



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
7 November 2014

Original: English

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of China*

1. The Committee considered the combined seventh and eighth periodic reports of China (CEDAW/C/CHN/7-8, CEDAW/C/CHN-HGK/7-8 and CEDAW/C/CHN-MAC/7-8) at its 1251st and 1252nd meetings, on 23 October 2014 (see CEDAW/C/SR.1251 and 1252). The Committee's list of issues and questions are contained in CEDAW/C/CHN/Q/7-8 and the responses of China are contained in CEDAW/C/CHN/Q/7-8/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its combined seventh and eighth periodic reports, which followed the Committee's guidelines. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-session working group. It welcomes the oral presentation of the delegation and the further clarification provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party for its large and high level delegation, which was headed by Ms. Song Xiuyan, Vice-Chairperson of the National Working Committee on Women and Children of the State Council. The delegation, which included representatives from the Chinese Central Government, Hong Kong and Macao Special Administrative Regions, also comprised representatives from various Ministries and government agencies.

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2006 of the State party's combined fifth and sixth periodic reports (CEDAW/C/CHN/6) in undertaking legislative reforms, in particular the adoption of:

(a) The Law on Social Insurance in 2010, which provides for maternity insurance;

* Adopted by the Committee at its fifty-ninth session (20 October – 7 November 2014).

(b) The Labour Contract Law in 2007, which prohibits the termination of employment of a female employee on the grounds of pregnancy, childbirth or nursing needs;

(c) The Law on Promotion of Employment in 2007, which prohibits discrimination in employment on, inter alia, grounds of ethnicity and gender; and

(d) The amendment of the Organic Law of the Villagers' Committees in 2010, which stipulates a quota for women's participation in the villagers' committee and its representatives' conferences.

5. The Committee welcomes the State party's 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) The National Human Rights Action Plan (2012-2015); and

(b) The National Program for Development of Women (2011-2020).

6. The Committee welcomes the State party's ratification to the following international instruments:

(a) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2009.

(b) The Convention on the Rights of Persons with Disabilities in 2008;

(c) ILO Convention No. 155 (1981) on Occupational Safety and Health in 2007; and

(d) ILO Convention No. 111 (1958) on Discrimination (Employment and Occupation) in 2006.

C. Principle areas of concern and recommendations: All parts of China

Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see CEDAW statement on 'The relationship of the Committee on the Elimination of Discrimination against Women with Parliamentarians', 45th session, 2010). It invites the National People's Congress, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Reservations

8. The Committee is concerned that the State party continues to maintain reservations to article 11(2) of the Convention, in respect of the Hong Kong Special Administrative Region, as well as several interpretative declarations to the Convention.

9. **The Committee urges the State party to consider withdrawing its reservations to article 11(2) applicable to the Hong Kong Special Administrative Region. It further urges the State party to review its interpretive declarations with a view to ensuring that they are compatible with the object and purpose of the Convention.**

D. Principle areas of concern and recommendations (China-Mainland and Hong Kong SAR)

Legal status of Convention and ratification of the Optional Protocol

10. The Committee is concerned that the Convention is not directly applicable in domestic courts of the State party and as a result, its provisions have not been directly invoked or applied in domestic courts. It is also concerned at the lack of the information on the number of cases or other dispute resolution mechanisms in which the Convention has been invoked by women. The Committee is also concerned that notwithstanding the State party's significant role in the negotiations that led to the adoption of the Optional Protocol, it has not ratified it.

11. **The Committee calls upon the State party to:**

- (a) **Fully domesticate the provisions of the Convention;**
- (b) **Intensify existing programmes to ensure the adequate dissemination of the Convention and the Committee's general recommendations among relevant stakeholders, including government officials, parliamentarians, the legal profession, law enforcement officers and community leaders, in order to create awareness of women's human rights in the State party; and**
- (c) **Consider ratifying the Optional Protocol and to train the legal profession and law enforcement officers on the Committee's jurisprudence under the Optional Protocol.**

E. Principle areas of concern and recommendations (China-Mainland)

Definition of discrimination against women

12. The Committee recalls its previous concluding observations (CEDAW/C/CHN/CO/6, para. 9) and remains concerned that notwithstanding the amendment of the Law on the Protection of Rights and Interests of Women in 2005, the State party's legislation contains no comprehensive definition of discrimination against women in line with article 1 of the Convention.

13. **The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/6, para. 10) and calls upon the State party to adopt a comprehensive definition of discrimination against women in national legislation in line with article 1 of the Convention with a view to ensuring that women are protected against both direct and indirect discrimination in all areas of life. The State party should, in particular, ensure that the prohibition of sex and/or gender based discrimination is accompanied by appropriate enforcement mechanisms and sanctions.**

Independence of the judiciary and access to justice

14. The Committee recalls its previous concluding observations (CEDAW/C/CHN/CO/6, para. 11) and remains concerned at reports of limited access to legal remedies by women. The Committee is also concerned at reports of political interference with the judiciary, which affects the consideration as well as the outcomes of cases, particularly those concerning land disputes involving women.

15. **The Committee recommends that the State party:**

- (a) **Ensure that women have effective access to justice, including through the provision of legal aid, including to women involved in land claims, and support non-**

governmental organisations, where relevant, which facilitate women's access to justice; and

(b) Establish the independence of judiciary *inter alia*, by preventing all forms of interference with the judiciary by the political branch of the State party, so that all disputes involving women's human rights are considered and can be decided in compliance with the rule of law.

National human rights institution

16. The Committee notes with concern that the State party has not yet established an independent national human rights institution with a wide mandate to protect and promote women's rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

17. **The Committee recommends the State party to establish, within a clear time frame, an independent national human rights institution, in accordance with the Paris Principles (General Assembly Resolution 48/134 of 20 December 1993), whose competencies should include issues related to women's rights and gender equality.**

Machinery for the advancement of women and data collection

18. The Committee notes that the National Working Committee on Children and Women under the State Council (NWCCW) has been strengthened through the provision of increased human and financial resources. However, the Committee is concerned at reports that the NWCCW is only a coordinating agency with no mandate or budget to implement policies, and that it is not mandated to make gender-assessment of laws and policies. The Committee is also concerned at limited cooperation between the NWCCW and a broad range of civil society organisations working on women's rights issues in the State party.

19. **The Committee recommends that the State party continue to strengthen the NWCCW to enable it to effectively undertake its activities as the machinery for the advancement of women, with a clear mandate as well as budget; assign the mandate of gender assessment of the Programme for the Development of Chinese Women (2011-2020) and improve cooperation with civil society organisations.**

20. The Committee notes the amendment of the Comprehensive Statistics System on the Status of Women and Children in 2012. However it is concerned that some critical information required to assess the status of women is classified as state secret under various security regulations, which unduly restricts access to information on women's rights issues. The Committee is further concerned that the system of data collection and sharing remains too weak to enable adequate monitoring and evaluation of the implementation of the Convention.

21. **The Committee recommends the State party study the obstacles, including the impediments presented by the State party's state secret law, to the collection, sharing and dissemination of sex disaggregated data so that the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and advancing women's human rights can be accessed by all stakeholders. In this regard, the Committee draws the State party's attention to its General Recommendation No. 9 (1989) on statistical data concerning the situation of women.**

Temporary special measures

22. The Committee recalls its previous concluding observations (CEDAW/C/CHN/CO/6, para. 23) and regrets the insufficient use of temporary special measures, in accordance with article 4, paragraph 1 of the Convention and the Committee's

General Recommendation No. 25 (2004) on temporary special measures, in order to accelerate the achievement of substantive equality for women in all areas of the Convention.

23. The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/6, para. 24) and calls upon the State party to consider using temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's General Recommendation No. 25 on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality of women and men, in particular to enhance the rights of ethnic and religious minority women, and women with disabilities, in all areas of the Convention.

Stereotypes and harmful practices

24. The Committee recalls its previous concluding observations (CEDAW/C/CHN/CO/6, para. 17) and remains concerned at the persistence of deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society, as reflected in the tradition of son-preference, resulting in the adverse sex-ratio by means of illegal sex-selective abortion as well as illegal practices of forced abortion and sterilisation and infanticide of girls.

25. The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/6, para. 18) and urges the State party to:

(a) Intensify the efforts of the NWCCW and other stakeholders to change the social norms that reinforce traditional roles of women and men, and to reinforce positive cultural traditions and practices that promote the human rights of women and girls;

(b) Intensify the implementation of existing legal measures to address sex-selective abortions, forced abortions, sterilisations and infanticide of girls; and

(c) Regularly monitor and review, by an independent and expert body of the State party, the measures taken to eliminate gender stereotypes in order to assess their impact.

Violence against women

26. The Committee notes that a draft Anti-Domestic Violence Law has been submitted to the Standing Committee of the 12th National Peoples' Congress. However, it is concerned at the lack of information on the content of the draft law, particularly as regards provisions on protection orders, sanctions and shelters and the timeframe of its adoption. The Committee is also concerned at the lack of sufficient data on all forms of violence against women, including prevalence of incidents, content of compensation awarded to women victims of violence and court orders against convicted perpetrators.

27. Recalling its General Recommendation No. 19 (1992) on violence against women, and its previous recommendation (CEDAW/C/CHN/CO/6, para. 22), the Committee urges the State party to:

(a) Use the Convention and the Committee's General Recommendation No. 19 (1992), as well as its jurisprudence, when elaborating its Anti-Domestic Violence Law, to ensure its prompt adoption and that it comprehensively addresses violence against women, including domestic violence;

(b) Ensure that the draft Anti-Domestic Violence Law provides for the use of protection orders; and that sufficient and adequately equipped shelters are available for women victims of violence;

(c) Continue to strengthen the system of comprehensive data collection on all forms of violence against women including on femicides;

(d) Encourage reporting by victims of all forms of violence against women and girls; and

(e) Effectively investigate complaints, prosecute acts of violence against women, and adequately punish perpetrators.

Trafficking and exploitation of prostitution

28. The Committee welcomes the promulgation of the China National Plan of Action on Combating Human Trafficking (2013-2020). However, the Committee is concerned at the absence of comprehensive anti-traffic legislation and a lack of clarity as to whether domestic law criminalises all forms of trafficking including trafficking for the purpose of sexual exploitation, forced labour, forced marriage and illegal adoptions. The Committee is further concerned that notwithstanding the abolition of the Re-education Through Labour (RTL) system, the State party continues to use the Custody and Education programme that involves incarceration of women which disproportionately affects women in prostitution.

29. **The Committee recommends that the State party:**

(a) **Provide information in the next periodic report on adoption of comprehensive anti-trafficking legislation with an explicit definition of trafficking in persons and explain how it complies with international standards;**

(b) **Continue intensifying efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers with other countries in the region; and**

(c) **Ensure that all women who were subjected to RTL receive adequate compensation; and consider abolishing the Custody and Education programme, which may be used to justify the arbitrary detention of women.**

Participation in political and public life

30. The Committee notes the progress made by the State party in promoting the participation of women in political and public life and the adoption of the Programme for the Development of Chinese Women (2011-2020), which sets out targets for the participation of women in decision-making bodies at all levels, as well as the reference to the right of ethnic minorities to participate in the management of state affairs. The Committee also welcomes the amendment of the Organic Law of the Villagers' Committees, which now provides that women members shall be in the Villagers' Committee and, that women shall account for over one-third of all participants of the Villager representatives' conference. However, the Committee remains concerned at the continued under-representation of women and the slow progress made during the reporting period to increase representation at legislative, ministerial and provincial levels. The Committee is also concerned that ethnic and religious minority women such as Tibetans, Uighur, as well as rural and internal migrant women are also under-represented in decision making positions. The Committee is further deeply concerned at reports that women who stand for elections as independent candidates are subjected to abuse and violence.

31. **The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/6, para. 26) and urges the State party to:**

(a) **Introduce measures to ensure the effective implementation of the Programme for the Development of Chinese Women (2011-2020) at the national and local levels with adequate financial resources;**

(b) **Adopt more prescriptive temporary special measures, such as quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's**

General Recommendations No. 25 (2004) on temporary special measures and No. 23 (1997) on women in political and public life, in order to accelerate women's full and equal participation in elected and appointed bodies;

(c) **Ensure the effective implementation of the amendment to the Organic Law of the Villagers' Committees, which provides that there shall be women members in Villagers' committees and that women shall account for over one-third of all participants of the Villager representatives' conference;**

(d) **Thoroughly investigate allegations of violence and abuse against women who stand for election as independent candidates and ensure that the perpetrators are prosecuted and adequately punished; and**

(e) **Ensure the implementation of the National Human Rights Action Plan through the adoption of specific measures to promote and facilitate the participation of ethnic and religious minority women.**

Human rights defenders and non-governmental organisations

32. The Committee welcomes non-governmental organizations (NGOs) from all parts of the State party to actively participate with the Committee. However, it is concerned at allegations that some reports that were submitted to the Committee by NGOs were censored by State agents and that some NGO representatives who submitted reports to the Committee fear reprisals by the State party as a result of their participation in the review of the State party report. The Committee is also concerned at information on travel restrictions imposed on at least one woman human rights activist who intended to brief the Committee and to observe the constructive dialogue of the State party. The Committee is further concerned at information that the State party's legislation requires sponsorship to establish civil society organizations which results in undue restrictions in the registration of NGOs.

33. **The Committee recommends that the State party:**

(a) **Take all necessary measures to protect woman human rights defenders, including those who have provided information to the Committee, and take steps to ensure that in the future no travel restrictions are placed on individuals/human rights defenders who wish to observe the review of subsequent reports of the State party;**

(b) **Investigate allegations that State agencies censored reports submitted by NGOs to the Committee and take preventive measures for non-occurrence; and**

(c) **Review the national regulations governing the formation of NGOs to enable direct registration without sponsorship with a view to promoting the participation of women's rights organisations in complementing the State party's efforts on women's empowerment and development in the State party.**

Education

34. The Committee welcomes the progress made by the State party in improving the enrolment of girls in education reducing the illiteracy rate among adult women, the formulation of the "Proposals on Promoting the Development of Women Talents in Science and Technology" in 2011 and the clear goals set out in the Program of the Development of Chinese Women (2011-2020). However, the Committee is concerned at the sex-segregation of majors at university programmes and lower minimum entrance-exam score required in certain subjects specifically for boys at some colleges in the State party. The Committee is also concerned at the limited access to education of women and girls with intellectual disabilities and ethnic and religious minority women and girls such as Tibetan and Uighur women and girls. The Committee is further concerned at the limited access to education by girls and their drop-out rate from school when their parents migrate to urban areas (the so-called "left behind" children).

35. **The Committee recommends that the State party:**

(a) **Provide education to women and girls on an equal basis with men and boys, including by ensuring that entrance-exam scores do not disadvantage women and girls in the State party;**

(b) **Ensure access to education by ethnic and religious minority women and girls, with increase of financial and other resources, in particular Tibetan, Uighur, and the so called “left-behind” girls, by increasing the provision of necessary services including mother-tongue education targeting non-Chinese speaking students; and**

(c) **Remove all obstacles on access to education for women and girls with disabilities, particularly those with intellectual disabilities.**

Employment

36. The Committee notes the inclusion of a section on “Women’s rights” in the National Human Rights Action Plan (2012-2015), which, inter alia, sets out the State party’s objectives to eliminate sex and/or gender based discrimination in employment. The Committee also welcomes the enactment of the Law on Social Insurance that came into effect on 1 July 2011, which provides for maternity insurance. However, the Committee remains concerned at the:

(a) Persisting and widening gender pay gap, which is partly attributable to lack of legislation on the principle of equal pay for work of equal value;

(b) Continued occupational segregation both horizontal and vertical between women and men in the labour market and at the concentration of women in low paid sectors of employment;

(c) Different ages of retirement for men and women at 60 and 50 years respectively, with exceptions for female cadres who can retire at the age of 55; and that this difference in the age of retirement increases women’s vulnerability to poverty during their post-retirement life because they often have less pension benefits than men; and

(d) Lack of legal provisions requiring employers to assume liability for sexual harassment.

37. **The Committee urges the State party to:**

(a) **Intensify efforts under the National Human Rights Action Plan (2012-2015), the Law on the Promotion of Employment of 2007 and other relevant laws, to eliminate structural inequalities and occupational segregation and to adopt measures to reduce the pay gap between women and men by adopting legislation which provides the principle of equal pay for work of equal value, and provide dispute resolution mechanisms for women who seek justice for discrimination in employment;**

(b) **Accelerate current efforts to equalise the retirement age between men and women and ensure equality on old age pensions; and**

(c) **Adopt legal provisions that require employers to assume liability for sexual harassment at work places.**

Health

38. The Committee welcomes the remarkable improvement of maternal mortality in the State party and the efforts by the State party to curb the problem of non-medical foetal sex identification and sex-selective abortion, as well as forced abortions and sterilisations resulting in the unbalanced sex-ratio between girls and boys. However, the Committee remains concerned that these illegal practices persist in the State party and that infanticide of girl child, particularly girls with disabilities, have not been completely eradicated. The

Committee is also concerned that notwithstanding the recent relaxation of the State party's one child policy, women who violate this policy are subjected to fines and deprived of paid maternity leave and continue to experience some difficulties in registering their children. The Committee is further concerned that free family planning measures are only available for married women, and effective age-appropriate education on sexual and reproductive health does not take place at school.

39. The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/6, para. 32) and urges the State party to:

(a) Intensify efforts, including in law enforcement, and improve awareness-raising with a view to eliminating persistent the tradition of son-preference which often results in non-medical foetal sex identification, sex-selective abortion, forced abortion and sterilisation and infanticide of the girl child;

(b) Consider removing sanctions on women who violate the one-child policy and eliminate all barriers for the registration of their children;

(c) Thoroughly investigate incidents of infanticide and punish perpetrators adequately; and

(d) Provide free family planning measures to all women regardless of their marital status and conduct age-appropriate education on sexual and reproductive health in schools.

40. The Committee notes that the State party launched HIV testing and consultation services. However, it is concerned at the increase of number of women infected with HIV, and that discrimination and social stigma against women living with HIV/AIDS persists.

41. The Committee recommends that the State party take measures to eliminate discrimination against women living with HIV and provide support for community women's organizations which care for these women.

Rural women

42. The Committee notes the efforts and progress made by the State party concerning poverty reduction in rural areas. It further notes that the following the adoption of the Property Law in 2007, the State party has addressed land contract disputes involving women through mediation and the provision of compensation in cases of expropriation. However, the Committee remains concerned that a high proportion of women in rural areas are still left without contracted land.

43. The Committee calls upon the State party to eliminate all barriers which restrict women's access to land, particularly in rural areas, and ensure that mediation and settlement of such disputes afford women effective remedies.

Marriage and women's property rights

44. The Committee notes the State party's efforts to protect the property rights of women with regard to land. However the Committee is concerned at the decision of the Supreme Peoples' Court dated 9 August 2011 regarding the interpretation of the Marriage Law that in case of divorce or inheritance, title in property reverts back to the original investor, which decision has the effect of indirectly discriminating against women and deprive them of title in property. The Committee is also concerned that due to traditions and practices in rural areas, women are still unable to hold or register land in their names, and risk losing land ownership upon changes in their marital status.

45. The Committee recommends that the State party review all laws, customs and traditions, which impede women's access and title over land both in rural and urban settings, and take effective measures to ensure that women fully enjoy their property

rights regardless of their marital status, in line with article 16 of the Convention and the Committee's General Recommendation No. 29.

Multiple forms of discrimination

46. The Committee is concerned at reports that ethnic and religious minority women, such as Tibetan and Uighur women and women with disabilities continue to experience multiple and intersecting forms of discrimination. The Committee is particularly concerned that ethnic and religious minority women continue to have limited access to health, education and employment.

47. The Committee calls upon the State party to vigorously pursue efforts aimed at eliminating multiple and intersecting forms of discrimination experienced by ethnic and religious minority women and women with disabilities, which affect their access to health, education, employment and participation in public life as well as the enjoyment of their cultural identity and practices.

Women in detention

48. The Committee is concerned at the continued increase in the number of women in detention in the State party. The Committee is also concerned that due to the limited number of female prisons, women are often held far from their families and in overcrowded places where they are at risk of violence and abuse. The Committee is further concerned at the information on unregulated detention facilities known as “black jails” in the State party where women petitioners are alleged to be disproportionately detained.

49. **The Committee urges the State party to:**

(a) Take measures to reduce the number of women in detention, including through targeted prevention programmes aimed at addressing the causes of women's criminality;

(b) Improve the conditions of women's detention facilities in accordance with international standards to solve the problem of overcrowding in prisons guarantee separate accommodation for different categories of detainees; and ensure the provision of adequate health facilities and services, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules); and

(c) Immediately take measures to abolish extra-legal detention facilities (“black jails”), and adequately penalize perpetrators including non-state actors.

F. Principle areas of concern and recommendations: Hong Kong Special Administrative Region (Hong Kong SAR)

Machinery for the advancement of women

50. The Committee is concerned that the Women's Commission, which is mandated to promote the advancement of women in Hong Kong SAR, has a weak mandate and lacks the necessary resources to undertake gender-mainstreaming and other activities.

51. The Committee recommends that Hong Kong SAR should strengthen the mandate of the Women's Commission by, inter alia, providing adequate financial and human resources so that it can effectively undertake its activities as the machinery for the advancement of women.

Temporary special measures

52. The Committee is concerned that temporary special measures are not used in relevant areas covered by the Convention, such as participation of women in public life, education and employment, in order to accelerate the achievement of substantive or de facto equality of women and men.

53. The Committee recommends that Hong Kong SAR should consider using temporary special measures in accordance with article 4 (1) of the Convention and the Committee's General Recommendation No. 25 (2004) on temporary special measures, with numerical goals and timetables to accelerate representation of women in decision making positions at all levels.

Violence against women

54. The Committee notes that the Law Reform Commission in the Hong Kong SAR has made proposals for the reform of legislation that governs sexual offences including the definition of rape which is currently restricted to penile penetration. The Committee is, however, concerned that the Hong Kong SAR has not yet produced any proposals concerning sexual offences against children and persons with intellectual disabilities to adopt the reform proposals made by the Law Reform Commission.

55. The Committee urges the State party to expedite the consideration of the reform proposals made by the Law Reform Commission and to adopt a clear and specific timeframe within which to revise legislation on sexual offences, including against children and persons with intellectual disabilities, as well as the definition of rape so that it is in line with international standards include penile penetration. In this context, the Hong Kong SAR should allocate adequate resources to ensure the effective combat of all forms of violence against women, including domestic violence by, inter alia, providing adequate shelters and enforcing protection orders.

Trafficking and exploitation of prostitution

56. The Committee is concerned that the State party has not extended the applicability of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) to Hong Kong SAR. The Committee is also concerned at the lack of a comprehensive anti-trafficking legislation. The Committee is further concerned that the Hong Kong SAR has not repealed legislative provisions on "vice establishment", which compel women in prostitution to work alone in isolated settings, thereby exposing themselves to higher risk of abuse, exploitation and violence by clients.

57. The Committee recommends that the Hong Kong SAR:

(a) Intensify efforts to address the root causes of trafficking in women and girls and ensure the rehabilitation and social integration of victims, including by providing them with access to shelters, legal, medical and psychosocial assistance, and alternative income-generating opportunities;

(b) Undertake a comprehensive study with a view to collecting data on the extent and forms of trafficking in women and girls, which should be disaggregated by age, region or country of origin;

(c) Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers, particularly with source countries such as Indonesia and the Philippines;

(d) Consider extending the applicability of the Palermo Protocol to Hong Kong SAR and adopt comprehensive anti-trafficking legislation; and

(e) Repeal legislative provisions on “vice establishment” and afford enhanced protection to women in prostitution, including exit programmes for those who wish to leave prostitution.

Participation in political and public life

58. The Committee recalls its previous concluding observations (CEDAW/C/CHN/CO/6, para. 39) and remains concerned at the low level representation of women in politics, including in functional constituencies. The Committee is further concerned that no efforts have been made to conduct a study in order to understand the impact that the electoral system of functional constituencies has on the equal participation of women in political life.

59. The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/6, para. 40) and recommends that the Hong Kong SAR undertake:

(a) Concrete measures, including the introduction of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee’s General Recommendation No. 25 (2004) on temporary special measures and General Recommendation No. 23 (1997) on women in political and public life, to expedite the representation of women in politics; and

(b) A study on the impact that the electoral system of functional constituencies has on the equal participation of women in political life.

Education

60. The Committee is concerned at reports that women and girls with disabilities, particularly those with intellectual disabilities, have limited access to education.

61. The Committee urges Hong Kong SAR to remove all obstacles on access to education for women and girls with disabilities, particularly those with intellectual disabilities, and to ensure the effective participation of women and girls with disabilities in education.

Employment

62. The Committee notes the introduction of paternity leave in the Hong Kong SAR but remains concerned that maternity leave is limited to 10 weeks which does not comply with international standards established by the International Labour Organisation.

63. The Committee recommends that the Hong Kong SAR increase the maternity leave period in line with international standards, as well as its efforts to promote the use of flexible working arrangements and paternity leave to encourage men to participate equally in childcare responsibilities.

Women domestic workers

64. The Committee recalls its previous concluding observations (CEDAW/C/CHN/CO/6, para. 41), and notes the response by the State party’s delegation that foreign domestic workers in the Hong Kong SAR are largely treated fairly by their employers. However, the Committee remains concerned at consistent reports that foreign women domestic workers continue experiencing discrimination on the basis of their sex and/or gender and ethnic backgrounds. The Committee is further concerned that foreign women domestic workers continue to be subjected to:

- (a) Abuse and unfavourable working conditions such as lower wages, fewer holidays and longer working hours than what is prescribed by law;
- (b) Abuse by recruitment and placement agencies, who charge exorbitant fees and sometimes confiscate their travel documents;
- (c) The “two-week rule”, which requires them to leave Hong Kong within two weeks upon termination of their contract; and
- (d) The “live-in rule”, which requires them to live with their employers.

65. The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/6, para. 42) and urges the Hong Kong SAR to:

- (a) Strengthen its mechanisms to protect foreign women domestic workers from discrimination and abuse by employers, recruitment and placement agencies;**
- (b) Consider extending the “two-week rule” to ensure that foreign women domestic workers whose contracts have been terminated have sufficient time to search for other employment or file suits against their former employers;**
- (c) Revise the “live-in rule” so that it is available on an optional basis; and**
- (d) Adopt legislation that fulfils the requirements under ILO Convention No.189 (2011) concerning decent work for domestic workers.**

Marriage and Family Relations

66. The Committee is concerned that the minimum marriage age in Hong Kong SAR remains at 16, which is in violation of international norms including the Convention of Rights of Child and the CEDAW Convention read in conjunction with the Committee’s General Recommendation No. 21, and notes the Hong Kong SAR’s response that an amendment is under review to reduce the minimum age of marriage without parental consent from 21 to 18 years in accordance with the recommendation Law Reform Commission.

67. The Committee calls upon the Hong Kong SAR to expedite the adoption of a law to raise the minimum marriage age to 18 years old.

Multiple forms of discrimination

68. The Committee is concerned at reports that lesbian, transsexual and transgender (LBT) women and girls in the Hong Kong SAR are subjected to discrimination and abuse particularly in employment and education as well as in accessing health care services.

69. The Committee urges the Hong Kong SAR to intensify its efforts to combat discrimination against LBT women in employment, education and in their access to health care services.

G. Principle areas of concern and recommendations: Macao Special Administrative Region (Macao SAR)

Human rights institution

70. The Committee is concerned that the Macao SAR has not established a human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

71. The Committee urges the Macao SAR to consider the establishment of an independent human rights institution, with a broad mandate to promote and protect

human rights, including women's rights, in accordance with the Paris Principles (General Assembly Resolution 48/134 of 20 December 1993).

Violence against women

72. The Committee notes the progress made by the Macao SAR in combatting violence against women, including domestic violence, and welcomes the elaboration of the draft Law on the Prevention of Domestic Violence which, according to the State party's delegation, will be submitted before the Legislative Assembly soon. However, the Committee recalls its previous concluding observations (CEDAW/C/CHN/CO/6, para. 45) and remains concerned at the prevalence of violence against women, including domestic violence.

73. **Recalling its General Recommendation No. 19 (1992) on violence against women, and its previous recommendation (CEDAW/C/CHN/CO/6, para. 46), the Committee urges the Macao SAR to:**

(a) **Ensure that the draft Law on the Prevention of Domestic Violence comprehensively covers all aspects of domestic violence, and that domestic violence is recognised as a criminal offence subject to *ex-officio* prosecution;**

(b) **Strengthen the system of data collection on all forms of violence against women, particularly on rape;**

(c) **Encourage reporting of all forms of violence against women and girls, including domestic violence;**

(d) **Ensure the effective investigation of complaints and the prosecution of acts of violence against women, and ensure that perpetrators are punished with appropriate sanctions;**

(e) **Ensure that the draft Law on the Prevention of Domestic Violence provides for the use of protection orders; and**

(f) **Ensure that there are sufficient and adequately equipped shelters for women victims of violence, including domestic violence.**

H. Applicable to all parts of China

Beijing Declaration and Platform for Action

74. **The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.**

Millennium Development Goals and the post-2015 development framework

75. **The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.**

Dissemination

76. **The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (local, provincial, national), in particular to the Government, Ministries, the National People's Congress and to the judiciary, to enable their full**

implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organisations, universities and research institutions, media, etc. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level, to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the CEDAW Convention, its Optional Protocol and the Committee's General Recommendations and jurisprudence to all stakeholders.

Ratification of other treaties

77. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider acceding to the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of all Persons from Enforced Disappearance, to which it is not yet a party.

Follow-up to concluding observations

78. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 15(a) & (b) and 31(b),(d) & (e) above.

Preparation of the next report

79. The Committee invites the State party to submit its ninth periodic report in November 2018.

80. The Committee requests the State party to follow the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" (HRI/MC/2006/3 and Corr.1).
