

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	703
Land:	Kina
Kilde:	CEDAW
Titel:	Convention on the Elimination of All Forms of Discrimination against Women. Concluding observations on the ninth periodic report of China
Udgivet:	31. maj 2023
Optaget på baggrundsmaterialet:	6. november 2023



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
31 May 2023

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the ninth periodic report of China*

1. The Committee considered the ninth periodic report of China ([CEDAW/C/CHN/9](#), [CEDAW/C/CHN-HKG/9](#) and [CEDAW/C/CHN-MAC/9](#)) at its 1977th and 1978th meetings ([CEDAW/C/SR.1977](#) and [CEDAW/C/SR.1978](#)), held on 12 May 2023.

A. Introduction

2. The Committee appreciates the submission by the State party of its ninth periodic report, as well as the State party's written replies to the list of issues and questions raised by the pre-sessional working group in relation to the ninth periodic report ([CEDAW/C/CHN/RQ/9](#)). It also appreciates the State party's follow-up report to the previous concluding observations of the Committee ([CEDAW/C/CHN/CO/7-8/Add.1](#)). It welcomes the oral presentation by the delegation and the further clarifications provided orally and in writing in response to the questions posed by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Vice-Chair, National Working Committee on Women and Children under the State Council, HUANG Xiaowei, and included the Social Development Committee of the National People's Congress, the Supreme People's Court, the Organization Department of the Chinese Communist Party Central Committee, the State Council Information Office, the United Front Work Department of the Chinese Communist Party Central Committee, the Ministries of Foreign Affairs, Education, Public Security, Civil Affairs, Justice, Human Resources and Social Security, the National Ethnic Affairs Commission, the National Health Commission, the National Bureau of Statistics and the National Administration for Disease Prevention and Control. The delegation also included members from Hong Kong, China, and Macao Special Administrative Region, China.

* Adopted by the Committee at its eighty-fifth session (8–26 May 2023).



B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2014 of the State party's combined seventh and eighth periodic reports in undertaking legislative reforms, in particular the adoption of the following:

(a) The amendment to the Law on the Protection of Rights and Interests of Women, which covers women's political rights, rights in relation to the person and personality rights, in relation to culture and education, work and social security, property, marriage and the family, and also provides for remedies and corrective measures and on legal responsibility, including penal provisions, in October 2022;

(b) The Civil Code, which establishes civil liability for sexual harassment and requires employers to set up preventive mechanisms and provide timely remedies (article 1010), in May 2020;

(c) The amendment to the Law on Land Contracts in Rural Areas, which provides that all family members living in the same rural household enjoy equal rights and interests in land contracted in accordance with the law, and that land contract certificates or forest ownership certificates include all family members with the right to contract and manage the land, in 2018;

(d) The Regulation on Prohibiting Fetal Sex Identification and Sex-Selective Termination of Pregnancy for Non-Medical Purposes, in 2016;

(e) The Anti-Domestic Violence Law, prohibiting all forms of domestic violence; placing primary responsibility for preventing and ending domestic violence and protecting family members, in particular women, on the Government; and defining the specific responsibilities of government agencies, judicial organs and social organizations, in 2015;

(f) Amendment IX to the Criminal Law, classifying the offence of soliciting underage prostitutes as a crime of rape with equivalent penalties, in 2015;

(g) Amendment IX to the Criminal Law, amending article 241, paragraph 6, of the Criminal Law, to criminalize any act of buying women and children who are victims of trafficking, in 2015.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) The Action Plan for Combating Trafficking in Persons (2021–2030), focused on preventing fraudulent adoption, combating cyber-facilitated trafficking crimes and improving labour recruitment procedures, with an emphasis on women and girls, in 2021;

(b) "China's International Development Cooperation in the New Era", in which eight areas of cooperation, including gender equality, are identified, in 2021;

(c) The Programme for the Development of Chinese Women (2021–2030), which is intended to advance equality between women and men in eight priority areas, namely health, education, the economy, participation in decision-making and management, family building, social security, the environment and the law, in 2020;

(d) The Guidance on Promoting Workplace Gender Equality to compel employers to comply with relevant laws and regulations to ensure female workers' rights, in 2019.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the Forced Labour Convention, 1930

(No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105) of the International Labour Organization (ILO), in 2022.

C. Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of *de jure* (legal) and *de facto* (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of China and to adopt relevant policies and strategies to that effect.

D. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). 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 from the date of publication of the present report and the submission of the next periodic report under the Convention.

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

Women's rights and gender equality in relation to the pandemic and recovery efforts

9. The Committee welcomes the adoption of policies and guidelines for institutions to ensure the accessibility of maternal health services during the coronavirus disease (COVID-19) pandemic, the implementation of a programme to support women in recovering from the socioeconomic impacts of the pandemic and the issuance of guidance on the coronavirus disease (COVID-19) pandemic prevention and control for elderly women and women with disabilities. However, the Committee is concerned that measures taken to contain the pandemic, such as restrictions on freedom of movement, have disproportionately restricted women's and girls' access to justice, shelters, education, employment and health care, including sexual and reproductive health services.

10. The Committee, in line with its guidance note on the obligations of States parties to the Convention in the context of COVID-19, issued on 22 April 2020, recommends that the State party:

(a) Implement institutional, legislative and policy measures to redress long-standing inequalities between women and men and to give renewed impetus to the achievement of gender equality by placing women at the centre of COVID-19 recovery strategies as a strategic priority for sustainable change, in line with the Sustainable Development Goals;

(b) Ensure that, in the context of post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles;

(c) Ensure the equal participation of women and girls, including disadvantaged and marginalized groups of women, in the design and implementation of COVID-19 recovery programmes;

(d) Ensure that women and girls benefit equally from stimulus packages, including financial support for unpaid care work, aimed at mitigating the socioeconomic impact of the pandemic.

Legal status of the Convention and ratification of the Optional Protocol thereto

11. The Committee notes with appreciation the effort of consolidation of the legal framework on women's rights, in particular the adoption of the Law on Protection of Women's Rights, and the engagement of the State party to reinforce the empowerment of women. The Committee remains concerned that the Convention is not directly applicable in the national courts of the State party and, as a result, its provisions have not been directly invoked or applied in court proceedings. It is also concerned about the lack of information on cases brought to the courts or raised through other dispute resolution mechanisms, in which the Convention has been invoked. The Committee is further concerned that the State party has not yet ratified the Optional Protocol.

12. The Committee reiterates its previous recommendation ([CEDAW/C/CHN/CO/7-8](#), para. 11) that the State party:

(a) Ensure that the provisions of the Convention are fully integrated into the national legal system, including by amending or repealing legislative provisions that are incompatible with the principles of equality and non-discrimination and make the Convention a reference in the definition and implementation of the 2030 Agenda, as well as in the international cooperation strategy of the State;

(b) Ensure that the Convention and general recommendations are made an integral part of systematic capacity-building for all judges with a view to enabling them to directly apply the provisions of the Convention and interpret national legal provisions in the light of the Convention, as well as of regular training for prosecutors, lawyers, police officers and other law enforcement officials, as well as government officials;

(c) Ratify the Optional Protocol to the Convention and train members of the judiciary, legal professionals and law enforcement officers on the Committee's jurisprudence under the Optional Protocol;

(d) Ensure that, in the white paper on China's International Development Cooperation in the New Era, the fundamental guarantees of the Convention are mandated.

F. Principal areas of concern and recommendations: China

Definition of discrimination against women

13. The Committee notes the amendment to the Law on the Protection of Rights and Interests of Women. Nevertheless, it notes with concern the absence from the State party's legislation of a comprehensive definition of discrimination against women, in accordance with articles 1 and 2 of the Convention. The Committee is concerned about the different treatment and protection of the law of women according to their sexual orientation, gender identity and their ethnic or religious affiliation. The Committee is concerned that article 48 of the Constitution read with article 49 advances a protective framework rather than a substantive equality framework in addressing gender equality.

14. The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/7-8, para. 13) and calls upon the State party to adopt a comprehensive definition of discrimination against women that explicitly prohibits direct and indirect discrimination in the public and private spheres, including intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention. It further recommends that the State party ensure the effective implementation of the prohibition of discrimination against all women facing discrimination, including women with disabilities, lesbian, bisexual, transgender and intersex, Tibetan and Uyghur women and women from the Democratic People's Republic of Korea, through appropriate enforcement mechanisms and sanctions.

Women's access to justice

15. The Committee welcomes the reform of legal aid and the engagement of the State party to reinforcing access to justice but remains concerned that data shows gender bias on the part of many judges, who apply gender stereotypes and give little weight to women's testimony, evidence and claims, and that some courts have dismissed up to 80 per cent of women's domestic violence claims in divorce proceedings. It further notes with concern that disadvantaged groups of women, such as women with disabilities, lesbian, bisexual, transgender and intersex, Tibetan and Uyghur women and women from the Democratic People's Republic of Korea, face economic and linguistic barriers, as well as intersecting forms of discrimination, in accessing justice. It is also concerned by the lack of information on the number and outcome of cases of discrimination against women brought before the courts and competent authorities.

16. The Committee, recalling its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:

(a) Ensure awareness-raising and capacity-building programmes for the judiciary and law students on women's rights and gender equality, to eliminate judicial gender bias and discriminatory gender stereotypes;

(b) Ensure that these measures address, in particular, the credibility and weight given to women's testimony, evidence and claims, as parties and witnesses in legal proceedings, as well as judicial bias as to what is considered to be appropriate behaviour for women;

(c) Remove intersecting forms of discrimination and barriers faced by women and girls, in particular women with disabilities, lesbian, bisexual, transgender and intersex, Tibetan and Uyghur women, in accessing justice, including by sensitizing the judiciary on their equal rights and providing free legal aid to women without sufficient means and independent and professional translation and interpretation services, when needed.

National machinery for the advancement of women

17. The Committee notes that eliminating gender-based discrimination is an important objective of the National Programmes for Women's Development and that the new National Working Committee on Children and Women, established in 2019, has set up a national mechanism for gender equality-based review of laws and policies and is responsible for coordinating efforts to cover all aspects of women's rights, through different ministries. The Committee remains concerned, however, at the lack of adequate information on the new national mechanism for gender equality-based review of laws and policies, the absence of evaluation reports on the impact of the Programme for Women and the limited participation of civil society organizations, in

particular independent women's rights organizations, in the implementation and review of gender equality legislation and programmes.

18. The Committee recommends that the State party:

(a) **Strengthen the National Working Committee to enable it to conduct systematic assessments of the effectiveness and impact of the Programme for Women on women's rights and leadership, in cooperation with civil society organizations and independent women's rights organizations; publicly report on the situation of women's rights and allocate adequate human, technical and financial resources to the national machinery for the advancement of women;**

(b) **Create an enabling environment and ensure the systematic and meaningful participation of independent women's rights organizations, including those holding diverse and differing views, in the formulation and implementation of legislative and policy initiatives affecting women.**

National human rights institution

19. The Committee welcomes the State's acceptance of the recommendation in the third cycle of the universal periodic review, in November 2018, to consider the establishment of a national human rights institution in accordance with the Paris Principles. It regrets, however, the current absence of an independent national human rights institution.

20. **Reiterating its previous recommendations (CEDAW/C/CHN/CO/7-8, para. 17), the Committee recommends that the State party establish an independent national institution 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 of 20 December 1993), with a strong mandate on women's rights and gender equality. It also recommends that, once operational, the national human rights institution should apply for accreditation to the Global Alliance of National Human Rights Institutions.**

Temporary special measures

21. The Committee notes that the legislation of the State party requires an "appropriate number of women deputies". However, the Committee notes with concern that the State party has not adopted any temporary special measures since the consideration of its previous report.

22. **In line with article 4 (1) of the Convention and its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Adopt temporary special measures to accelerate the achievement of substantive equality of women and men in areas where women are underrepresented or disadvantaged, in particular in decision-making and leadership positions in economic and political life, with time-bound targets and benchmarks;**

(b) **Introduce temporary special measures for women who face intersectional discrimination and suffer forms of deprivation in current and future public policies.**

Stereotypes

23. The Committee notes the advocacy campaigns aimed at eradicating son preference and promoting shared parenting, as well as article 68 of the Law on the

Protection of Rights and Interests of Women, which promotes co-parenting. However, the Committee remains concerned about the persistence of deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society, the traditional preference for sons and the traditional perception that it is a man's "duty" to give a male heir to his parents, resulting in cases of child abduction and alienation to ensure that the male child remains within the paternal family. It is further concerned about the lack of a regulatory framework to combat gender stereotypes in the media and advertising, including through a gender-specific code of ethics for media professionals.

24. The Committee recommends that the State party:

(a) **Adopt a specific strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, and intensify education programmes to promote equal sharing of childcare responsibilities and awareness of the joint responsibility of men and women for the upbringing and development of their children, whether girls or boys;**

(b) **Take all appropriate measures to modify existing customs and practices that discriminate against women, including when it comes to obtaining custody of children;**

(c) **Adopt a regulatory framework to combat gender stereotyping in the media and advertising, including a gender-specific code of ethics that promotes positive images of women and girls, and take measures including awareness-raising to address the use of gender stereotypes and discriminatory content, language and portrayals of women by the media;**

(d) **Intensify education campaigns for the general public, public officials and media professionals on the use of gender-sensitive language to counter discriminatory gender stereotypes and objectification of women and to promote positive portrayals of women as active drivers of development.**

Gender-based violence against women

25. The Committee welcomes the adoption of the Anti-Domestic Violence Law, the creation of more than 2,000 family divisions and centres in courts, and the provision for protection orders and victim support services in the law of administrative penalties and criminal liability. However, the Committee is concerned that the stated objective of the Anti-Domestic Violence Law is harmonious relations between family members rather than the security of women and family members, and that a small percentage of all domestic violence reported to the police result in restraining orders, endangering the security of women and the family. It further notes with concern:

(a) That the Anti-Domestic Violence Law does not cover all forms of domestic violence, notably economic violence, economic control and negligence, or violent acts by former intimate partners;

(b) The lack of capacity-building for the judiciary, the police, other law enforcement officers and providers of victim support services, including shelters;

(c) Regional disparities in the measures to address domestic violence and women's limited awareness of the remedies and services available under the Anti-Domestic Violence Law and the Law on administrative penalties and criminal liability.

26. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of

violence against women and girls in the public and private spheres, the Committee recommends that the State party:

- (a) Amend the Anti-Domestic Violence Law to extend its protection to all forms of domestic violence, including economic violence, economic control and neglect, and violent acts by former intimate partners;
- (b) Provide mandatory and continuous capacity-building for judges, prosecutors, the police and other law enforcement officers, health and social workers, on the strict application of the Anti-Domestic Violence Law and the Law on administrative penalties and criminal liability, the issuance and monitoring of protection orders, gender-sensitive investigation and interrogation procedures and the provision of victim support services;
- (c) Raise awareness among women on the remedies and services available under the Anti-Domestic Violence Law and the Law on Administrative penalties and criminal liability, including protection orders and victim support services such as shelters, and ensure the accessibility of these services throughout the State party, in particular in rural and remote areas;
- (d) Ensure that all acts of gender-based violence against women are effectively investigated and perpetrators prosecuted and adequately punished.

Trafficking and exploitation of prostitution

27. The Committee notes the updated Action Plan for Combating Trafficking in Persons (2021–2030); the signature of cooperation agreements to prevent and combat trafficking in persons and joint anti-trafficking initiatives with third States in the region; and the amendment of article 241, paragraph 6, of the Criminal Law concerning the crime of buying women and children who are victims of trafficking. The Committee remains concerned, however, about:

- (a) Absence of comprehensive anti-trafficking legislation and the lack of clarity as to whether the legislation of the State party criminalizes all forms of trafficking, including trafficking for the purpose of sexual exploitation, forced labour, forced marriage, organ removals and illegal adoption, especially among Tibetan and Uyghur communities;
- (b) High prevalence of trafficking in women and girls;
- (c) Reports of organized criminal groups subjecting Chinese and foreign women and girls to forced labour in domestic service, forced concubinage and forced childbearing and sex trafficking within and to the State party, luring victims with fraudulent job offers or forced and fraudulent marriage.

28. **In line with its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:**

- (a) Adopt comprehensive anti-trafficking legislation that includes a definition of trafficking which is in line with international standards;
- (b) Strengthen early identification and referral of victims of trafficking, including by adopting guidelines for law enforcement officials and government-supported front-line responders;
- (c) Ensure that women and girls who are victims of trafficking have access to temporary resident permits, irrespective of their willingness or ability to cooperate with the prosecution authorities, as well as to adequate reparation and support services, including shelters, psychosocial counselling and rehabilitation programmes;

(d) Strengthen the systematic collection and analysis of data on trafficking, disaggregated by victims' age, sex and nationality and by form of trafficking.

29. The Committee notes with concern that the State party is a country of destination for trafficking in women and girls from the Democratic People's Republic of Korea for purposes of sexual exploitation, forced marriage or concubinage. It also notes with concern that women and girl defectors from the Democratic People's Republic of Korea are categorically classified as "illegal migrants", and some are forcibly returned. It further notes with concern that children born in the State party to women from the Democratic People's Republic of Korea are deprived of their rights to birth registration, nationality, education and health care because their birth cannot be registered without exposing the mother to the risk of deportation to the Democratic People's Republic of Korea.

30. The Committee recommends that the State party:

(a) Ensure that women and girls from the Democratic People's Republic of Korea who are victims of trafficking are not criminalized for violations of immigration laws and have access to temporary residence permits and to basic services, including medical treatment, psychosocial counselling, education, alternative income-generating opportunities and rehabilitation programmes;

(b) Provide the Office of the United Nations High Commissioner for Refugees, and relevant humanitarian organizations, with full and unimpeded access to victims of trafficking from the Democratic People's Republic of Korea;

(c) Regularize the status of women from the Democratic People's Republic of Korea and other women victims of trafficking who marry, either voluntarily or by forced marriage, or are in an unregistered union and have a child with a Chinese citizen, and ensure that their children obtain birth registration, are eligible for Chinese nationality and have access to education and health care without discrimination and would be allowed to leave China with their mothers who are defectors from the Democratic People's Republic of Korea).

31. The Committee notes Amendment IX to the Penal Code, adopted in 2015, assimilating the offence of "soliciting underage prostitutes" to the crime of rape, with equivalent penalties. It remains concerned, however, at reports that law enforcement officials continue to detain Chinese and foreign women on charges of "prostitution" and without due process in detention and re-education centres, where they are allegedly subjected to forced labour, despite the abolishment of the custody and re-education system for prostitution in 2019.

32. In line with its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party address the root causes of exploitation of women and girls in prostitution, such as poverty and structural gender inequalities, and introduce measures to address the demand for prostitution and protect women from exploitation in prostitution, including by providing exit programmes and alternative income opportunities for women who wish to leave prostitution.

Equal participation of women in political and public life

33. The Committee notes that the representation of women has increased since its consideration of the combined seventh and eighth periodic reports of the State party. However, it remains concerned that women represent only 26.54 per cent of deputies to the 14th National People's Congress, and that, since October 2022, there have been no women at the highest executive level. The Committee is concerned that women

constitute 35 per cent of diplomats (2023), 11.3 per cent of ambassadors (2022), 32.7 per cent of judges (2017) and 22.3 per cent of members of management teams in public institutions (2017).

34. Recalling its general recommendation No. 23 (1997) on women in political and public life and target 5.5 of the Sustainable Development Goals, to ensure women's full and effective representation and equal opportunities for leadership at all levels of decision-making in political, economic and public life, the Committee recommends that the State party:

(a) Adopt temporary special measures, such as statutory quotas and a gender parity system, to ensure the equal representation of women in the Government, the National People's Congress and regional people's congresses, the National Committee of the Chinese People's Political Consultative Conference, the judiciary, public institutions and the foreign service, in particular at decision-making levels;

(b) Provide capacity-building for women in leadership positions in political and public life and raise awareness among political leaders and the general public that the full, equal, free and democratic participation of women in political and public life on an equal basis with men is an essential condition for sustainable development and for the full implementation of the Convention.

Women human rights defenders and civil society

35. The Committee, while noting the information provided during the dialogue with the State party, remains concerned about excessive restrictions on the registration of non-governmental organizations, such as the requirement for sponsorship. It also notes with concern reports that women human rights defenders face intimidation and harassment, including cases of sexual and other forms of gender-based violence, by the police and other State officials for their work on women's human rights, and that they may face harassment for their participation in the Committee's review of the State party's report.

36. The Committee recommends that the State party:

(a) Amend its legislation on the registration of non-governmental organizations to repeal the requirement for sponsorship and all other disproportionate restrictions;

(b) Ensure the protection of women human rights defenders from intimidation, harassment and reprisals for their work, including when they have engaged or sought to engage with the Committee, immediately stop any such reprisals and ensure the protection of the women human rights defenders concerned and investigate and prosecute those responsible, including police officers and other State agents;

(c) Create an enabling environment for women human rights defenders from diverse communities to promote, protect and advocate for women's human rights without fear of reprisals.

Nationality

37. The Committee, while noting the information provided during the dialogue with the State party, remains concerned that the State party has not adopted a national asylum law or acceded to the 1961 Convention on the Reduction of Statelessness and that it does not recognize dual citizenship. It also notes with concern that refugee, asylum-seeking and migrant women's limited access to civil registration procedures increases their risk of statelessness and may deprive them of access to basic services.

It is further concerned at reports about the confiscation of passports from Tibetan and Uyghur women.

38. Recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:

(a) **Amend its legislation to recognize dual citizenship, consider ratifying or acceding to the 1961 Convention on the Reduction of Statelessness and adopt a national asylum law that is in conformity with international standards;**

(b) **Ensure that all women, including refugee, asylum-seeking and migrant women have access to civil registration procedures and basic services, that passports are not confiscated on the basis of ethnic minority status and that national security legislation is not arbitrarily used to do so.**

Education

39. The Committee welcomes the fact that the State party has achieved universal primary education. Noting the information provided during the dialogue with the State party, the Committee remains concerned, however, about:

(a) The limited integration of human rights education in curricula at all levels of education;

(b) Cases of sexual harassment and cyberbullying of girls at school;

(c) The lack of data on access to education for disadvantaged groups of girls and women;

(d) Reports on the closure of schools providing instruction in minority languages, such as Kazakh, Tibetan and Uyghur;

(e) Reports of a coerced residential (boarding) school system imposed on Tibetan girls.

40. In line with its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:

(a) **Incorporate human rights education, including education on women's rights and gender equality, into curricula at all levels of education, introduce mandatory teacher training on human rights education and training on ways to avoid reproducing gender inequalities in schools and review educational materials with a view to removing gender stereotypes;**

(b) **Raise awareness among students, teachers and the general public of the new Regulations on the Protection of Minors at Schools, adopted in 2021, which include provisions against sexual harassment and cyberbullying, and monitor the establishment of zero-tolerance handling mechanisms for bullying, sexual assault and harassment against students;**

(c) **Strengthen access for girls and women from disadvantaged groups, including rural girls, girls whose parents have migrated to urban areas and girls and women with disabilities, to mainstream education at all levels and provide updated disaggregated data on their educational access in its next periodic report;**

(d) **Ensure that girls and women belonging to the ethnic minorities have access to instruction in their mother tongues, such as Kazakh, Tibetan and Uyghur, and reverse the closure of schools providing instruction in minority languages;**

(c) **Abolish the coerced residential (boarding) school system imposed on Tibetan girls and authorize the establishment of and subsidize private Tibetan schools.**

Employment

41. The Committee welcomes the amendments to the Law on the Protection of Women's Rights and Interests. It notes the issuance, in 2018, of the Circular on Addition of Causes of Action in Civil Cases, the adoption of the Civil Code and the ratification of the Forced Labour Convention, 1930 (No. 29). Noting the information provided during the dialogue with the State party, the Committee remains concerned, however about:

(a) Persistent employment discrimination on the grounds of pregnancy and maternity;

(b) The persistent gender pay gap, estimated at 20.8 per cent, vertical and horizontal segregation in the labour market and women's significant underrepresentation in managerial positions;

(c) Women's disproportionate burden of unpaid care work, which is 2.5 times higher for women than for men and constitutes a barrier to women's economic participation;

(d) The maintenance of different retirement ages of 50 and 60 years, respectively, for women and men (with exceptions for certain female cadres who can retire at the age of 55), which reinforce stereotypes and maintain a gender-based income inequality, resulting in lower pension benefits and an increased risk of old age poverty for women;

(e) The high number of complaints of sexual harassment in the workplace;

(f) Reports that so-called "labour transfer" and "vocational training" programmes in the Tibet Autonomous Region of China relegate Tibetan women to training in low-skilled jobs and discard their unique skills;

(g) Reports of coercive employment measures for Uyghur women, including forced labour, and of sexual violence in vocational education and training centres for Uyghur women.

42. **The Committee draws attention to its general recommendation No. 13 (1989) on equal remuneration for work of equal value and target 8.5 of the Sustainable Development Goals, to achieve, by 2030, full and productive employment and decent work for all women and men, and equal pay for work of equal value, and recommends that the State party:**

(a) **Reinforce monitoring mechanisms, including regular labour inspections, and strengthen women's access to confidential and independent complaint mechanisms, to address employment discrimination against women on the grounds of pregnancy and maternity; and ratify the Workers with Family Responsibilities Convention, 1981 (No. 156) and the Maternity Protection Convention, 2000 (No. 183) of ILO;**

(b) **Review wages in all sectors, apply gender-sensitive analytical job classification and evaluation methods, conduct regular pay surveys, with a view to better understanding the reasons for the gender wage gap, and strictly enforce the principle of equal pay for work of equal value in order to narrow and ultimately close the gender pay gap;**

(c) **Adopt legislation and policies requiring employers and provide incentives to enable women and men to balance work and family responsibilities,**

conduct awareness-raising campaigns to promote equal sharing of domestic responsibilities between women and men, develop and establish family-friendly services at the community level, and provide a sufficient number of adequate and affordable childcare facilities across the State party;

(d) Raise the retirement age of women to be equal to that of men, with a view to increasing pension benefits and addressing old-age poverty of women;

(e) Provide mandatory training for employers, trade unions and employees on the prohibition of sexual harassment, ensure that all reports of sexual harassment are effectively investigated and that those responsible are adequately punished, and ratify the Violence and Harassment Convention, 2019 (No. 190) of ILO;

(f) Immediately halt non-voluntary “labour transfer” and “vocational training” programmes in the Tibet Autonomous Region of China, and carry out meaningful consultations with the affected women in order to explore alternative training options, including those that make full use of their unique skills and potential;

(g) Prohibit coercive employment measures, including forced labour of Uyghur women, immediately discontinue any such measures, release all women subject to forced labour, and prosecute and punish perpetrators, including State officials, of gender-based violence, such as sexual violence and harassment, against women in employment, notably in vocational training and education centres for Uyghur women.

Health

43. The Committee welcomes the decrease in the maternal mortality rate and notes the adoption in 2019 of the Healthy China Initiative (2019–2030). It also notes the promulgation in 2016 of the Regulation on Prohibiting Fetal Sex Identification and Sex-Selective Termination of Pregnancy for Non-Medical Purposes and the objective set in the National Plan on Population Development (2016–2030) to intensify the fight against the identification of the sex of the fetus for non-medical purposes and against selective abortions based on the sex of the fetus. It further notes that free access to contraceptives has been included as one of the basic public health services since 2017, and that the amendment to the Law on the Protection of Minors, adopted in June 2021, has introduced age-appropriate sexuality education into school curricula. However, the Committee notes with concern:

(a) The unbalanced population sex ratio, whereby women make up 48.8 per cent of the total population, and that the sex ratio at birth was 108.3 males born for every 100 females in 2021;

(b) The lack of sexual and reproductive health services, which are not fully integrated throughout the process of women’s health management and women’s rights;

(c) The lack of comprehensive education on sexual and reproductive health and rights in schools, and of youth-friendly and accessible sexual and reproductive health services for adolescent girls and young women;

(d) Allegations of coercive family planning practices, including forced abortions, forced sterilizations and other forms of gender-based violence against women which may in certain cases amount to torture in the Xinjiang Uyghur Autonomous Region and in predominantly Uyghur-populated areas, and which are reportedly one of the causes for significantly lower birth rates in those areas in comparison with the rest of the State party.

44. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:

(a) Provide capacity-building to judges, prosecutors, police and other law enforcement officers, as well as health professionals and service providers, on the strict application of the 2016 Regulation on Prohibiting Fetal Sex Identification and Sex-Selective Termination of Pregnancy for Non-Medical Purposes and other measures, including those envisaged in the National Plan on Population Development (2016–2030), aimed at preventing fetal sex identification for non-medical purposes, sex-selective abortion, forced abortion and sterilization and female infanticide and strengthen public awareness-raising campaigns on the criminal nature of these practices; and utilize the lessons from the one-child and two-child policies to promote improved management of women's reproductive rights with the current three-child policy;

(b) Strengthen and fully integrate into the process of women's health management sexual and reproductive health services and rights, including voluntary and rights-based family planning services enabling women and adolescent girls to make their own informed decisions about contraceptive use and methods;

(c) Integrate age-appropriate education on sexual and reproductive health and rights into curricula at all levels of education, and strengthen confidential access for adolescent girls and young women to youth-friendly sexual and reproductive health services;

(d) Take immediate steps to end, prevent and criminalize the use of coercive measures, such as forced abortions, forced sterilizations, other forms of gender-based sexual violence and other cruel, inhuman or degrading family planning practices that are allegedly inflicted on women in the Xinjiang Uyghur Autonomous Region and in predominantly Uyghur-populated areas, and ensure that any cases of such practices are effectively investigated without delay and that those responsible are prosecuted and adequately punished and that victims receive adequate compensation.

Economic and social benefits

45. The Committee notes the high number of self-made women entrepreneurs and that women own 30.9 per cent of all businesses. It notes with concern, however, that women are concentrated in service-sector jobs or work in rural areas for low pay, and also notes with concern the disproportionately high number of lay-offs of women compared with those of men and the disproportionately high unemployment rate and poverty levels among women.

46. The Committee recommends that the State party promote women's economic empowerment and to this end:

(a) Further strengthen women's employment and entrepreneurship opportunities, in particular as company owners, and address the feminization of poverty;

(b) Establish obligations for public authorities, State enterprises and private companies to promote gender equality in public procurement, including by giving priority to bids by women-owned companies and companies that comply with minimum quotas for women's representation in management and executive boards in public tenders;

(c) **Provide adequate support for women's entrepreneurship by facilitating their access to financial credit, including low-interest loans without collateral, start-up funds and other income-generating opportunities.**

Rural women

47. The Committee appreciates all the efforts made by the State party to ensure women's access to land ownership and use in rural areas, notably through the amendment to the Law on Land Contracts in Rural Areas and the Circular on the Acceleration of the Determination, Registration and Certification of Land for Domestic Use and Collective Construction. The Committee notes with concern, however, that the protection of rural women's land rights remains weak, owing to the impact of sexist stereotypes and prejudices that are most acutely expressed in the countryside, and high numbers of rural women have not registered their name on the land contract management right certificate or did not register their name in the family property use right certificate. It further notes with concern that rural women encounter unique challenges to property rights under the concept of "Waijianv", meaning "women married out", whereby women who move out of their birth villages post-marriage face unique challenges in accessing land tenure and inheritance of land; and that women who are widowed or divorced are faced with challenges in retaining land in their husbands' villages.

48. In line with its general recommendation No. 34 (2016) on the rights of rural women and target 5.a of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) **Ensure that women in rural areas have rights equal to men to contracted land and homestead rights;**
- (b) **Ensure that women's federations are represented on rural land contract arbitration committees and that rural women have effective access to justice to claim their rights to and interests in land;**
- (c) **Adopt procedures for monitoring, reviewing and, if necessary, challenging decisions of village assemblies, in order to ensure conformity with the legally protected rights of rural women, including their rights under the Convention;**
- (d) **Facilitate rural women's access to new technologies, agricultural assets such as chemicals, equipment, animal feed, seeds and energy, markets and marketing services, in addition to appropriate extension services;**
- (e) **Expand rural women's access to low-interest loans without collateral and other forms of financial credit;**
- (f) **Protect the land rights of rural women by ensuring registration of their name on the land contract management right certificate, and on the family property use right certificate.**

Climate change and disaster risk reduction

49. The Committee welcomes the adoption of the National Climate Change Adaptation Plan (2014–2020) and notes that nearly half of the members of the National Climate Change Adaptation Strategy 2035 expert panel are women. However, it notes with concern the absence of a gender-responsive national strategy to address environmental risks and challenges, climate change and disaster risk management, including risk reduction, preparedness, response and rehabilitation.

50. In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the

Committee recommends that the State party ensure that women, including rural women, are represented on an equal basis with men in the development of legislation, policies and programmes on climate change, disaster response and disaster risk reduction. It also recommends that the State party integrate a gender perspective into such legislation and policies. It further recommends that the State party take measures to address the impact of climate change on women's livelihoods and access to resources, in order to ensure that women are not disproportionately affected.

Disadvantaged groups of women

Women belonging to religious and ethnic minorities

51. The Committee takes notes of the information provided by the delegation during the dialogue with the State party, but nevertheless notes with concern:

(a) Reports that so-called “labour transfer” and “vocational training” programmes in the Tibet Autonomous Region of China undermine the religious, linguistic and cultural identity of Tibetan women;

(b) Reports about the imposition of forced interethnic marriages on Uyghur women and financial incentives for inter-ethnic marriages as a policy of assimilation;

(c) Reports that ethnic and religious minority women, such as Tibetan and Uyghur women, continue to face intersecting forms of discrimination and have limited access to education and employment and health care.

52. The Committee urges the State party:

(a) **To immediately halt non-voluntary “labour transfer” and “vocational training” programmes in the Tibet Autonomous Region of China, and respect, preserve and promote the cultural identity of women belonging to ethnic, religious and linguistic minorities, including Tibetan and Uyghur women;**

(b) **To ensure the right of all women, including those belonging to ethnic, religious and linguistic minorities, such as Uyghur women, freely to choose a spouse and to enter into marriage only with their free and full consent; ensure that all cases of forced interethnic marriages of Uyghur women are effectively investigated and that those responsible, including public officials, are prosecuted and adequately punished; and raise the awareness of the general public and provide mandatory training to law enforcement officers and other public officials about the criminal nature of forced marriages;**

(c) **To eliminate intersecting forms of discrimination against women belonging to ethnic, religious and linguistic minorities, such as Tibetan and Uyghur women, and ensure that they have adequate access to education, employment and health care and are proportionately represented in decision-making positions in political and public life;**

(d) **To use recent landmark cases in which rulings were issued on transgender employment discrimination as precedent-setting cases.**

Women with disabilities

53. The Committee notes that the 2016 Disability Prosperity Directive provides for the broadening of the means of participation in democratic processes for persons with disabilities and their organizations. However, it notes with concern that women with disabilities face exclusion from the labour market, institutionalization and high rates of gender-based violence. The Committee is also concerned about the shackling of

women and girls with psychosocial disabilities owing to stigma or lack of access to community services.

54. In line with its general recommendation No. 18 (1991) on women with disabilities, the Committee recommends that the State party:

(a) **Ensure that women and girls with disabilities have adequate access to the labour market, as well as to justice and victim support services when they have experienced gender-based violence, and that they may freely decide where and with whom they choose to live;**

(b) **Address intersecting forms of discrimination against women and girls with disabilities and ensure their inclusion and access to all rights under the Convention, including by eliminating restrictions on their legal capacity and ensuring their access to inclusive education, employment and health services, including sexual health and reproductive health services;**

(c) **Ensure the dignified treatment of women and girls with psychosocial disabilities and their effective access to mental health services.**

Lesbian, bisexual, transgender and intersex women

55. The Committee notes with concern that lesbian, bisexual, transgender and intersex women face high levels of gender-based violence, stigmatization and intersecting forms of discrimination, including in accessing education, employment and health services. It also notes with concern the lack of legislation specifically prohibiting discrimination against lesbian, bisexual, transgender and intersex women.

56. The Committee recommends that the State party:

(a) **Adopt legislative and policy measures to combat gender-based violence and discrimination against lesbian, bisexual, transgender and intersex women, including hate speech and physical, verbal and emotional abuse;**

(b) **Protect the human rights of lesbian, bisexual, transgender and intersex women in all areas covered by the Convention and conduct awareness-raising campaigns to address their stigmatization in society;**

(c) **Ensure that transgender women can change the gender marker in their passports and other identity documents, without onerous requirements;**

(d) **Ensure that lesbian, bisexual, transgender and intersex women can freely participate in political and public life and exercise their right to freedom of peaceful assembly without fear of reprisals, harassment or intimidation.**

Women in detention

57. The Committee notes with concern the high number of women in detention, including in extralegal detention facilities and so-called “re-education” camps, where they are at risk of gender-based violence, torture and abuse. It also notes with concern information on the continued existence of unregulated detention facilities, known as “black jails”, where women are allegedly detained.

58. The Committee reiterates its previous recommendation ([CEDAW/C/CHN/CO/7-8](#), para. 49) and 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 being in conflict with the law;**

(b) **To improve the conditions in detention facilities where women are deprived of liberty, 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), address overcrowding in prisons, guarantee separate accommodation for different categories of detainees, as well as for women detained with their children, and ensure the provision of adequate health services, including menstrual hygiene, to women in detention;

(c) **To immediately close all extralegal detention facilities (“black jails”) and release all women detained in such places of detention or transfer them to regular detention facilities or to prisons under the penitentiary system, and prosecute and adequately punish those operating extra-legal places of detention, including public officials and non-State actors;**

(d) **To provide in its next periodic report information on the number of women in detention, disaggregated by age, ethnicity, type of facility, reason for detention and length of detention.**

Marriage and family relations

59. The Committee notes with concern that family courts rarely take incidents of gender-based violence into consideration for alimony payments or for decisions on child custody upon dissolution of a marriage, which may have a negative impact on women and their children who are victims of gender-based violence. The Committee is concerned that very few cases are designated as “typical” by the Supreme People’s Court; that cases deal with family relations; that, despite a shift to the three-child policy, paternity leave policies and incentives for male caregivers have remained relatively unchanged; that abduction for marriage remains a problem; and that a 30-day “cooling off” period in the Marriage Law before finalizing a divorce might undermine the physical security of parties to a divorce.

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

(a) **Ensure that women have the same rights as men with regard to custody of children;**

(b) **Strictly enforce the Law on the Protection of Minors, which prohibits the practice of competing for custody rights by snatching or hiding underage children, and criminalizes acts of “snatching and hiding” as child abduction;**

(c) **Ensure that family courts take incidents of domestic or other forms of gender-based violence into consideration when deciding on child custody and visitation rights upon the dissolution of a marriage or de facto union;**

(d) **Ensure that the 30-day cooling off period should not be mandated.**

G. Principal areas of concern and recommendations: Hong Kong Special Administrative Region, China

Reservations

61. The Committee notes with concern that the State party continues to maintain reservations to articles 4, 11 (2), 14 and 15 of the Convention, in respect of Hong Kong, China.

62. **The Committee reiterates its recommendation that the State party consider withdrawing its reservations to articles 11 (2), 14 and 15 applicable to Hong Kong, China.**

Legislative framework

63. The Committee notes with appreciation the legislative reforms in Hong Kong, China. It notes with concern, however, that the legislative framework to protect women's human rights and promote gender equality needs to be strengthened, and also notes with concern the failure to adopt legislation on sexual orientation discrimination, gender expression discrimination and discrimination based on physical characteristics, as recommended by the Equal Opportunities Commission. It further notes with concern the retention of the "small house policy" whereby male descendants of indigenous villagers of the New Territories have access to benefits that are not available to the women in the community.

64. The Committee recommends that Hong Kong, China, strengthen the legislative framework to protect women's human rights, including by amending the Sex Discrimination Ordinance, and:

(a) **Amend the provisions to introduce a positive obligation for employers to take measures to prevent and respond to sexual harassment in the workplace, and take steps to provide victims of gender-based violence with prompt and effective access to a remedy;**

(b) **Repeal the provisions which require proof of intention to discriminate in order for a claimant to obtain damages for indirect discrimination;**

(c) **Adopt legislation on sexual orientation discrimination, gender expression discrimination and discrimination based on physical characteristics, as recommended by the Equal Opportunities Commission;**

(d) **Ensure that the small house policy is applied in a way that does not discriminate against women.**

Machinery for the advancement of women

65. The Committee welcomes the increase of resources for the Women's Commission by 27.4 per cent from 2011–2012 to 2017–2018. It notes with concern, however, the Women's Commission's weak mandate to promote the advancement of women in Hong Kong, China.

66. Recalling the guidance provided in the Beijing Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, the Committee recommends that Hong Kong, China:

(a) **Allocate adequate human, technical and financial resources to the Women's Commission and enable it to monitor and publicly report on women's human rights;**

(b) **Strengthen cooperation of the Women's Commission with independent women's rights organizations;**

(c) **Develop an action plan on women's rights and gender equality to guide Hong Kong, China, in promoting substantive equality of women and men across all sectors, which defines time-bound indicators, targets and an adequate monitoring and accountability framework, including public reporting requirements;**

(d) **Strengthen the provision of capacity-building for public officials, including by developing comprehensive guidelines for gender mainstreaming across government policies and for gender-responsive budgeting.**

Temporary special measures

67. The Committee notes with concern the absence of temporary special measures to accelerate the achievement of substantive equality between women and men.

68. **In line with article 4 (1) of the Convention and its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that Hong Kong, China:**

(a) **Promote understanding of the non-discriminatory nature of temporary special measures among public officials, parliamentarians, policymakers, employers and the general public;**

(b) **Adopt temporary special measures, such as regulatory instruments, policies and practices, outreach and support programmes, allocation of resources, preferential treatment, targeted recruitment and the hiring and promotion of women, and establish time-bound targets, as a necessary strategy to accelerate the achievement of substantive equality between women and men in all areas covered by the Convention where women are underrepresented or disadvantaged, including participation in political and public life;**

(c) **Monitor the implementation of temporary special measures, assess their impact on achieving substantive equality between women and men, systematically collect data on the impact of temporary special measures and include such data in its next periodic report.**

Gender-based violence against women

69. The Committee notes the work of the Law Reform Commission in Hong Kong, China, and various proposals for the reform of legislation that governs sexual offences, including the definition of rape. The Committee is, however, concerned that Hong Kong, China, has not yet reviewed its legislation, including the Crimes Ordinance, the law concerning sexual offences involving children and persons with mental impairment and the law concerning miscellaneous sexual offences.

70. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that Hong Kong, China:**

(a) **Urgently submit to the parliament for adoption draft legislation on sexual offences that incorporates a definition of rape, which is based on lack of consent, covers any non-consensual sexual act and takes into account all coercive circumstances, in line with international human rights standards;**

(b) **Encourage reporting of all forms of gender-based violence against women, including domestic and sexual violence, as well as cyberviolence and stalking, including by establishing special gender-responsive units in police stations to receive and register women's complaints and by adopting and adequately funding a witness protection programme;**

(c) **Increase the number of women judges, prosecutors and police officers and provide capacity-building to the judiciary, the police and other law enforcement officers on the strict application of relevant criminal law provisions and on gender-sensitive investigation and interrogation methods;**

(d) **Adequately fund victim support services and a sufficient number of shelters run by non-governmental organizations and ensure their accessibility;**

(e) **Adopt harmonized protocols for the collection of data on incidents of gender-based violence against women, in coordination with the Census and**

Statistics Department, disaggregated by form of violence, age, region, disability and relationship between the victim and the perpetrator.

Trafficking and exploitation of prostitution

71. The Committee takes note of the promulgation of the Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong. It notes with concern, however, that the State party has not yet extended the applicability of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) to Hong Kong, China; and it also notes with concern the lack of comprehensive anti-trafficking legislation applicable in Hong Kong, China; and that Hong Kong, China, has not repealed legislative provisions on “vice establishment”, which compel women in prostitution to work alone in isolated settings, where they are exposed to a high risk of abuse, exploitation and violence.

72. **The Committee reiterates its previous recommendations ([CEDAW/C/CHN/CO/7-8](#), para. 57) that the State party consider extending the applicability of the Palermo Protocol to Hong Kong, China, and that Hong Kong, China:**

- (a) **Adopt comprehensive anti-trafficking legislation;**
- (b) **Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers;**
- (c) **Repeal legislative provisions on “vice establishment” and afford enhanced protection to women in prostitution as well as exit programmes and alternative income-generating opportunities for women who wish to leave prostitution.**

Participation in political and public life

73. The Committee notes with concern women’s low representation in political life in Hong Kong, China, where women account for only 18 per cent of the members of the Legislative Council, the Executive Council and the Office of the Chief Executive. It is concerned that not a single Hong Kong woman has been appointed as a permanent Justice on the Court of Final Appeal. It is further concerned that the annual Labour and Women’s Rights and Gender Equality March could not take place in 2023, purportedly for security reasons.

74. **The Committee reiterates its previous recommendation ([CEDAW/C/CHN/CO/7-8](#), para. 59) and recommends that Hong Kong, China:**

- (a) **Adopt 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, such as the adoption of minimum quotas or of a parity system, to promote women’s representation in political life;**
- (b) **Take into consideration the paramount importance of the right of peaceful assembly and refrain from over-prioritizing public order and security concerns when considering restrictions on democratic manifestations such as the annual Labour and Women’s Rights and Gender Equality March.**

Employment

75. The Committee notes the extension of paternity leave from 3 to 5 days, and of maternity leave from 10 to 14 weeks in Hong Kong, China. However, it notes with concern the persistent gender pay gap despite the inclusion of the principle of equal

pay for work of equal value in the Sex Discrimination Ordinance and the issuance of guidelines for employers to enhance their understanding on the concept.

76. The Committee recommends that Hong Kong, China, increase its efforts to eliminate the persistent gender wage gap, including by undertaking regular gender pay reviews in all occupational sectors, including the public service, in cooperation with employers' associations and trade unions, applying gender-sensitive analytical job classification and evaluation methods.

Women migrant domestic workers

77. The Committee notes with concern congruent reports that women migrant domestic workers continue to face intersecting forms of discrimination based on sex and/or gender and ethnic background in Hong Kong, China. It also notes with concern that women migrant domestic workers continue to be subjected to the following:

- (a) Exploitation and unfavourable working conditions, including exploitatively low wages;
- (b) Abusive practices by recruitment and placement agencies, which charge exorbitant fees and sometimes confiscate passports and travel documents;
- (c) The two-week rule, which requires them to leave Hong Kong, China, upon completion of their contracts or within two weeks from the date of termination of their contract, whichever is earlier;
- (d) The live-in rule, which requires women migrant domestic workers to live with their employers;
- (e) Under a recent policy, applications for a change of employer during the first two years of a contract will not be approved except in cases of abuse or exploitation.

78. The Committee reiterates its previous recommendation ([CEDAW/C/CHN/CO/7-8](#), para. 65) and recommends that Hong Kong, China:

- (a) **Strengthen legal safeguards to protect women migrant domestic workers from discrimination and abuse by employers and recruitment and placement agencies, including by increasing labour inspections to private households, and effectively investigate and punishing exploitative and abusive practices of employers;**
- (b) **Consider extending the two-week rule to ensure that women migrant domestic workers whose contracts have been terminated have sufficient time to seek alternative employment or file claims for unpaid salaries against their former employers;**
- (c) **Repeal the live-in rule or ensure that it is available on an optional basis;**
- (d) **Harmonize legislation with the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization;**
- (e) **Ensure that complaints filed by migrant domestic workers regarding abuse or exploitation are followed up without delay by labour inspection authorities.**

Disadvantaged groups of women

79. The Committee takes note of the measures taken to promote equal opportunities for lesbian, bisexual, transgender and intersex women, including non-discrimination in the workplace. It nevertheless notes with concern that lesbian, transsexual and

transgender women and girls in Hong Kong, China, continue to face intersecting forms of discrimination, in particular in accessing education, employment and health services.

80. The Committee reiterates its previous recommendation ([CEDAW/C/CHN/CO/7-8](#), para. 69) and recommends that Hong Kong, China, continue its efforts to combat intersecting forms of discrimination against lesbian, transsexual and transgender women in employment and education and in accessing health services.

H. Principal areas of concern and recommendations: Macao Special Administrative Region, China

National human rights institution

81. The Committee takes note that Law 4/2012 amended Law 10/2000 on the Legal Framework of the Commission against Corruption. The Committee notes with concern, however, that Macao Special Administrative Region, China has not yet established an independent human rights institution, in line with the Paris Principles.

82. The Committee reiterates its previous recommendation ([CEDAW/C/CHN/7-8](#), para. 71) and recommends that Macao Special Administrative Region, China, establish within a clear time frame an independent human rights institution, with a strong mandate to promote and protect women's human rights, in accordance with the Paris Principles.

Gender-based violence against women

83. The Committee welcomes the adoption of the Law on preventing and combating domestic violence (2016), which defines domestic violence as a crime subject to ex officio prosecution and establishes reporting duties of public and private entities that provide medical services, care and nursing services and education. It further notes the creation of "Macao's Women Data" for the collection of data on all forms of gender-based violence against women. The Committee nevertheless notes with concern:

(a) The high number of complaints by victims that were dismissed by the Ombudsman of the Commission against Corruption during the period 2010–2017 for lack of evidence;

(b) The absence of data on protection and assistance measures issued and the penalties handed down by judges;

(c) The low number of shelters for women victims of gender-based violence, including domestic violence.

84. The Committee recommends that Macao Special Administrative Region, China:

(a) Ensure the effective investigation and prosecution of acts of gender-based violence against women, and ensure that perpetrators are adequately punished;

(b) Collect data on the use of protection and assistance measures issued by the Social Welfare Bureau and the penalties handed down by judges;

(c) Ensure a sufficient number of adequately funded shelters for women victims of gender-based violence, including domestic violence.

I. Applicable to all parts of China

Beijing Declaration and Platform for Action

85. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.

Dissemination

86. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the de facto official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the Parliament and the judiciary, to enable their full implementation.

Ratification of other treaties

87. 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 ratify the Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to the concluding observations

88. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (a), 36 (c), 42 (d) and 70 (a) above.

Preparation of the next report

89. The Committee will establish and communicate the due date of the tenth periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

90. 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).