



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 November 2014

Original: English

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-HKG/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 is 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. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party for its delegation, which was headed by the Vice Chairperson of the National Working Committee on Children and Women under the State Council, Song Xiuyan, and included representatives of the Central Government, Hong Kong, China, Macao, China, and representatives of 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/5-6) in undertaking legislative reforms, in particular the adoption of the following:

- (a) Law on Social Insurance on maternity insurance, in 2010;

* Adopted by the Committee at its fifty-ninth session, meeting from 20 October to 7 November 2014.



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

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

(d) Amendment of the Organic Law of the Villagers' Committees in 2010, which stipulates that there shall be women members in the villagers' committees and that more than one third of the representatives to the villagers' representatives' conference shall be women.

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) National Human Rights Action Plan (2012-2015);

(b) Programme for the Development of Chinese Women (2011-2020).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2010;

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

(c) Occupational Safety and Health Convention, 1981 (No. 155) of the International Labour Organization, in 2007;

(d) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) of the International Labour Organization, in 2006.

C. Principal areas of concern and recommendations: all parts of China

National People's Congress

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 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 until 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 Hong Kong, China, and several interpretative declarations to the Convention.

9. **The Committee urges the State party to consider withdrawing its reservations to article 11 (2) applicable to Hong Kong, China. It further urges**

the State party to review its interpretive declarations to the Convention with a view to ensuring that they are compatible with its object and purpose.

D. Principal areas of concern and recommendations: China and Hong Kong, China

Legal status of the Convention and ratification of the Optional Protocol

10. The Committee is concerned that the Convention is not directly applicable in national courts of the State party and, as a result, its provisions have not been directly invoked or applied in national courts. It is also concerned about the lack of information on the number of cases brought to court or raised through other dispute resolution mechanisms in which the Convention has been invoked by women. The Committee is further 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:

(a) **To fully incorporate into domestic laws the provisions of the Convention;**

(b) **To intensify existing programmes to ensure the adequate dissemination of the Convention and the Committee's general recommendations among relevant stakeholders, including government officials, parliamentarians, legal professionals, law enforcement officers and community leaders, in order to raise awareness of women's human rights in the State party;**

(c) **To consider ratifying the Optional Protocol and to train legal professionals and law enforcement officers on the Committee's jurisprudence under the Optional Protocol.**

E. Principal areas of concern and recommendations: China

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 the 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 about reports of women's limited access to legal remedies. The Committee is also concerned about reports of political interference in the judiciary, which affects the consideration and 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 women involved in land claims, by providing legal aid and supporting non-governmental organizations, where relevant, which facilitate women's access to justice;**

(b) **Establish independence of the judiciary, inter alia, by preventing all forms of interference by the political branch of the State party, so that all disputes involving the human rights of women are considered and can be decided in accordance 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 (the Paris Principles), annexed to General Assembly resolution 48/134.

17. The Committee recommends that the State party establish, within a clear time frame, an independent national human rights institution, with a broad mandate to promote and protect human rights, including women's rights and gender equality, in accordance with the Paris Principles.

Machinery for the advancement of women and data collection

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

19. The Committee recommends that the State party continue to strengthen the National Working Committee to enable it to effectively function as the machinery for the advancement of women, including by providing it with a clear mandate and budget, to assign to it the mandate of the gender-impact assessment of the Programme for the Development of Chinese Women (2011-2020) and to improve cooperation with civil society organizations.

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 a 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 that 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 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 (1) of the Convention and the Committee's general recommendation No. 25 on temporary special measures, in order to accelerate the achievement of substantive equality for women with regard to all aspects 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, as a necessary strategy to accelerate the achievement of the substantive equality of women and men, in particular to enhance the rights of ethnic and religious minority women and women with disabilities, with regard to all aspects 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 about the persistence of deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. That is reflected in the tradition of son preference which, because of sex-selective abortion and other illegal practices such as forced abortion and sterilization and the infanticide of girls, results in an adverse sex ratio.

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

(a) **To intensify the efforts of the National Working Committee and other stakeholders to change the social norms that reinforce the traditional roles of women and men and to reinforce positive cultural traditions and practices that promote the human rights of women and girls;**

(b) **To intensify the implementation of existing legal measures to address sex-selective abortions, forced abortions and sterilizations and the infanticide of girls;**

(c) **To regularly monitor and review, through an independent 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 twelfth National People's Congress. However, it is concerned about the lack of information on the content of the draft law, particularly with regard to provisions on protection orders, sanctions and shelters, and the time frame of its adoption. The Committee is also concerned about the lack of sufficient data on all forms of violence against women, including the prevalence of incidents, the content of compensation awarded to women who are victims of violence and the number of court orders against convicted perpetrators.

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

(a) **To use the Convention, the Committee's general recommendation No. 19 on violence against women and its jurisprudence when elaborating its anti-domestic violence law to ensure that it comprehensively addresses violence against women, including domestic violence, and that it is adopted promptly;**

(b) **To ensure that the draft anti-domestic violence law provides for the use of protection orders and the availability of sufficient and adequately equipped shelters for women who are victims of violence;**

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

(d) **To encourage reporting by victims of all forms of violence against women and girls;**

(e) **To effectively investigate complaints, prosecute acts of violence against women and adequately punish the perpetrators.**

Trafficking and exploitation of prostitution

28. The Committee welcomes the promulgation of the National Plan of Action on Combating Human Trafficking (2013-2020). However, the Committee is concerned about the absence of comprehensive anti-trafficking legislation and the lack of clarity as to whether domestic law criminalizes all forms of trafficking, including trafficking for the purpose of sexual exploitation, forced labour, forced marriage and illegal adoption. The Committee is further concerned that notwithstanding the abolition of the re-education through labour system, the State party continues to use the custody and education programme that involves the 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 the adoption of comprehensive anti-trafficking legislation with an explicit definition of trafficking in persons and explain how it complies with international standards;**

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

(c) **Ensure that all women who were subjected to the re-education through labour system 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 and makes 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 stipulates that there shall be women members in the villagers' committees and that more than one third of the representatives to the villagers' representatives' conference shall be women. However, the Committee remains concerned about the continued underrepresentation of women and the slow progress made during the reporting period to increase representation at the legislative, ministerial and provincial levels. The Committee is also concerned that ethnic and religious minority women, such as Tibetans and Uighurs, and rural and internal migrant women are also underrepresented in decision-making positions. The Committee is deeply concerned about reports that women who stand for election 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:**

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

(b) **To adopt more prescriptive temporary special measures, such as quotas, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 and general recommendation No. 23 on women in political and public life, in order to accelerate women's full and equal participation in elected and appointed bodies;**

(c) **To ensure the effective implementation of the amendment to the Organic Law of the Villagers' Committees, which stipulates that there shall be women members in the villagers' committees and that more than one third of the representatives to the villagers' representatives' conference shall be women;**

(d) **To 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;**

(e) **To ensure the implementation of the National Human Rights Action Plan (2012-2015) through the adoption of specific measures to promote and facilitate the participation of ethnic and religious minority women.**

Human rights defenders and non-governmental organizations

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 about 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's report. The Committee is also concerned about 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 about 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 measures necessary to protect women human rights defenders, including those who have provided information to the Committee, and take steps to ensure that in future no travel restrictions are placed on individuals or human rights defenders who wish to observe the review of subsequent reports of the State party;**

(b) **Investigate allegations that State agencies have censored reports submitted by NGOs to the Committee and take preventive measures to prevent recurrence;**

(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 organizations to complement 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 school, which is reducing the illiteracy rate among adult women, the formulation of the proposals on promoting the development of women's talents in science and technology in 2011 and the clear goals set out in the Programme for the Development of Chinese Women (2011-2020). However, the Committee is concerned about the segregation of majors at university programmes by sex and the lower minimum entrance exam score required in certain subjects, specifically for boys, at some colleges in the State party. The Committee is also concerned about the limited access to education for women and girls with intellectual disabilities and ethnic and religious minority women and girls, such as Tibetans and Uighurs. The Committee is further concerned about the limited access to education and the high school drop-out rate of girls whose parents migrate to urban areas (the so-called children "left behind").

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 by increasing the financial and other resources afforded to them, in**

particular to Tibetans, Uighurs and the so-called girls left behind, and by increasing the provision of necessary services including mother tongue education targeting non-Chinese-speaking students;

(c) Remove all obstacles to 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), in which, inter alia, the State party's objectives to eliminate sex- and/or gender-based discrimination in employment are set out. 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 about:

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

(b) The continued horizontal and vertical occupational segregation between women and men in the labour market and the concentration of women in low-paid sectors of employment;

(c) The different ages of retirement for men and women, 60 and 50 years of age respectively, with exceptions for certain female cadres who can retire at the age of 55 and that the difference in the age of retirement increases women's vulnerability to poverty during their post-retirement life due to their receiving fewer pension benefits than men;

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

37. The Committee urges the State party:

(a) To 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 reduce the pay gap between women and men by adopting legislation that includes the principle of equal pay for work of equal value and provides dispute resolution mechanisms for women who seek justice for discrimination in employment;

(b) To accelerate current efforts to equalize the retirement age between men and women and ensure equality with regard to old-age pensions;

(c) To adopt legal provisions that require employers to assume liability for sexual harassment at workplaces.

Health

38. The Committee welcomes the remarkable improvement of the maternal mortality rate in the State party and the efforts by the State party to curb the problems of foetal sex identification for non-medical purposes, sex-selective abortion and forced abortions and sterilizations which result in the unbalanced sex ratio. However, the Committee remains concerned that those illegal practices persist in the State party and that female infanticide, particularly of girls with disabilities,

has 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 that policy are subjected to fines, deprived of paid maternity leave and continue to experience some difficulty in registering their children. The Committee is further concerned that free family planning measures are available only to married women, and effective age-appropriate education on sexual and reproductive health is not provided at school.

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

(a) To intensify efforts, including through law enforcement and improved awareness-raising, to eliminate the persistent tradition of son preference, which often results in foetal sex identification for non-medical purposes, sex-selective abortion, forced abortion and sterilization and female infanticide;

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

(c) To thoroughly investigate incidents of infanticide and adequately punish the perpetrators;

(d) To 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 about the increase in the number of women infected with HIV and the persistence of discrimination and social stigma against women living with HIV/AIDS.

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

Rural women

42. The Committee notes the efforts and progress made by the State party concerning poverty reduction in rural areas. It also notes that 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 restricting women's access to land, particularly in rural areas, and ensure that the mediation and settlement of such disputes affords 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 about the decision of the Supreme People's Court regarding the interpretation of the marriage

law that in cases of divorce or inheritance title to property reverts back to the original investor, a decision which has the effect of indirectly discriminating against women and depriving them of titles to property. The Committee is also concerned that owing to certain 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 that impede women's access and title to land in both 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 on the economic consequences of marriage, family relations and their dissolution.

Multiple forms of discrimination

46. The Committee is concerned about reports that ethnic and religious minority women, such as Tibetans and Uighurs, 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 the 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 and the enjoyment of their cultural identity and practices.

Women in detention

48. The Committee is concerned about the continued increase in the number of women in detention facilities in the State party. The Committee is also concerned that owing 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 about the information on unregulated detention facilities in the State party, known as "black jails", in which a disproportionate number of women petitioners are alleged to be detained.

49. The Committee urges the State party:

(a) To 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) To improve the conditions of women's detention facilities in accordance with international standards and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) 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;

(c) To immediately take measures to abolish extralegal detention facilities (“black jails”) and adequately penalize perpetrators, including non-State actors.

F. Principal areas of concern and recommendations: Hong Kong, China

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, China, has a weak mandate and lacks the resources necessary to undertake gender mainstreaming and other activities.

51. The Committee recommends that Hong Kong, China, 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 the relevant areas covered by the Convention, such as the 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, China, consider using temporary special measures in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25, with numerical goals and timetables, to accelerate the representation of women in decision-making positions at all levels.

Violence against women

54. The Committee notes that the Law Reform Commission in Hong Kong, China, 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 Hong Kong, China, has not yet produced any proposals concerning sexual offences against children and persons with intellectual disabilities to adopt the reform proposals made by the 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 time frame within which to revise the legislation on sexual offences, including those against children and persons with intellectual disabilities, and the definition of rape so that it is in line with international standards. In this context, Hong Kong, China, 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 to Hong Kong, China. The Committee is also concerned about the lack of comprehensive anti-trafficking legislation. The Committee is further concerned that Hong Kong, China, has not repealed the legislative provisions on “vice establishment”, which compel women in prostitution to work alone in isolated settings, where they are exposed to a higher risk of abuse, exploitation and violence by clients.

57. The Committee recommends that Hong Kong, China:

(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 and 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 regard to source countries such as Indonesia and the Philippines;**

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

(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 about the low level of representation of women in politics, including in functional constituencies. The Committee is also 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 Hong Kong, China, undertake:

(a) **Concrete measures, including the introduction of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 and general recommendation No. 23, to expedite the representation of women in politics;**

(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 about reports that women and girls with disabilities, particularly those with intellectual disabilities, have limited access to education.

61. The Committee urges Hong Kong, China, to remove all obstacles to 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 Hong Kong, China, but remains concerned that maternity leave is limited to 10 weeks, which does not comply with the international standards established by the International Labour Organization.

63. The Committee recommends that Hong Kong, China, increase the maternity leave period in line with international standards and increase its efforts to promote the use of flexible working arrangements and paternity leave to encourage men to participate equally in child-care 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 Hong Kong, China, are by and large treated fairly by their employers. However, the Committee remains concerned about consistent reports that foreign women domestic workers continue to experience discrimination on the basis of sex and/or gender and ethnic background. 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, which charge exorbitant fees and sometimes confiscate travel documents;
- (c) The two-week rule, which requires them to leave Hong Kong, China, within two weeks upon termination of their contract;
- (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 Hong Kong, China:

- (a) **To strengthen its mechanisms to protect foreign women domestic workers from discrimination and abuse by employers and recruitment and placement agencies;**
- (b) **To 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 suit against their former employers;**
- (c) **To revise the live-in rule so that it is available on an optional basis;**

(d) **To adopt legislation that fulfils the requirements under the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.**

Marriage and family relations

66. The Committee is concerned that the minimum marriage age in Hong Kong, China, remains at 16, which is in violation of international norms including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, read in conjunction with the Committee's general recommendation No. 21 on equality in marriage and family relations, and notes the response of Hong Kong, China, 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 of the Law Reform Commission.

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

Multiple forms of discrimination

68. The Committee is concerned about reports that lesbian, transsexual and transgender women and girls in Hong Kong, China, are subjected to discrimination and abuse, particularly in the context of employment, education and access to health-care services.

69. The Committee urges Hong Kong, China, to intensify its efforts to combat discrimination against lesbian, transsexual and transgender women in employment, education and in their access to health-care services.

G. Principal areas of concern and recommendations: Macao, China

Human rights institution

70. The Committee is concerned that Macao, China, has not established a human rights institution in accordance with the Paris Principles.

71. The Committee urges Macao, China, 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.

Violence against women

72. The Committee notes the progress made by Macao, China, in combating 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 soon be submitted before the Legislative Assembly. However, the Committee recalls its previous concluding observations (CEDAW/C/CHN/CO/6, para. 45) and remains concerned about the prevalence of violence against women, including domestic violence.

73. Recalling its general recommendation No. 19 on violence against women and its previous recommendation (CEDAW/C/CHN/CO/6, para. 46), the Committee urges Macao, China:

- (a) To ensure that the draft law on the prevention of domestic violence comprehensively covers all aspects of domestic violence and that domestic violence is recognized as a criminal offence subject to ex officio prosecution;
- (b) To strengthen the system of data collection on all forms of violence against women, particularly on rape;
- (c) To encourage reporting of all forms of violence against women and girls, including domestic violence;
- (d) To 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) To ensure that the draft law on the prevention of domestic violence provides for the use of protection orders;
- (f) To ensure that there are sufficient and adequately equipped shelters for women who are 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 use 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 that the present concluding observations be disseminated in a timely manner, in the official language of the State party, to the relevant State institutions at all levels (local, provincial and national), in particular to the Government, the ministries, the National People's Congress and 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 organizations, universities, research institutions and the media. It recommends that the present 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 Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee's general recommendations, 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 instruments¹ 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 taken to implement the recommendations contained in paragraphs 15 (a) and (b) and 31 (b), (d) and (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/GEN/2/Rev.6](#), chap. I).

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.