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**ADVANCE UNEDITED VERSION**

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**Committee on the Elimination of  
Discrimination against Women**  
Thirty-sixth session  
7-25 August 2006

**Concluding comments of the Committee on the Elimination  
of Discrimination against Women**

**Extract Version**

**China**

1. The Committee considered the combined fifth and sixth periodic reports of China (CEDAW/C/CHN/5-6 and Add.1 and 2) at its 743rd and 744th meetings, on 10 August 2006 (see CEDAW/C/SR.743 and 744). Addendum 1 to the combined fifth and sixth periodic reports covered the implementation of the Convention by the Government of the Hong Kong Special Administrative Region, over which the Government of China resumed the exercise of sovereignty on 1 July 1997. Addendum 2 covered the implementation of the Convention by the Government of the Macao Special Administrative Region, over which the Government of China resumed the exercise of sovereignty on 20 December 1999. The Committee's list of issues and questions is contained in document CEDAW/C/CHN/Q/6 and the responses of China are contained in document CEDAW/C/CHN/Q/6/Add.1.

**Introduction**

2. The Committee commends the State party for submitting its combined fifth and sixth periodic reports and addenda, which followed the Committee's guidelines for the preparation of periodic reports and have taken into account the Committee's previous concluding comments. It regrets, however, that the report was overdue and did not state whether the Committee's general recommendations had been taken into account. The Committee further regrets that the report fails to provide sufficient statistical data disaggregated by sex as well as analytical information on the de facto situation of women in China.

3. The Committee expresses appreciation to the State party for the written replies to the list of issues and questions of the pre-session working group and for the oral presentation and further clarification offered in response to the questions posed orally by the Committee.

4. The Committee commends the State party for having sent a large and high-level delegation, headed by the Executive Vice-Chairperson of the National Working Committee on Women and Children of the State Council, which included representatives of the central Government and of the Hong Kong Special Administrative Region and the Macao Special Administrative Region. It expresses appreciation that the delegation included specialists from different ministries and departments of the central Government, including the Ministries of Foreign Affairs, Education, Civil Affairs, Health, Labour and Social Security, and Personnel, and the National Population and Family Planning Commission, the Supreme Court, and the State Ethnic Affairs Commission, as well as from the Hong Kong Special Administrative Region and the Macao Special Administrative Region. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

#### **Positive aspects**

5. The Committee commends the State party on the range of recent legal reforms and policies and programmes aimed at eliminating discrimination against women and promoting gender equality and at achieving compliance with the obligations under the Convention. In particular, it welcomes the 2005 amendment to the Law on the Protection of Rights and Interests of Women, the 2001 amendment to the Marriage Law adding provisions in a number of areas, including on domestic violence, property of couples and relations among family members, the promulgation in 2002 of the Law on Contracting of Rural Land, which contains provisions for the allocation of land to married, divorced and widowed women, and the 2006 amendment to the Law on Compulsory Education. It also welcomes the Programme for the Development of Chinese Women (2001-2010), which makes gender equality a basic State policy for the enhancement of national social progress.

6. The Committee welcomes the active involvement of the civil society, in particular women's non-governmental organizations, in the Hong Kong Special Administrative Region, in safeguarding the human rights of women.

7. The Committee commends the State party for the continuing applicability of the Convention to the Macao Special Administrative Region following resumption of Chinese sovereignty over Macao on 20 December 1999 under the principle of "one country, two systems".

[paragraphs 8-34 deal with the fifth and sixth periodic report of China]

#### **Principal areas of concern and recommendations pertaining to the Hong Kong Special Administrative Region**

35. While commending the efforts of the Government to protect women against violence, including the "zero tolerance on domestic violence" principle, the Committee expresses concern at the low prosecution rate of domestic violence in the Hong Kong Special Administrative Region.

**36. The Committee urges the Government of the Hong Kong Special Administrative Region to strengthen its efforts in combating all forms of violence against women, including domestic violence. It urges the Government to enhance women's access to justice, including by ensuring an effective response to complaints and carrying out more proactive investigations of complaints, and to improve gender-sensitivity training for judicial and law enforcement officials and health and social workers on violence against women. The Committee encourages the Government to re-establish the Hong Kong rape crisis centres so as to ensure that victims of sexual violence receive specific attention and counselling in full anonymity. The Committee recommends that the Government allocate sufficient resources to combat all forms of violence against women, including domestic violence, and to provide details about budget allocation in its next periodic report.**

37. The Committee expresses concern at the Small House Policy, under which only indigenous men, but not indigenous women, are entitled to apply for a permit to build a residence in the New Territories.

**38. The Committee urges the Government of the Hong Kong Special Administrative Region to repeal all discriminatory provisions from the Small House Policy and ensure that indigenous women have the same rights and access to property as indigenous men.**

39. While acknowledging that the established target of 25 per cent of women in advisory and consultative bodies has been reached by the Government of the Hong Kong Special Administrative Region, the Committee notes with concern the low level of political representation of women, including in the functional constituencies. The Committee is concerned that the electoral system of functional constituencies may constitute indirect discrimination against women, as it results in the unequal participation of women in political life.

40. **The Committee urges the Government of the Hong Kong Special Administrative Region to take temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 so as to increase women's representation in politics, including in the functional constituencies.**

41. The Committee is concerned about the situation of female foreign domestic workers who may be subject to double discrimination on the basis of their sex and ethnic background. The Committee is also concerned about the "Two-Week Rule", which requires foreign domestic workers to leave Hong Kong within two weeks after the expiration of their employment contract or premature termination, thus pushing foreign domestic workers to accept new employment which may have unfair or abusive terms and conditions in order to be able to stay in Hong Kong. It further raises concern at the reported abuse perpetrated by employment agencies against domestic workers, such as lower wages, fewer holidays and longer working hours than what is prescribed by law.

42. **The Committee recommends that the Government of the Hong Kong Special Administrative Region ensure that female foreign domestic workers are not discriminated against by their employers or subject to abuse and violence. It urges the Hong Kong Special Administrative Region to repeal the "Two-Week Rule" and to implement a more flexible policy regarding foreign domestic workers. It also calls upon the State party to strengthen its control of employment agencies and to provide migrant workers with easily accessible avenues of redress against abuse by employers and permit them to stay in the country while seeking redress. The Committee further urges the State party to make migrant workers aware of their rights so that they have access to justice and can claim their rights.**

43. The Committee expresses concern at the situation of women asylum seekers and refugees in Hong Kong. It notes with concern the representative's statement that the Hong Kong Special Administrative Region has no intention of having the 1951 Convention Relating to the Status of Refugees extended to Hong Kong.

44. **The Committee calls on the State party to extend the 1951 Convention Relating to the Status of Refugees to Hong Kong so as to ensure that women asylum-seekers and refugees can fully benefit from its protection.**