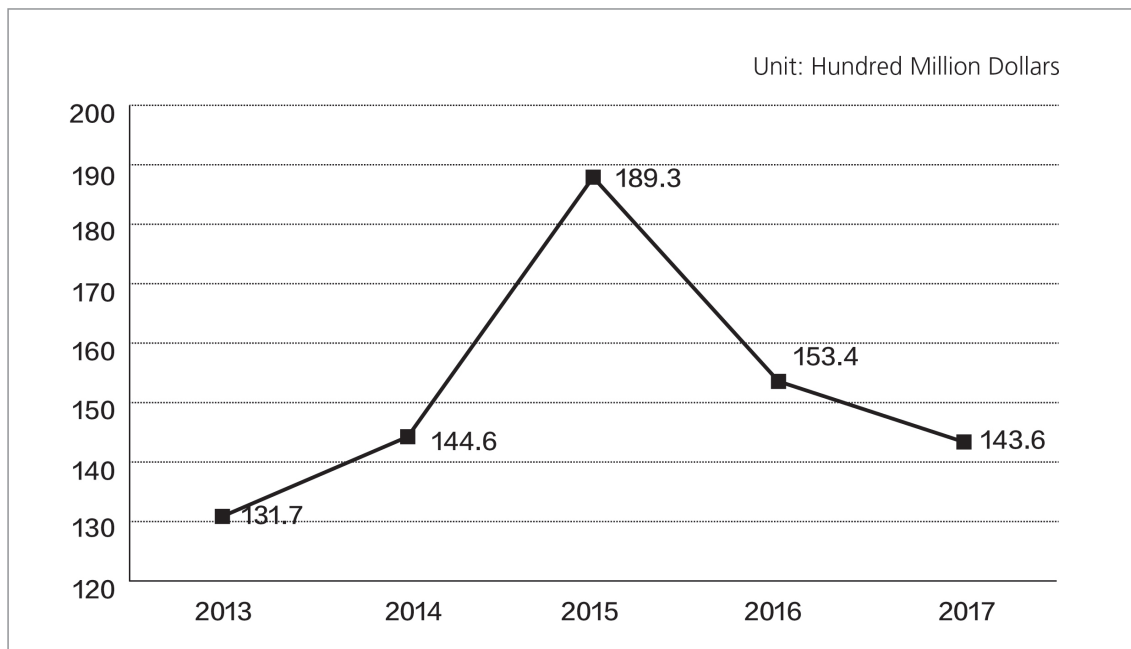


Figure 5: The total of China's investment in the "Belt and Road" countries (2013-2017)

According to statistics, in 2016, Chinese enterprises had established 56 economic and trade cooperation zones in 20 countries along the "Belt and Road", with a cumulative investment of more than 18.5 billion U.S. dollars. In addition, as of the end of 2016, the stock of China's direct investment in the "Belt and Road" countries was 129.41 billion U.S. dollars, accounting for 9.5% of China's stock of foreign direct investment¹¹. The top ten countries with most stock included Singapore, Russia, Indonesia, Laos, Kazakhstan, Vietnam, the United Arab Emirates, Pakistan, Burma and Thailand.

¹⁰ People's Daily, "Two Years of AIIB's Operation", 7th Jan. 2018, see <http://world.people.com.cn/n1/2018/0117/c1002-29769391.html>.

¹¹ Report on Development of China's outward Investment and Economic Cooperation 2016-2017, p. 124, data in this section is from the mentioned report, unless otherwise noted.

At the same time, in 2016, China's investment in the countries and regions along the "Belt and Road" was distributed in increasingly diversified industries. However, unlike the overall picture of China's outward investment, mining and manufacturing, above leasing and business services, were the two industries with the largest stock of investment, followed by construction. China's cooperation with the "Belt and Road" countries in the infrastructure sector had particularly intensified. In 2016, Chinese enterprises throughout the 61 "Belt and Road" countries had launched 8,158 new foreign contracted projects, with a total value of 126.03 billion U.S. dollars, accounting for 51.6% of China's new foreign contracted projects in this period, with an increase of 36% in its share. There were 5 "Belt and Road" countries in the 10 countries with most Chinese contracted projects, including Pakistan, Malaysia, Indonesia, where the value of new Chinese contracted projects has exceeded 10 billion U.S. dollars, while in Iran, Bangladesh, Laos, Iraq, the United Arab Emirates and Saudi Arabia the values have surpassed 5 billion U.S. dollars.¹²

It can be seen that, under the stimulus of the "Belt and Road" initiative, Asia has exhibited the fastest growth for China's outsourcing projects, leading to the rapid growth of infrastructure construction in related Asian countries. Additionally, Southeast Asia, whereby the value of a new contract, which was as much as 47 billion U.S. dollars, commercial buildings and power plants had the largest share, while among the contracts signed by Chinese enterprises throughout the "Belt and Road" countries, transportation, electricity and construction projects have been fast growing. For example, in the category of transportation infrastructure construction, the growth rate of railway projects had doubled in 2016 and the value of contracts on power projects in "Belt and Road" countries showed a year-on-year increase of 54%. Housing construction also showed rapid growth, especially the non-residential construction.

In 2016, Chinese enterprises carried out 115 mergers and acquisitions within "Belt and Road" countries, with a total value of 6.64 billion U.S. dollars, and Malaysia, Cambodia, the Czech Republic and other countries attracted more than 500 million U.S. dollars of acquisitions investment from Chinese enterprises.

However according to the latest statistics, China's overall investment in the "Belt and Road" countries in 2017 decreased slightly, and the total of non-financial direct investment in the 59 countries along the "Belt and Road" was 14.36 billion U.S. dollars, down 1.2%. Despite this, China's investment in its core areas of expertise continue to function well, showing a trend of increasing intrinsic value. For example, in terms of outsourcing projects, Chinese enterprises signed 7217 new contracts in 61 countries

¹² Report on the development of China's foreign contracted projects 2016-2017, available at: <http://www.chinca.org/CICA/PublicationsList/TP/17121415063311>.

along the "Belt and Road", decreased by 941 when compared to 2016 performance, however the total value reached 144.32 billion U.S. dollars, accounting for 54.4% of value of all the contracts, with an increase of 14.5%. Another example to highlight this in 2017 is that Chinese enterprises carried out 62 mergers and acquisitions projects in "Belt and Road" countries, (a decrease of close to 50, however the total investment was 8.8 billion U.S. dollars, with a growth of 32.5%¹³. We can conclude therefore that along with the construction of the "Belt and Road", economic and trade cooperation between China and countries along the Road will continue to deepen, and China's investment in the "All Belt and Road" will enter the "New Era" of enhanced quality and quantity.

2.1 Trends in China's Foreign aid and Its Tendency

China began providing aid to Vietnam and North Korea in 1950, marking the overture of China's foreign aid. "Beginning with helping neighboring friendly countries"¹⁴, China's foreign aid has to date developed into an important measure for China to "actively fulfill its international responsibilities and obligations", "further promote the reform of the global governance system" and "build a human community of shared future"¹⁵. It can be seen that, like outward investment, foreign aid is the right-hand arm of China's growing global influence. But unlike outward investment, the Chinese government's transparency in reporting on its foreign aid is apparently low, and relatively recent. The State Council Information Office published the "China Foreign Aid White Paper" in 2011 and 2014 and "China's Foreign Aid 2014"¹⁶, the former focusing on policy elaboration and broad historical description, the latter focusing on data statistics in 2010-2012. It is however difficult to identify detailed annual statistics classified by region and project. In the past five years since 2013, China has not published official foreign aid statistics in detail.

However, there are other sources of official data available, which can help to inform our understanding of China's foreign aid programmes to 2016. In December 2016, the State Council Information Office released the White Paper "Right to Development: China's Philosophy, Practice and Contribution". In the "Promotion of common development" section, it says that "in more than 60 years, China has provided to 166 countries and international organizations nearly 400 billion yuan of aid, and trained for the developing

¹³ Ministry of Commerce of PRC, "China's investment cooperation with the 'Belt and Road' countries in 2017", see <http://www.mofcom.gov.cn/article/tongjiziliao/dgzz/201801/20180102699459.shtml>.

¹⁴ State Council Information Office, "China's foreign aid" white paper (April 2011), see <http://www.scio.gov.cn/zfbps/ndhf/2011/Document/896982/896982.htm>.

¹⁵ China's Ministry of Commerce, "Actively developing foreign aid to promote the construction of human community of shared future--a summary of the achievements of the Ministry of Commerce's outward assistance projects after the 18th Party Congress", see http://www.mofcom.gov.cn/article/zt_dlfj19/fbdt/201709/20170902653779.shtml.

¹⁶ See <http://www.scio.gov.cn/zfbps/ndhf/2011/Document/896982/896982.htm>.

countries more than 12 million people, dispatched more than 600,000 aid workers, among whom more than 700 people have sacrificed their lives for the development of other countries. Since 2008, China has been the largest export market for these least developed countries for many years, accounting for about 23% of the total exports from these countries."¹⁷

The 13th Five-Year Plan set out that there would be an increase in China's foreign aid¹⁸. Yet, according to the two published reports on China's foreign aid cited above, at the end of 2012, China's total foreign aid amounted to 345.63 billion yuan, and China's official count of foreign aid was only 50.06 trillion yuan in 2013-2016.

The gap between foreign statistics and China's official data is significant. According to AidData, a research laboratory based in William & Mary, USA, during 2000-2014, China has invested more than \$350 billion dollars in aid to Africa, the Middle East, Asia-Pacific, Latin America and the Caribbean, Middle East and Europe, covering more than 4,300 projects in 140 countries or regions¹⁹. Notably, the data has recently been by the

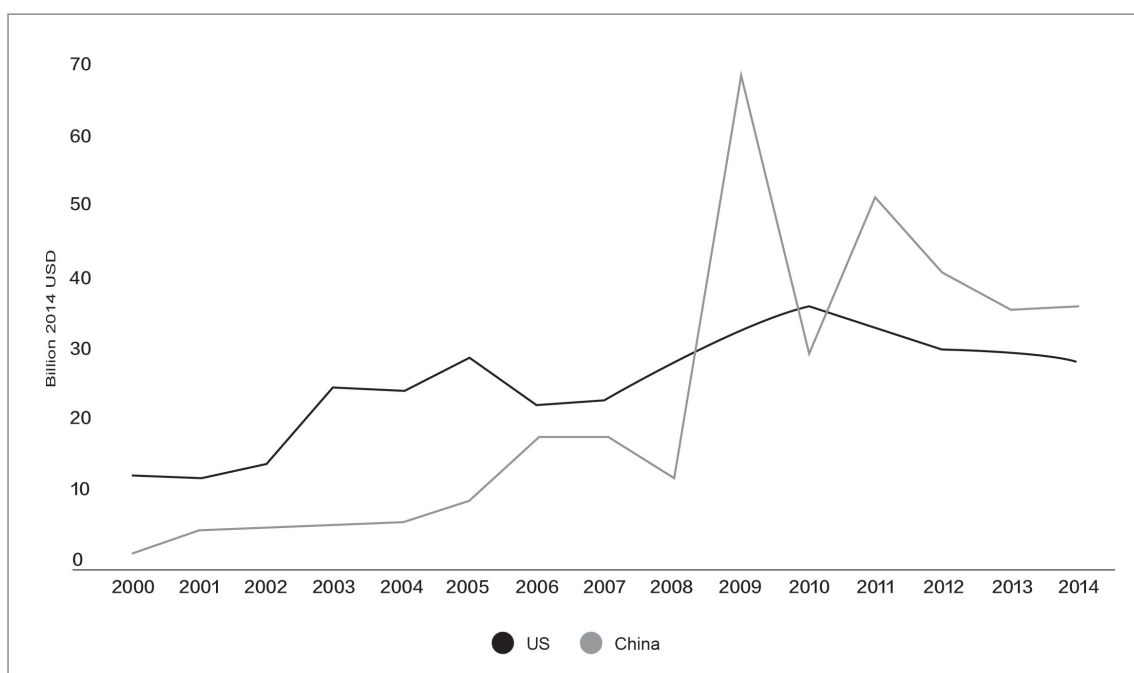


Figure 6: Total of China and US's Foreign aid by AidData (2000-2014)

¹⁷ State Council Information Office, Right to Development: China's philosophy, practice and contribution, 2016, see <https://www.en84.com/bps/1174.html>.

¹⁸ The thirteenth five year plan for the national economic and social development of People's Republic of China, Chapter 53, 2016, see <http://www.scio.gov.cn/zfbps/32832/Document/1532315/1532315.htm>.

¹⁹ See <http://aiddata.org/china>.

²⁰ People's Daily overseas edition, the establishment of these two foreign-related departments is of great significance, in March 15, 2018, see <http://news.sina.com.cn/c/nd/2018-03-15/doc-ifyshpee2910710.shtml>.

overseas edition of the People's Daily, an official Chinese state media outlet²⁰. Meanwhile, according to AidData, China's promised amount of foreign aid has surpassed that of the United States since 2011 (Figure 6)²¹.

In addition, according to a study by the Japan International Cooperation Agency (JICA), China's annual total foreign aid grew rapidly from 2004, and amounted to 5.2 billion US dollars in 2013, with a small drop to \$5 billion in 2014, and a 5.4 billion-dollar increase in 2015 (Figure 7)²². However, according to JICA's study, China's total foreign aid was ranked 9th in global terms in 2015, and however it would be premature to suggest that it is in a position to overtake the US at this stage. It can be seen that the relative opacity of China's foreign aid reporting has led different researchers to reach widely differing conclusions on spend, although the deviation may simply and largely be due to different definitions of "foreign aid".

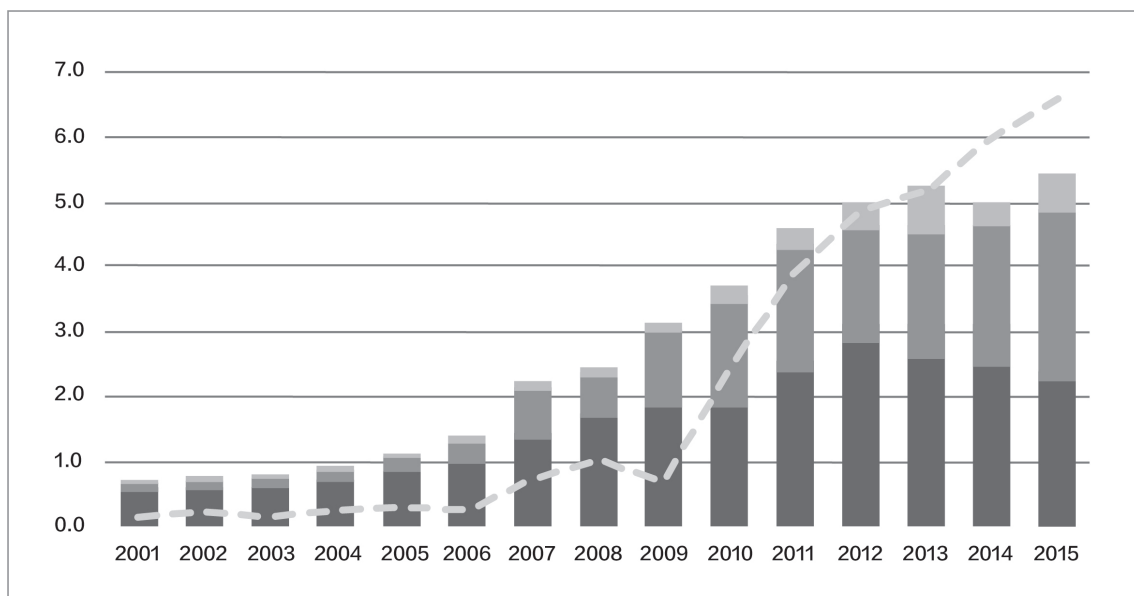


Figure 7: China's total foreign aid by JICA's statistics (2001-2015)

On the other hand, while there are clearly different estimates of the scale of China's aid, it appears that different parties are in full agreement with Chinese government's disclosure on the main ways in which China's foreign aid is being provided, the main beneficiaries and the major areas for aid. According to "China's Foreign Aid 2014", project construction and material aid are the main means of aid, and developing countries in Asia and Africa are the main beneficiaries of China's foreign aid. China's stated key concern is to improve people's livelihood (promote agricultural

²¹ For other figures and data, see <http://aiddata.org/china>, this is the most detailed data on foreign aid and most widely cited in the world.

²² JICA Research Institute, A Note on Estimating China's Foreign Aid Using New Data: 2015 Preliminary Figures, May 26, 2017, available at: https://www.jica.go.jp/jica-ri/ja/publication/other/20170526_01.html

development, raise education levels, improve medical services and build social welfare facilities, humanitarian aid in the case of major disasters), as well as the promotion of economic and social development (primarily infrastructure, capacity-building and trade development).

Although the three-point consensus is based on the practice of China's foreign aid over the past 60 years, in the last five years -- and since China no longer publishes official foreign aid statistics -- a series of new practical trends in China's foreign aid seem to be elevating these characteristics to new heights.

Firstly, China's foreign aid is shifting from point-to-point aid to more structured aid that drives changes in the global governance system. Since 2013, President Xi Jinping has launched a series of major aid initiatives in international fora such as the 70th anniversary summit of the United Nations, the Paris Conference on Climate Change, the summit of China-Africa Cooperation Forum, the G20 Hangzhou summit and the BRICS Leadership Summit, and these initiatives including "8×100" projects²³ and Sino-Africa "Ten Major Cooperation Plans"²⁴, the South-South Cooperation Aid Fund and the South-South Institute for Co-operation and Development, the China-UN Peace and Development Fund, and the BRICS National Economic and Technical Cooperation Exchange Program.

China's policy aims are to systematically benefit Asian and African developing countries by improving global governance deficiencies and eliminating global governance deficits, while enhancing the structural and long-term effectiveness of China's foreign aid.

Secondly, China's foreign aid is increasingly focused on global challenges. In recent years, China's foreign aid has paid more and more attention to global challenges such as the food crisis in Africa, climate change, refugees, the UN 2030 Sustainable Development Agenda, and correspondingly, China's important foreign aid projects in recent years include food aid to famine-affected countries such as Somalia and South Sudan through the World Food Programme, and health care, living materials, temporary

²³ Speaking at the United Nations Development Summit on September 26, 2015, Mr. Xi presented "6 100" project support to developing countries, including 100 poverty reduction projects, 100 agricultural cooperation projects, 100 trade facilitation projects, 100 eco-protection and climate change projects, 100 hospitals and clinics, 100 schools and vocational training centres; the next day, when Xi Jinping attended the global women's Summit, he presented 100 "maternal and child health projects" and 100 "Happy Campus projects". For relevant speeches, see <http://world.people.com.cn/n/2015/0928/c1002-27641305.html>, and http://www.xinhuanet.com/politics/2015-09/28/c_128272780.htm.

²⁴ At the Johannesburg Summit of the China-Africa Cooperation Forum in December 2015, President Xi Jinping put forward "ten cooperation programs" with Africa in the areas of industrialization, modernization of agriculture, infrastructure, finance, green development, trade and investment facilitation, poverty alleviation, public health, humanities, peace and security, see <http://www.mofcom.gov.cn/article/ae/ai/201512/20151201208518.shtm>.

shelter and other humanitarian aid to Syria, Lebanon, Afghanistan and other countries through the United Nations refugee agency, the World Health Organization and the United Nations Children's Fund, benefiting over 5million people cumulatively²⁵. In addition, China announced in 2015 that it would invest 20 billion yuan to set up a "China South-South Co-operation Fund for Climate Change" to deal with the increasingly serious issue of climate change.

Thirdly, China's foreign aid is becoming more and more standardized and institutional. In December 2014, the Ministry of Commerce announced the implementation of the "foreign aid management measures (trial)" to "standardize foreign aid management, improve the effectiveness of foreign aid."²⁶ The introduction of this sector regulation has established comparatively comprehensive working standards and mechanisms for China's growing foreign aid, solidifying some of the core concepts such as "the recipient mainly includes the developing countries which have established diplomatic relations with the People's Republic of China and are in need of aid, as well as international or regional organizations predominantly made of developing countries."²⁷ There are in addition a number of new concepts of aid, such as "improving the recipient's ... ecological environment."²⁸

Most recently, on 13 March 2018, the 13th session of the National People's Congress considered the Proposal of the State Council on the Consideration of the Reform Plan, which proposed the establishment of the State Agency for International Development Cooperation. This will be under the direct line of the State Council and will be responsible for the formulation of foreign aid strategy and policy, for coordination of the major issues of foreign aid for recommendations, as well as promotion of aid reform, identification of foreign aid projects and supervision of their implementation.

This change has not only recognized and raised the importance of foreign aid in the government system, but it is also foreseeable that China's foreign aid will operate according to more standardized mechanisms for implementation.²⁹

This change has not only recognized and raised the importance of foreign aid in the government system, but it is also foreseeable that China's foreign aid will operate according to more standardized mechanisms for implementation.

²⁵ Supra note 14.

²⁶ Ministry of Commerce, "Measures for the administration of foreign aid (for trial Implementation)" (Ministry of Commerce Order number 5th 2014), article 1, see <http://www.mofcom.gov.cn/article/b/c/201411/20141100799438.shtml>.

²⁷ Id, article 3.

²⁸ Id, article 4.

²⁹ Wang Yong, Explanation of the agency reform program of the State Council, see http://www.gov.cn/guowuyuan/2018-03/14/content_5273856.htm.

Finally, China's foreign aid increasingly emphasizes capacity-building and hematopoietic aid to the recipient. According to Ministry of Commerce statistics, since 2013, the Ministry has held more than 5000 training cohorts for foreign aid, and dispatched various types of management personnel and technical experts with a total of 30,000 people, sent nearly 300 young volunteers, cumulatively trained nearly 400,000 talents for the recipient countries, whose expertise ranged from industry, agriculture, and commerce, to education, medical, environmental protection, poverty reduction and many other areas".³⁰ In September 2016, the South-south Cooperation Development Institute also successfully enrolled 48 PhD and Master Students from 23 countries, including Ethiopia, Cambodia and Jamaica. In addition, in recent years, China has increasingly stressed that recipient countries of aid should develop the capacity of self-development to ensure sustainability

2.2 China's foreign aid in the context of the "Belt and Road" Initiative (BRI)

Throughout the past five years, another important trend of China's foreign policy has been to promote the construction of the "Belt and Road", with investment funds including its foreign aid programmes.

In the context of overseas aid, many of the countries along the Road in Asia and Africa are the beneficiaries of China's foreign aid. The vision for BRI also includes a focus on soft power mechanisms, eg. international students, medical assistance programmes and emergency medical aid, indicating that the economic driving force of the "Belt and Road" is not financial investment alone.

On the other hand, the BRI is largely a theoretical and systematic summary of China's foreign aid (and outward investment), which provides a new way of thinking and explores the potential of new means for developing foreign aid under the "Belt and Road" initiative. In fact, the four trends of foreign aid previously described would appear clearer in the "Belt and Road" framework than in a wider context. For example, since 2014, China has included poverty reduction in foreign aid, and not only cooperated with the African Union on poverty reduction, but also initiated the "East Asian Poverty Reduction Cooperation Initiative". China has determined that "through foreign aid and project cooperation ... [it will] promote the world's poverty reduction and the healthy development of international human rights undertakings".³¹

In another example, the BRI advocates "the friendship of common people", therefore, China in recent years has begun to encourage and support Chinese civil society to participate in humanitarian aid, implementation of the "East Asian Poverty Alleviation

³⁰ Supra note 14.

³¹ State Council Information Office, China's white paper on poverty reduction and human rights progress (2016) see, http://www.xinhuanet.com/politics/2016-10/17/c_1119730413_6.htm.

Cooperation Initiative" and other issues. Chinese government funds the China Foundation for Poverty Alleviation and other non-governmental organizations, supporting their participation in the initiative and strengthening their capacity building. Such policies also go beyond the traditional notion in China that foreign aid is purely a matter of government.

Therefore, the "Belt and Road Initiative" is not only compatible with foreign aid, but also mutually reinforcing. China has also committed to implement a series of ambitious aid projects in the "Belt and Road" framework, including "60 billion RMB aid over the next 3 years to developing countries and international organizations participating in building of the Road, in order to launch more projects to boost people's livelihoods. China also promises to provide 2 billion yuan of emergency food aid to the developing countries on the ' Belt and Road', and to give another 1 billion U.S. dollars to the SSC Aid Fund, so that it can implement the build of 100 "happy homes", 100 "poverty aid", 100 ' rehabilitation aid ' and other projects in countries in the Road...provide 1 billion US dollars to relevant international organizations to implement a number of cooperation projects benefiting the countries along the Road". ³²

3.The Influence of China's Outward Investment and Foreign Aid

China's outward investment and foreign aid have a far greater impact on the host society and people than the economic behavior itself. Of course, in many cases, foreign aid is not an economic act in itself, and the positive social effect may be the entire goal, but in terms of more economic outward investment, its impact outside the economic sphere, particularly its negative impact, has long been under the intense attention of all parties, including the Chinese government. For example, one of the "cooperative principles" of the "Belt and Road" initiative established by the Chinese government is "to give full play to the decisive role of the market in allocating resources and the active role of all kinds of enterprises", and therefore to encourage domestic enterprises to participate in infrastructure construction and industrial investment, which is among the "focus of cooperation ", while the Chinese government has also made it clear that Chinese enterprises and investment must "promote business management according to the principle of localization, actively support local economic development, increase employment, improve people's livelihoods, take the initiative to assume social responsibility, strictly protect biodiversity and ecological environment"³³, i.e. pay attention to its social and environmental impact. In 2014, the Ministry of Commerce of China revised the "Overseas Investment Management Regulations", specifically adding a "social and environmental impact and liability clause", requiring that "enterprises should

³² Xi Jinping, Work Together to Build the Silk Road Economic Belt and The 21st Century Maritime Silk Road: Speech on "The Belt and Road" international cooperation forum opening ceremony, May 14, 2017. See <http://cpc.people.com.cn/n1/2017/0514/c64094-29273979.html> .

³³ Supra note 9.

require the foreign enterprises that it has invested in to comply with the investment destination laws and regulations, respect local customs and practices, fulfill social responsibility, environmental protection, labour conservation, enterprise culture and other work, promote and localise integration."³⁴ In December 2017, five Chinese government ministries issued a joint "private enterprises code of conduct for overseas investment and management", which also stipulated a requirement for enterprises with overseas investments to "effectively take social responsibility".³⁵ It should be said that these are the institutional responses of China's outward investment regulators to the social and environmental impact of China's outward investment, and also to the stakeholders concerned about China's outward investment.

It shall be emphasized that, the mega trends of China's outbound investment as discussed above demonstrates that, the social and environmental risks faced by the Chinese investment are keeping increasing. On the one hand, the major body of the Chinese outflow investment and stock lies in such industries as manufacturing and mining which entail bigger social and environmental impacts, while the great majority of the Chinese investment stock stays in developing economies with lower level of governance capacity and higher level of social and environmental risks. On the other hand, among the Chinese overseas investor entities, the proportion of private companies with lower capacity in dealing with social and environmental risks is growing. The combination of these factors will make Chinese outbound investment face increasing pressure in managing social and environmental impacts and related risks, which will become even more obvious in the context of BRI.

With regard to the specific social and environmental impacts of China's outward investment (and foreign aid), there are a number of sources of statistics, data, facts and case studies. The most comprehensive, neutral and authoritative source, issued by the Ministry of Commerce of China, SASAC and the United Nations Development Programme in 2017 is the China Enterprise Overseas Sustainable Development Report³⁶. This report summed up the positive impact of China's overseas investments (enterprises) in six areas such as upgrading infrastructure, strengthening industry, increasing employment opportunities, promoting technology transfer, fulfilling social contributions and implementing ecological civilization. Among them, in terms of social contributions and employment opportunities, the latest data show that in 2016, China's overseas enterprises paid a total of nearly 30 billion U.S. dollars of tax to their host countries, and the total number of overseas enterprise employees had reached 2.865 million, including 1.343 million foreign employees, accounting for 46.9%, with an increase of 118,000 people from the end of last year. As for countries along the Belt and Road, Chinese

³⁴ Article 20, see <http://www.mofcom.gov.cn/article/b/c/201409/20140900723361.shtml>.

³⁵ For full text of the regulation, see <http://www.mofcom.gov.cn/article/i/jyjl/k/201712/20171202686698.shtml>.

³⁶ For full text of the report, see <http://images.mofcom.gov.cn/csr/201708/20170808152340022.pdf>.

companies created "nearly 1.1 billion dollars in taxes and 180,000 jobs" ³⁷for these countries from 2014 to 2016. It should be noted that these positive impacts are significant for the success of the "Belt and Road" initiative. For example, in terms of upgrading the infrastructure, the BRI focuses on the interconnection of transport, energy and communication infrastructure, on the driving role of the relevant industries, i.e. to increase import and export, and on "the organic combination of investment and trade, as well as investment-driven trade development". Increasing employment opportunities serves as one of the fundamental purposes of the BRI, which includes creating demand and employment, promoting people-to-people exchanges and mutual understanding among the people from nations situated along the Road, while simultaneously building ecological civilization to the "highlight the concept of ecological civilization in the investment and trade, strengthening the cooperation in ecological environment, biodiversity and climate change in order to build a green Silk Road". ³⁸

The report also indicated that because Chinese overseas investment enterprises are facing challenges in controlling risks in business environment, international norms, talent supply, ecological environment and other related issues, they may also have a negative impact on stakeholders and themselves. For example, the along-Road country's evolving labour, environment and competition rules make China's overseas investment face increasingly complex challenges in due diligence investigation and compliance management. The shortage of internationalized and high-quality management talent will likely continue to impact the performance of Chinese enterprises' going-out; and the BRI countries and regions have "enormous diversity of cultures, customs and languages, which have created enormous challenges for Chinese enterprises to communicate fully and effectively with local communities and populations in project investment and operations management."³⁹ In addition, because of the complexity of the risks in the countries and regions along the "Belt and Road", the negative social and environmental impacts of Chinese overseas investment enterprises often rise to the political level of bilateral relations and national image, thus bringing questions and challenges to the BRI itself.

In summary, we assess that the negative impact of China's overseas investment projects or enterprises on local stakeholders is often caused by lack of capacity and capability for risk analysis: identification, prevention and management of risks. Therefore, to reduce and eliminate the negative impact of Chinese overseas investment enterprises on local society and environment, enterprises should improve their ability to assess and mitigate all kinds of risks, and Chinese enterprises' overall ability in this aspect will determine to a large extent the prospects and potential of China's outward investment and the "Belt and Road" initiative.

³⁷ Supra note 32.

³⁸ Supra note 9.

³⁹ Supra note 36, p33.

II. Overview of the gender equality situation in BRI countries

Many BRI countries are facing a rather challenging environment for gender equality. This means that when China implements its BRI on the ground, China needs to have good knowledge of the gender equality situation of each country in question, and to make sure the investment and aid programs of BRI do not aggravate the situation at local level but instead promote the agenda of gender equality and women's rights in the country concerned.

Based on available and credible resources, especially Concluding Observations on the country reports of the UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), this part of the report provides a brief overview about the gender equality situation of the selected 11 countries.

Afghanistan⁴⁰

Afghanistan is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. Afghanistan has made efforts to make the formal justice system accessible for its population, in particular for women, through the establishment of courts in remote areas, family courts and a prosecution office on violence against women; and through the training of women judges.

- **Legal complaint mechanisms**

Despite these efforts, police and the prosecutors continuously refer cases relating to violence against women, including domestic violence, to informal justice mechanisms for advice or resolution, despite the fact that many of these cases should be formally prosecuted and that decisions of informal justice mechanisms are discriminatory against women and thus undermine the implementation of existing legislation.

- **National machinery for the advancement of women**

The Ministry of Women's Affairs was established in 2004 and gender units were created in several ministries. However, it is concerned that the Ministry's high dependency on external funding, may affect the sustainability of the achievements in the field of gender equality and women's rights. There are challenges which impede the full implementation

⁴⁰ Concluding observations on the combined initial and second periodic reports of Afghanistan, adopted by the CEDAW Committee at its fifty-fifth session (8-26 July 2013).

of the National Action Plan for the Women of Afghanistan, such as the lack of resources and the lack of accountability at the ministerial level responsible for its implementation.

- **Violence against women and harmful practices**

There is a high prevalence of violence against women, in particular domestic violence, rape, battery and laceration. It is deeply concerned at the persistence of adverse cultural norms, practices and traditions which are harmful to women, such as child marriage, baad (settlement of disputes by giving away girls), badal (exchange marriages) and forced marriages. It is concerned that, despite the specific efforts to implement the Law on the Elimination of Violence against Women, incidents of violence and harmful practices remain underreported owing to the subordinate role of women in Afghan society, cultural beliefs, the victims' fear of retaliation by their family and of being stigmatized by their communities.

- **“Moral crimes” and so-called “honour killings”**

There are harmful practices of arresting and prosecuting runaway women and girls for “moral crimes” and charging them with the aggravating intention to commit zina (sexual intercourse outside of wedlock) or pre-emptive zina, even though running away is not a crime under Afghan law. It is equally concerned at the increase of so-called “honour killings” and at the discriminatory provision in the Penal Code which allows presenting the defence of honour as a mitigating circumstance for perpetrators of such crimes (art. 398).

- **Participation in political and public life**

Efforts have been made to increase the participation of women in political and public life since 2001. However, the low participation of women in decision-making across all areas of life such as in the judiciary is still a big challenge.

- **Employment**

The Priority Reform and Restructuring Programme emphasizes the recruitment of women into the civil service. Only 21 per cent of total employees in the civil service are women and the majority of them are hired at the lower levels of the Administration. It is concerned at the negative perception in society of working women. It is further concerned at the prevalence of sexual harassment in the workplace, which particularly affects women police officers and undermines the recruitment and retention of women in the security sector. The large majority of women work in the informal sector (agriculture) and in the care economy (domestic and home-based work), and that as such they are not recognized as workers under the existing labour legislation, and are thus unprotected and do not have access to social security and other benefits.

- **Marriage and family relations**

The existence of multiple legal systems with regard to marriage and family relations and their discriminatory nature has an impact on women's rights. Despite the amendments to the Shia Personal Status Law, discriminatory provisions remain, such as the requirement of the husband's authorization for his wife to leave home. It is also concerned about discriminatory provisions under civil law and customary practices, such as the husband's legal right to authority over his wife and children. It is also concerned at unequal and limited rights for women to divorce and obtain guardianship of children under the Civil Law. It is concerned that women are deprived of their inheritance rights owing to their subordinate role in society and domination by their male relatives. The low registration of marriages and divorces prevents women from claiming their legal rights. The minimum age of marriage for girls is set at 16. Polygamy is permitted under certain circumstances.

Bangladesh⁴¹

Bangladesh is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. Following progresses achieved since the consideration in 2011 of the State party's sixth and seventh periodic reports (CEDAW/C/BGD/6-7) in undertaking legislative reforms, in particular the adoption of the following legislation: (a) Bangladesh Labour (Amendment) Act (2013), Bangladesh Labour (Amendment) Act (2013), increasing maternity leave to six months; (b) Persons with Disabilities Rights and Protection Act (2013), providing for the rights of women with disabilities ;(c) Prevention and Suppression of Human Trafficking Act (2012);(d) Hindu Marriage Registration Act (2012), providing for the legal recognition of Hindu marriages.

The government has also made efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality

- **Legislative framework**

Many discriminatory laws and provisions remain in the national legislation, such as different definitions of "girl child" and "boy child" in various acts, the restrictive scope of marital rape in the Criminal Code and the lack of jurisdiction of special tribunals on violence against women to hear cases of discrimination against women. It is concerned that the personal status laws, regulating marriage, divorce, inheritance, guardianship and custodial rights within the various religious groups, continue to discriminate against

⁴¹ Concluding observations on the eighth periodic report of Bangladesh adopted by the CEDAW Committee at its sixty-fifth session (24 October-18 November 2016).

women and girls.

- **Access to justice**

There is a lack of access to justice for women, especially women and girls in marginalized and disadvantaged situations, owing to their lack of awareness, their legal illiteracy, the costly legal procedures and the lack of capacity-building programmes for judicial and law enforcement officials, as well as the stigmatization of women seeking justice. Bangladesh has established the Legal Aid Fund for persons in need.

- **Stereotypes and harmful practices**

It is concerned about the persistent patriarchal attitudes and discriminatory stereotypes about the roles and responsibilities of women and men both in the family and in society. Limited efforts were made by the government to eliminate such stereotypes, which constitute serious barriers to women's equal enjoyment with men of their human rights and their equal participation in all spheres of life. Bangladesh has one of the highest rates of child marriage worldwide: 66 per cent of girls who marry are under 18 years of age, often because of poverty, lack of personal safety or difficulties in verifying their age. The practice of giving a dowry continues to be imposed on girls' families.

- **Gender-based violence against women**

The Domestic Violence (Prevention and Protection) Rules and the National Action Plan to Prevent Violence against Women and Children was adopted in 2013. Nevertheless, it is concerned that:

(a) Gender-based violence against women and girls, including domestic violence, rape, fatwa-instigated violence, dowry-related violence and sexual harassment in private and public spaces, continues to take place;

(b) Existing rules, policies and plans addressing gender-based violence against women are rarely implemented owing to stereotypes and gender bias, lack of gender sensitivity on the part of law enforcement officials and lack of capacity-building for judges and lawyers;

(c) Legislation criminalizing sexual harassment against women and girls in the workplace and in school is absent;

(d) Marital rape is not criminalized in the State party unless the victim is a child bride under 13 years of age;

(e) Gender-based violence, including rape, against indigenous women in the Chittagong Hill Tracts relating to land grabbing is continuously being reported;

(f) Studies, surveys and disaggregated data on the extent of gender-based violence and its root causes are not updated.

- **Participation in political and public life**

50 seats in Parliament are reserved for women. Nevertheless, only a few women have reached the highest level of the political pyramid and that women, in general, are underrepresented in Parliament, the judiciary and the Administration and in the private sector.

- **Education**

Efforts have been made in achieving gender parity in primary and secondary education. Nevertheless, it is concerned that the number of girls in school drops by half between the primary and secondary levels of education owing to child marriage, sexual harassment and early pregnancy, the low value placed on girls' education, poverty and the long distances to schools in rural and marginalized communities;

- **Employment**

Bangladesh Labour (Amendment) Act and the Labour Policy of 2013 extend maternity leave to six months, but the six-month period is not being fully implemented and that discrimination against pregnant women persists in the private sector.

- **Women domestic workers**

Women domestic workers are subjected to violence, abuse, food deprivation and murder. It is also concerned that such crimes go unreported and that the victims have limited access to justice and redress.

- **Rural women**

Rural women have limited access to education, health, social services, land ownership and/or inheritance and that they are not part of decision-making processes. Challenges exist in terms of the impact of climate change on women and girls in parts of the country affected by disasters, and the lack of a gender-sensitive approach in disaster risk reduction and post-disaster management and the limited participation of women in policymaking processes to mitigate disaster and climate change.

India

India is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. The government has conducted legislative reforms, in particular the adoption of the following:

- (a) Criminal Law (Amendment) Act, in 2013;
- (b) Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, in 2013;
- (c) Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, in 2013;
- (d) Protection of Children from Sexual Offences Act, in 2012;

It also made efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the:

- (a) Establishment of a financial services banking company for women in 2013, intended to advance the economic empowerment of women;
- (b) Creation of a national mission for empowerment of women in 2010 to address women's issues in a coordinated manner at the central and state levels;
- (c) Introduction of the Indira Gandhi Matritva Sahyog Yojana maternity benefit scheme in 2010.

• Violence against women

A legal framework has been established to prevent and respond to violence against women, including women from marginalized castes and communities, such as Dalit and Adivasi women, and the establishment in 2013 of the Justice Verma Committee on Amendments to Criminal Law to review existing normative gaps. However, it is concerned that:

- (a) Stark increases in violent crimes against women, especially rape and abduction, and the high number of cases of rape reported by the National Crime Records Bureau in 2012, indicating an increase by 902.1 per cent since 1971, and continuing impunity for such acts;

(b) Retention in the Penal Code of an exemption from punishment when a rape is committed by the victim's husband if the wife is above 15 years of age;

(c) Escalation of caste-based violence, including rape, against women and girls and the downplaying by key State officials of the grave criminal nature of sexual violence against women and girls;

(d) Poor implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and the impunity of perpetrators of serious crimes against women;

(e) High number of dowry-related deaths since 2008;

(f) Persistence of so-called "honour crimes" perpetrated by family members against women and girls;

(g) Declining girl child sex ratio from 962 per 1,000 in 1981 to 914 per 1,000 in 2011;

(h) Criminalization of same-sex relationships, as referred to in the ruling of the Supreme Court (Suresh Kumar Koushal and another v. NAZ Foundation, 2013);

(i) Increasing number of acid attacks against women since 2002, the underreporting of such crimes notwithstanding.

- **Stereotypes and harmful practices**

It is concerned at the persistence of patriarchal attitudes and deep-rooted stereotypes entrenched in the social, cultural, economic and political institutions and structures of Indian society and in the media that discriminate against women.

It is further concerned about the persistence of harmful traditional practices, such as child marriage, the dowry system, so-called "honour killings", sex-selective abortion, sati, devadasi and accusing women of witchcraft.

- **Participation in political and public life**

There is a low representation of women in political and public life, for example in the lower house of Parliament, where only 62 of the 543 parliamentarians are women, or on the Supreme Court, where only 1 of the 26 sitting judges is a woman.

- **Education**

Only 4 per cent of the gross domestic product is spent on education, that girls with

disabilities and minorities continue to register low enrolment rates and that the dropout rate among adolescent girls is as high as 64 per cent, making them particularly vulnerable to child marriage. There are challenges such as the low retention and completion rates of girls at the secondary level owing to early marriage, harmful practices and poverty, especially in rural areas. Girls are subjected to sexual harassment and violence, including in conflict-affected regions where the reported occupations of schools by the security forces contribute to girls dropping out of school.

- **Employment**

The participation of women in the labour force is decreasing, both in rural and urban areas, and at the situation of women working in the informal economy (agriculture, domestic and home-based work) not covered by labour laws and other social protection measures.

It is concerned at the gender wage gap indicating that women earn only 50 to 75 per cent of the wages earned by men and statistical data showing that women only own 9 per cent of land. The newly enacted Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act includes clauses that could undermine its efficiency, such as prescribing conciliation as a preliminary step, that it includes no effective complaints mechanism for domestic workers.

- **Rural women**

The prevalence of customs and traditional practices prevent rural women, especially women from scheduled castes and scheduled tribes, from inheriting or acquiring land and other property. It is also concerned at the difficulties faced by rural women and women living in remote areas in gaining access to health and social services and in participating in decision-making processes at the community level, in addition to the fact that rural women are particularly affected by poverty and food insecurity, lack of access to natural resources, safe water and credit facilities.

- **Marriage and family relations**

The implementation of the Prohibition of Child Marriage Act has led to a certain decrease in the number of cases of early and forced marriage. The high prevalence of such marriages and those victims of child marriage must file a petition with a court to void the marriage within two years after reaching the age of majority. Judges often authorize marriages of underage girls based on Muslim personal laws and that no legislation ensuring the registration of all marriages has been adopted.

Iraq⁴²

Iraq is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. The government has conducted legislative reforms, in particular the adoption of:

- (a) Act No. 28 (2012) on combating trafficking in persons;
- (b) Act No. 23 (2011) on combating illiteracy;
- (c) Act No. 8 (2011) on domestic violence in the Kurdistan Region.

In addition the government has adopted the following policies:

- (a) National Strategy to Combat Violence against Women (2013-2017), in March 2013;
- (b) Strategy to combat violence against women in the Kurdistan Region (2012-2016), in November 2012;
- (c) National Plan on Human Rights (2010-2014).

• Constitutional framework and discriminatory laws

Contradictions exist in the constitutional framework, such as the inconsistency between Articles 14 and 41. It is concerned:

(a) That, the de facto suspension of article 41 notwithstanding, the political instability, sectarian tensions and rise in traditional and patriarchal attitudes may lead, in practice, to Article 41 being implemented to the detriment of women's rights, given that that article makes provision for the introduction of different personal status laws according to religious doctrines;

(b) That the draft Jaafari personal status law, which is to be discussed and possibly adopted by the Council of Representatives, contains discriminatory provisions against women, such as setting the minimum age of marriage for girls at 9 years;

(c) That discriminatory provisions against women remain in, inter alia, articles 41, 128, 377, 380, 398, 409 and 427 of the Penal Code (Act No. 111 (1969)), the Code of Criminal Procedure (Act No. 23 (1971)) and the Personal Status Act (No. 188 (1959));

(d) That gaps remain in the legislation of the State party, such as a lack of

⁴² Concluding observations on the combined fourth to sixth periodic reports of Iraq, adopted by the CEDAW Committee at its fifty-seventh session (10-28 February 2014).

specific criminal law provisions on violence against women;

(e) That directives of the Ministry of the Interior contain discriminatory provisions with regard to the requirements for women to obtain a passport and women's freedom of movement.

- **Stereotypes and harmful practices**

The persistence of deep-rooted patriarchal attitudes and stereotypes in respect of women's roles and responsibilities which discriminate against women and perpetuate their subordination within the family and society and have been exacerbated by the sectarian and religious divisions. It is deeply concerned at:

(a) The high prevalence of harmful practices that discriminate against women, such as child marriage, temporary marriage and crimes committed in the name of "honour";

(b) Discriminatory provisions in the Penal Code (Act No. 111 (1969)) that allow perpetrators to invoke the defence of honour as a mitigating circumstance for such crimes (articles 128, 130 and 131);

- **Violence against women**

The National Strategy to Combat Violence against Women was adopted in Iraq (2013-2017). Kurdistan Region of Act No. 8 (2011) on domestic violence and a strategy to combat violence against women in the Kurdistan Region was adopted (2012-2016). However, violence against women is highly prevalent and that domestic violence is perceived as normal owing to deep-rooted patriarchal attitudes.

- **Participation in political and public life**

25 per cent quota for women's representation in the Council of Representatives enshrined in the Constitution and in the Elections Act (Amendment Act No. 26 (2009)) was met in the elections held in 2010. It is concerned, however, at:

(a) The very low level of participation of women in political and public life, in particular in decision-making positions at all levels of government (national, regional and local), owing to persistent traditional and patriarchal attitudes regarding the role of women in society;

(b) The fact that political parties appear to limit their support to women to simply nominating them as candidates in order to meet the required 25 per cent quota without providing them with the means to enhance their political leadership skills;

(c) The sex segregation of committees in the Council of Representatives,

with women participating in committees that deal with topics traditionally associated with women, such as health;

(d) The fact that the Ministry of State for Women's Affairs is the only ministry headed by a woman (1 of 36) and that the representation of women in decision-making positions within the executive branch is very low;

(e) The very low participation of women in the judiciary (6 per cent of the total number of judges and prosecutors), the efforts of the State party notwithstanding.

- **Education**

It is concerned that:

(a) The reported continuous increase in the illiteracy rate, in particular among rural girls and young women between 15 and 24 years of age (33.6 per cent);

(b) Difficulties in assessing the extent to which school drop-out rates at primary and secondary levels have been reduced, owing to the lack of data disaggregated by sex, age and geographical location;

(c) Factors such as lack of security on roads to schools, long distances to schools, poverty and child marriage, which impede the access of girls to education;

(d) Low budget allocation to the education sector and lack of technical and vocational training opportunities for girls.

- **Employment**

There is a low participation of women in the formal labour sector, in particular in the private sector where only 2 per cent of the total number of employees are women, most of whom are employed in low-paid and low-skilled jobs. Sexual harassment in public places is addressed in the Penal Code

Jordan

Jordan is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. The government has conducted legislative reforms, in particular the adoption of the following:

(a) Social Security Act, in 2014, designed to enhance social and economic protection for women, in particular those working in small businesses;

(b) Amendments to the Civil Service Code, in 2013, granting male employees paternity leave and female employees a daily nursing hour for nine months following

maternity leave.

The government also made efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or creation of the following:

(a) National Framework for Family Protection against Violence, in 2016, the Communication Strategy on Gender-based Violence, in 2015, and the National Strategy to Combat Violence against Women (2014-2017), in 2014;

(b) National Strategy for Women (2013-2017), in 2013;

(c) Ministry of Health Family Planning Strategy (2013-2017) and the National Reproductive Health/Family Planning Strategy (2013-2017), in 2013;

(d) Strategy to promote women's political participation in all elected bodies at the parliamentary, municipal, union, chamber of commerce and industry levels (2012-2017), in 2012;

- **Constitutional and legislative framework**

There is no comprehensive legislation on gender equality and a lack of applicability of the procedure for challenging laws deemed to be incompatible with Constitution and international legal obligations.

- **Access to justice**

Numerous complaint mechanisms are accessible to women who are victims of discrimination or violence, including the Women's Rights Unit of the National Centre for Human Rights, the Women's Complaint Unit of the National Commission for Women and the Justice Centre for Legal Aid. However, it is concerned about persisting barriers to women's access to justice, in particular:

(a) Women's limited knowledge of their rights;

(b) Language barriers faced by women wishing to claim their rights, in particular migrant and refugee women;

(c) The lack of adequate legal aid services;

(d) The lack of knowledge and sensitivity regarding women's rights on the part of law enforcement officials and legal practitioners.

- **Stereotypes**

The persistence of deep-rooted discriminatory stereotypes concerning the roles and

responsibilities of women and men in the family and in society overemphasize the traditional role of women as mothers and wives, thereby undermining women's social status, autonomy, educational opportunities and professional careers.

- **Gender-based violence against women**

It is concerned about:

(a) The prevalence of gender-based violence against women, in particular domestic and sexual violence, and the fact that this remains largely underreported and undocumented;

(b) The absence of specific legislation to eliminate gender-based violence against women in all settings, including a definition of such violence, and to criminalize marital rape;

(c) The lack of clear and well-defined provisions on prevention of violence, protection of victims and the prosecution and punishment of perpetrators in the Family Protection Act (2008);

(d) The low prosecution and conviction rates and the lenient penalties imposed on perpetrators of gender-based violence against women;

(e) The lack of shelters, support services and other protective measures for women who are victims of gender-based violence, especially in rural areas, which reportedly prevents them from leaving their violent partners;

- **Participation in political and public life**

Temporary special measures were made to accelerate the participation of women in political life, notably in the Parliamentary Elections Act (2016) and the revised Municipalities Act (2015). It is concerned, however, about the low participation of women at all levels of decision-making, including within the Government, the parliament, the judiciary and the civil service, and the lack of specific steps to address the underlying causes of the exclusion of women from decision-making, including prevailing social and cultural attitudes.

- **Education**

Gender parity has been reached in primary education and that female enrolment rates in secondary and higher education are now higher than those for men. It is concerned, however, that:

(a) Young married women have limited access to the education system;

(b) Female illiteracy and school dropout rates are still high in rural areas and among refugee girls;

(c) There is a lack of age-appropriate education on sexual and reproductive health and rights in schools;

(d) Traditional images of women's roles and responsibilities in schoolbooks perpetuate the disadvantaged status of girls and women;

(e) Teachers lack training on women's rights and gender equality and career guidance encouraging women and girls to choose non-traditional career paths is limited, in particular in the fields of science and technology;

- **Employment**

It is concerned about:

(a) The insufficient measures to promote the concept of shared family responsibilities and to combat the difficulties that women face in combining work and family responsibilities;

(b) The very high rate of unemployed women and their marginalization from formal labour markets;

(c) The lack of provision in the Labour Code for the principle of equal pay for men and women for work of equal value;

- **Rural women**

Training courses and development projects targeting rural women, including rural women who head households were adopted. It is concerned, however, about:

(a) The disadvantaged position of women in rural and remote areas who face poverty, difficulties in gaining access to health care, education and income-generating activities, and a lack of participation in decision-making processes;

(b) The prevalence of discriminatory practices that prevent rural women from inheriting or acquiring ownership of agricultural land and other property.

Lebanon

Lebanon is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. The government has conducted legislative reforms, in particular the adoption of the following legislation:

(a) Law No. 164 of 2011, punishing the crime of trafficking in persons;

(b) Law No. 162 of 2011, repealing article 562 of the Penal Code, which had allowed reduced sentences for crimes committed in the name of so-called honour;

(c) Law No. 129 of 2010, amending article 59 of the Labour Law and granting Palestine refugee workers compensation for dismissal from service;

The government has also made efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following in 2012:

(a) National Action Plan for Human Rights (2014-2019);

(b) The National Strategy for Women in Lebanon (2011-2021), in 2012.

- **Legislative framework**

There are remaining discriminatory criminal law provisions and personal status laws that discriminate against women within sects and between women who are members of different sects.

- **Access to justice**

There is a lack of adequate legal aid services and a lack of knowledge and sensitivity on the part of justice officials regarding women's rights.

- **Stereotypes**

There are discriminatory patriarchal stereotypes regarding the roles and responsibilities of women and men in society and in the family and the role of the media in overemphasizing the traditional role of women as mothers and wives, thus undermining women's social status and their educational and professional careers.

- **Violence against women**

Law No. 293 of 2014 on the protection of women and other family members from domestic violence was adopted. There is an absence in the law of explicit reference to gender-based violence against women and of provisions specifically criminalizing marital rape, crimes committed in the name of so-called honour and other harmful practices. It is also concerned about the continued existence of discriminatory provisions in the law with regard to the criminalization of adultery and that the law does not take precedence over customary and personal status laws.

- **Participation in political and public life**

There is a strong political resistance to the adoption of temporary special measures to effectively promote the equal participation of women in public and political life.

- **Education**

There is a lack of training for teachers on women's rights and gender equality and the limited career guidance encouraging women and girls to choose non-traditional career paths, in particular in the fields of science and technology.

- **Employment**

The adoption of Laws Nos. 266 and 267 of 2014 extends maternity leave in the public and private sectors to 10 weeks with full pay. However, it is concerned about the lack of measures to promote the concept of shared family responsibilities and to combat the difficulties that women face in combining work and family responsibilities. It is also concerned about limited access to the formal labour market for women and about the absence of legislation criminalizing sexual harassment in the work place. The gender pay gaps, occupational segregation and the high percentage of women in low-paid jobs, such as service sector workers and salespersons, administrative staff and mid-level professionals are still major challenges.

- **Rural women**

In 2008, the National Observatory for Women in Agriculture and Rural Areas was created by the Ministry of Agriculture. Challenges still exist such as the exclusion of women agricultural seasonal workers from the protection of the Labour Code and the limited initiatives to increase women's access to rural entrepreneurship through technical assistance, microcredit facilities and bank accounts.

Pakistan

Pakistan is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. The government has enacted and revised numerous laws and legal provisions aimed at eliminating discrimination against women. In particular, it welcomes the adoption of:

(a) The Criminal Law Act (Second Amendment, 2011), referred to as the Acid Control and Acid Crime Prevention Act;

(b) The Criminal Law Act (Third Amendment, 2011), referred to as the Prevention of Anti-Women Practices Act; and

(c) The Protection against Harassment of Women at the Workplace Act, 2010.

The Land to the Landless model established by the government of Sindh Province in 2009 grants land titles to women.

- **Constitutional and legislative framework and access to justice**

There is a lack of a clear time frame for the adoption of a number of important bills, such as the Domestic Violence (Criminal Law amendment) Bill and the Prevention and Control of Women Trafficking Bill, as well as about the poor implementation of laws aimed at the elimination of discrimination against women. It is also concerned at the lack of awareness by the judiciary of women's rights and relevant domestic legislation. It is further concerned at the existence of parallel justice systems (jirgas and panchayats), despite the ruling against their legality, and of different informal dispute resolution mechanisms (MusalihaAnjuman), which discriminate against women.

- **Stereotypes, harmful practices and violence against women**

It is concerned that the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities that discriminate against women and perpetuate their subordination within the family and society, all of which have recently been exacerbated by the influence of non-State actors in the State party. The persistence, among others, of child and forced marriages, "karo-kari", stove burning and acid throwing, marriage to the Koran, polygamy and honour killing are major challenges. In addition, there are high prevalence of domestic violence and marital rape but there is no clear legislation criminalizing such acts.

- **Participation in political and public life**

There is a low level of participation of women in political and public life, especially in decision-making positions and in the local administration, as well as in the diplomatic service. It is concerned that only 17 per cent of seats in the National Assembly, Provincial Assemblies and the Senate are reserved for women. It is further concerned that patriarchal attitudes and deeply rooted stereotypes regarding the roles of women and men in society result in the forced disenfranchisement of women and impede and discourage their participation in elections (as candidates and voters). It reiterates its concern at the low participation of women in the judiciary in the superior courts and the total absence of women judges in the Supreme Court (CEDAW/C/PAK/CO/3, para. 32).

- **Education**

The pervasive gender inequality exists in the field of education, which is characterized by a high illiteracy rate among women, the low enrolment of girls, particularly at the secondary level, and their high dropout rate, especially in the rural areas. It is further concerned about the negative impact on girls of prioritization of boys' education over that of girls, the lack of qualified female teachers and school infrastructure, and the long distances to school, all of which have a negative impact on girls' education. It is also concerned at the lack of measures to re-admit girls to school after pregnancy and the high number of child marriages.

- **Employment**

There are challenges such as low participation of women in the formal sector, the job segregation and concentration of women in low-paid and low-skilled jobs, and the widening pay gap and lack of legal provisions guaranteeing the principle of equal pay

for work of equal value. It is concerned at the situation of women working in the informal sector (agriculture, domestic and home-based work), in particular the fact that they are not recognized in the existing labour legislation as workers, and as such are unprotected and do not have access to social security and benefits.

- **Rural women**

The prevalence of customs and traditional practices limit the degree of involvement of rural women in development programmes and prevent them from inheriting or acquiring land and other property. It is concerned that rural women farmers are not recognized as such, because a farmer (kisan) is the person who owns land. There are difficulties faced by rural women in gaining access to health and social services and in participating in decision-making processes at the community level.

- **Marriage and family relations**

It is concerned about the current status of Hindu and Christian laws on marriage and divorce and the fact that under Muslim law women have unequal rights with respect to inheritance, the dissolution of marriage and its economic consequences, and the guardianship of children. It is concerned about the persistence of child and forced marriages and at the fact that the minimum age of marriage for girls is 16. It is deeply concerned about the abduction of women and girls belonging to religious minorities for the purpose of forced conversion and forced marriages.

Syria

Syria is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. The government has ratified the following treaties:

(a) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, both in 2009; and

(b) The United Nations Convention against Transnational Organized Crime and the Protocols supplementing the Convention, i.e., the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol); and the Protocol against the Smuggling of Migrants by Land, Sea and Air, each in 2009.

- **Constitutional framework and discriminatory laws**

Article 33 of the 2012 Constitution of the State party enshrines the formal principle of equality of Syrian citizens without discrimination.

- **Stereotypes and harmful practices**

The persistence of deep-rooted patriarchal attitudes and stereotypes with respect to women's roles and responsibilities, all of which discriminate against women, perpetuate their subordination within the family and society and ultimately restrict their rights under the Convention.

- **Crimes committed in the name of so-called "honour"**

Discriminatory provisions in the Penal Code allow perpetrators to invoke the defence of honour as a mitigating circumstance for crimes committed in the name of so-called “honour” (articles 192 and 242). It is concerned about the partial amendment to article 548 of the Penal Code by Decree No. 1/2011 which did not fully abolish the mitigating circumstances for perpetrators of crimes in the name of so-called honour.

- **Violence against women**

There is a high incidence of violence against women, in particular domestic violence. Major concerns include:

- (a) The absence of comprehensive legislation on domestic violence;

- (b) The lack of explicit provisions in the Penal Code criminalizing marital rape as well as the fact that despite its amendment by Decree No. 1/2011, article 508 of the Penal Code still exempts rapists from punishment if they marry their victims; and

- **Participation in political and public life**

The information provided by the government with respect to the representation of women in different instances of the government (e.g., 20% in the judiciary and 35% in the Foreign Service). However it is still concerned at:

- (a) The stagnation at 12% in the level of representation of women for over a decade in the People’s Assembly and the drop in the participation of women in government positions from 10% to 8%;

- (b) The overall low level in the participation of women in political and public life, in particular in decision-making positions at all levels, owing to persistent traditional and patriarchal attitudes regarding the role of women in society which limit women’s participation;

- **Rural Women**

Rural women often bear a disproportionate burden in conflict situations as their rights to productivity, livelihood and access to land are regularly violated in conflict.

- **Marriage and family relations**

During the conflict, the implementation of discriminatory personal status laws is exacerbating women’s and girls’ subordinate role in the society. In this context, it is particularly concerned at:

- (a) The increase of child and/or forced marriages under the pretext to better protect girls and to reduce the financial pressure of families, often resulting in rape; and

- (b) Difficulties faced by married women whose husbands have gone missing to escape from conflict-affected areas together with their children due to child custody restrictions not allowing them to travel with their children without the consent of their father or guardian.

Yemen

Yemen is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. Yemen has been facing challenging times marked by political, economic, security and social instability since the outbreak of localized conflicts between the Government and anti-Government groups that culminated, in September 2014, in the dissolution of Parliament by the rebel groups and the relocation of the Government to Aden in February 2015. Beforehand, a transitional agreement had been arrived at as part of the National Dialogue Conference and was intended to result, eventually, in a new constitution and parliamentary and presidential elections.

- **Constitutional framework**

A first draft of a new constitution released on 3 January 2015 following the 10-month National Dialogue Conference is marked by notable progress regarding the advancement of women's rights, in particular because it guarantees equal opportunities and rights to all citizens in the political, economic and social spheres and includes sex as a prohibited ground of discrimination.

- **Access to justice**

Most women in prison are serving sentences pertaining to prostitution, adultery, alcoholism or unlawful or indecent behaviour in a private or public setting, or for violating restrictions of movement imposed by family traditions and national laws. There is a lack of information on how the government ensures that women have effective access to justice and upholds their right to a fair trial.

- **Education**

It is reported that the persistence of major gender gaps in the enrolment rate at all levels of education and in the illiteracy rate, in particular in rural areas, and that girls and adolescents, including those living in conflict-affected areas, are dropping out of primary and secondary school at a high rate.

Nepal

Nepal is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. The Constitution sets the policies on social justice and inclusion to be undertaken by all State machineries to end de facto discrimination and inequalities. The government's National Policy on Cooperatives, 2012, has enhanced women's participation in cooperatives, and subsequently expanded economic opportunities for rural women.

- **Equality before the law**

Despite equality provisions in the Constitution, the status of women is not equal to men in certain areas. The name of the mother/grandmother/wife is not required while filling forms in almost all areas. There is only column for writing the name of father, grandfather and husband. Similarly, during the earthquake relief process, the Victim Identity Card was issued in most cases to male members of the affected family.

- **Sex Role and Stereotyping**

Patriarchal social norms and stereotyping continue to hinder Nepalese women's progress in a way that legitimize discrimination and violence against women. In various parts of Nepal, women are subjected to discriminatory practices; and caste and gender based discrimination has been abolished, the practice in the society still prevails and women are forced to comply with those practices.

- **Political and Public Life**

The electoral quota in the Constitution calls for ensuring 33% women's representation in the central and federal parliament, and 40% in the local government. Nepal has a mixed electoral system with a combination of First- Past-the-Post (FPTP), and Proportional Representation (PR) systems. The political parties have implemented this electoral quota in a way where mostly women are given seats under the Proportional Representation system. The data shows that out of 1945 FPTP candidates only 136 were women.⁴³ Such practices of political parties has limited women's electoral field in directly contesting elections. Importantly, such practice undermines women's capacity and leadership as they lose opportunity to exercise their political rights, and directly represent the electorates.

- **Education**

Girl student's retention in the primary level and irregular in the class are apparently a serious problem. This is caused by various factors including distance between school and home, burden of household chores and child marriage. Lack of scholarship provision and less willingness of families to invest in girl's education within a patriarchal society results into the school dropout of girls.

- **Employment**

Women in Nepal continue to face considerable barriers in the employment sector as they remain in subsistence agriculture, the informal non-agricultural sector. Women also continue to experience problems accessing adequate credit and other support services for successful entrepreneurship. In recent times, women migration for foreign employment has risen significantly but the government has restricted women going certain countries for employment for domestic work citing it as necessary for protection of women. The government allowed Nepalese women aged 24 and above to go in foreign employment.

- **Health**

Due to a gender stereotypical role in the society as child bearers, early and excessive childbearing weakens women, many of whom die or are chronically disabled as a result of complications of pregnancy. On the other hand, there is risk of sex selective abortion, discrimination in nutrition and post-natal care among girl and boy children. Additionally, the family, school or community at many cases is not well equipped to support a girl child transiting to adolescence with offering her information or services on many pertinent topics like adolescence, menstrual hygiene, sexual and reproductive health.

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- **Economic and Social Benefits**

The new Constitution guarantees economic and social rights of women but Nepalese women at large are not still fully aware of their rights. Additionally, those who have information about their rights are still unable to realize it due to the prevailing patriarchal norms and social structure. It should be noted that Nepalese women still have less access to and control over resources including land, even if it is inherited property. The Constitution has adopted a policy to provide certain allowances to socially and culturally backward women, senior citizens or helpless single women. However, Nepal does not have a proper social security system. Some employees working for the private organizations or the government receive better benefits such as maternity leave and pensions whereas the majority of women who work in the informal sector do not have access to such benefits.

- **Rural Women**

Rural women and girls are in high risk of sexual and gender-based violence. They are not confident enough to report and take legal action due to the power politics, social norms and traditional taboos. Health services in rural Nepal are inadequate and insufficient and are thus reflected in the low health status of rural women compared to urban women. Likewise, rural single women including widow, divorcee and unmarried women face various discriminations.

- **Marriage and Family Life**

Nepal being highly influenced by religion and social norms, has put many limitations on women in relation to marriage and family life. Generally, women and girls are not in a position to choose their partner. The girl child is forced to get married at an early age.

Myanmar

Myanmar is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. The government has conducted legislative reforms, in particular the adoption of the following legislation:

(a) Minimum Wage Law of 22 March 2013, which provides that both women and men are entitled, without discrimination, to be paid the legal minimum wage;

(b) Employment and Skill Development Law of 31 August 2013, which provides for the creation of internal job opportunities and the enhancement of worker skills, without discrimination on the basis of sex;

(c) Social Security Law of 31 August 2012, which ensures that women and men enjoy, on an equal basis, the benefits of new insurance programmes, including the provision of maternity insurance for women.

The government also made efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and advancing women's rights, such as the adoption of the following:

(a) National strategic plan for the advancement of women, covering the period 2013-2022;

(b) Five-year strategic plan for reproductive health, covering the period 2014-2018;

(c) Thirty-year long-term health development plan, covering the period 2001-2030.

- **Constitution, discriminatory laws and lack of legal protection**

The Constitution still contains references to women as mothers, which may reinforce the stereotype that the primary role of women is to bear children. Chapter 8, section 352, of the Constitution, despite the prohibition therein of discrimination on the basis of sex in the making of appointments to government posts, still provides that “nothing in this section shall prevent the appointment of men to the positions that are naturally suitable for men only”. In May and August 2015, the State party adopted the Buddhist Women Special Law, the Population Control and Health-Care Law, the Religious Conversion Law and the Monogamy Law, which discriminate against women and have a negative impact on the enjoyment of their rights under the Convention.

- **Access to justice**

Women’s access to justice is limited, with the provision of legal aid largely limited to criminal defendants in cases punishable by the death penalty. It is particularly concerned at reports of judicial corruption and executive interference in the judiciary, which has eroded women’s trust in the administration of justice. Social and cultural stigmas deter women and girl victims from reporting sexual and gender-based violence. It is further concerned that women, in particular rural women and those belonging to ethnic minority groups, face additional obstacles in gaining access to justice relating to language, geography and fear of reprisal.

- **Stereotypes and harmful practices**

Patriarchal attitudes and discriminatory stereotypes exist regarding the roles and responsibilities of women and men both in the family and in society. It is particularly concerned at the persistence of such stereotypes in educational textbooks, which may have an impact on educational choices and the sharing of family and domestic responsibilities between women and men.

- **Gender-based violence against women**

It is concerned that:

(a) Continuing sexual violence perpetrated by the military and armed groups against rural women and ethnic minority women, in particular in Kachin, Kayah, Kayin Mon and Rakhine States; widespread impunity enjoyed by perpetrators of such violence as well as threats and re-victimization of women who attempt to report such cases; the low rate of prosecution of perpetrators of gender-based violence against women, in particular when such crimes are committed by the military and armed groups; and the conferment of immunity on perpetrators of crimes of sexual violence;

(b) The prevalence of domestic violence and the lack of information on the legal procedures for issuing protection orders, as well as the lack of shelters for women and girls who are victims of violence, including domestic violence;

(c) The reluctance of women and girls, in particular women in rural areas and ethnic minority women, who are victims of violence, including domestic violence, to report cases to the authorities owing to fear of reprisals;

- **Participation in political and public life**

There is low rate of representation of women at the legislative, ministerial and local government (village committee) levels, as well as in the judiciary, the military, the diplomatic service and academic institutions.

- **Education**

It is concerned that:

(a) Discriminatory admission criteria that require women, but not men, to attain specific grades in order to enroll in certain traditionally male-dominated courses, such as engineering, at the tertiary level;

(b) The lack of an adequate budget for the education sector, which, coupled with discriminatory stereotypes regarding the education of women and girls, limits their access to education, in particular in rural areas;

(c) Low literacy levels among women throughout the State party, in particular in rural areas, and the fact that women are concentrated in traditionally female-dominated fields of vocational training;

- **Employment**

Challenges include wide gender wage gap, the limited implementation and monitoring of the principle of equal pay for work of equal value and the concentration of women in the informal employment sector.

- **Rural women**

Rural women face difficulties in gaining access to basic services owing to conflict in certain rural areas.

- **Marriage and family relations**

The laws of the State party relating to marriage are varied and depend on the religious affiliation of the parties who enter into marriage. It is concerned, however, at the adoption in 2015 of four so-called “laws on the protection of race and religion”, which discriminate against women and girls based on, inter alia, their ethnicity and religion. The particular concerns include:

(a) That the Buddhist Women Special Law imposes restrictions on Buddhist women who wish to marry outside their faith;

(b) That the Monogamy Law imposes penalties on unmarried couples who cohabit, and its implementation may have a disproportionate impact on women;

(c) That the Population Control Health-Care Law, which restricts the right of

women to freely choose the number and spacing of children, could be used to further restrict childbirth among ethnic minority women, in particular Rohingya women in northern Rakhine State;

(d) That marriage of girls under 14 years of age, with parental consent, is legal.

III. Gap analysis of gender policy in China's overseas investment and aid programmes, compared to international standards and good practice

1. International standards and guidance on gender equality related to foreign investment and aid

In general, legally binding international standards on gender equality and women's rights are based on the Convention on the Elimination of All Forms of Discrimination Against Women, and equality and non-discrimination provisions contained in other international human rights treaties. In addition, the Beijing Platform for Action sets forth governments' commitments to enhancing women's rights. The spirit of these agreements has been affirmed by the Millennium Development Goals (MDGs) and later the Sustainable Development Goals (SDGs); UN Security Council resolutions on women, peace and security, and on sexual violence in conflict; Economic and Social Council agreed conclusion 1997/2 and resolution 2011/5; and the UN System Chief Executives Board for Coordination's policy on gender equality and women's empowerment, and its corresponding system-wide action plan.

As regards the gender aspects of investment and aid programmes, international organisations, such as the UNCTAD and UNWOMEN, have issued some guidance for TNCs, investments, and gender mainstreaming of aid programmes.

A. International human rights law

China has ratified most major international human rights treaties and thus is obliged to implement its obligations under these treaties. When it comes to the BRI, the aid programmes and overseas investments made by Chinese SOEs will be considered under Chinese jurisdiction, even if they do not take place on Chinese territory. According to international human rights law, China is obliged to protect the human rights of individuals under its jurisdiction. All these treaties ratified by China contain the principle of gender equality. In other words, it is China's international obligation to make sure the BRI and its implementation is in accordance with the gender equality and women's rights these treaties protect.

According to the jurisprudence of international human rights law, China has positive obligations to adopt laws and policies to regulate the overseas investments of Chinese companies, especially SOEs and the aid programmes, in order to make sure that they do not infringe the principle of gender equality and that they promote gender equality and women's rights. In addition, China has obligations to adopt positive measures, within its available resources, to help Chinese enterprises and aid agencies in enhancing their capacity to respect women's rights and to promote gender equality in the implementation of the BRI. Such measures may include comprehensive and continuous capacity-building training programmes for these actors. When China experiences resource restrictions preventing it from doing so, it is obliged to seek technical support through international cooperation.

The following section lists the most relevant human rights treaties that China has ratified or signed, and the most relevant provisions, and analyses how they apply to China in regards to the implementation of the BRI.

a) International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The CEDAW provides comprehensive protection of women's rights and gender equality. This convention is the main reference for China when dealing with the gender equality aspects of the BRI.

Under the CEDAW, China is obliged to submit a periodical report on the national implementation of the CEDAW and is subject to review by the CEDAW Committee, the monitoring body of the convention. It is very likely that China will be expected to report on the gender aspects of the BRI and its impact on the BRI countries' gender equality situation. If serious gender issues occur in the implementation of the BRI, China will be questioned by the CEDAW Committee in face-to-face review sessions. As such, it is also in China's political interests to make sure due diligence has been given to gender issues in the implementation of the BRI.

b) International Covenant on Civil and Political Rights (ICCPR)

China has signed but not yet ratified the ICCPR. According to international law theory, this means China is not fully obliged to implement all provisions under the ICCPR, but China must respect the principles and objectives of the Covenant. Gender equality is one of these principles.

Article 3 of the ICCPR states that: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant."

c) International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

Although this convention is mainly targeted at racial discrimination, it also protects women from racial discrimination as women often suffer from intersectional discrimination. China's BRI involves countries with multiple races and should pay particular attention to the racial factor when it comes to gender equality.

d) International Covenant on Economic, Social and Cultural Rights (CESCR)

In addition to the non-discrimination and gender equality provisions, other provisions providing substantive rights are directly relevant to the BRI. For example, work-related rights have already raised concern of international human rights mechanisms. For example, during the CESCR Committee's review of China's report in May 2014, several Committee members raised human rights issues in China's overseas investments⁴⁴.

⁴⁴ See UN human rights bodies

Along with the increased overseas investment and aid programmes brought by the BRI, there is a risk such concerns will increase, including those regarding gender equality. Therefore, in order to implement the BRI smoothly, it is in China's interests to take steps to control these risks.

Article 2 (2) of the CESCER states that: "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Article 3 of the CESCER states that: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant."

Article 7 of the CESCER states that: "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence."

Article 13 (1) of the CESCER states that: "The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace."

e) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)

This convention is also very relevant for the BRI as it may involve a significant number of Chinese workers immigrating (although mostly temporarily) to BRI countries, and the BRI will also attract migrant workers from all over the world with its significant economic impact. Although China has not signed or ratified the CMW, it is very important for China to understand and to respect the fundamental rights of migrant workers and their family members under the CMW.

Article 7 of the CMW states that: "States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status."

f) Convention on the Right of the Child (CRC)

The BRI should pay particular attention to the rights and well-being of children in BRI countries, especially girls. For example, scholarship programmes can be designed to help girls in BRI countries to go to school.

Article 2 (1) of the CRC states that: “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

Article 2 (2) of the CRC states that: “States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.”

Article 29 (1) of the CRC states that: “States Parties agree that the education of the child shall be directed to: (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.”

Article 13 (7) of the CRC states that: “Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin, political opinions or membership of a particular social group, or that compliance with the request would cause harm to that person for any one of these reasons.”

g) Convention on the Rights of Persons with Disabilities (CRPD)

Women with disabilities are particularly vulnerable. China's BRI should pay particular attention to the most disadvantaged groups in BRI countries. For example, aid programmes should be designed to help women with disabilities. Enterprises operating in BRI countries should also provide equality opportunities to women with disabilities and respect the principle of equal pay for equal work.

Article 6 (1) on Women with disabilities of the CRC states that: “States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.”

Article 6 (2) of the CRC states that: “States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.”

B. UNCTAD guidance for gender inclusion of TNCs and FDI

UNCTAD has paid particular attention to the gender aspect of the investment by TNCs⁴⁵. The following are the major aspects that UNCTAD requires TNCs to focus on:

- 1) Non-discrimination and equality in treatment between men and women
- 2) The incorporation of gender concerns into investment projects and business models
- 3) Reporting on gender participation
- 4) Engagement in the promotion of women's empowerment
- 5) Equal rights in collective bargaining
- 6) An assessment of the gender impact of investment decisions as well as gender-sensitive investment models

C. SDG goal No. 5: achieve gender equality and empower women and girls

5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life

5.5.1 Proportion of seats held by women in national parliaments and local governments

5.5.2 Proportion of women in managerial positions

5.A Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws

5.A.1 (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure

5.A.2 Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control

5.B Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women

5.B.1 Proportion of individuals who own a mobile telephone, by sex

⁴⁵ See, for example, UNCTAD report: Investment by TNCs and Gender: Preliminary Assessment and Way Forward

5.C Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels

5.C.1 Proportion of countries with systems to track and make public allocations for gender equality and women's empowerment.

D. UNWOMEN's guidance on gender-responsive investments

In early 2018, UN Women issued a report titled "Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development", which recommended "prioritizing gender-responsive investments, policies and programmes". More specifically, it provides the following guidance for investments:⁴⁶

1) Develop equitable and progressive domestic resource mobilisation strategies

The viability of different resource mobilisation strategies varies across countries and contexts. While higher-income countries may be able to attract significant amounts of private investment, lower income countries will rely more heavily on official development assistance (ODA), international borrowing or remittances. In all cases, however, options for increasing fiscal space for gender equality investments are available. Specific strategies should be discussed in an open and transparent manner, and their distributional consequences for women and men from different social groups should be assessed and clearly communicated.

2) Monitor budget allocations for gender equality policies and programmes

Member States, donor agencies and international organisations should track financial commitments for promoting gender equality in both national budgets and international flows of ODA. Participatory and gender responsive budgeting, social audits and public hearings are important tools for enhancing the transparency and accountability of spending decisions and assessing their gender impact.

3) Work together for an enabling global environment

In light of the global partnership commitments and universal spirit of the 2030 Agenda, solidarity and cooperation between countries of all income levels must be strengthened to create an enabling global environment for its implementation. Member States must collaborate to combat illicit financial flows and international tax competition and review stifling debt payments, all of which currently hamper domestic resource mobilisation efforts.

4) Align policies and programmes with the principles of the 2030 Agenda

⁴⁶ UN Women's report: Turning promises into action: gender equality in the 2030 Agenda for sustainable development, 2018, available at <http://www.unwomen.org/en/digital-library/publications/2018/2/gender-equality-in-the-2030-agenda-for-sustainable-development-2018>

All stakeholders, including Member States, UN agencies and the private sector, should ensure that their actions to implement the SDGs are gender-responsive and contribute to the realisation of the rights of all women and girls. Principles, such as the availability, accessibility, quality and affordability of services, should guide the formulation and implementation of policies and programmes and should be key criteria for monitoring and evaluating their effectiveness.

5) Scale up financial support for women's organisations to engage in policy advocacy at the global, regional and national levels.

Private and bilateral donors, as well as international organisations, can play an important role by increasing core and multi-year funding. The financial stability that comes with this funding enables women's organisations to respond flexibly to changes in context and facilitates the medium- and long-term advocacy, planning and programming that is needed to keep gender equality at the centre of implementation and monitoring.

6) Define clear terms of engagement and criteria for public-private partnerships at the global and national levels.

The role of business is critical for the 2030 Agenda to succeed. It can drive economic growth and innovation, create decent jobs and help close the financing gap by paying its fair share of taxes. The effectiveness and accountability of private sector participation can be strengthened by setting out clear rules for engagement and by conducting regular human rights and gender impact assessments. This should be part of broader efforts to make private businesses—of all shapes and sizes—more responsive to gender equality and women's rights, as laid out by the Women's Empowerment Principles (WEPs). In addition, the need to move towards a global set of binding rules on business and human rights is increasingly recognised.

7) Address multiple and intersecting forms of discrimination through policies and programmes.

Redressing the entrenched disadvantages faced by particular groups of women and girls will be critical to achieve progress for all. As a matter of priority, policies that are found to deepen inequalities and contribute to pushing people further behind must be revised. Specific measures aimed at reducing inequalities and helping the furthest behind catch up must be put in place as part of broader strategies aimed at creating universal systems that are collectively financed and used by all social groups.

8) Promote meaningful participation in the design, implementation, monitoring and evaluation of all policies and programmes

Democratic governance and decision-making processes must be facilitated, fostering the voices and visibility of women and girls, to ensure national priorities and strategies are defined by broader perspectives on what helps or hinders progress.⁴⁷

⁴⁷ Ibid.

E. UN Women's guidance on development programmes

In 1997, the UN adopted its first resolution on gender mainstreaming to guide the implementation of its global commitments on gender equality and the empowerment of women⁴⁸. In 2014, a more detailed guidance was provided for gender mainstreaming in development programming. The following guidance is particular relevant to China's implementation of the BRI:⁴⁹

Formalising female employment

In the past decades, wage growth globally has lagged behind productivity growth. This worsens specifically women's position in the labour market. Indeed, women are increasingly trapped in low-productivity and low-wage jobs while the gap in educational achievement between men and women has rapidly closed. Therefore women's employment in the formal sector is not a function of women's skills, but rather of structural constraints of the global economy.⁵⁰

Global competition among firms makes cutting costs an imperative resulting in a reduction of the labour costs through low investment in human capital. This creates a defeminisation of formal labour observed in more capitalistic and industrial economies, where the share of women in the informal sector has continually increased. Women constitute the majority of workers in the manufacturing and export-oriented sectors where they acquired skills on the job. With a reduction of human capital investment on workers, more women are increasingly pushed toward the informal sector resulting in an informalisation of women's labour.⁵¹

How can aid contribute to shifting women from informal to formal employment? Macroeconomic policies, including monetary and tax policies, can play a role. In low-income countries the most important question is how to raise women's income from farming. This could involve access to credit and technology, and also reducing the care burden which is often left to women.⁵²

Overcoming barriers to female participation in the labour force

In the Middle East and North African (MENA) region, investments in human capital have not translated into the commensurate participation of women in the economy — termed the “MENA paradox”.

One explanation could be the means through which women primarily obtain employment, which is through registering at the government labour office and entering the government job lottery competition. Meanwhile, men tend to enquire about jobs at the work location and directly contact employers either face-to-face or by using the phone. Societal norms do not enable women to search for jobs in these ways. How can aid promote new channels for women to obtain formal sector employment?

⁴⁸ UN Women Guidance Note: Gender Mainstreaming in Development Programming, 2014.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

Inclusive development for men and women

There are also dangers of aid focusing solely on women. In Caribbean countries, there have been backlashes against women when interventions have aimed to promote women's employment in a context of declining employment. What does female employment mean for a community or society? How can aid improve the situation of individual women while also strengthening their position within households and communities? Here, issues of power relations are important.⁵³

Within this discussion arose the question of whether the gender theme of the UNU-WIDER ReCom programme should focus on poverty reduction for women's empowerment, or rather on the achievement of gender equality. The latter requires interventions beyond poverty reduction including the promotion of women in the political, social, and economic spheres.⁵⁴

Female asset ownership

So far there has been little investigation into the types of assets owned by women and why this may be important. Research from Uganda and Ghana highlights the asset gap in terms of ownership of land, housing and large and small livestock. Key areas to investigate further here include how different types of assets impact women's empowerment and gender equality. How do women acquire ownership over different types of assets? Key areas for policy are inheritance and entitlement laws, which disadvantage women in many countries.⁵⁵

Development interventions should pay attention to how the importance of different types of assets may change with economic transformation. Mobile phones, for instance, are likely to become more important, and aid donors are increasingly acknowledging this through their initiatives — including promoting mobiles as a means to provide agricultural information and to make small payments. However, a gap in mobile phone ownership between men and women means that these types of interventions could further marginalize women. The principle of “do no harm” is a useful one to remember here.⁵⁶

De jure and de facto rights

The importance of inheritance and entitlement laws has been raised as a potential area for institutional innovation. However, women frequently have the de jure rights to inherit, but in practice these rights are not upheld. This may be because women do not realize that they have these rights, or because they fear recriminations if they try to claim them. There is a need to inform women about their rights. Meanwhile, aid to women's organizations could help women themselves to push for change.⁵⁷

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

2. Good practices

A. UK experiences in promoting gender equality in overseas investment and aid

It is not a new topic in the international arena that outbound investment and development aid can be a channel to improve gender equality. The international community has engaged in discussions and practice in this field for a long time. Especially, developed countries, including the UK and US, have gained experience through decades of action and practice, which is a good reference point for China in promoting gender equality along the Belt and Road. Below is a summary of the experiences of the UK and DFID.

1. Making gender equality a priority for foreign aid and stressing it in policy documents

Government policies represent a country's views and attitudes on a particular issue. Giving priority to foreign aid for gender equality and reflecting it through policy documents and even laws is the basis for follow-up actions.

Many countries have already included gender equality as a priority for foreign aid. In the UK, for example, gender equality is at the heart of the UK Aid Strategy, and is listed as a priority in the Strategic Defence and Security Review (SDSR) and enshrined in the Equality Act 2010, which requires all UK development and humanitarian programmes to consider gender.⁵⁸

In recent years, the UK has placed women and girls at the heart of its international development agenda. In 2014, the UK held the Global Summit to End Sexual Violence in Conflict. The UK also co-hosted the first global Girl Summit to end female genital mutilation (FGM) and child, early and forced marriage within a generation, while scaling up efforts in preventing and responding to violence against women and girls.

In 2014, the government also supported legislation to ensure that women and girls continue to be at the heart of its international development efforts in the future. The International Development (Gender Equality) Act was passed in the UK on 13 May 2014. The Act makes it law to consider, before providing development assistance and alongside other considerations, how the assistance will contribute to reducing gender inequality. Similarly, gender-related differences in needs must be taken into account before providing humanitarian assistance. The Act puts DFID's existing commitment to gender equality on a statutory footing. The Act gives DFID a commitment to gender equality on a statutory basis, which will ensure that gender equality remains at the heart of DFID's work.⁵⁹

2. Taking gender equality into consideration in outbound investment

Many areas of foreign investment have an impact on gender equality, such as agriculture and education. It is a consensus among the world's countries that investment for girls

⁵⁸ DFID, Agenda 2030: Delivering the Global Goals, page 13, available at:

<https://www.gov.uk/government/publications/agenda-2030-delivering-the-global-goals>

⁵⁹ DFID, The Strategic Vision for Girls and Women: Three Years On, page 5, available at: <https://www.gov.uk/government/publications/the-strategic-vision-for-girls-and-women-three-years-on>

and women must be increased, leveraging new players and partnerships, including the private sector and foundations to empower girls and women to have voice, choice, and control over their lives.

Take the UK as an example: all DFID departments and country offices have plans for their operations and need to articulate how to implement the DFID results framework and business plans, including sections for girls, women and children. Business cases are developed for each programme or intervention and coordinated at country and division level to deliver the Operational Plan. DFID complies with the requirements of the “International Development (Gender Equality) Act”, which requires all business cases to properly consider the impact of interventions on gender equality.

The economic empowerment of girls and women is especially important. According to DFID, economic empowerment is a process that increases girls' and women's access to and control over economic resources and opportunities in the context of supportive norms and institutions. It includes increasing women's opportunities for employment in decent jobs, access and retention of economic assets, including land, and, tackling discriminatory laws and regulations that prevent women from working and doing business.⁶⁰

Therefore, DFID is striving to expand its economic development plan for women's economic empowerment, including measures and cases as below:

“Our new Economic Development Strategic Framework commits DFID to focus on the needs of girls and women in economic development, through both mainstreamed and targeted initiatives. The refresh of the Strategic Vision for Girls and Women also led to a reshaping of our economic empowerment work, to include a focus on tackling the barriers that prevent girls and women from accessing economic opportunities as well as provision of assets. We are developing new interventions and continuing our investments in research to establish effective approaches. Over the last year, a number of new DFID programmes have been launched with significant focus on women's economic empowerment, including:

We have recently announced a partnership with Women's World Banking, through our Skills and Innovation for Micro Banking in Africa programme. Through this partnership, we will provide over one million women with financial services. The programme will focus in Nigeria, Malawi, and Tanzania to create financial services specifically tailored to the unique needs of women, including innovative savings products and rural credit.

The Private Enterprise Development Programme for Ethiopia (PEPE), which works to improve access to finance and catalyse growth in key sectors that create employment, especially for women. One of the areas PEPE is providing support is technical assistance to micro-finance institutions and the Development Bank of Ethiopia to scale up loans to women owned enterprises. So far, £0.1 million has been disbursed, helping a range of female run businesses including a school, a brick manufacturer and a vehicle parts shop. This component of support is now expected to accelerate quickly, with an additional £10 million of lending under the facility anticipated over the next six to nine months.”⁶¹

⁶⁰ DFID, The Strategic Vision for Girls and Women: Three Years On ,page11,available at <https://www.gov.uk/government/publications/the-strategic-vision-for-girls-and-women-three-years-on>

⁶¹ Ibid

3. Emphasising documentation and dissemination of the impact of investment and aid on gender situation

On many countries' official websites for foreign aid and investment, there are generally reports on the target countries. These reports describe the basic situation of investment and assistance in the target countries. Provided that these reports include the state of gender equality in the countries concerned, they are likely to provide a basic understanding of the respective country's investment and assistance situation. Additionally, these national reports, as part of the disclosure of government information, will be a reliable way for national citizens as well as other countries to understand the general state of gender issues in the country concerned.

In investment and foreign aid, DFID records the gender impact and discloses related reports on the government's relevant webpages. The purpose of this is to allow the entire world, including national citizens, to acknowledge their input on the issue. The difference between this practice and the pre-action research mentioned below is that the research is to better integrate the gender issue into the consideration of investment and foreign aid, whereas this principle gives priority to the attention and organisation of gender-related content in the process of investment assistance. If the former focuses on the method of foreign investment assistance, the latter focuses on the dissemination of the impact of investment assistance. Its purpose is to demonstrate that the government attaches importance to the issue and is taking action.

All documents and reports on aid for gender equality on DFID's website support this. DFID's website includes reports on many countries, many of which contain introductions or statements about the status of women in the country and gender equality. Sometimes, there are even dedicated gender attachments for certain countries, such as the "DFID Burma Operational Plan gender annex"⁶²; the "DFID Nepal Operational Plan: Gender Equality and Social Inclusion Annex"⁶³; and the "DFID Bangladesh Operational Plan 2011-2015 gender annex"⁶⁴.

4. Encouraging multilateral cooperation

In many reports on aid and investment for gender equality by countries such as the UK and the US, it is clear that the government of the sponsoring country will work with the governments of the sponsored countries and international organisations to formulate programmes to solve the issue of gender equality. It is believed that reducing gender inequality can only be done by taking action through a combination of interventions that support this goal and by working with a broad range of partners.

According to the UNDP, in its "list of top donors based on total income received 2016", the top three countries are the US, Sweden, and the UK. Take the UK as an example: "The UK funds five projects through direct funding and 22 projects through UNDP Regular Resources, with a focus on Gender Equality"⁶⁵. It is the joint efforts of the British

⁶² DFID, available at: <https://www.gov.uk/government/publications/dfid-burma-operational-plan-gender-annex>

⁶³ DFID, available at: <https://www.gov.uk/government/publications/dfid-burma-operational-plan-gender-annex>

⁶⁴ DFID, available at: <https://www.gov.uk/government/publications/dfid-bangladesh-operational-plan-2011-2015-gender-annex>

⁶⁵

government, aided countries, and the UNDP that can advance the smooth progress of these projects.

5. Coordination among various departments and social forces

In this field, it is not just the cooperation between countries or between countries and international organisations that matters. New ideas and innovations can come from anywhere: a start-up entrepreneur, a university research institute, a corporation, or a grassroots community organisation. Recognising that no one organisation or sector can solve the world's most intractable development challenges, the international community must tap the creativity, skills, assets, technologies and resources of a diverse array of individuals and organisations to discover new ways to tackle global issues. After all, achieving sustainable solutions means working in close collaboration with countries, partners, citizens and the wider development community. Such partnerships enable us to achieve more by working together than we could ever achieve alone.

Taking economic empowerment as an example, DFID is also using their influence and communications to encourage the international community and its multilateral partners to scale up their activities on woman's economic empowerment. "We are doing this by working to secure ambitious targets on woman's economic empowerment in the post-2015 framework. The economic empowerment of women and girls is also a priority focus of many of our relationships with private sector and corporate partners."⁶⁶

According to DFID, as early as a few years ago, the first round of projects that were part of the Trade in Global Value Chains Initiative (TGVCI) started in Kenya, South Africa and Bangladesh. TGVCI works in partnership with global businesses to improve social and economic outcomes for workers in their supply chains. Many of the projects, especially in Bangladesh, have a strong focus on improving working conditions for women employees, for example through increased access to health information and services in the workplace.⁶⁷

Another typical example of the participation of nationals and social forces is the SPRING Accelerator, which was designed to harness the power of markets for the benefit of girls. Working with entrepreneurs with a track record of success, the initiative provided capital, technical assistance, mentoring, and networking to reach girls aged 13-19. This five-year programme is now underway in Kenya, Uganda, and Rwanda, with planned expansions to other countries in South Asia and East Africa over the next two years⁶⁸. Through the SPRING Initiative, USAID is working with DFID and the Nike Foundation to improve the economic opportunities of poor, adolescent girls. The initiative uses a venture capital approach to work with existing businesses to develop affordable goods and services to improve the capacity of girls to learn, earn, and save safely. Starting in East Africa, the Initiative expects to benefit at least 200,000 girls over the course of the project, and millions more in the future as self-sustaining products reach this vast, under-served market.⁶⁹

⁶⁶ The Strategic Vision for Girls and Women: Three Years On ,page11,available at: <https://www.gov.uk/government/publications/the-strategic-vision-for-girls-and-women-three-years-on>

⁶⁷ The Strategic Vision for Girls and Women: Three Years On ,page11,available at: <https://www.gov.uk/government/publications/the-strategic-vision-for-girls-and-women-three-years-on>

⁶⁸ USAID Web page, available at: <https://www.usaid.gov/what-we-do/gender-equality-and-womens-empowerment/spring-initiative>

⁶⁹ USAID Web page, available at: <https://www.usaid.gov/what-we-do/gender-equality-and-womens-empowerment/addressing-gender-programming/supporting-womens>

6. Pre-action Research and Post-action assessment

Among the 232 unique global SDG indicators, 53 explicitly reference women, girls, gender, or sex, including the 14 SDG 5 indicators. UNWomen found, however, that there are no internationally established methodologies or standards for 23 out of the 53 gender-related indicators. The HLPF Thematic Review suggests that failure to prioritise gender equality in data collection and research production further weakens the ability of policy-makers to develop evidence-based policies.⁷⁰

High quality research that generates strong and applicable evidence helps us build good development programmes. Research can open up new possibilities and empower us to deal with difficult problems. Research can improve our understanding of key development questions so that we make the best policy choices. For example, finding out why girls leave school early.

The model worth learning from is DFID's Research and Evidence Division (RED). It supports research into the social, economic, and legal barriers that girls and women face in accessing markets and in controlling the sustained use of economic assets. Policy-relevant research is generating evidence on how to increase economic opportunities for girls and women; close the gender gap in productivity, earnings and assets; and make markets work for poor women.⁷¹

For example, in terms of women's leadership and education, DFID conducted an important research project in 2015, named Gender Inequality, Female Leadership, and Aid Allocation: a Panel Analysis of Aid for Education⁷². In aid allocation, they did a related analysis in 2013, named Gesture politics or real commitment? Gender inequality and the allocation of aid. In terms of women's health, DFID's research programmes generate high quality evidence with the primary aim of improving the lives of girls and women by improving their health.

DFID's Research and Evidence Division (RED) funds several programmes including the Strengthening Evidence for Programming on Unintended Pregnancy (STEP UP) programme that supports increasing access to quality family planning and safe abortion services. In 2013, STEP UP engaged in a study in Bangladesh to explore the sexual and reproductive health needs of married adolescent girls living in slum areas of Dhaka. Important gaps were revealed between husbands' and wives' fertility intentions, intendedness of pregnancies, and decision-making on family planning. STEP UP has also generated important evidence about when girls marry (86% of girls were married underage) and the socio-demographic factors contributing to unintended pregnancy. Workplaces were found to have an important impact on girls' livelihoods and reproductive health, particularly in the garment industry, indicating the need for interventions to reach adolescents in the factories where they work.⁷³

Besides ex ante research, post hoc evaluation is also important. DFID's Evaluation

⁷⁰ CATHERINE BENSON WAHLÉN, Achieve Gender Equality to Deliver the SDGs, available at: <http://sdg.iisd.org/commentary/policy-briefs/achieve-gender-equality-to-deliver-the-sdgs/>

⁷¹ The Strategic Vision for Girls and Women: Three Years On, available at: <https://www.gov.uk/government/publications/the-strategic-vision-for-girls-and-women-three-years-on>

⁷² Gender Inequality, Female Leadership, and Aid Allocation: a Panel Analysis of Aid for Education, available at: <https://www.gov.uk/dfid-research-outputs/gender-inequality-female-leadership-and-aid-allocation-a-panel-analysis-of-aid-for-education>

⁷³ The Strategic Vision for Girls and Women: Three Years On

Department (EVD) commissioned an independent evaluation of the effectiveness of their work on gender equality, to inform their future strategy⁷⁴. The evaluation concluded that the pursuit of gender equality and women's empowerment is still important for DFID's work. Their significant and positive contribution in support of gender equality in education is acknowledged, as is their strength in policy-making and research on gender issues. However, the evaluation also highlights some areas for improvement.

7. Data transparency

Transparency is crucial in making sure the above efforts are effective in building citizens' confidence and trust in how their money is spent and encouraging them to contribute more. Both taxpayers and the people receiving aid want to know how aid and investments are making a difference. A valid method is publishing data to improve related work. But that can allow unscrupulous individuals to get away with corruption in some degree. In the long-run, transparency helps drive growth and development. Evidence shows that more transparent countries have higher foreign direct investment inflows and lower borrowing costs.⁷⁵

For example, DFID believes transparency matters for sustainable development⁷⁶. And public sector transparency can promote competition for government contracts, reduce corruption, and increase government effectiveness⁷⁷. But DFID also believes transparency on its own is not enough. To be useful, the evidence provided needs to be meaningful to ordinary people. Too often, data is not presented in an understandable way that enables citizens to find, interpret and use it. Evidence must also be accessible to parliaments, audit offices, media and civil society organisations that can monitor and champion improvements in services.⁷⁸

Hence, they have committed to building evidence and disaggregating data by sex, age etc., to track who is reached and who is left behind, and how best to achieve gender equality at scale, and making such information publically available. It has also been DFID's practice to invest in and share evidence and research on what works to overcome the social and structural barriers to gender equality, and to scale up the advances that are made, including on women's economic empowerment, prevention of violence against women and girls, girls' ability to acquire education and skills and to participate in decision-making, and girls' sexual and reproductive health and rights.⁷⁹

⁷⁴ DFID, evolution of DFID gender equality and practice in support of gender equality and women's empowerment , available at :<https://www.gov.uk/government/publications/evaluation-of-dfid-s-policy-and-practice-in-support-of-gender-equality-and-womens-empowerment-ev669>

⁷⁵The Oxford Handbook of Economic and Institutional Transparency , Edited by Jens Forssbäck and Lars Oxelheim , available at: <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199917693.001.0001/oxfordhb-9780199917693> last accessed at 18 March 2018

⁷⁶ DFID, Open aid, open societies: a vision for a transparent world ,Key messages, available at: <https://www.gov.uk/government/publications/open-aid-open-societies-a-vision-for-a-transparent-world/open-aid-open-societies#key-messages>

⁷⁷ Open aid, open societies: a vision for a transparent world , part: A vision for a transparent world , available at: <https://www.gov.uk/government/publications/open-aid-open-societies-a-vision-for-a-transparent-world/open-aid-open-societies#fn:1>

⁷⁸ Open aid, open societies: a vision for a transparent world , part: A vision for a transparent world , available at: <https://www.gov.uk/government/publications/open-aid-open-societies-a-vision-for-a-transparent-world/open-aid-open-societies#fn:1>

⁷⁹ DFID Strategic Vision for Gender Equality: Her Potential, Our Future, available at <https://www.gov.uk/government/publications/dfid-strategic-vision-for-gender-equality-her-potential-our-future/dfid-strategic-vision-for-gender-equality-her-potential-our-future#fn:3>

For example, DFID was a founding member of the International Aid Transparency Initiative which was set up to manage an open data standard allowing the reporting of development spend and results in a single place. Nine years on, it has 568 publishers and continues to represent the foremost mechanism for sharing aid data. They collaborate with international initiatives that promote aid transparency, driving greater use of aid transparency data for greater accountability and effectiveness. They require all their implementing partners to publish to the International Aid Transparency Initiative (IATI) or other relevant international transparency standards, and to pass the same expectations down their delivery chains. Based on this, it is further committed by DFID that “With our private sector contractors and our civil society organisation partners we will bear down even harder on costs, fees, and overheads to stimulate reforms and efficiency. We will continue to track and report spending related to gender equality through the Organisation for Co-operation and Development (OECD) Development Assistance Committee (DAC) gender policy marker; and the Global Partnership for Effective Development.”⁸⁰

B. Good examples

The UK, through DFID, has rich experience in funding projects for empowering women in development countries.

Example 1: Helping women in Afghanistan to use greenhouses to grow cucumbers

The UK funded CARD-F program helps farmers use new technology to increase the quantity and quality of their crops in order to make agriculture profitable. CARD-F provides equipment, technical advice and training (e.g. about sowing, planting, irrigation, weeding and fertilizer application)⁸¹. CARD-F has already granted 54 greenhouses to poor women in target provinces, and aims to further support poor women in all of its other agricultural projects.

Example 2: Helping girls in Pakistan to get education

PEF's Education Voucher Scheme (EVS) aims to benefit children from underprivileged areas, who would otherwise be unable to afford to go to school. EVS vouchers are redeemable against payment of fees in private educational institutions that partner with PEF. Additionally, PEF provides support to low-cost private schools through its Foundation Assisted Schools and New School Programme. These programmes collectively help provide education to over 1.3 million children in Punjab. UK support will help PEF enroll an additional 2.2 million children over the next 6 years.⁸²

The EVS allows children between the ages of 4-17 years from poor families to get free education in private schools closest to them. Household surveys are conducted to

⁸⁰ Open aid, open societies: a vision for a transparent world , part: A vision for a transparent, available at: [world ,https://www.gov.uk/government/publications/open-aid-open-societies-a-vision-for-a-transparent-world/open-aid-open-societies#key-messages](https://www.gov.uk/government/publications/open-aid-open-societies-a-vision-for-a-transparent-world/open-aid-open-societies#key-messages)⁷¹ The Strategic Vision for Girls and Women: Three Years On, available at: <https://www.gov.uk/government/publications/the-strategic-vision-for-girls-and-women-three-years-on>

⁸¹ <https://www.gov.uk/government/case-studies/afghan-women-using-greenhouses-to-grow-cucumbers>

⁸² <https://www.gov.uk/government/case-studies/helping-girls-get-an-education-in-pakistan>

identify and register deserving children in specific locations including those who are out of school children and those who cannot afford it. Under the Foundation Assisted Schools programme, partner private schools are accredited with PEF after going through a rigorous selection process to provide free, quality education to those who cannot afford it. The New School Programme supports applicants who wish to open new schools in inaccessible rural or less affluent urban/semi-urban areas of Punjab, where government or private schools are few in number or absent altogether. Education is beneficial for girls since each extra year of schooling can help increase their wages by up to 20 per cent. Girls who attend secondary school are also likely to marry later and have fewer children. Investing in girls and women is transformational – for their family, their community, and for the country. Women invest nearly all the money they earn back into their family to educate and feed their children, and breaking the cycle of intergenerational poverty.

C. Gap analysis on China's policy

1) General commitment by China to promote gender equality worldwide

To support women's development worldwide and the work of UN Women, China will donate USD 10 million to UN Women for the implementation of the Beijing Declaration and Platform for Action and the realisation of the related goals in the 2030 Agenda for Sustainable Development.

In the coming five years, China will help other developing countries build 100 health projects for women and children, send teams of medical experts to provide services and implement 100 "happy campus" projects to finance the schooling of poor girls and raise girls' school enrolment rates. It will also host 30,000 women from developing countries to take part in training programmes in China, and provide 100,000 skills training opportunities in local communities of other developing countries. Under a related fund co-sponsored by China and the United Nations, there will be special capacity-building programmes for women from developing countries.

Speaking at the Global Leaders' Meeting on 27 September 2015, President Xi Jinping said: "China will do more to enhance gender equality as its basic State policy, give play to women's important role as 'half of the sky' and support them in realising their own dreams and aspirations in both career and life."

Following President Xi Jinping's commitments to advance gender equality in China and worldwide, at the Global Leaders' Meeting last year, China is implementing its commitments on foreign aid, including carrying out the 100 "Health Projects for Women and Children" and the 100 "Happy Campus Projects", hosting 30,000 women from developing countries for training programmes in China and providing 100,000 skills training opportunities in local communities in developing countries.

2) China has a comprehensive legal and policy framework for promoting gender equality and women's rights

China has long adopted gender equality as a basic national policy, which sets the issue as one of top priorities for the government. China also has established a comprehensive legal framework for promoting gender equality, including the Constitution, the Law on

Protection of Women's Rights and Interests. Recently, China just promulgated its first Anti-Domestic Violence Law in history. At the policy level, China has adopted the 10-year Development Action Plan for Chinese Women (2011-2020), setting specific targets for achievements.

These positive aspects, although not expressly linked to the BRI, reflect the general attitude of the Chinese authorities towards gender equality and women's rights and provide legal basis and general policy guidance for the gender aspects of the BRI implementation.

3) Lack of specific policy and technical guidance on gender issues in the BRI

Although China has shown its general commitment to promoting gender equality worldwide and has a comprehensive national legal and policy framework on promoting gender equality in China, there is no specific policy or serious discussion on adopting such policy for the BRI. Given the scale of the BRI and the tremendous number of public and private actors involved, in addition to the very diversified and challenging gender equality situation of many BRI countries, China is likely to face irregularities in gender issues during the BRI implementation without an effective gender policy tailored for the BRI and sufficient technical guidance to help BRI actors to understand the gender situation and how to work on it.

4) Lack of incorporating gender into organisational structures

Although gender mainstreaming has entered the official discourse in China, it has not in general been effectively incorporated in the decision-making process of the national and public institutions.

The government at various levels and public institutions, such as schools, hospitals or public media, lack professional knowledge on gender issues and lack gender perspectives in their decision-making process.

Another serious matter is the lack of resources to do so. There is a lack of expertise and budget for gender equality issues within individual public organizations, except for specialized organizations like Women's Federation or State Council's Women and Children Commission. For example, while more than 20 provinces have established gender review mechanisms for local legislation and policies, which is a good practice per se, they all struggle with shortages of experts to conduct such reviews.

It is very common for BRI-related department or enterprises not to have gender experts involved in decision-making and implementation processes. Of course, even if there is an intention to do so, there are not enough experts available as China has a general shortage of human resources specialising in gender equality issues. Moreover, this cannot be solved in a short time. Although increasing financial support will ease the situation and encourage more people to get involved, but having human resources with most advanced knowledge of gender equality at the international level requires long-term efforts.

5) Lack of gender budgeting in the BRI

While the BRI involves significant amounts of financial resources for overseas investment and aid programmes, there is no gender-specific budgeting for the BRI. Both

international guidance and good practice shows that it is important to have a separate budget for promoting gender equality. Such a budget can be used, for example, to provide gender equality training for investors and aid agencies, or to sponsor aid programmes aimed at promoting gender equality in the BRI countries.

6) Lack of segregated data on gender in the implementation of the BRI

International experience reveals that segregated data on gender is an indispensable tool for effective policy-making. Yet, in China's national practice and overseas investment or aid programmes, segregated data on gender is often missing. The lack of such data prevents policy-making from correctly evaluating the situation and thus from making right decisions or effective policies in promoting gender equality.

IV. Recommendations to Chinese government and enterprises

UN Secretary-General António Guterres recently stated that there is ample evidence that investing in women is the most effective way to lift communities, companies, and even countries. Women's participation makes peace agreements stronger, societies more resilient and economies more vigorous. For many countries along the Belt and Road Initiative (BRI), China has already become an important investor and supporter. China's foreign investment and aid are playing an important role in improving these countries' infrastructures, providing job opportunities, and promoting social development. Therefore, how China's foreign investment and aid invest in local women is of immeasurable significance to the local economy, society and even peace.

On the other hand, China's BRI and the purpose of foreign aid have strong conceptual commonalities and practical synergies with the United Nations 2030 agenda, and the fifth goal of the UN's Millennium Development Goals on improving maternal health. But some of China's policies and practices are to a certain extent limiting the development of the UN 2030 Agenda and the fifth goal. As a result, China's foreign investment and aid have great potential in terms of promoting gender equality and other issues. Therefore, the Chinese government and China's private sector, mainly foreign investment companies and foreign aid projects, can still take many measures to enhance the overall quality and social value of foreign investment and aid.

1. Policy Suggestions for the Chinese Government

1) Raise awareness of the value-promoting role of the BRI and China's investment and foreign aid

As the scale of China's foreign investment and aid continues to expand, China's influence on recipient countries is also increasing. The expectations of various stakeholders in the world, including the recipient countries, have gradually changed and improved. In particular, it is hoped that China's investment and aid will exert greater social influence and play a leading role in promoting social progress, including the promotion of gender equality on a global scale. Therefore, it is necessary for the Chinese government to adjust the social value positioning and social influence function of its investment and aid.

The BRI is a multi-dimensional initiative that involves politics, economy, society, culture as well as development. China's proposal for this initiative is not based solely on the economic interests of all parties, but is intended to develop together with countries along the BRI to create and maintain "a community of common destiny" based on peace, mutual trust, equality, cooperation, and win-win results. This means that the BRI has its own ethical and social goals. It also means that advocates and practitioners of this initiative must uphold the international morality and associate the BRI with ethical and social goals, as well as economic growth. High-quality foreign investment and aid must focus on improving important issues related to people's basic needs and rights in countries along the BRI to build a people-oriented investment and aid model, among which gender equality is the most important thing. Under the Initiative, the Chinese government should use foreign investment and aid more actively as an effective means of serving the growth, morality pursuit, and social goals of the BRI, and create a clear understanding of the social value of China's foreign investment and aid in promoting

women's empowerment of gender equality in accordance with the conventions of the UN 2030 Agenda and the documents related to gender equality, thereby building and strengthening the "human dimensions" of China's investment and aid as well as improving the people-to-people connection.

2) Strengthen policy incentives and institutional guarantees for foreign investment and aid that promotes gender equality

On the basis of cognitive innovation, the top-level design of the BRI and foreign aid should be strengthened. It is recommended that the proposed policy and legal system related to the BRI should include policies and regulations that encourage and regulate the overseas investment of Chinese companies. What is more, the principle of promoting gender equality should be included in the proposed Foreign Aid Law, to clarify the moral appeal and social goals of China's foreign investment and aid policies in the gender field. On the other hand, China should establish an overall coordination mechanism for foreign investment and aid, and improve the policy service system. In preferential policies related to the BRI, the government should encourage and support investment projects that are good for gender equality and women's empowerment, including strengthening the "gender indicators" in investment policies related to finance, insurance, taxation, foreign exchange, and credit. While facilitating the participation of enterprises in the construction of the BRI, the government should encourage their contribution to the social goal of gender equality.

It is suggested that the leaders of the BRI (the NDRC, the Ministry of Foreign Affairs, and the Ministry of Commerce) and the newly established International Development Cooperation Agency responsible for foreign aid, establish an expert advisory group on gender equality and women's empowerment. When consulting major decision-making issues related to outbound investment and assistance, the government can seek advice and suggestions from the advisory group, ensuring that the foreign investment and aid policies not only have Chinese characteristics and characteristics of South-South cooperation, but also meet international standards on gender equality and promote gender equality.

3) Strengthen analysis, supervision and guidance on the gender impact of investment and aid projects

The Chinese government urgently needs to improve the planning, supervision and evaluation system of foreign investment and aid so that it can take into account its economic impact and social goals, including the goal of gender equality. To this end, it is necessary to study, formulate, and implement gender strategic planning for the BRI and foreign investment and aid, including the analysis of gender equality orientation and gender impact in the overall planning, country area planning, industrial planning and project planning. This will strengthen the in-depth linkage and extensive collaboration between foreign investment and foreign aid and gender equality issues at the policy planning level. At the same time, government departments must strengthen their guidance on the implementation of gender equality in key overseas projects and areas, including the development of operational guidelines that features the spirit of the BRI to guide China's overseas investment and aid programs to balance economic and social (gender) goals. In this process, attention should be paid to assigning the project implementation and project gender impact assessment to different responsible parties, and the project's gender impact supervision and evaluation should be implemented by an independent third-party professional organisation. This will also help correct

misunderstandings of China's foreign investment and aid.

4) Strengthen research and information services on gender issues and strengthen the diversification of participants of foreign investment and aid

At present, China is strengthening the construction of think tanks. The implementation of the BRI and the effective expansion of foreign aid in particular require the participation of think tanks in order to provide intellectual support for the “going global” of Chinese capital and scientific decision-making on foreign aid. Therefore, the government must support and mobilise various think tanks to strengthen the analysis and research in the political, economic, cultural, industrial, and environmental fields of the countries along the route, and strengthen various agencies in China to cope with risks and enhance the capacity for sustainable development. What is worth considering is that this analysis and research should include a clear, systematic, and continuous gender perspective. On this basis, the government must strengthen the construction of an information service system for foreign investment and aid and promote the effective integration and efficient use of various types of information resources from a gender perspective. Through the provision of information services on gender perspective, the project implementations will have a better understanding of the social conditions in the target countries. This will facilitate the constructive interactions between the main stakeholders along the BRI and stakeholders on gender issues. Relevant government departments can also strengthen the project implementations' gender awareness through promotion, training and exchange activities, integrating them into the development and implementation concepts of projects and combining them into specific management measures and operations.

In addition, although China's foreign investment is diversified, it is still dominated by the government, supplemented by state-owned enterprises as implementers of aid projects, while social organisations and other institutions are marginalised and rarely play a role. Regarding gender issues, international and domestic social organisations have rich knowledge and capabilities on the one hand, and strong neutrality and voluntary incentives on the other. If they are given more important roles, this will not only help shape the soft power that is consolidated in China through the promotion of public-private partnerships, but also enable the effective control of the gender impact of related projects, thus improving the project's international image. In fact, without the support and participation of multiple stakeholders including women, the BRI and China's foreign aid may not be able to form a truly international consensus and pragmatic actions that will be implemented on the ground.

5) Deepen international exchanges and multi-lateral cooperation in the field of gender issues

In the area of gender equality issues, the international community not only has many difficulties and challenges, it also has much experience and many effective practices. Therefore, strengthening dialogue and cooperation between governments and civil society, establishing and facilitating multi-level communications and exchanges through bilateral, multilateral, and regional dialogues and exchanges will help the Chinese government and foreign aid implementation subjects understand relevant difficulties and challenges and learn from their experiences and practices. China's cooperation with countries along the BRI to establish a multi-bilateral long-term cooperation and

experience analysis and exchange mechanism for promoting gender equality can not only create a favorable external environment for China's international cooperation but will also enhance China's position in the global governance system, so long as China is actively committed to providing beneficial public goods and projects in the gender field.

The BRI encourages the development of a global dialogue in the form of a joint partnership in accordance with the principles of wide consultation, joint contribution and shared benefits, so as to achieve the goal of common development. The gender issue is one of the topics that Western countries pay special attention to in international relations and public-private partnerships. It can be a water-testing area where China and the West cooperate under the BRI's framework, and related cooperation may encourage Western countries to support the BRI.

In addition, the Chinese government can support the media, think tanks, and social groups in recipient countries to engage in gender-related exchanges and seminars to attract young people, experts, scholars, and political elites from recipient countries to discuss gender issues and building capacity, and use this to promote constructive interactions between government and non-governmental development aid agencies.

2. Action Suggestions for Chinese Enterprises

Ancient Chinese thinker Mencius said “giving money to others, this is charity; teaching people to do good, this is morality; selecting talented people for the country for the benefit of all people, this is benevolence”. Chinese enterprises that are “going global” are both key players in China's implementation of the BRI and foreign aid projects, and important forces in promoting gender equality in countries along the route.

Therefore, it is recommended that Chinese enterprise:

1) Raise awareness and establish a culture of gender equality: Chinese enterprises that invest abroad and implement foreign aid projects need to fully recognise that the BRI and foreign investment and aid are not only aimed at promoting common economic prosperity, but also enhancing understanding and trust and strengthening all-round exchanges. Therefore, enterprises must fully understand the spiritual content of the BRI and China's foreign aid; and recognise the basic role of gender issues in achieving this connotation. They may establish a culture of gender equality based on international norms and responsible business practices to construct “a community of common destiny” that helps the local people realise the UN's 2030 agenda.⁸³

2) Pay attention to cultivating and hiring female talents: The most critical step in promoting gender equality is to make more use of and foster more female talents, including female proportion in the decision-making body of the company. Women's talents' must be strengthened and training mechanisms established and effective measures adopted to attract, retain, and select all types of female management and R&D talents. The enterprises shall set no ceiling for women and this will help realise the localisation and diversity of talents. At the same time, companies must strengthen the gender awareness in human resource management and pay attention to exploring and improving the overall capabilities and leadership of women employees.

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3) Research, track and control risks and opportunities related to gender issues:

Chinese companies must fully study the gender status of the target country for investment, and closely follow the social situation related to local and gender issues; analyse, judge and identify social and environmental risks related to this; and identify local needs for gender equality product and services. Enterprises should also formulate a rigorous management system and transform the need for gender equality into a business opportunity for the company itself and local partners through innovative and sustainable product and business development, while managing and controlling risks. They are also recommended to integrate the concept of gender equality into managers' decision-making and stakeholder relationships, and help companies establish long-term risk early warning and prevention mechanisms and achieve long-term win-win results between business development and local social development.

4) Strengthen communication and cooperation on gender issues:

During the entire process of project investment and operation, Chinese companies that invest overseas and implement foreign aid projects must attach great importance to communicating with various stakeholders along the BRI on gender issues, in particular, social organisations (such as trade unions, ethnic and religious groups, local and international non-governmental organisations) that have important social influence and development discourse rights in the host countries. As a result, besides obtaining social permits for investment and aid, the companies can get a localised, multidimensional social support network for the long-term and sustainable operation of the projects.

5) Promote gender equality in business relations:

Chinese enterprises conducting foreign investment and aid projects and their upstream and downstream business partners can make full use of the business opportunities brought by the BRI and China's foreign aid projects. They must also co-advocate, support and promote gender equality in the value chain in the operations of countries along the BRI. In other words, Chinese companies should make full use of commercial mechanisms to promote gender equality and work with their partners to build gender-friendly value chain systems, business models, and production and consumption patterns.

V. Potential for co-operation between the UK and China

There is great potential for the UK and China to cooperate on this subject. With the UK's longer history of overseas investment and aid programmes in a wide range of developing countries, and strong impact and evaluation data from its programmes, experience and lessons that the UK has obtained from its own engagement could be drawn on and be helpful to inform joint research and potentially programmes. For example, the new China International Development and Aid Ministry is a key milestone in China's international engagement, and positions China as a significant actor for the future. While full details have not yet been released on the means by which the new Ministry will function (and how it will function alongside other key government agencies, including those with equal standing directly under the State Council), this development is fundamentally expected to enhance the profile of China's overseas assistance programmes.

When this new agency is operational, and assuming it will become the main counterpart for the UK's Department of International Development (DfID), with similar roles and responsibilities, both countries could potentially work together in the following proposed areas:

Government to Government

- smooth and regular communication and information-sharing between DfID and the new China International Development and Co-operation Ministry on matters relating to development work in BRI countries, particularly when promoting gender equality.
- exchange and draw upon experiences in policy planning, monitoring and evaluation, as these relate to a shared commitment to the international rules-based system, and to working to shared norms and safeguards regarding development activity in those countries
- to exchange information about specific country aid strategies and planning, to explore potential co-operation and complementarity, while avoiding overlap and gaps
- to consider new leadership engagement programmes, and training, to promote dialogue on key international development issues, and to increase knowledge and understanding of different perspectives and approaches to achieving shared goals
- to explore the options for a working group to be established between the UK and China to share best practice on embedding gender specific safeguards into major programme activity and major projects
- to identify potential to co-fund specific aid projects or programmes , giving full play to each other's expertise

- Cooperation on policy exchange could be focused in a new working group/ leading group, specifically focused on topics such as:
 - 1.) developing BRI specific gender policy
 - 2.) embedding gender policies and practices within enterprises' human resource management and corporate social responsibility strategies
 - 3.) joint research about impact on gender equality in different types of investments (enterprises)
 - 4.) Joint research about impact on gender equality types in aid programmes
 - 5.) Training programmes on how to conduct gender budgeting at the national and local level
 - 6.) Developing gender equality training programmes for enterprises and aid agencies involved in BRI
 - 7.) Gender policy advice for newly established China International Development and Aid Department
 - 8.) Training programmes on gender segregated data collection
 - 9.) Training programmes on gender mainstreaming evaluation of investment and aid programmes

In recipient countries

- to set up country-based communication channels to share contextual information and explore co-operation for synergy, and for possible 3 country engagement
- to coordinate project design and implementation in the same field and/ or sector, including project scoping, implementation and monitoring and evaluation
- to ensure gender equality is a cross cutting consideration to promote and support sustainable development including SDG 5 in working with local stakeholders
- to share good practices and lessons, including various project outputs such as toolkits, manuals, recommendations, training materials as well as development of project management tools and indicators.