



# **Convention on the Elimination of All Forms of Discrimination against Women**

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## **Committee on the Elimination of Discrimination against Women**

**Eighty-fifth session**

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**Consideration of reports submitted by States parties  
under article 18 of the Convention on the Elimination  
of All Forms of Discrimination against Women**

## **Replies of China to the list of issues and questions in relation to its ninth periodic report<sup>\*,\*\*</sup>**

[Date received: 23 February 2023]

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\* The present document is being issued without formal editing.

\*\* The annex to the present report may be accessed from the web page of the Committee.



**Note :**

This document contains the replies of the People's Republic of China to the list of questions and issues raised by the Committee on the Elimination of Discrimination against Women in March 2021. The document consists of three parts. Part I contains the replies of the Central Government of China. Part II contains the replies of the Government of the Hong Kong Special Administrative Region. Part III contains the replies of the Government of the Macao Special Administrative Region.

**Replies of the Government of China to the list of questions raised by the United Nations Committee on the Elimination of Discrimination against Women in relation to the ninth report of China on its implementation of the Convention on the Elimination of All Forms of Discrimination against Women****Part I.****Central Government of the People's Republic of China****Women's rights and gender equality in relation to the pandemic and recovery efforts**

1. In line with the Committee's [guidance note](#) on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate the measures implemented by the State party: to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies; and to ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts: effectively address and are aimed at preventing gender-based violence against women and girls; guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, particularly in the design and implementation of recovery programmes; and are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit the access of women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

Reply: In October 2022, China revised the Law of the People's Republic of China on the Protection of Rights and Interests of Women, thus providing an all-round legal basis for the protection of women's rights and interests. China's National Programme for Women's Development (2021–2030) was promulgated and implemented. It sets down 75 major objectives and 93 strategic measures in eight areas, maps women's development in the coming decade, and enlists major initiatives facilitating women and children's development.

Always putting people and their lives first, China prioritizes the protection of women's health and rights and interests in public health and economic recovery. It issues policies and guidelines, and guides institutions at all levels to ensure the accessibility of maternal health services during the COVID-19 pandemic. China strengthens category-based management and targeted guidance for pregnant and lying-in women, makes every effort in providing medical treatment for key groups of people including severely ill pregnant and lying-in women, guides local institutions to provide convenient and timely healthcare services and meet the medical needs of pregnant women and children. The physical health, social psychological needs and working environment of female frontline medical workers are paid full attention to and all measures on pandemic prevention and control for medical workers are fully implemented. Online consultations and health education are carried out on a large scale, and continuous efforts are made in improving the maternal and child healthcare system. China launches telemedicine, and provides contactless appointments, consultation and drug purchase online, offering safe, effective and accessible services for maternal and child healthcare.

China adopts a series of policies and measures to reduce the burden of medical expenses, safeguard the rights and interests of personnel combating COVID-19, strengthen the public health system, and meet the basic living needs of people in financial difficulties. For example, the medical expenses of COVID-19 patients are secured through a comprehensive package, and the subsistence allowance scheme and difficulty relief are expanded to people in difficulties affected by the pandemic. China issues policies and measures conducive to women's participation in response and recovery, such as tax relief and vocational training. For instance, it introduces financial support policies to meet the need of female entrepreneurs and has granted loans exceeding RMB120 billion to women. The All-China Women's Federation (ACWF) conducted 'Spring Breeze' Recruitment Campaign, online job fairs and other programmes, to help stabilize employment and create more job opportunities for women. Intensified efforts were made to provide skill training for women. Since 2020, over three million women across China have benefited from the training programme for female pioneers in poverty alleviation. In partnership with UN-Women, a project was implemented to support women to recover from socio-economic impacts of COVID-19, with particular emphasis on the recovery and development of women-led SMEs.

China enhances support for unpaid care. It develops community and home-based elderly care. Community elderly service centres provide eating and bathing assistance, which reduces caregivers' workload and enables them to take some rest. The personal income tax includes deduction for care expenses for children under the age of three. Employers are encouraged to introduce flexible working arrangement and working hours for pregnant and lactating employees, such as work from home online during the pandemic.

China enhances guidance on COVID-19 prevention and control for elderly women, women with disabilities, and providers of disability services, and gives more aids and support for the needy. Awareness-raising programmes on the pandemic are carried out among the elderly. Targeted pandemic prevention and control measures are implemented for old people at home, in community care centres and in care institutions. Progress is made in resolving the elderly's difficulties in daily life as well as improving their access to care and medical and mental health support. China has also made all-out efforts to treat old patients, taken steady steps in vaccinating senior citizens, and continuously improved its pandemic prevention and control policies.

China strengthens the enforcement of the Anti-Domestic Violence Law, and enhances intersectoral collaboration. It issued a joint multisectoral guideline on strengthening implementation of personal safety protection order system, specifying

in further detail mechanisms of domestic violence identification, evidence collection and joint actions. Public security authorities add reporting domestic violence into 110 Police Emergency Call System, and publish specification documents on law enforcement for community-level police. Handling domestic violence has become part of the public training courses for the police, with more than 40,000 training sessions each year. Joining hands with women's federations and community-level organizations, public security authorities have reached into rural villages and urban communities, and adopted diverse methods to settle family disputes and stop domestic violence in accordance with the law. The newly revised Law on the Protection of Rights and Interests of Women includes a provision on public interest litigation. It is stipulated that procuratorates may make procuratorial recommendations regarding acts that infringe upon women's legitimate rights and interests and undermine public interests, and may initiate public interest litigation regarding grave infringements on women's rights and interests. Application of information technology in people's courts has seen great progress, evidenced by an online platform with over 13 million users registered and over 21 million online filings received, which provides timely and readily available support for women and children victims of rights violations including violence. The "12338" women's hotline has expanded its functions, and new psychological assistance hotlines have been set up. Guidelines and online training courses on psychological consultations have been promoted, and psychological counselling services, legal literacy campaigns and legal aid for women have been enhanced. Protection of women's right to employment during the pandemic was further enhanced. Employers suspected of gender discrimination in employment will be summoned for inquiries and regulatory talks and urged to correct their discriminatory practices within a specified time frame.

### **Legislative framework**

**2. It is stated in paragraph 16 of the report that discrimination against women is still not specifically defined in legislation. Please inform the Committee about specific action taken to adopt a comprehensive definition of discrimination against women in national legislation in order to protect women, in particular ethnic minority (Uighur) women, from both direct and indirect discrimination, in line with article 1 of the Convention. Please provide information about the separate legislation that prohibits direct and indirect discrimination against women. Please inform the Committee of the number of cases of discrimination against women addressed by the relevant authorities under each of those individual laws. Please provide information on the main activities undertaken by the mechanism established for gender equality-based review of laws and policies (para. 17) and by the provincial mechanisms for a gender equality-based evaluation of regulations and policies (paras. 18 and 28).**

Reply: It is a fundamental principle enshrined in China's Constitution and other laws that everyone is equal before the law and discrimination against women is strictly prohibited. China has put in place a legal system to protect the rights and interests of women, with the Constitution as the overarching law, the Law on the Protection of Rights and Interest of Women as the major one, and other laws including the Civil Code, Criminal Law, Anti-domestic Violence Law and etc as key components. The Law on the Protection of Rights and Interests of Women, as a specific law in this area, sets out the rules on a wide range of issues for the prohibition of discrimination against women and promotion of equality between men and women. In October 2022, the Standing Committee of the National People's Congress made a comprehensive and systematic revision to the Law on the Protection of Rights and Interests of Women, which further incorporated and embodied the definition of discrimination provided in the Convention, optimized the basic institutional arrangements for gender equality, and made comprehensive provisions on prohibiting discrimination against

women. In Article 2, Chapter II, it is clearly stipulated that “the State shall take the necessary measures to advance equality between men and women, eliminate all forms of discrimination against women, and to prohibit the exclusion or restriction on women’s legitimate enjoyment and exercise of their rights and interests.” It underlines that regardless of gender, ethnicity or other factors, women should not be excluded or restricted from lawfully enjoying and exercising their rights and interests. It further stipulates the protection of women’s equal rights with men in chapters on political rights, personal and personality rights and interests, rights and interests relating to culture and education, to labour and social security, to property, and to marriage and family. The revision introduced a new chapter on remedial measures, and further stipulated targeted provisions on eliminating discrimination against trafficked or kidnapped women, preventing and redressing gender discrimination in recruitment and employment, and protecting rural women from discrimination in the exercise of their rights in inheritance, guardianship of minor children, rural collective economic organizations and other related fields. The Civil Code makes provisions to eliminate discrimination against women, protect women’s freedom of marriage and achieve gender equality on issues such as the minimum legal age for marriage, as well as child custody and division of assets in divorce. The provisions and spirit of CEDAW on prohibiting discrimination against women have been fully and effectively implemented and represented in the legal system of China.

Since 2012, 31 provinces (autonomous regions and municipalities) across China have established mechanisms of gender equality-based review of laws and policies. In 2020, a national mechanism was set up for this purpose. It organized work coordination groups and expert panels, conducted training on gender equality-based reviews, conducted research on review criteria, made arrangements for annual self-reviews and key reviews, and summarized and promoted good practices. In 2021 and 2022, key reviews were conducted on the Organic Law on the Villagers’ Committee and policies and regulations on population and childbirth, female scientists and so on; and self-reviews were carried out on 14 laws and regulations (such as the Vocational Education Law of China) and relevant policies. Jiangsu Province, for instance, conducted gender equality-based reviews of 242 regulations and policies over the past decade.

### **Data collection**

**3. Please provide information on the measures taken to collect, share and disseminate sex-disaggregated data in order to evaluate the impact and effectiveness of policies and programmes in terms of gender equality and women’s rights. Please inform the Committee whether the new fourteenth five-year development plan includes gender-responsive data disaggregated by sex, age and disability.**

Reply: China has improved the statistical monitoring system, kept advancing the establishment of sex-disaggregated indicators, prepared reports on women’s development and gender statistics analysis, disclosed data on web portals, and compiled and published gender statistics and information.

Sex-disaggregated data analysis has been strengthened, with almost 200 sex-disaggregated indicators established at various departments in their persistent efforts to introduce sex-disaggregated indicators into relevant statistics and surveys. The monitoring and analysis on the implementation of the National Programme for Women’s Development have been carried out and the annual, midterm and final statistical monitoring reports have been compiled. Gender statistics monitoring has been underway since 2020 to examine gender disparities in demographic characteristics, health and employment.

Data sharing and dissemination has been promoted. *NPAs for 2011–2020: Facts and Figures* (NPAs refer to the National Programme for Women’s Development and the National Programme for Child Development) compiled in collaboration with UNICEF was issued on the government’s new media platforms.

The 14th Five-Year Plan for Economic and Social Development (2021–2025) (hereinafter referred to as the 14th Five-Year Plan) dedicates a special section to the strategic tasks for women’s development. It also emphasizes upholding the basic State policy of gender equality, giving priority to child development, improving care and services for persons with disabilities, and effectively protecting the rights and opportunities of women, children and people with disabilities for their development. Statistics and monitoring of the National Programme for Women’s Development (2021–2030) reflects the delivery of the strategic tasks of women’s development set out in the 14th Five-Year Plan.

#### **National human rights institution**

**4. Please provide information on the measures taken to establish an independent human rights institution for China and Macao, China, to promote and protect human rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as previously recommended by the Committee.**

Reply: China has not yet established a national human rights institution referred to in the Paris Principles. Nevertheless, many departments, based on the division of their duties, undertake roles in protecting and promoting human rights, thus forming a protection network similar to the said national human rights institution. For example, the Standing Committee of the National People’s Congress (NPC) and government bodies at all levels have petition offices that receive, investigate and deal with appeals and complaints of all kinds. Supervisory authorities are responsible for monitoring government agencies and the conduct of officials, and receive, investigate and deal with relevant complaints. China’s National Ethnic Affairs Commission plays an important role in protecting and promoting the rights of ethnic minorities. Women’s federations, disabled persons’ federations and trade unions play an active role in receiving complaints and protecting the rights and interests of women, persons with disabilities and workers.

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

**5. Please inform the Committee whether the National Working Committee on Children and Women, established in January 2019 (para. 30), has a mandate to conduct gender-impact assessments of laws and implement gender equality policies. Please provide information on cooperation between the Working Committee and civil society, including during the 2016 midterm evaluation of the Programme for the Development of Chinese Women (2011–2020). Please provide information on the measures taken or envisaged to establish a mechanism for the implementation of concluding observations, taking into account the four key capacities of a national mechanism for reporting and follow-up: engagement, coordination, consultation and information management.**

Reply: The State Council set up the Coordinating Commission on the Work for Children and Women in 1990 and renamed it National Working Committee on Children and Women (NWCCW) in 1993. According to the newly revised Law on the Protection of Rights and Interests of Women, NWCCW and local working committees on children and women (WCCWs), as “institutions in charge of work for women and children of the people’s governments at or above the county level”, shall organize, coordinate, guide, and supervise relevant departments in their work to protect

women's rights and interests. NWCCW currently consists of 35 relevant ministries/commissions and people's organizations. In 2020, in accordance with the objectives of the national programme for women's development and based on local practices, NWCCW issued the Opinion on Improving Mechanisms for Gender Equality-Based Review of Laws and Policies, making it clear that NWCCW shall organize, coordinate, guide, and supervise the gender equality-based review of laws and policies, with its member organizations bearing the primary responsibility for the work. The newly revised Law on the Protection of Rights and Interests of Women also has provisions on the review, further providing a legal basis for this work.

NWCCW continues to strengthen cooperation with civil society organizations. Adhering to a transparent decision-making approach to developing the National Programme for Women's Development (2021–2030), it held 39 symposia, consulted 412 experts in relevant fields, collected over 28,000 public inputs online, and invited third-party professionals to evaluate the implementation of the programme. It organized a supervision team of more than 150 experts in 2016, and pulled their wisdom and strength to address key issues and difficulties in women's development. It also goes into research institutions and grassroots social organizations to solicit views and suggestions, providing a basis for formulating policies and measures for women's development. NWCCW and relevant departments, within their mandates and under their respective working mechanisms, promote implementation of the concluding observations. The outcomes are presented in the ninth periodic report submitted by China.

#### **Temporary special measures**

**6. It is indicated in paragraph 36 that the Electoral Law of the National People's Congress and Local People's Congresses, as revised in 2015, stipulates that "deputies shall comprise an appropriate number of women, who shall account for an increasingly larger percentage". Please inform the Committee about measures taken to define the appropriate representation of women and the timeline for achieving such representation. Please also inform the Committee about the extent to which article 25 of the Organic Law of the Villagers' Committees, stipulating that women "shall constitute no less than one third of the membership of the villagers' assembly", is implemented in practice throughout the country and whether there is an implementation plan with time-bound targets. Regarding Hong Kong, China, please inform the Committee about the measures taken to accelerate the representation of women in decision-making positions at all levels.**

Reply: The Electoral Law stipulates that deputies to the people's congresses at all levels shall comprise an appropriate number of women, who shall account for an increasingly larger percentage. The newly revised Law on the Protection of Rights and Interests of Women further provides that "there shall be an appropriate number of women deputies" and that "the State takes measures to gradually increase the proportion of women among deputies to the National People's Congress and local people's congresses at various levels". To this end, efforts have been made to improve the nomination and recommendation of women candidates. In making decisions on deputy quota and election, each Congress would determine principles and requirements concerning the proportion of women deputies ever since the 7th NPC. In the 13th NPC (2017), women accounted for 24.9 percent, 1.5 percentage points higher than that in the previous Congress. In the recent elections for people's congresses at the county and township levels, women accounted for 31.64 percent and 32.36 percent among elected deputies, 3.23 and 4.34 percentage points higher than that in the previous congress, respectively.

The Ministry of Civil Affairs and other relevant departments actively implement the Organic Law of the Villagers' Committees, with full attention to the participation of women throughout the process of the planning, mobilization, and supervision of implementation. Synergies have been built with women's federations to include an increasing number of excellent women in villagers/residents' committees. The proportion of female members of villagers/residents' committees now exceeds 40 per cent.

### **Stereotypes and harmful practices**

**7. Please inform the Committee about the measures taken to regularly monitor, review and assess the impact of the efforts made to eliminate gender stereotypes, and about the government entity responsible for those measures. It is stated in paragraph 44 that, in order to curb the increasing imbalance in the sex ratio at birth to the disadvantage of girls, "countrywide special operations have been conducted to hold entities and individuals involved in these practices accountable in accordance with the law". Please inform the Committee how these measures take women's rights into consideration and do not result in further abuse and discrimination against women.**

Reply: Improving the environment for women's development and eliminating gender-based discrimination are incorporated in the National Human Rights Action Plan for the periods 2016–2020 and 2021–2025, as well as enlisted as two important objectives of the national programmes for women's development for the periods 2011–2020 and 2021–2030. They have become a State will and a social norm. The National Human Rights Action Plan joint meeting mechanism and NWCCW are respectively responsible for supervising and regularly assessing the implementation and releasing reports.

Publicity campaigns have been initiated to promote the progress in the advancement of women and women's image in the new era. Guidance has been provided for radio and TV broadcasters and online audio-visual platforms to offer excellent works, including women-themed audio/visual programmes, TV series and web series. Female role models such as Best Women Workers and National March 8th Red-Banner Pacesetters have been widely promoted to raise the awareness of women's important roles in society and family life and their courage and pursuit of dreams in the new era.

Measures have been taken to provide more channels for women to voice their opinions and concerns and for the media to widely disseminate the concept of gender equality. Mainstream media organizations are encouraged to continue advocating equality between men and women, and opposing such outmoded marriage customs as excessive spending on dowries and extravagant wedding ceremonies. Media platforms under women's federations at all levels, as an effective channel for women's voices to be heard, actively advocate gender equality. Regulations and ethical and cultural progress campaigns have been introduced to facilitate the transformation of outdated customs and abandoning of harmful practices. Villages are encouraged to include transforming outdated customs and abandoning harmful practices in village regulations and folk conventions.

China implements the Decision of the CPC Central Committee and the State Council on Improving Childbirth Policies to Promote Long-Term and Balanced Population Development and the newly revised Population and Family Planning Law. Comprehensive measures have been taken to reduce sex ratio at birth, including stringent investigation and penalty on agencies and employees conducting foetal sex identification for non-medical purposes or sex-selective abortion. Social advocacy campaigns have been carried out to eradicate the prejudices of son preference and



male superiority, foster new marriage and fertility culture, and advocate for reducing burden related to pregnancy and childbirth, child rearing and education, as well as shared parenting, paternity leave, and building a fertility-friendly society, creating a conducive environment for gender equality, healthy childbirth and child rearing, less burden on women, and shared responsibilities for childcare by the whole society.

### **Gender-based violence against women**

**8. In relation to paragraphs 21 and 22, please provide information on the number of reported cases of violence against women, including domestic and sexual violence, and the number of offenders prosecuted and punished, disaggregated by offence. Please clarify how the reform of family trials referred to in paragraph 23 effectively protects women's rights and ensures that criminal legislation is applied to cases of domestic violence against women. It is stated in paragraph 46 that, "by the end of 2018, courts in China had issued 3,718 restraining orders, effectively curbing the occurrence of domestic violence". Please provide updated information on the number of protective orders requested from the courts. Please provide information about the availability of sufficient and adequately equipped shelters for women who are victims of violence at the local level.**

Reply: Giving full play to the roles of public security authorities, civil affairs authorities, women's federations and relevant social organizations, a society-wide, multi-dimensional anti-domestic violence framework is taking shape. Since the Anti-Domestic Violence Law came into effect in 2016, people's courts at all levels have issued restraining orders in accordance with the law, providing a judicial guarantee for women victims. Since 2018, the courts have dealt with more than 16,000 cases requesting restraining orders. By the end of December 2022, courts across China have issued nearly 15,000 restraining orders, demonstrating a year-on-year increase. Documents have been introduced to further refine the mechanisms for domestic violence identification, evidence collection and joint action mechanisms, specify the forms of evidence and proof standards for cases requesting restraining orders, and establish more stringent penalties against violations of the restraining orders. Crimes against women and children are severely punished. In 2021, procuratorates prosecuted in more than 30,000 cases for crimes of maltreatment, rape, coercive acts of indecency and insult.

Over 2,000 family divisions and centres in courts have been set up across China. The joint action mechanisms have been refined in terms of family disputes investigation and psychological counselling, in a bid to safeguard, to the utmost extent possible, the lawful personal and property rights and interests of women. Enhanced follow-up and revisit measures are applied to women involved in such cases, especially those relating to domestic violence. A number of actions have been improved, covering counselling and psychological intervention, family dispute investigation, pre-litigation mediation, social care, follow-up and revisit measures, etc, with a shift of focus from protecting women's personal and property rights and interests to fully considering their dignity, safety and psychological well-being. "Roundtable courts" that consider the characteristics of family trials are being established, in which family mediation rooms, sand table rooms, observation rooms with one-way mirror, counselling rooms, among other supporting facilities, are built to provide more differentiated and targeted protection for women. Since 2021, the Supreme People's Court has worked with UN Women to carry out a three-year research programme on combating domestic violence.

The Anti-Domestic Violence Law stipulates that where perpetrators commit domestic violence and such act constitutes a violation of the public security administration regulations, administrative penalties shall be given in accordance with

the law; where a crime is constituted, criminal liabilities shall be pursued in accordance with the law. Definitions of domestic violence that constitutes a crime and corresponding criminal liabilities are included in the Criminal Law.

Local civil affairs authorities and assistance institutions have generally set up shelters from domestic violence, providing victims seeking help or being escorted by public security or other departments, who are facing threats to their own safety and temporarily suffering from homelessness and other difficulties caused by domestic violence, with access to temporary shelters and relief services, including accommodation, referral and reintegration, legal aid, marriage and family dispute mediation, among others, so as to defend the rights and interests of victims of domestic violence and ensure their physical safety.

### **Trafficking and exploitation of prostitution**

**9. Please provide updated information on the prevalence of trafficking in persons throughout the territory of the State party. Please provide data, disaggregated by sex and age, on trafficking in women and girls, including with regard to the number of victims, cases investigated, offenders prosecuted, sanctions issued and assistance, including shelters and rehabilitation services, provided to victims. Please inform the Committee about the main results concerning women and girls of the action plan for combating trafficking in persons (2013–2020) (para. 53). In relation to paragraph 56, please provide information on the number of women and girls who received legal aid and psychological counselling for victims of trafficking and assistance and reintegration services. Please inform the Committee about the measures taken to provide compensation to women in prostitution who were subjected to re-education through labour and to abolish the custody and education programme to avoid the arbitrary detention of women in prostitution.**

Reply: Anti-trafficking actions are ongoing to combat the crime in a severe manner. Continued efforts have been made to strengthen anti-trafficking exchanges and cooperation with other countries and regions. Offenders who buy trafficked women and children or refrain from or hinder the rescue efforts will be prosecuted and rigorously punished in accordance with the law. From 2013 to September 2022, 18,000 cases of trafficking were cracked nationwide. The number of cases in 2021 registers an 86.2 per cent decline from the figure in 2013. During a campaign in the same year to address the cases of child trafficking, over 11,000 missing children were found and 1,124 suspected perpetrators arrested. In 2021, 1,135 offenders were prosecuted by procuratorates on the charge of women and children trafficking, a decrease of 52.6 per cent from 2013.

Assistance for trafficked women and children are actively carried out. Category-based aids are provided. Those who suffer from illness will be timely sent to hospital; those who have clear household registration information will get help in returning to their homes and solving their life difficulties; and those who do not have identification will be offered with the multi-channel family tracing service. Daily schedules and cultural and sports activities are properly arranged according to their physical and mental conditions, and qualified institutions also provide counselling, legal education, legal aid, and skills training, and compulsory or alternative education for children. Women's federations organize visits to rescued women and children on a regular basis. The National Rescue Information System for Homeless Persons and Beggars and the National Rescue and Search Network have been upgraded to apply facial recognition and location-based pop-up alert for missing persons, thus building capacity in aid and family tracing, including for the rescued victims.

Legal aid for women, including trafficked women, has been improved. Legal aid institutions nationwide handled over 945,000 legal aid cases for women and over 381,000 cases for minors from 2019 to 2021.

By 2020, more than 70,000 legal aid stations had been set up at legal aid centres in townships (towns/sub-districts), courts, arbitration and public complaints agencies. From 2011 to 2020, over 3.29 million legal aid cases for women were handled, helping more than 3.307 million women and providing legal advice for more than 13.01 million women. The Legal Aid Law became effective in 2022.

In December 2019, the Decision of the Standing Committee of the NPC on Repealing Relevant Provisions of Law on Custody and Education and the Custody and Education System was adopted and implemented. The second and fourth paragraphs of Article 4 of the Decisions of the Standing Committee of the National People's Congress on Prohibiting Prostitution and Whoring and the custody and education system based thereon were abolished.

**10. Regarding Hong Kong, China, it is stated that the State party does not plan to extend 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 (CEDAW/C/CHN-HKG/9, para. 49). Please provide information on the measures taken to provide adequate protection and redress to women and girls who are victims of trafficking. Please also provide information on the measures taken to address the root causes of trafficking in women and girls, to undertake a comprehensive study with a view to collecting data on the extent and forms of such trafficking and to adopt comprehensive anti-trafficking legislation. Please also provide information on the measures taken to protect women in prostitution from abuse, exploitation and violence by clients and to make exit programmes available. (See Part II)**

#### **Participation in political and public life**

**11. The data provided indicate that women, including women from ethnic minorities and women with disabilities, remain seriously underrepresented in legislative bodies, decision-making positions and public institutions at both the central and local levels (paras. 60–61, 63 and 65). Please inform the Committee about the measures taken to accelerate women's full and equal participation in elected and appointed bodies, including in decision-making positions at all levels. Please provide information about the investigations conducted into cases of violence and abuse against women who stand for election as independent candidates, and about the prosecution and punishment of perpetrators.**

Reply: Article 7 of the Election Law of the National People's Congress and Local People's Congresses of the People's Republic of China (revised in 2020) stipulates that deputies to the National People's Congress and local people's congresses shall comprise an appropriate number of women, who shall account for an increasingly larger percentage. The newly revised Law on the Protection of Rights and Interests of Women provides that efforts shall be taken to cultivate and select female officials, especially ethnic minorities. On the one hand, state organs, people's organizations, enterprises and public institutions should ensure that the principle of gender equality is embedded in the training, selection and appointment of officials and women are appropriately represented in leadership positions. On the other hand, women's federations and their group members are entitled to recommend female leader candidates to state organs, people's organizations, enterprises and public institutions. The Report to the 20th National Congress of CPC put forth that China "will attach importance to cultivating and selecting female officials and give full play to their

important role". The Constitution of the Communist Party of China revised in October 2022 stipulates that, "The Party attaches great importance to the cultivation and promotion of female officials and ethnic minority officials." The National Programme for Women's Development (2021–2030) proposes 10 objectives and 10 strategic measures regarding the following items, which provide a stronger institutional guarantee for women's participation in political life: women's representation in the people's congresses and their standing committees at all levels, and in the people's political consultative conferences and their standing committees at all levels; women's representation in leadership positions at all levels; women's representation in the Party and the Party congresses; and women's participation in the management of primary-level democracy and primary-level governance.

The identification, cultivation and selection of female officials are integrated into the overall planning and coordinated arrangements for leadership. More targeted trainings are available to continuously enhance the expertise and leadership skills of female officials. Promising female officials are assigned to important departments and positions for practical experience. The participation of female officials in leadership teams at all levels is ensured to leverage their important roles. For example, in 2018, the proportion of leadership teams with female officials reached 90.3 per cent, 91.2 per cent and 92 per cent at provincial, municipal and county levels, respectively. Governments at or above the county level have seen an ever increasing number of female officials in leadership positions. Party committees and residents' committees at village-and community-level as well as leadership teams of sub-districts, townships and towns have seen a higher representation of women. In recent years, the proportion of female deputies to the Party congresses at all levels has surpassed that of the previous congresses. Women account for 27 per cent among deputies to the 20th National Congress of the CPC, 2.8 percentage points higher than in the 19th Congress. The number and percentage of female civil servants is rising. Law-based measures are taken to ensure female civil servants have non-discriminatory, equal access to elected or appointed leadership positions and promotion opportunities.

China attaches great importance to the participation of ethnic minority women in politics and decision-making. Women of ethnic minorities participate in political, national and social affairs administration at a significant higher level. The number of female officials from ethnic minorities, including those at or above the county level, has grown steadily. Take Xinjiang for example. The number of female officials in the region increased from over 16,000 in 1955 to 460,600 in 2019, with a rising percentage in leadership at all levels. Women's representation in the people's congresses at regional, prefectural, county/district and township levels amounts to 32.46 per cent, 28.36 per cent, 29.03 per cent, and 29.29 per cent, respectively.

China actively promotes the participation of women with disabilities in political and public life. There are clear stipulations for each step in the recruitment of persons with disabilities, covering preparation and release of the recruitment plan, examination, medical check-up, internship, and disclosure of candidates to be recruited for public supervision. Responsibilities of employers, disabled persons' federations at all levels and individuals with disabilities have been established, with specific supervision and relief measures in place. According to incomplete statistics, by the end of 2021, 421 women with disabilities were serving as deputies to people's congresses and people's political consultative conferences at or above county level, an increase of over 30 per cent from 2016.

All citizens of the People's Republic of China who have reached the age of 18--with the exception of those persons deprived of political rights in accordance with the law-- have the right to vote and stand for election. The principles that apply in China's direct and indirect elections are universal suffrage, equal rights, multiple

candidates, and secret ballot. The right to vote is ensured for all citizens in accordance with the law.

**12. Regarding Hong Kong, China, please provide information on the measures taken to expedite the representation of women in politics. Please also provide information on the measures taken to protect women and girls from violence and harassment when participating in peaceful demonstrations, particularly during the protests in 2019. (See Part II)**

#### **Women human rights defenders and women's non-governmental organizations**

**13. Please provide information about the measures taken to ensure that women human rights defenders may provide information to the Committee without fear of reprisals, the investigation into allegations of State censorship of reports submitted by non-governmental organizations to the Committee and the measures taken to enable direct registration of non-governmental organizations without sponsorship.**

Reply: It is an important principle stipulated in China's Constitution that "the state shall respect and protect human rights". Chinese citizens enjoy extensive rights and freedom endowed by law. The Chinese government ensures the legitimate rights and interests of its citizens and foreigners in China. There is no reprisal against cooperators with human rights treaty bodies. China is a country under the rule of law, and everyone is equal before the law. Anyone who carries out illegal or criminal activities shall be punished according to law, regardless of their status or occupations. This is the case in every country.

In 2016, the Chinese government formulated a document on reforming the management of social organizations, stipulating that industry associations, chambers of commerce, and social organizations concerning science and technology, public welfare and charity, and urban/rural community services may be established directly through registration with civil affairs authorities according to the law. Women who would like to establish the above-mentioned social organizations can directly apply to relevant civil affairs authorities. The Chinese government has made vigorous efforts to develop community-based and social organizations, put forward supporting measures and guided local authorities to include women-serving organizations into the scope of support. Through diverse actions including incubation mechanisms and providing funds, venues and policy guidance and etc., community-based and social organizations have been encouraged and given incentives to provide more services for women.

#### **Education**

**14. It is stated in paragraph 75 that special measures were taken to prevent rural girls from dropping out of compulsory education. Please provide updated data on the rate of completion of compulsory education for girls living in rural areas, including girls whose parents migrated to urban areas, and for Tibetan and Uighur girls. Please also provide information on the provision of mother tongue education to non-Chinese-speaking students. Please inform the Committee about measures taken to increase the participation of women in government-subsidized vocational training, which according to paragraph 80 of the report stands at 39.92 per cent. Please provide data on the percentage of girls and women with disabilities with access to education, disaggregated by level of education and by whether the education is separate or inclusive. Please inform the Committee about measures taken to ensure that bilingual education in the Xinjiang Uighur Autonomous Region guarantees the right of Uighur girls to be taught in their mother tongue and to learn about their culture and religion.**

**Please provide information about the ban on the use of the Uighur language in schools in Hotan Prefecture, in a school in Kashgar and in Kalpin County in Aksu.**

Reply: The Chinese government has adopted a series of measures, including formulating policy documents, establishing intersectoral coordination and accountability mechanism, setting up working records on dropout students and etc, to resolutely prevent school dropout, and has achieved historic resolution of the long-standing problem of school age children including girls dropping out of school. Since 2022, the dropout rate of children (including girls) from registered poor households now out of poverty have been kept at zero.

China has made active efforts to improve policies on education for children (including girls) who live with their migrant worker parent(s) in cities, emphasizing the responsibilities of the governments of the cities where they migrate into. These children receive education mainly in public schools and their access to education is covered by the development plans and financial budgets of relevant cities, thus guaranteeing their equal access to compulsory education and to education grants with local resident students. In 2021, 90.9 per cent of children living in cities with migrant worker parent(s) studied in public schools or filled the slots purchased by the government in private schools.

Efforts have been stepped up to improve access to preschool education and to promote balanced development of compulsory education in ethnic minority areas. The nine-year compulsory education system (primary school–junior high school) is in place in all ethnic minority areas. Up to 15 years of education (preschool–senior high school) has been provided in the Tibet Autonomous Region and the Xinjiang Uygur Autonomous Region free of charge. Universal access to schooling has been achieved for school-age children and teenagers throughout Xinjiang with gender equality fully ensured. By 2020, the gross enrolment rate of preschool education institutions has reached 98.19 per cent and its preschool education availability ranks among the highest in China; the retention rate of nine-year compulsory education and gross enrolment rate of high schools are 95.69 per cent and 98.87 per cent, respectively, both higher than the national average.

China attaches great importance to safeguarding the right of ethnic minority students to learn the national common language and their own ethnic languages. According to laws and regulations such as the Law on Regional Ethnic Autonomy and the Education Law of China, primary and secondary schools in ethnic minority areas, while opening class on Chinese language, shall open classes on languages of ethnic minorities in accordance with the local situation. The central government has set up special funds to support ethnic minority areas to compile textbooks in ethnic minority languages, carry out teachers' training on relevant courses of ethnic minority languages, and develop online teaching platforms and learning resources for ethnic minorities language education.

It is the responsibility and obligation of every Chinese citizen to learn and master the Chinese language, which is conducive to enhancing the quality and efficiency of learning scientific and cultural knowledge, and is favourable for students of all ethnic groups to get employed, be integrated into modern life and achieve personal development, as well as to promote communications and exchanges among people of all ethnic groups and enhance ethnic harmony. There is no conflict between learning the Chinese language and languages of ethnic minorities. Students of ethnic minorities can learn and master languages of their own and other ethnic groups by taking school lessons on ethnic minority languages.

The Xinjiang Uygur Autonomous Region protects the legal rights of people of all ethnic groups to use and develop their own languages. In accordance with the

national standard for curricula design and the wish of students and their parents, local primary and secondary schools offer Uyghur, Kazak, Mongolian, Kirgiz and other spoken and written language courses. Bachelor's, master's and doctor's degree programmes on ethnic minority languages and literature are also provided in institutions of higher learning. These efforts guarantee the right of ethnic minority students to learn and use their own languages and facilitate the inheritance and development of languages and culture of ethnic minorities.

Respect for and protection of the freedom of religious belief is a basic national policy that the Chinese government has long been pursuing. Normal religious activities such as attending religious services, worshipping Buddha, attending Mass, praying and chanting are managed by religious groups and the believers themselves. Such activities are protected by law, and no organization or individual may interfere. As minors, ethnic minority girls have the right to learn about their own culture under the supervision of their guardians, which is protected by law. Islamic, Buddhist, Taoist and Protestant classics have been translated and published by the State in multiple languages. Over 40 Islamic publications in ethnic minority languages are available in Xinjiang.

Vocational training for women has been promoted. The Action Plan for Vocational Institutions to Implement Vocational Training Facilitating Employment and Entrepreneurship has been formulated, and support has been provided to vocational institutions to collaborate with local human resources and social security authorities, trade unions, Communist Youth League organizations, women's federations and other people's and social organizations, to develop training programmes targeting long-term unemployed youth, left-behind women in rural areas, and older unemployed persons. Great efforts are made to promote women's skill training. Since 2020, over three million women across China have benefited from the training programme of female pioneers for poverty alleviation.

**15. Regarding Hong Kong, China, please provide information on the percentage of girls and women in schools, disaggregated by year and by whether the schools are public sector ordinary schools or special schools. (See Part II)**

### **Employment**

**16. Please inform the Committee about the measures taken to adopt legislation enforcing the principle of equal pay for work of equal value in order to reduce the gender pay gap. Please provide information on efforts made to equalize the retirement age between men and women and ensure equality with regard to old-age pensions. Please clarify whether the Circular on Further Regulating Recruitment Practices to Promote Women's Employment (para. 92) establishes employer liability for sexual harassment in the workplace. Please inform the Committee whether the Civil Code, adopted in May 2020, provides clear guidelines for the implementation of the provisions to combat sexual harassment at work and protect women victims. Please indicate how the Circular addresses maternity-related gender discrimination in employment. Please specify what work is prohibited for women (para. 91) and what the family planning requirements mentioned in paragraph 93 are. According to information before the Committee, women disproportionately carry out housework, which affects their economic participation. Please inform the Committee about measures taken to address this imbalance. Please provide information on measures taken to independently investigate reports of forced labour among Uighur women, particularly in the textile, apparel production and cotton-picking industries. According to information before the Committee, only domestic workers who have labour contracts with domestic service companies are protected under the Labour Law of 1994. As 90 per cent of domestic workers do not have such**

**contracts and women account for 96 per cent of domestic workers, please inform the Committee how the labour rights of women domestic workers are protected.**

Reply: The Constitution clearly stipulates equal pay for equal work between men and women. The Labour Law and the Labour Contract Law make specific provisions on equal pay for equal work in terms of wage distribution and determination of remuneration for newly recruited workers and dispatched workers. The newly amended Law on the Protection of Rights and Interests of Women contains targeted provisions addressing the special conditions of women, preventing women from being subjected to discriminatory treatment due to marriage, maternity or retirement, thus better ensuring equal pay for equal work. In recent years, China continuously strengthens guidance for implementation of equal pay for equal work, urging employers to pay equal wages for workers doing the same job, exerting an equal amount of labour, and delivering the same performance, and promotes a gradual income growth for women workers on the basis of economic development.

Currently, the statutory retirement age is 60 for male, 50 for ordinary female workers, and 55 for female cadres. Qualified female senior experts and senior civil servants may voluntarily choose to extend their retirement age as appropriate. During the 14th Five-Year Plan period, the statutory retirement age will be raised in a phased manner.

China's current basic old-age insurance system protects the insured persons' legal rights and interests regardless of gender, ethnicity, household registration status or nationality. The insured retirees receive pension according to the number of years they have paid the premium before retirement, the level of contribution, the retirement age and other factors in line with the principle of correspondence between rights and obligations.

The Civil Code specifies the recognition criteria for sexual harassment as well as the obligations of authorities, enterprises, schools, and other institutions to prevent and stop sexual harassment, providing clear guidelines for implementation of the provisions to prevent sexual harassment in the workplace and protect women victims. The newly amended Law on the Protection of Rights and Interests of Women further refines the specific duties that schools and employers shall perform to prevent and stop sexual harassment and stipulates the remedies and legal responsibilities in this regard. In 2021, All-China Women's Federation issued *Guidebook on Preventing and Addressing Sexual Harassment in the Workplace*, and promoted its implementation through livestreaming classes and other forms of extensive publicity.

The Circular on Further Regulating Recruitment Practices to Promote Women's Employment specifies and stipulates that employers and human resources service agencies shall not limit or give preference to any gender, restrict or reject candidates due to gender, ask women about their marital or childbearing status, require new employees to take pregnancy tests, make restrictions on childbirth as a condition of employment, or differentially raise the hiring standard for women. These constitute specific manifestations of gender discrimination in employment. The newly amended Law on the Protection of Rights and Interests of Women clearly prohibits discrimination against women in the job market, improves protection for pregnant and breastfeeding women, increases remedies for gender discrimination in employment, and broadens the scope of labour protection supervision. A multi-agency joint inquiry mechanism has been established, and public interest litigation may be filed against infringements on women's equal employment rights and interests. Revised childbirth policies are in effect. Special inspections are carried out jointly by multiple departments to protect female workers' maternity rights and interests.

The Special Provisions on Labour Protection of Female Employees has been issued to protect the health of female employees by reducing and resolving the special



difficulties they may encounter at work due to their physiological conditions. Its appendix stipulates that female workers are prohibited from engaging in underground work in mines, work of Grade-IV physical labour intensity as prescribed by China's Classification on Intensity of Physical Work, work with more than six loadings per hour with each load exceeding 20 kilograms, or work with loadings exceeding 25 kilograms intermittently. The appendix also regulates the tasks prohibited for female workers during menstruation, pregnancy, and breastfeeding period.

Book Five of China's Civil Code, Marriage and Family, provides for the spouses' equal involvement in family duties and the compensation for additional housework. On this basis, the newly amended Law on the Protection of Rights and Interests of Women makes more targeted provisions. In 2021, China adopted the Family Education Promotion Law, which prescribes that the State and society shall provide guidance, support and services for family education. Active efforts have been made to guide and encourage employers to build family-friendly workplaces, incorporate staggered working hours and other flexible work practices into collective contracts including special collective contracts on the protection of rights and interests of women workers, provide child care services, and establish wellness and lactation rooms for female workers wherever necessary, so as to help employees relieve the pressure of care-giving and better balance work and family responsibilities. China continues to promote gender equality and family virtue building, and encourages men and women to share household work, care-giving and other family duties.

China fully respects the wishes of workers, actively practises international labour and human rights standards, implements labour laws and regulations, and safeguards the legitimate rights and interests of workers. Workers of all ethnic groups in Xinjiang choose jobs on their own will, sign labour contracts with employers and receive remuneration on the principles of equality, free will and consensus, without any coercion and in accordance with laws and regulations such as the Labour Law and the Labour Contract Law.

China actively safeguards the rights and interests of workers, including domestic workers, and strengthens prevention and law enforcement supervision of illegal practices, in accordance with the Labour Law and administrative regulations including Regulations on Labour Security Supervision and the Regulation on Ensuring Wage Payments to Migrant Workers. China has issued opinions on upgrading and expanding domestic services, which provide for better social security and public services to domestic workers, optimizing training systems, strengthening the protection of their rights and interests, commending model workers and raising social recognition for domestic workers. For example, Beijing launched mutual aid insurance packages for workers including those in domestic services, Zhejiang Province encouraged different groups of workers including domestic workers to join trade union organizations through different channels, and Nanjing and Taiyuan promoted collective bargaining in domestic services industry, and achieved positive results.

**17. Regarding Hong Kong, China, please provide information on the results of the review on improving statutory maternity leave (CEDAW/C/CHN-HKG/9, para. 89) and on the proposed increase of statutory paternity leave to five days (ibid., para. 91). Please provide information about the work of the Labour Department Division dedicated to foreign domestic helpers (ibid., para. 113). (See Part II)**

**Health**

**18. Please provide information on the measures taken to provide free, friendly and confidential family-planning measures to all women, regardless of their marital status and age, and on the measures taken to provide comprehensive sexual and reproductive health education in schools. Please also provide information about non-coercive measures taken to protect and promote the sexual and reproductive health rights of Uighur women, including the right to freely decide on the number of children that they have, and about measures taken to investigate the reports of alleged coercive family planning practices in the Xinjiang Uighur Autonomous Region. Please provide updated information on the number of women living with HIV for the past three years, disaggregated by year, and on the measures taken to eliminate institutional discrimination in relation to those women in health-care settings. Please provide information about the measures taken to abolish illegal practices such as forced abortion and forced sterilization.**

Reply: Basic contraceptive services have been incorporated into the national basic public health programmes. Equitable access to contraceptive services has been vigorously promoted. Actions have been stepped up to publicize reproductive health information and health education with extensive consultation and guidance and the introduction of contraceptives into communities through means such as dispensing machines to improve accessibility and reduce unwanted pregnancies. Efforts have also been made to integrate reproductive health into health management for women and raise the awareness and capability for people of child-bearing age. To better cater to the needs of the public, local institutions have been distributing contraceptives through both online and offline channels.

China has incorporated the all-round improvement of students' health literacy and accomplishment into a high-quality education system. Guidance was given to local educational administrative authorities and schools to incorporate high-quality life safety and health education in courses, textbooks and teaching activities. Schools are encouraged to establish health education centres, equip health professionals and provide high-quality health education and services. Lectures on girls' physical and mental health are delivered, and intensified efforts are made to enhance the popularization of physiological and reproductive knowledge and psychological counselling to adolescents. Health educators are trained to enhance their expertise and further ensure the effectiveness of health education in schools.

China protects and safeguards the reproductive rights and interests of all ethnic groups including the Uygurs on an equal footing. The policy of family planning is implemented in Xinjiang in accordance with the law. People are free to choose safe, effective and proper contraception methods. There is no coercive family planning. In 2021 the three-child policy was introduced, restrictive measures such as social maintenance fees were canceled, relevant penalties were abolished, and more supportive measures for childbirth were rolled out. The Xinjiang Uygur Autonomous Region revised its Regulations on Population and Family Planning, stipulating that the autonomous region adopts an equal family planning policy for all ethnic groups, that all citizens have reproductive rights and obligations to practise family planning according to law, and that both husband and wife shall have the duty to practise family planning. The regulations specify that each couple may have three children, and the work on population and family planning should be synergized with economic development, people's prosperity and family wellbeing, as well as with enhancing women's education and employment opportunities, health and status.

Article 18 of the Population and Family Planning Law prescribes that the State advocates marriage and childbearing at a proper age and good bearing and rearing of

children. One couple may have three children, and those who meet the conditions set out in relevant laws and regulations may make request for having more children. Article 19 clearly stipulates that the State shall create conditions to ensure that citizens have knowledge and choose safe, effective and appropriate contraception measures. Family planning procedures shall ensure the safety of the recipients. The law applies equally to all ethnic groups and regions.

China has formulated laws and regulations with clear anti-discrimination provisions. According to the Regulation on the Prevention and Treatment of HIV/AIDS, no organization or individual may discriminate against people with HIV/AIDS and their families. Their legitimate rights and interests, such as marriage, employment, medical treatment, and education, are protected by law. The state has formulated relevant policies such as the “Programme of Four Frees and One Assistance”,<sup>1</sup> which has greatly improved the life of HIV-infected people, with their disease brought under effective control and living standards notably enhanced. Cooperation with social organizations has been enhanced, and effective publicity and mobilization campaigns have been carried out, creating a friendly environment free of discrimination for people with HIV/AIDS.

### **Rural women**

**19. According to information before the Committee, a high proportion of women in rural areas, particularly in northern China, do not have contracted land or homestead rights. Please provide updated information in this regard. Please inform the Committee about the number of instances in which the township-level government has annulled a decision by the villagers’ assembly that violated women’s rights, or of any other mechanism available for reviewing or appealing against the rules of villagers’ assemblies. Please provide information about specific action taken to promote women’s participation in the design and implementation of national policies on climate change and disaster risk reduction, in line with the Committee’s general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.**

Reply: The Law on Land Contract in Rural Areas amended in 2018 stipulates that in undertaking land contracts in rural areas, women shall enjoy equal rights with men, and the members of a rural household shall equally enjoy all rights and interests with regard to the contracted land according to law. No organization or individual may deprive or infringe on women’s legitimate rights to land contractual management, which they are entitled to. It is prescribed that the land contracting rights of women who get married or divorced and those bereaved of their husbands shall be safeguarded. According to the newly amended Law on the Protection of Rights and Interests of Women, women shall enjoy equal rights with men in the confirmation of membership in rural collective economic organizations, the contracted management of land, distribution of proceeds of collective economic organizations, indemnities

<sup>1</sup> The “Four Frees and One Assistance” policy is specified in the Regulation on the Prevention and Treatment of HIV/AIDS amended in 2019. The “Four Frees” refer to 1) providing rural AIDS patients as well as urban ones in financial difficulties with free antiretroviral medication; 2) providing HIV-infected people and AIDS patients in rural areas and those in financial difficulties in urban areas with free or low-cost medication against opportunistic infections; 3) providing voluntary counselling and testing for free; and 4) providing HIV-infected pregnant women with free treatment and counselling for the prevention of mother-to-child transmission. The “One Assistance” means that people’s governments at and above county level shall provide assistance to HIV-infected people, AIDS patients and their families who are living in difficulties. For those HIV-infected people and AIDS patients who are willing and able to work, the relevant departments of the local people’s governments at and above county level shall create conditions to support them.

and resettlement for land expropriation or indemnities for land requisition and use of homestead. In actual practice, local authorities implement provisions of the Law on Land Contract in Rural Areas and policies on the determination, registration and certification of land contract and management rights, and women have their names inscribed in the registration book and the land right certificate, ensuring that ‘women have their names on certificates and have rights under their names’.

The newly amended Law on the Protection of Rights and Interests of Women stipulates that “villagers’ charters of self-government, village regulations and folk conventions, the decisions of villagers’ meetings and villagers’ representative meetings, and other decisions concerning the interests of villagers may not infringe upon a woman’s rights and interests in the rural collective economic organizations on the grounds that a woman is unmarried, married, divorced, widowed, or has no male family member, among others”. In the new round of villagers’ committee elections, over 400,000 villages introduced more provisions and relevant contents on safeguarding the rights and interests of women and children to their newly revised village regulations and folk conventions, under the guidance of their villagers’ committees and village Party branches.

China implements a national strategy to actively respond to climate change, striving to help vulnerable populations get better prepared for climate risks. The National Climate Change Adaptation Strategy (2014–2020) and the National Climate Change Adaptation Strategy 2035 have been issued, with special attention paid to vulnerable populations that are susceptible to climate change in terms of health. The strategies call for enhancing risk prevention capabilities of children, pregnant women, patients with chronic diseases, elderly people at or above 65 years, and the poor urban population. In the formulation, implementation and evaluation of the policies, programmes and projects in response to climate change, women’s needs, aspirations and roles are fully taken into account. Women’s voices are heard and they are encouraged to fully participate on an equal footing. Nearly half of the members of the National Climate Change Adaptation Strategy 2035 compiling expert panel are women. In China, for every 100 men doing research on net-zero carbon emissions, there are 56 women doing the same, higher than the world’s average of 36, and China’s female scientists are 2.4 times more active than the world’s average in this field of research activities, according to international statistics.

### **Lesbian, bisexual, transsexual and transgender women**

#### **20. Please provide information about the measures taken to combat discrimination against lesbian, bisexual, transsexual and transgender women in employment and education and in terms of access to health-care services.**

Reply: The Compulsory Education Law provides that children and adolescents shall enjoy the equal right to receive compulsory education regardless of their gender. China adheres to the principle of gender equality in education, actively promotes equality in education, adjusts the structure of education, delivers gender equality education in schools, and strives to ensure equal rights and opportunities to education for all groups of people. China focuses on systematic curricular design on gender equality. Gender equality is included as a principle in the guidance for course materials, and emphasis is made on content on safeguarding women’s rights and interests and advocacy of gender equality. The Ministry of Education has compiled a manual on gender equality education for primary and secondary schools. A project has been carried out to introduce relevant content into the school curricula. According to statistics available, by 2019, nearly 10,000 primary and secondary schools in 17 provinces, autonomous regions and municipalities have been supported by the project to launch gender equality education and relevant practices.

Laws and regulations have been promulgated and improved to promote fair employment and eliminate gender discrimination in employment. The Law on Promotion of Employment has a chapter dedicated to fair employment. The Circular on Further Regulating Recruitment Practices to Promote Women's Employment clarifies that no candidate shall be restricted or rejected at recruitment or in employment on the basis of gender, and establishes redress avenues including multi-agency joint inquiry mechanism, market supervision and judicial remedy.

The Law on the Promotion of Basic Medical and Health Care came into force on June 1, 2020. It stipulates in Article 4 that the state and society shall respect and protect citizens' right to health. The state shall implement the strategy of "Healthy China", popularize healthy life, optimize health care services, improve health support, create a sound environment, develop the health industry and enhance citizens' health level in the full life cycle. The state shall establish a health education system, to protect citizens' right to health education and improve citizens' level of health literacy and accomplishment. Article 5 stipulates that citizens shall, in accordance with the laws, enjoy the right to obtain basic medical services from the state and society. The state shall establish the basic medical and healthcare system, establish and improve the medical service system, and protect and realize citizens' right to obtain basic medical services.

### **Marriage and family relations**

**21. According to information before the Committee, about a quarter of land certificates do not include women's names, even though the policies on land titling and registration explicitly require such inclusion. In addition, only a very small percentage of women in farming households are registered as household representatives. As the issuance of land certificates by the Ministry of Agriculture approaches its end, please provide information on measures available or envisaged to ensure that rural women's right to land is effectively recognized.**

Reply: The Law on Land Contract in Rural Areas advocates the equal participation of men and women, common development, and shared benefits, firmly safeguarding rural women's land contracting rights and interests on a legal basis. The determination, registration, and certification of rights to contracted rural lands are designed to protect the land contracting rights and interests of the rural population including women. In the course of implementation, rural women's land contracting rights and interests are specially protected. Guiding opinions on the verification, registration and certification of land contract and management rights in rural areas are promulgated, noting that gender equality shall underlie the heads of households or co-owners specified on the land contractual management certificates, and practically protect such rights and interests of women. In 2021, ten authorities, including the Office of the Central Leading Group for Rural Work, jointly issued a guideline, which includes a dedicated section on safeguarding rural women's legitimate rights and interests. The guideline specifies the responsibilities of ministries of agriculture and rural affairs at all levels in guaranteeing these rights, and women's federations are involved in the promotion, training and supervision regarding the laws and regulations concerned. In actual practice, local authorities implement provisions of the Law on Land Contract in Rural Areas and policies on the determination, registration and certification of land contract and management rights, and women have their names inscribed in the registration book and the land right certificate, ensuring that 'women have their names on certificates and have rights under their names'.

### Women in detention

**22. Please inform the Committee about measures taken to reduce the number of women in detention, including in extralegal detention facilities and so-called “re-education” camps, and to address gender-based violence and torture against those women. Please provide data on women in detention disaggregated by age, ethnic origin, type of facility, reason for detention and length of detention. Please provide information on measures taken to ensure respect for legal procedures in case of arrest or detention, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).**

Reply: China has reduced the number of women in detention in line with laws and regulations. According to the Criminal Procedure Law, the Law on Penalties for Administration of Public Security and other relevant regulations, where a female criminal suspect who should be arrested is pregnant or breast-feeding her own baby, and a guarantor pending trial would be sufficient to prevent the occurrence of danger to society, she may be allowed to obtain a guarantor pending trial according to law; where a criminal suspect who should be arrested is pregnant or breast-feeding her own baby, public security organs may apply residential surveillance to her according to law. Where a woman who has committed an act against the administration of public security is pregnant or breastfeeding her own baby below one year old, a warranted penalty of administrative detention shall not be enforced on her.

There are no extralegal detention facilities and so-called “re-education” camps in China. Procuratorial organs pursue a criminal justice policy of less arrest, more careful prosecution and detention, apply non-custodial measures as a way to protect the legal rights of detainees in accordance with laws, and strengthen the legal supervision of penalty enforcement, surveillance and control processes, protecting the detainees’ personal dignity, personal safety, lawful property, and legitimate rights including defense, appeal, complaint, and accusation.

In light of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, and in line with its own situation, China has improved relevant procedures and continuously implemented laws and regulations such as the Prison Law and the Law on the Protection of Rights and Interests of Women. The law is enforced in a strict, impartial and civilized manner, with a view to respecting and guaranteeing the human rights of women offenders. Women in custody are detained in category-based clusters. Female prisoners are held separately and under control of female police. Sections for women and men are isolated from each other. Female prisoners are educated and reformed and offered vocational training on the basis of their physiological, psychological characteristics and health needs according to laws and regulations. Female prisoners are rendered proper care and arrangements in relation to management, visits, food, disease prevention and control, physical examination, and psychological counselling, and prison houses are built and renovated in a targeted manner. Various interest groups are organized among female prisoners such as groups of embroidery, singing, calligraphy, painting, musical instruments, and handiwork, and diverse cultural and recreational activities are organized, fostering a friendly cultural environment including for the cultivation of temperament. In cooperation with disease-control authorities, COVID-19 prevention and treatment measures have been implemented to provide an environment and conditions conducive to the rehabilitation of female prisoners.

## Part II.

### Government of the Hong Kong Special Administrative Region of the People's Republic of China

#### Response of the Government of the Hong Kong Special Administrative Region to the list of issues and questions raised by the United Nations Committee on the Elimination of Discrimination against Women in relation to the ninth periodic report of the People's Republic of China

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

###### Paragraph 1

Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts:

- effectively address and are aimed at preventing gender-based violence against women and girls;
- guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, particularly in the design and implementation of recovery programmes; and
- are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic.

1. In view of the outbreak of the COVID-19 pandemic, the Hong Kong Special Administrative Region (HKSAR) Government rolled out a large-scale Anti-epidemic Fund (AEF) in 2020 to, among other things, provide suitable relief to businesses and individuals hard-hit by the pandemic or more seriously by the anti-epidemic measures. The total commitment of all AEF measures is around HK\$250 billion. In particular, the special allowance under the Working Family Allowance and Student Financial Assistance provided relief to low-income households, which could benefit the female members of the low-income families. The asset limits of the Short-term Food Assistance Service Projects have also been relaxed during the pandemic to help individuals and families who have difficulties in coping with their daily food expenditure. In addition, the Government introduced the Special Scheme of Assistance to Unemployed to assist the unemployed (including women) facing temporary financial hardship and launched the "Temporary Unemployment Relief" to grant a one-off subsidy to the temporarily unemployed (including women) due to the fifth wave of the pandemic. At the same time, the Government launched the "Employment Support Scheme" in both 2020 and 2022 to provide time-limited financial support to employers to retain employees, regardless of gender, who may otherwise be made redundant. While these relief measures are not confined to women (as any applicant/household meeting the eligibility criteria can apply), women stand to benefit substantially from these measures as women are usually the ones who take up the carer's role of looking after the daily life of household members.

2. To encourage and boost local consumption and to relieve people's financial burden, the Government further announced in February 2020 the Cash Payout Scheme, issuing HK\$10,000 to Hong Kong permanent residents aged 18 or above. To

add further impetus to the recovery of the economy, the Government announced in February 2021 the issue of electronic consumption vouchers in instalments with a total value of HK\$5,000 to each eligible Hong Kong permanent resident and new arrival aged 18 or above, so as to encourage and boost local consumption. The fifth wave of the local epidemic broke out in early 2022. In response, the Government rolled out various measures in the 2022-23 Budget to alleviate the economic pressure of members of the public under the epidemic. These included the issue of a new round of electronic consumption vouchers in instalments with a total value of HK\$10,000 to each eligible Hong Kong permanent resident and new arrival aged 18 or above. The measures mentioned above have no gender restriction. Again, these relief measures are not confined to women (as any applicant/household meeting the eligibility criteria can apply), yet women should also stand to benefit substantially from these measures.

3. During the epidemic, whether learning at home or attending face-to-face classes at school, students have more opportunities to study through e-learning or blended mode of learning and teaching. To strengthen the support to financially needy primary and secondary students, the Government provided subsidies for purchasing mobile computer devices and portable Wi-Fi routers and/or mobile data cards. A one-stop parent education website was also launched to assist parents to support children's learning at home, establish a good parent-child relationship and nurture children's physical and mental development during the suspension of face-to-face classes. To relieve the burden of carers who are mostly women, kindergartens as well as primary and secondary schools were requested to remain open to look after those students who lack carers to take care of them during the periods of suspension of face-to-face classes or half-day schooling, whilst the day care centres and home-based community care services for the elderly have also continued during the pandemic.

4. The HKSAR Government has implemented a wide range of preventive, supportive and specialised services for access by victims of sexual violence, domestic violence and child maltreatment, including women and girls. The territory-wide Family and Child Protective Services Units (FCPSUs), comprising experienced social workers, are specialised in handling cases involving child protection and spouse/cohabitant battering. FCPSUs adopt a cross-disciplinary model to provide support to victims and their families to tide over the difficulties and mitigate the trauma brought by the violence incident and help them restore a new living. Upon receipt of a referral, the designated social worker of FCPSU will assess the situation and service needs of the case, and provide a coordinated package of one-stop services for the victim and the family concerned, including crisis intervention, short-term accommodation (e.g. refuge centres or other crisis intervention centres), counselling service, clinical psychological treatment, medical services, housing assistance and financial assistance, etc. Where needed, the social worker will also assist the victim to seek legal protection through application for an injunction order under the Domestic and Cohabitation Relationships Violence Ordinance or initiating the application for a care or protection order under the Protection of Children and Juveniles Ordinance to protect the child(ren) concerned. For cases suspected to involve criminal offence, the social worker will report the case to the Police at the same time. The Victim Support Programme for Victims of Family Violence provides support to victims of domestic violence undergoing judicial proceedings, including accompanying the victims to go through the legal procedures.

5. The Refuge Centres for Women and the Family Crisis Support Centre provide residential places to individuals/families facing domestic violence or in crisis. In addition, the Multi-purpose Crisis Intervention and Support Centre (i.e. CEASE Crisis Centre) provides crisis intervention and support services, and liaises with relevant social and medical service units for victims of sexual violence and domestic



violence as well as individuals/families who are in crisis or distress. In handling cases of sexual violence, the CEASE Crisis Centre follows the principle of providing “one-stop” service and adopts a comprehensive, multi-disciplinary service model, including 24-hour outreaching services/immediate support, counselling services, assistance in arranging medical treatment and forensic examination and reporting to the Police, etc. When a referral of sexual violence case is received by the CEASE Crisis Centre, a designated social worker will provide appropriate services immediately, including attend to the victim at the place where the victim locates and accompany the victim to go through all the necessary procedures in a convenient, safe, confidential and supportive environment in order to minimise the need for the victim to repeat accounts of the unpleasant experience.

6. During the pandemic period, the services mentioned above, including 24-hour/emergency services, have maintained normal operation. The public are also encouraged to report cases with violence risk through the 24-hour hotline.

### **Data collection**

#### *Paragraph 3*

Please provide information on the measures taken to collect, share and disseminate sex-disaggregated data in order to evaluate the impact and effectiveness of policies and programmes in terms of gender equality and women’s rights.

7. The Census and Statistics Department (C&SD) has regularly collated and compiled a variety of sex-disaggregated statistics through multiple sources including population censuses/by-censuses, regular and ad hoc surveys and administrative data from other government departments. These statistics help reflect the participation of Hong Kong’s women and men in economic activities, labour force, education and training, public affairs; as well as their living conditions, earnings, social welfare, medical and health, traffic and transport, usage of information technology, etc. These statistics are published in the annual statistical publication entitled “Women and Men in Hong Kong – Key Statistics” as well as a thematic webpage of the C&SD website.

8. To help the public understand the latest position and trends of women’s development in Hong Kong, the Women’s Commission (WoC), as established by the HKSAR Government, publishes “Hong Kong Women in Figures” every two years to reveal changes and development of women in Hong Kong. It covers a wide range of areas, including demographic characteristics, marriage and family, education, employment, health, social and political participation, social security and welfare, violence and crime, use of information technology and international comparison. WoC published the latest issue of “Hong Kong Women in Figures” in 2022 which was distributed to both public and private sectors.

### **Temporary special measures**

#### *Paragraph 6*

Please inform the Committee about the measures taken to accelerate the representation of women in decision-making positions at all levels.

9. The HKSAR Government adopts a policy of equal opportunities in employment. There is no discrimination between male and female employees. Appointment to the

Civil Service is based on the principle of open and fair competition. Our aim is to appoint “the best person for the job”. Gender is not a requirement or a factor for consideration in Civil Service recruitment and promotion. All eligible candidates of both genders are considered on an equal basis.

10. Over the years, female participation in the Civil Service has continued to increase steadily. The percentage of female staff in the Civil Service has risen from 37.8% in 2018 to 38.9% in 2021. Furthermore, the number of female directorate officers in the Civil Service has increased from 526 in 2018 to 565 in 2021. As at December 2021, female civil servants made up nearly 41% of top positions (directorate officers). In the sixth term Government of the HKSAR, among the 26 Principal Officials, six are female, which is about a quarter of the team, the ratio being the highest in government ever. As at 31 March 2022, 13 out of the 18 Permanent Secretaries (the most senior rank civil servants) were females.

11. Article 92 of the Basic Law provides that judges and other members of the judiciary of the HKSAR shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions. Gender is not a relevant consideration in judicial appointment. As at 30 November 2022, there were 61 females (i.e. 38%) out of a total of 161 Judges and Judicial Officers, compared to 54 females (i.e. 33%) in 2018.

12. In parallel, the HKSAR Government is committed to promoting gender mainstreaming to ensure that considerations are given to the perspectives and experience of both women and men in the design, implementation, monitoring and evaluation of all legislation, policies and programmes, and that both sexes have equal opportunities and equitable access to, and benefit from, society’s resources and opportunities. Since 2015-16, all Government bureaux and departments have been required to refer to the Gender Mainstreaming Checklist (the Checklist) and apply gender mainstreaming when formulating major government policies and initiatives (including policies and initiatives related to the pandemic). So far, the Checklist has been applied to over 1 400 policy or programme areas.

13. The HKSAR Government appoints non-official members to advisory and statutory bodies (ASBs) on merit basis and spares no effort in promoting women’s participation in ASBs. Since 2004, the HKSAR Government has introduced a 25% gender benchmark for appointing female members to Government ASBs as a working target. Having achieved the 25% gender benchmark in 2005 and the 30% gender benchmark in 2011, the HKSAR Government announced to further raise the gender benchmark to 35% in 2015. As at June 2022, the overall participation rate of women in the appointment of non-official members to the ASBs was 36.1%.

14. The Government has also established a 300-strong cross-sectoral network of Gender Focal Points in all bureaux and departments of the Government, as well as among listed companies and in the social welfare sector. Gender Focal Points serve as resource persons and help raise awareness and understanding of both private and public sectors on gender-related issues, and help implement gender mainstreaming in Hong Kong.

15. The Hong Kong Exchanges and Clearing Limited (HKEX) is committed to promoting gender diversity among listed companies. Since the concept of board diversity was first introduced in its corporate governance framework in 2013, HKEX has implemented different measures to drive forward diversity in the boardroom and workforce across its market. From 2019 onwards, all listed companies are required to have a board diversity policy, and to disclose information related to gender diversity matters, such as workforce figures and turnover rate by gender and by age group. For listing applicants with a single gender board, they are required to explain in the prospectuses the measures they have put in place to achieve gender diversity.

16. To further promote gender diversity of the board of directors and workforce of listed companies, HKEX introduced a series of amendments to the Corporate Governance Code and the Listing Rules in January 2022 after consulting the market. Under the revised regulations, all new initial public offering applicants with listing applications filed on or after 1 July 2022 are required to identify at least one director of a different gender, while existing single gender board issuers must appoint a director of a different gender no later than 31 December 2024. With effect from January 2022, issuers are also required to conduct an annual review of their board diversity policy, and set targets and timelines to monitor their diversity progress. In addition, issuers need to disclose their workforce gender ratio, as well as their plans or measurable objectives for achieving gender diversity.

### **Stereotypes and harmful practices**

#### *Paragraph 7*

Please inform the Committee about the measures taken to regularly monitor, review and assess the impact of the efforts made to eliminate gender stereotypes, and about the government entity responsible for those measures.

17. The HKSAR Government has spared no effort in promoting the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). WoC has constantly introduced public education and publicity programmes to tackle society's preconceived notions on the roles and stereotypes of women, including:

- The “Gender Differences” photography competition in 2016 for secondary students to enhance the younger generation's gender awareness and sense of gender equality;
- The “Unleashing Women's Potential for All-Round Development” Conference in 2017 for over 600 participants to discuss and exchange views on promotion of women's all-round development and gender equality internationally and locally so that both genders could unleash their potential and talents on a level playing field;
- The territory-wide roving exhibition at public libraries, community centres, universities, Government buildings, shopping malls and railway stations across all 18 districts in Hong Kong from March to November 2018 to enhance public understanding of the Convention, including the concept of gender mainstreaming, to eliminate gender stereotyping in society;
- The roving exhibition from February to July 2019 to continue to promote gender mainstreaming and gender equality in Hong Kong;
- The production of animated short films on “Family”, “Labour and Employment”, “Education” and “Social Participation” since 2020 to raise children's awareness of gender equality and disseminate clear messages against stereotype of women's role in families, workplace, schools and society. The animated short films have been uploaded onto the dedicated webpage of the Convention for public information; and
- The talks at schools since September 2022 to promote the Convention to younger student groups.

18. The Equal Opportunities Commission (EOC) continues to promote gender equality through various education programmes and initiatives. The passage of the

Discrimination Legislation (Miscellaneous Amendments) Bill 2018 in June 2020 and the Sex Discrimination (Amendment) Bill 2020 in March 2021 has enhanced the protection against sexual harassment in common workplaces and has provided new protection from discrimination and harassment of breastfeeding women under the Sex Discrimination Ordinance (Cap. 480). EOC has produced a series of publicity initiatives to educate the public about the legislative amendments, including TV and radio announcements of public interest, advertisements in Mass Transit Railway, arranging media interviews and issuing articles, leaflets and publications such as “Leaflet on Harassment in Common Workplaces” and “Guidance and Leaflet on Breastfeeding Discrimination and Harassment in Employment and Related Sectors”. From 2018 to November 2022, EOC also conducted 1 944 training courses on anti-discrimination legislations which were delivered to over 104 800 participants from Government departments, schools, business, community groups, NGOs and other organisations.

19. Regarding the control of pornography and sex discriminatory elements in the media, the position has been explained in paragraph 33 of Article 5 of the fourth report and as explained in paragraphs 49 to 50 of Part II of the second report and paragraph 84 of the third report. The Control of Obscene and Indecent Articles Ordinance is enforced by the Office for Film, Newspaper and Article Administration (OFNAA), Customs and Excise Department and the Police while the Film Censorship Ordinance is enforced by OFNAA.

20. The Crimes (Amendment) Ordinance 2021 came into effect in October 2021, introducing new offences of voyeurism, non-consensual recording of intimate parts, publication of images originating from voyeurism or non-consensual recording of intimate parts and publication or threatened publication of intimate images without consent. Guided by the principle of gender neutrality, the proposed offences are equally applicable to all genders. In particular, the definitions of “intimate acts” and “intimate parts” in the proposed offences cover breasts irrespective of gender. This notwithstanding, we note that women are generally more likely to be victims of clandestine photography (i.e. upskirting/downblousing photos) and revenge porn. The new offences provide better protection to vulnerable groups against sexual violence and protect their right to privacy and sexual autonomy.

### **Gender-based violence against women**

#### *Paragraph 8*

Please provide:

- information on the review of legislation on sexual offences, including the definition of rape, to align it with international standards;
- detailed information about the status of the complaints filed by women against police officers for sexual violence, including rape, excessive use of force and abuses while in detention. The data should include the number of cases reported and investigated, the number of perpetrators prosecuted and the sanctions applied; and
- information about the measures in place to guarantee the independence and effectiveness of the Complaints against Police Office and the Independent Police Complaint Council.

21. 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, and the Convention on the Rights of the Child apply to the HKSAR. The provisions of the International Covenant on Civil and Political Rights as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR. The HKSAR Government will continue to protect women from all forms of violence according to the relevant international human rights treaties.

22. For every sexual violence case, the Police conduct full investigation, protect the victim's rights and safety, and alleviate the stress and psychological trauma faced by the victim when assisting in the investigation. The Police handle all sexual violence cases with a serious and sensitive professional attitude. During investigation of sexual violence cases, the Police take various measures to ensure that the rights and safety of the victims are fully safeguarded.

23. The two-tier police complaints handling mechanism operates effectively under the Independent Police Complaints Council Ordinance (IPCC Ordinance) (Cap. 604) which ensures that every complaint against the Police is handled in a fair and impartial manner. As the first tier of the mechanism, the Complaints Against Police Office (CAPO), which operates independently of other Police units, is responsible for receiving and investigating complaints lodged by members of the public against police officers. The Police has developed a well-established system to ensure effective investigation by CAPO and adequate safeguards to ensure procedural fairness and impartiality. The second tier of the mechanism is the statutory Independent Police Complaints Council (IPCC) which monitors and reviews CAPO's handling and investigation of complaints independently and effectively under a wide range of powers conferred by the IPCC Ordinance.

(a) CAPO is obliged under the IPCC Ordinance to submit an investigation report to IPCC for scrutiny and endorsement as soon as practicable after completing the investigation of a reportable complaint. If IPCC is of the view that there are deficiencies in the handling and investigation of a complaint, it may request CAPO to provide clarification or relaunch the investigation. Only when IPCC completely agrees that the complaint has been properly handled will it endorse the investigation report.

(b) The IPCC can also interview complainants, complainees, witnesses or other relevant persons to assist Members in understanding the complaints and clarifying any matter in doubt. In addition, the IPCC monitors CAPO's investigations through the IPCC Observers Scheme, under which IPCC members and a wide pool of Observers undertake, on a scheduled or surprise basis, observations of the interviews and collection of evidence conducted by CAPO during investigation of reportable complaints. These safeguards have been operating effectively over the years to ensure that investigation processes are conducted in a fair and impartial manner. Besides, if IPCC identifies any fault or deficiency in Police practice or procedure that has led to or might lead to a reportable complaint, they may make recommendations to the Commissioner of Police and the Chief Executive in respect of any complaint.

24. The Government considers that the existing two-tier police complaints system is a well-established and appropriate mechanism that ensures that public complaints against members of the police force are handled in an impartial and independent manner to safeguard the interests of the public. Cases involving criminal elements (including sexual offences) will be handled by the Police's criminal investigation teams in an impartial manner. The Police have performed professionally and fairly when handling criminal cases over the years.

25. Sexual violence is a serious allegation. The Government has appealed to the public that complainants should formally provide the Police with information to

enable the Police to conduct a full investigation. This would not only protect the interests of the victim but also ensure that the complainee will not be falsely accused. It is important to ensure fairness to both the complainant and the complainee. As reported by media, there were occasions when people claimed that they had been sexually assaulted but were unwilling to contact the Police or provide information, making it impossible to verify the authenticity of these claims. It is an offence to provide false information or make a false report to the Police. However, a real victim will be duly protected by law and the Police also have a duty to protect the rights and interests of real victims.

26. The Law Reform Commission (LRC) of Hong Kong published in December 2019 a report on Review of Substantive Sexual Offences (the Report) making final recommendations for the reform of substantive sexual offences in the Crimes Ordinance (Cap. 200). These recommendations include the creation of a range of non-consensual sexual offences, for example, the creation of a new offence of “sexual penetration without consent” so as to replace the term “rape”. In May 2022, the LRC published a further report on Sentencing and Related Matters in the Review of Sexual Offences making final recommendations on the penalties for various offences proposed in the Report; the reform and strengthening of treatment and rehabilitation services for sex offenders in Hong Kong; and the optimisation of the Sexual Conviction Record Check Scheme. The Government will consider the LRC recommendations contained on these two reports in tandem.

### **Trafficking and exploitation of prostitution**

#### *Paragraph 9*

Please provide updated information on the prevalence of trafficking in persons throughout the territory of the State party. Please provide data, disaggregated by sex and age, on trafficking in women and girls, including with regard to the number of victims, cases investigated, offenders prosecuted, sanctions issued and assistance, including shelters and rehabilitation services, provided to victims.

27. Hong Kong has all along adopted a proactive and multi-pronged approach in combatting trafficking in persons (TIP). In March 2018, the HKSAR Government established a high-level inter-bureau/departmental Steering Committee, chaired by the Chief Secretary for Administration, to provide high-level policy steer on actions against TIP. The Committee swiftly promulgated the Action Plan to Tackle TIP and to Enhance Protection of Foreign Domestic Helpers in Hong Kong (the Action Plan), comprising 14 new and 20 on-going measures that cover victim identification, investigation, enforcement, prosecution, victim protection and support, prevention and partnership building with different stakeholders. By end 2019, the Action Plan was fully implemented with all initiatives firmly in place.

28. Between 2016 and 2021, nearly 37 000 initial TIP victim screenings were conducted by the law enforcement agencies (LEAs) and Labour Department (LD), with only 40 victims of TIP identified (6 in 2016, 9 in 2017, 18 in 2018, 3 in 2019, 3 in 2020 and 1 in 2021). All of them were above the age of 18 and among them, 33 (or about 83%) were female. The very small number and percentage of victims identified have reinforced our observation all along that TIP has never been a prevalent problem in Hong Kong. On the other hand, LEAs had investigated/arrested a total of 32 persons for involvement in the TIP-related cases. Among them, two persons were convicted of the offence of “conspiracy to defraud” and one was

convicted of the offence of “aiding, abetting, counselling or procuring the breach of condition of stay”.

29. The HKSAR Government will continue to provide necessary protection and suitable assistance, such as witness protection programme, shelter, medical services, psychological support and counselling, financial assistance, legal support, visa extension fee waiver, etc., to the victims in need (including minors), and will also offer them support to act as witnesses in legal proceedings and facilitate their return to their home country. Specific statistics on the protection and assistance provided to TIP victims are not maintained.

*Paragraph 10*

Please provide information on the measures taken to provide adequate protection and redress to women and girls who are victims of trafficking; information on the measures taken to address the root causes of trafficking in women and girls, to undertake a comprehensive study with a view to collecting data on the extent and forms of such trafficking and to adopt comprehensive anti-trafficking legislation; and information on the measures taken to protect women in prostitution from abuse, exploitation and violence by clients and to make exit programmes available.

30. With an aim to prevent the exploitation of others for the purposes of prostitution, combat organised prostitution activities and reduce the nuisance to members of the public that vice activities may cause, the Crimes Ordinance (Cap. 200) stipulates various prostitution-related offences, including “solicitation for an immoral purpose”, “living on earnings of prostitution of others”, “controlling over persons for purpose of unlawful sexual intercourse or prostitution”, “keeping a vice establishment” and “letting premises for use as a vice establishment”. The maximum penalty of the above offences ranges from a fine of HK\$10,000 and imprisonment of 6 months to imprisonment of 14 years. The Police are responsible for taking enforcement actions against the above-mentioned offences, and particularly targeting at persons who control prostitutes and operate vice establishments.

31. Apart from the above-mentioned necessary protection and suitable assistance for TIP victims, victims have the right to seek redress by way of civil proceedings under appropriate circumstances. Victims have the right to seek compensation under the Criminal and Law Enforcement Injuries Compensation Scheme. Under section 73 of the Criminal Procedure Ordinance (Cap. 221) and section 98 of the Magistrates Ordinance (Cap. 227), the Court has the power to order a convicted offender to compensate the victim. On the other hand, as a general guiding principle, prosecutors are mandated to give due consideration to any TIP elements that may feature in any given case when deciding whether prosecution should be instigated or continued. Where appropriate, a witness may be granted immunity from prosecution according to the established legal principles and guidelines under the Prosecution Code.

32. While TIP has never been a prevalent problem in Hong Kong, we are equipped with a well-established legal framework to tackle different aspects of TIP. There are over 50 legal provisions against various TIP conducts which form a comprehensive package of safeguards comparable to composite TIP laws found in other jurisdictions. Relevant legal provisions provide LEAs the necessary power and authority to exercise flexibility when taking enforcement actions against such crimes in light of the circumstances of individual cases, instead of relying on a single piece of legislation. Some of the offences attract penalty of up to life imprisonment.

33. In addition, to tackle TIP and facilitate the implementation of the Action Plan, the HKSAR Government has since the 2019-20 financial year provided a recurrent funding of HK\$62 million annually to create 98 new posts in various departments. All relevant departments have appointed dedicated teams or designated focal points to handle TIP-related cases and monitor the latest trends, enhancing significantly the overall and inter-departmental coordination and enforcement efforts. Among others, anti-vice operations are carried out by the Police to combat sex-trafficking related activities. From 2016 to 2021, nearly 1 000 operations were mounted by the Police. LEAs will continue to remain vigilant in detecting TIP-related crimes.

### **Participation in political and public life**

#### *Paragraph 12*

Please provide information on the measures taken to expedite the representation of women in politics.

34. Article 26 of the Basic Law stipulates that all permanent residents of the HKSAR shall have the right to vote and the right to stand for election in accordance with law. In HKSAR, women enjoy equal rights as men to vote and to stand for various public elections of the governance structure. Under the relevant legislation, a person's gender is not a criterion, either direct or indirect, to qualify a person as an elector or a candidate in elections.

Please also provide information on the measures taken to protect women and girls from violence and harassment when participating in peaceful demonstrations, particularly during the protests in 2019.

35. In the HKSAR, the rights and freedoms of assembly and of procession are guaranteed under the Basic Law. Article 39 of the Basic Law states that the relevant provisions of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR. Article 4 of the National Security Law also clearly stipulates that human rights shall be respected and protected in safeguarding national security in the HKSAR; the rights and freedoms which HKSAR residents enjoy under the Basic Law and the provisions of ICCPR and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law. According to ICCPR, the rights of assembly and procession can be subject to restrictions provided by law, if they are necessary to protect national security, public order, public safety or the rights of others.

36. It should be noted that between June 2019 and early 2020, Hong Kong suffered from widespread violence, which substantially affected the daily lives of members of the public. The scale and level of violent illegal acts were unprecedented. Rioters recklessly vandalised shops, restaurants, public facilities, banks, metro stations and threw objects onto highways. They stored smuggled firearms and ammunitions, and made explosives. In the numerous violent incidents and clashes, rioters hurled over 5 000 petrol bombs and the Police seized over 10 000 petrol bombs. Public facilities were damaged at an unprecedented scale. Rioters attacked police officers, police family members and other members of the public, especially those with different



political viewpoints. These violent and illegal acts severely endangered public order and public safety and could not possibly be accepted by any civilised society around the world. When violent and illegal acts occur, the Police must, in light of the actual situation, make a professional assessment and take appropriate actions to ensure public safety and public order, and to protect citizens' lives and properties. On the other hand, if the demonstrators express their views in a peaceful, lawful and orderly manner, there would be no need for Police to use any force to maintain law and order. The level of force to be used by police officers depends on the actual situation, including the threat and resistance faced by police officers under the circumstances at the time.

37. The Police have a set of stringent guidelines on the use of force which are consistent with international human rights norms and standards. Police officers may use minimum force as appropriate only when such an action is necessary and there are no other means to accomplish lawful duties. Before force is used, police officers will, where circumstances permit, give warnings to the gathering crowd, and give the person(s) involved every opportunity whenever practicable to obey police orders. Police will cease to use force once the purpose of using force is achieved.

38. For arrestees under the age of 18 who are not involved in serious offences, if they voluntarily and unequivocally admit the offence, the Police may consider adopting measures conducive to their rehabilitation, including the Police Superintendent's Discretion Scheme. The Police will also continue to facilitate the rehabilitation of juveniles to reduce recidivism through measures on various fronts.

39. Hong Kong is a society that upholds the rule of law and everyone is equal before the law. No one is above the law, and no one can breach the law without facing the legal consequences. The Police have always carried out their enforcement actions in a fair and impartial manner, regardless of the background, gender, occupation or political stance of the person(s) involved.

40. Regarding prevention of sexual harassment, EOC is determined to eliminate sexual harassment in accordance with the Sex Discrimination Ordinance (Cap. 480). To strengthen its work in this respect, EOC established a dedicated Anti-sexual Harassment Unit in 2020 to enhance its efforts in reviewing legal protection, providing a support platform for victims of sexual harassment, promoting anti-sexual harassment policies and measures amongst different sectors, and enhancing public understanding and alertness about sexual harassment through education and publicity campaigns.

## **Education**

### *Paragraph 15*

Please provide information on the percentage of girls and women in schools, disaggregated by year and by whether the schools are public sector ordinary schools or special schools.

41. From 1978 to 2008, Hong Kong provided nine years of free and universal basic education (six years of primary education and three years of junior secondary education) through public sector primary and secondary schools. Since the 2008/09 school year, free education has been extended to the three senior secondary levels at public sector schools (i.e. 12 years of free and universal basic education), which further improves the overall educational attainments in Hong Kong. According to the Hong Kong mid-year Usual Resident figures regularly released by C&SD of the HKSAR Government, the percentage of females in the school-age population aged 6-11 (which

is considered appropriate for primary education) remained between 48.0% and 48.5% in the past five years. The corresponding percentages in the school-age population aged 12-17 (which is considered appropriate for secondary education) were between 48.6% and 49.1%. These figures are generally in line with the percentages of female students in primary and secondary schools.

**Percentage of female students by sector and by level during the 2017/18 to 2021/22 school years**

Sector /Level	School year				
	2017/18	2018/19	2019/20	2020/21	2021/22
<b>Ordinary primary schools<sup>2</sup></b>					
Public sector	47.6%	47.6%	47.6%	47.7%	47.8%
Non-public sector	49.8%	50.0%	49.5%	49.4%	49.0%
<b>Ordinary secondary day schools<sup>3</sup></b>					
Public sector	48.9%	48.9%	48.8%	48.7%	48.6%
Non-public sector	47.5%	47.5%	47.7%	47.5%	47.8%
<b>Special schools<sup>4</sup></b>					
Public sector	31.4%	31.0%	30.8%	30.6%	30.5%

**Employment**

*Paragraph 16*

Please inform the Committee about the measures taken to adopt legislation enforcing the principle of equal pay for work of equal value in order to reduce the gender pay gap. Please provide information on efforts made to equalize the retirement age between men and women and ensure equality with regard to old-age pensions.

42. The concept of equal pay for work of equal value (EPEV) is addressed in the Sex Discrimination Ordinance (SDO) (Cap. 480). Under the SDO, it is unlawful to discriminate against an employee, on the ground of sex, in the terms and conditions of employment. Discrimination complaints under the SDO are handled by EOC.

43. Since EOC's establishment in 1996, it has worked persistently to promote the principle of EPEV and included the principle in the Code of Practice on Employment issued under the SDO. EOC further issued a set of clear guidelines to employers to enhance the public understanding on the concept of EPEV. In addition, EOC has arranged talks and workshops for employers, women's groups and other stakeholders on the subject of EPEV.

44. As regards retirement protection, the HKSAR Government launched the Mandatory Provident Fund (MPF) System in December 2000 in accordance with the Mandatory Provident Fund Schemes Ordinance (Cap. 485), with an aim to help the

<sup>2</sup> Figures generally refer to the position as at mid-September of the respective school years, except as at mid-October for the 2020/21 school year.

<sup>3</sup> Figures generally refer to the position as at mid-September of the respective school years, except as at mid-October for the 2020/21 school year. Figures do not include secondary day courses operated by private schools offering tutorial, vocational and adult education courses.

<sup>4</sup> Figures refer to the position as at September of the respective school years. Figures for the Hospital School are not included in view of the transitional nature of its education programmes.

working population in Hong Kong save for retirement. As the second pillar of the retirement protection framework, the MPF System complements the other pillars by providing employment-based retirement protection.

45. The MPF System is a mandatory and privately managed retirement protection system covering employees and self-employed persons (SEPs) aged from 18 to 64. The rights and protections provided under the MPF System are equally applicable to male and female employees and SEPs, regardless of their gender. Under the MPF System, employers and their employees are each required to make regular mandatory contribution calculated at 5% of the employee's relevant income to an MPF scheme, while SEPs are required to contribute 5% of their relevant income to an MPF scheme. All mandatory contributions and any related investment return are fully and immediately vested in the employee or SEP, as the case may be, and scheme members have the right to make the investment choices. Scheme members can withdraw their MPF benefits upon reaching age 65 or on other specified statutory grounds (such as reaching the early retirement age of 60).

*Paragraph 17*

Please provide information on the results of the review on improving statutory maternity leave (CEDAW/C/CHN-HKG/9, para. 89) and on the proposed increase of statutory paternity leave to five days (ibid., para. 91). Please provide information about the work of the Labour Department Division dedicated to foreign domestic helpers (ibid., para. 113).

46. Since 11 December 2020, the statutory maternity leave under the Employment Ordinance (Cap. 57) (EO) has been extended from 10 weeks to 14 weeks. Employers are required to pay the additional four weeks' maternity leave pay to an eligible employee on the normal pay day at the current statutory rate. Employers may apply to the HKSAR Government for full reimbursement of the additional statutory maternity leave pay paid, subject to a cap of HK\$80,000 per employee.

47. Besides, two other technical amendments also took effect at the same time to improve maternity benefits, including revising the definition of "miscarriage" under EO from "before 28 weeks of pregnancy" to "before 24 weeks of pregnancy" such that a female employee whose child is incapable of survival after being born at or after 24 weeks of pregnancy is entitled to maternity leave if other conditions are met; and accepting a certificate of attendance issued by a medical professional as documentary proof for an eligible employee to be entitled to sickness allowance for any day on which the employee has attended a medical examination in relation to her pregnancy.

48. The HKSAR Government increased the statutory paternity leave under EO from three days to five days in January 2019. Male employees with children born on or after 18 January 2019 are entitled to five days' paternity leave and paternity leave pay for each confinement of their spouses or partners if they fulfil other requirements as stipulated in EO.

49. Separately, the HKSAR Government set up in September 2020 a dedicated Foreign Domestic Helpers (FDH) Division under LD to ensure effective co-ordination and implementation of measures to enhance protection of FDHs and to provide better support to FDHs and their employers.

50. Following the establishment of the FDH Division, LD has enhanced publicity and education among FDHs and their employers, including holding seminars and briefings for FDHs and employers, staging information kiosks at popular gathering

places of FDHs on rest days, producing more publicity materials and short videos, etc., to help both parties gain a deeper understanding of their respective rights and obligations, thereby improving mutual communication and maintaining cordial employment relationships. Besides, the FDH Division supports the implementation of FDH policy measures, including strengthening liaison with relevant consulates-general in the HKSAR and LEAs to ensure the provision of timely assistance to FDHs and employers in need.

## Health

### *Paragraph 18*

Please provide information on the measures taken to provide free, friendly and confidential family-planning measures to all women, regardless of their marital status and age, and on the measures taken to provide comprehensive sexual and reproductive health education in schools.

51. Family planning services are provided to all women of childbearing age at Maternal and Child Health Centres to enable them to decide freely and responsibly the number and spacing of the children. Appropriate contraceptive methods including condom, contraceptive pills, hormonal injection, intrauterine device and post-coital/emergency contraception are prescribed according to individual needs. Referral for sterilisation and termination of pregnancy is made for clients as appropriate. For those with subfertility problem, counselling and referral for specialist management will be arranged.

52. The Family Planning Association of Hong Kong (FPAHK) is a non-profit making organisation that advocates, promotes and provides information, education, medical and counselling services in Sexual and Reproductive Health for the community. FPAHK's five clinics and three Youth Health Care Centres aim to provide holistic and quality services in family planning to all women in Hong Kong, regardless of their marital status and age. FPAHK also offers school sexuality education programmes to help children and young people acquire accurate information, clarify their sexual attitudes, develop communications and negotiation skills, and learn to make responsible decisions in sexual relationships.

53. The HKSAR Government provides, as part of its outreach, an interactive "Sex Education Workshop" to secondary students at schools through the Adolescent Health Programme of the Department of Health. The contents include understanding of the changes in puberty, ways to get along with the opposite gender, the importance of safe sex practices, and the correct contraceptive methods.

54. At school setting, the Government has advised schools to provide holistic learning experiences for students and plan their curricula and other learning activities systematically for implementing values education (including sex education). Learning elements related to sex education include personal growth, hygiene, puberty, making friends, dating, marriage and family life, birth control and giving birth, and help-seeking. These learning elements are included in the learning areas/subjects of primary and secondary schools (e.g. general studies at primary schools, and science subjects and life and society subjects at secondary schools) as well as moral and civic education curriculum in both primary and secondary schools. At present, schools generally follow their school mission, school circumstances and students' needs at different stages when making comprehensive planning for their school-based sex education curriculum such as organising learning activities (e.g. talks).

55. To support schools to implement sex education, the Government has produced learning and teaching resources and encouraged schools to make reference to daily happenings to explore with students on issues such as personal growth, hygiene, dating and marriage, so as to associate their learning and developmental needs in a meaningful way. The purpose is to help students build up healthy interpersonal relationships and make decisions in a rational and objective manner by providing students with related knowledge and nurturing in them positive values and attitudes to sex-related issues.

### **Lesbian, bisexual, transsexual and transgender women**

#### *Paragraph 20*

Please provide information about the measures taken to combat discrimination against lesbian, bisexual, transsexual and transgender women in employment and education and in terms of access to health-care services.

56. The HKSAR Government is committed to promoting equal opportunities for persons with different sexual orientation and gender identity, including lesbian, transsexual and transgender women, with a view to nurturing the culture and values of inclusiveness and mutual respect in the community.

57. The Government has been taking measures from various aspects including preparing training materials for personnel of specific sectors (for example, medical and healthcare professionals, disciplined services, social workers, human resources professionals and teachers) to enhance their sensitivity in handling sexual minorities, drawing up a charter on non-discrimination, enhancing public education and publicity to promote non-discrimination against sexual minorities, reviewing support services, and conducting further studies on experience gained by other jurisdictions in implementing measures to eliminate discrimination against sexual minorities. In the past five years (i.e. 2017-18 to 2021-22), the HKSAR Government allocated a total of HK\$14 million for publicity and education programmes and HK\$5.1 million to the Equal Opportunities (Sexual Orientation) Funding Scheme to provide funding support for meaningful community projects which aim at promoting equal opportunities for sexual minorities. In parallel, the Government continues to promote non-discrimination in the workplace by appealing to employers to adopt the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation (the Code). So far, over 380 public and private organisations employing a total of nearly 570 000 employees have adopted the Code.

### **Marriage and family relations**

#### *Paragraph 21*

Please provide information on the results of the study commissioned through the Family Council in June 2018 ([CEDAW/C/CHN-HKG/9](#), para. 163).

58. The HKSAR Government commissioned a study through the Family Council which aims to examine, among other things, issues related to minimum marriage age. In the report of the study, the research team has analysed the rationales of adjustments to the minimum marriage age in different jurisdictions and reviewed the local

situation in Hong Kong. Its findings supported Hong Kong to maintain the current minimum marriage age being 21 without parental consent and 16 with parental consent. Figures of the Hong Kong Census and Statistics Department in 2020 and 2021 showed that the number of female persons marrying for the first time at the age of 16-17 accounted for less than 0.08% of the total number of female persons marrying for the first time. Taking into account the findings of the study, relevant figures and other factors, the Government will maintain the existing regime for the time being and continue to keep in view the development in future.

### **Part III.**

## **Government of the Macao Special Administrative Region of the People's Republic of China**

### **Response of the Government of the Macao Special Administrative Region to the list of questions and issues raised by the United Nations Committee on the Elimination of Discrimination against Women in relation to the ninth periodic report of the People's Republic of China**

#### **Question 1**

1. The Macao Special Administrative Region of the People's Republic of China (hereinafter referred to as the "Macao SAR") legally guarantees that all persons in the Macao SAR are equal before the law and are free from any discrimination, irrespective of their gender.
2. At the constitutional level, paragraphs 2 and 3 of Article 38 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China (hereinafter referred to as the "Basic Law") expressly stipulate that the legitimate rights and interests of women are protected and that the minors, the aged and persons with disabilities are taken care of and protected by the Macao SAR.
3. Meanwhile, the Macao SAR endeavours to implement the international human rights treaties which are applicable to the Macao SAR, including the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, for the protection of women's legitimate rights and interests and for the assurance of enjoyment of equal rights between men and women in each aspect.
4. In terms of internal law, it is worth mentioning that in 2020, the Macao SAR, through Law 8/2020, amended Law 7/2008 on Labour Relations to increase the maternity leave duration for female employees to 70 days (Article 54) and establish 5 working days of paternity leave for male employees (Article 56-A), for male employees to better take care of the mothers and the newborns, promoting family harmony.
5. After the amendment to Article 54 (1) of Law 7/2008, the maternity leave that female employees are entitled to due to childbirth was increased from 56 days to 70 days. The special maternity leave stipulated in Article 54 (5) and (6) was also extended: in case of a stillbirth, the employee is also entitled to 70 days of maternity leave; in case of an involuntary abortion of a pregnancy more than 3 months, the female employee may be entitled to maternity leave of at least 21 days and at most 70 days, depending on her health condition and according to the recommendations stated on her doctor's certificate; in the event of the death of a newborn infant during the employee's maternity leave, the maternity leave will then be extended to 10 days after the death of the infant, and the total will not be less than 70 days.
6. Violation of the above provisions on maternity leave and paternity leave is a contravention of a criminal nature. The employer may be fined between 20,000 and 50,000 Patacas for each employee involved in the violation (subparagraph 4 of Article 85 (1) of Law 7/2008 as amended).
7. During the outbreak of the novel coronavirus pneumonia (hereinafter referred to as the "NCP"), the Macao SAR Government introduced a series of prevention measures in accordance with Law 2/2004 on the Prevention, Control and Treatment of Contagious Diseases, as amended by Law 8/2013 and Law 1/2016, to prevent the outbreak of the pandemic in the community. And in response to the impact of the NCP

on the economy and livelihood of residents, a series of measures to relieve their difficulties and support small and medium-sized enterprises (SMEs) were introduced. It must be clarified that gender is not a consideration for all the prevention and relief and support measures. The same conditions apply to all Macao SAR residents, regardless of gender. Both males and females have equal opportunities and fair access to economic resources. Women or girls will not be unfairly treated or discriminated against in any aspect of judicial remedies, shelter, education, employment and healthcare due to gender.

8. Since the first imported case of NCP was recorded in the Macao SAR on 22 January 2020, in response to the development of the pandemic, the Macao SAR Government had adopted special office arrangements in the provision of services by the public departments of the Macao SAR, including the exemption from work and the limitation of office and external fundamental services, etc. to reduce the risk of the spread of the disease, but the public departments still maintained the provision of emergency services for the public during the aforementioned period. The judicial organs also maintained external services to handle various emergency cases to ensure that all Macao SAR residents, including women and girls, exercised their right to resort to law and obtain judicial remedies.

9. In terms of public security, the security authorities strictly implemented various anti-pandemic measures in accordance with the overall anti-pandemic deployment of the Macao SAR Government. Meanwhile, in view of the impact of the pandemic on the normal lives of residents, the economic environment, mental health and even family relationships, the Judiciary Police strengthened its examination of the relevant crime situation and adopted appropriate deployment and, at the same time, continued to implement relevant professional training to enhance the ability of its staff to respond to crimes and improve the efficiency of investigations, to continuously prevent and combat various crimes and illegal acts, especially violence against women and girls. In addition, the Judiciary Police launched the “Women’s Friends of Crime Prevention” Programme in December 2020, linking stronger social forces, especially women’s groups, to promote information on the prevention of domestic violence and sexual crimes against women in order to raise awareness of the public, especially of women, relating to crime prevention and crime fighting. The crime prevention training course had been held three times between 1 January 2021 and 30 September 2022. In addition, the Public Security Police Force had formulated relevant guidelines and procedural norms to deal with violent crimes against women and children, and had held three special topic seminars on the prevention of sexual harassment and assault between 1 January 2021 and 30 September 2022, while strengthening crime prevention publicity with schools and associations through the “Community Policing Liaison Mechanism” and the “Police-School Liaison Mechanism” at the same time.

10. It has to be stressed that in terms of preventing women from suffering from domestic violence, the Macao SAR Government and social service institutions still maintained a number of publicity activities during the outbreak of the NCP to promote the message of “zero domestic violence” to residents through online and offline methods. Meanwhile, government departments and civic institutions (schools, gaming enterprises, employment agencies, community institutions, etc.) organised video training for their staff to strengthen their ability to provide shelter and support service to users. Between 1 January 2021 and 30 September 2022, the Public Security Police Force had held seven training courses on the Law on Preventing and Combating Domestic Violence and the handling of domestic violence cases, and the Judiciary Police had held one lecture on the prevention of domestic violence crimes.

11. In terms of shelter and support services, shelter homes for victims of domestic violence and trafficking in persons, as well as care homes for minors, persons with



disabilities and older persons, did not stop operating. During the early stages of the pandemic, nurseries and daycare centres also maintained limited services. In addition, the Home Assistance Service Team continued to provide services, including support services such as meal delivery, home cleaning and home care to those in need without discrimination.

12. In respect of secondary, primary and infant education, in response to the need to prevent from the NCP and to ensure the health and safety of students, all secondary, primary and infant education institutions were closed from late January to May 2020. During the suspension of classes, in order to cater for the learning needs of all the students, including girls, and for them to maintain good learning habits at home, the Education and Youth Development Bureau (hereinafter referred to as the “EYDB”) and schools collaborated to launch measures for students to study at home by arranging suitable online learning programmes. At the same time, the EYDB also maintained close communication with education organisations, school leaders, teachers, parents, etc. and set up an enquiry hotline so as to provide appropriate support to students in need. In addition, the EYDB set up a special topic webpage “Joining Hands in Fighting the Epidemic, Learning Easily at Home” to provide various educational clips, learning platforms and learning tools, covering teaching videos, documentaries, literary essays, etc. It is worth emphasising that students’ online learning would not be affected by their financial statuses or genders. For students with financial difficulties, the Student Welfare Fund of the EYDB provided relevant learning material subsidies for applications to support students in purchasing learning materials, including information technology equipment.

13. Afterwards, as the pandemic continued to stabilise, secondary and primary schools resumed classes in phases from May to June 2020 while infant education and special education students did not need to return to school. It was for this reason that, starting from 11 May 2020, schools implemented “friendly measures”, arranging care services for students of primary 1 to 3, infant education and special education in need, and provided special education students participating in the “friendly measures” with pick-up services and healthy breakfast and lunch services. Private complementary education support centres and continuing education institutions also resumed operation in May 2020.

14. Regarding the provision of treatment or training services to children with special educational needs, in late February 2020, the Centre of Psycho-pedagogical Support and Special Education and 7 subsidised treatment or training service institutions under the EYDB gradually resumed operation. The EYDB also issued guidelines to schools with special education teams in March 2020, indicating that with the consent of schools and parents, and under the condition that schools were safe and hygienic, treatment and training services would gradually resume for students from 1 April 2020 onward.

15. From late September to late October 2021, in response to the development of the pandemic, classes at non-higher education institutions were suspended again and face-to-face teaching activities were suspended in higher education institutions. During the period, the EYDB continued to dynamically assess and implement various measures and class suspension arrangements. In view of the announcement of the Macao SAR concerning its entry into a state of immediate prevention from 1 a.m. onward on 19 June 2022 and in order to cooperate with the Macao SAR Government’s pandemic prevention and control work, the EYDB announced that all educational activities of higher education institutions and of non-higher education institutions would be suspended starting from the stated date onward. Furthermore, considering that face-to-face classes could not be resumed within a short period of time and the academic year was near its end, the EYDB announced the early end of Academic Year 2021/2022 with immediate effect and advised schools to abide by the principle of

fairness, not to let the pandemic affect students' academic results and summarise their results based on the students' existing academic performances and assessments in a lenient rather than tight manner.

16. In response to the normalisation of the pandemic, the EYDB further created conditions for schools to carry out online teaching and home-school communication for supporting students to continue learning anytime and anywhere. In Academic Year 2020/2021, the unified information platform "Smart Campus" was launched. By coordinating online teaching with the original face-to-face teaching method, the electronic level of "teaching" and "learning" was improved and the innovation of school-based teaching mode was promoted.

17. It is worth pointing out that based on the fact that Mainland Chinese residents entering the Macao SAR need to hold a certificate proving that their NCP nucleic acid test (hereinafter referred to as the "NAT") is negative, the EYDB coordinated with the Health Bureau and the Zhuhai health departments, starting from August 2020, for cross-border students going to school in the Macao SAR and Mainland China, including girls, to conduct free NATs at 5 designated hospitals in Zhuhai every week, at the expense of the Macao SAR Government. Due to the closure of some nucleic acid testing stations in Zhuhai and the restricted opening hours of other testing stations, from 13 December 2022 onward, cross-border students may take free NATs at designated nucleic acid testing stations in the Macao SAR and may upload their test results to their health codes so as to help them clear customs and go to school. In order to make customs clearance smoother for cross-border students, who travel between Zhuhai and the Macao SAR, in addition to the original Immigration Station at the Border Gate, the Public Security Police Force has also set up a "Student-Only Channel" and a "Student-Only Self-Service Channel" at Qingmao Immigration Station.

18. With regard to higher education, since the early stage of the outbreak of the pandemic, the Macao SAR Government has continued to maintain close contact with local higher education institutions and the entities operating non-local higher education programmes to assist in the follow-up of relevant pandemic prevention work, and to provide guidance on resumption arrangements, teaching methods, teaching activities and health education after class suspension, etc. At the same time, the Macao SAR Government also recommended that school-running institutions formulate appropriate learning measures based on actual circumstances and flexibly deal with students who cannot attend class with reasonable grounds or due to force majeure, as well as providing suitable learning support.

19. In the areas of economic assistance and employment protection, the Macao SAR Government has adopted a number of tax relief measures, continued to implement the Wealth Partaking Scheme, issued electronic consumption cards to all Macao SAR residents, including women and girls, issued additional healthcare vouchers, waived residential water and electricity bills, paid subsidy beneficiary families extra 2 months' subsidies, provided short-term food assistance to impoverished families, provided cash assistance to eligible employees and freelancers and offered bank loan interest subsidies to freelancers, etc..

20. Besides, in response to the employment challenges brought about by the economic downturn caused by the pandemic, the Macao SAR Government established the "Skills Enhancement Oriented Subsidised Training Programme" for the working population and freelancers and the "Employment Oriented Subsidised Training Programme" for the unemployed and graduates of higher education institutions of the current year through Administrative Regulation 33/2020 to alleviate their financial pressure and help them upgrade their vocational skills by providing them with employment rather than outright grants. After a comprehensive analysis of the views

of all sectors of the community on the “Subsidised Training Programme” and on the implementation of the Programme, the Macao SAR Government continued to optimise the content of Administrative Regulation 33/2020, including the increase in the number of enrolments for trainees to participate in the Programme, the relaxation of the requirements for completing the courses, the relaxation of the eligibility for participating in the Programme, and the shortening of the career matching period for trainees participating in the “Employment-Oriented Subsidised Training Programme” to one month so that trainees could receive training allowances more quickly. The aforementioned “Subsidised Training Programme” offered monthly courses. From September 2020 to September 2022, a total of 697 courses were held, with a total of 15,984 participants.

21. Moreover, the Macao SAR Government also launched a number of employment support services, including industry-specific matching meetings and youth internship programmes. In 2020, the enterprises participating in the programmes provided 1,847 internship positions and a total of 568 persons actually participated in internships. After the internships, the enterprises had the intention to employ 382 persons (about 53% were women). In the end, there were 199 persons who accepted the offers (54% were women). In 2021, the enterprises which participated in the internship programmes offered a total of 1,874 internship positions, with a total of 441 participants. The enterprises intended to employ 208 persons (56% were women) after the internships had been completed and 186 persons (57% were women) finally accepted the offers. In 2022, a total of 1,780 internship positions were offered by participating enterprises, with a total of 342 participants, of whom about 52% were women. In the meantime, the Macao SAR Government formulated Administrative Regulation 22/2022, Provisional Subsidy Scheme to Encourage Employers to Employ Local Unemployed Residents during the Pandemic, to provide subsidies for eligible employers who employ local unemployed residents between June 2022 and February 2023 for the sake of facilitating the employment of local unemployed residents.

22. In terms of supporting SMEs, the Macao SAR Government temporarily relaxed the eligibility for the SME Aid Scheme in response to the pandemic and launched a temporary SME loan interest subsidy programme to provide bank loan interest subsidies for eligible SMEs. Any eligible applicant, regardless of his/her gender, may apply. In addition, the Macao SAR Government launched the “Young Entrepreneurs Aid Scheme” as early as 2013. Young entrepreneurs may apply for an interest-free loan with a maximum amount of 300,000 Patacas for their projects and a maximum repayment period of 8 years to alleviate their financial pressure during the early stage of their startup. As of 30 September 2022, a total of 2,595 applications had been received for the above Scheme, of which 1,075 applicants were female, accounting for about 41% of the total number of applicants; and among the 1,943 approved applications, 846 were submitted by female applicants, accounting for about 44% of the total number of approved applications while the total loan amount approved was about 418 million Patacas, of which female applicants accounted for about 181 million Patacas.

23. With respect to healthcare, as mentioned in paragraph 184 of the 9th periodic report on the Convention on the Elimination of All Forms of Discrimination against Women submitted by the Macao SAR (hereinafter referred to as the “9th periodic report”), Decree-law 24/86/M on the Access of Macao Residents to Healthcare stipulates that the Macao SAR Government will provide basic healthcare services to all residents. Among the services, specific health services are also provided for women, in addition to free primary healthcare services and regular health checkups for women, including women’s healthcare (family planning, post-natal checkups and general checkups for women), pre-conception consultations, pre-natal checkups, and medication and devices used in family planning. It has to be stressed that, in terms of

responses to the NCP, from testing to isolated medical observations, isolated treatments for confirmed cases, vaccinations, etc., there is no differential treatment or discrimination based on gender.

24. With regard to women's participation in public and political affairs, it has to be reiterated hereby that, as mentioned in paragraphs 129 and 131 of the 9th periodic report, women have the same civil and political rights and duties as men, in particular the rights to vote and to be elected, to hold any public office and to perform any function at any level.

25. In addition, as stated in paragraphs 19 to 21 of the 9th periodic report, the Macao SAR Government created the Commission for Women and Child Affairs (hereinafter referred to as the "CWCA") in accordance with Administrative Regulation 27/2016, in order to assist the Macao SAR Government to formulate and promote policies related to women and children and to monitor relevant implementation. In addition to members from public departments, the CWCA also includes 15 representatives from associations of different areas and 5 individuals with recognised social merits. Currently, women account for more than 70% of the total number of members of the CWCA.

26. The CWCA promotes its work mainly in collaboration with different departments of the Macao SAR Government. In August 2018, the "Cross-departmental Working Group on Macao Women's Development Goals" was constituted to follow up on the policy goals and measures under the "Macao Women's Development Goals". The working group is coordinated by the director of the Social Welfare Bureau (hereinafter referred to as the "SWB"), who is also the vice-chairman of the CWCA, and consists of representatives from 11 public departments, and the director and deputy director (representatives from non-governmental organisations (hereinafter referred to as the "NGOs")) of the "Task Force of Follow-ups on Macao Women's Development Goals". Female members account for more than half of the working group members.

27. In order to promote the spirit of the international conventions on gender equality and women's development, the CWCA launched a 7-year plan of the "Macao Women's Development Goals" (2019 to 2025) in 2019, setting goals and feasibility strategies to continuously assist women's development, involving 8 areas (gender mainstreaming, women and participation in decision-making, education and training, healthcare, social welfare, safety and law, economics, media and culture), along with 21 policy goals and 79 short-term, mid-term and long-term policy measures related to women's rights. In addition, under the "Macao Women's Development Goals", there were 36 short-term measures (2019 to 2021), all of which had been fully implemented, with 161 action plans involved. There are a total of 24 mid-term measures (2021-2023), of which 16 were implemented between 2021 and 30 June 2022, covering 97 action plans.

28. During the pandemic, the CWCA continued to hold meetings in compliance with the pandemic prevention and safety measures, continued to pay attention to the needs of women and children and promoted the work of the "Macao Women's Development Goals", especially the promotion of "gender mainstreaming" and the organisation of relevant training seminars for the staff of social service institutions, students of higher education institutions and the staff of public departments.

#### Question 4

29. Under the current legal system and institutional framework of the Macao SAR, the rights set forth in the Convention on the Elimination of All Forms of Discrimination against Women are implemented and fully protected through different laws of the Macao SAR.

30. In terms of monitoring the implementation of human rights, the Macao SAR, through different institutions and mechanisms, implements the fundamental functions of a human rights institution as set out in the Paris Principles. The Commission Against Corruption (hereinafter referred to as the “CCAC”), the Office for Personal Data Protection, the Commission for Disciplinary Control of the Security Forces and Services as well as different commissions/committees comprising representatives of government departments and of NGOs, including the Commission for Refugees, the Human Trafficking Deterrent Measures Concern Committee, the Senior Citizens Affairs Committee, the Commission for Rehabilitation Affairs, the CWCA, *etc.*, cooperate with one another to coordinate and monitor the Macao SAR Government’s work on the protection of human rights.

31. What was mentioned in paragraphs 10 to 14 of the 9th periodic report should be restated, the CCAC also performs the Ombudsman’s functions and plays an indispensable role in promoting the protection of rights and freedoms, safeguarding the interests of individuals and ensuring that the exercise of public powers abides by the criteria of justice, legality and efficiency. Adequate financial and human resources are provided to the Commissioner to guarantee the exercise of his Ombudsman’s functions in an independent and autonomous manner (Article 59 of the Basic Law and Article 37 of Law 10/2000 on the Legal Framework of the Commission against Corruption of the Macao Special Administrative Region, as amended by Law 4/2012). The CCAC may initiate *ex officio* inquiries, analyse complaints and issue recommendations to government departments.

32. Moreover, as one of the judicial organs, the Procuratorate, in addition to exercising its prosecutorial functions, exercises its duties and competence in courts independently, including the competence to represent the Macao SAR and incapacitated persons, *etc.*, in courts; to represent *ex officio* workers and their families in courts to safeguard their social rights, and to safeguard legality and legal interests, including collective interests or public interests. It also has the competence to promote and cooperate in crime prevention activities, carry out criminal proceedings and monitor the procedural behaviour of criminal police bodies, *etc.* (Articles 55 and 56 of Law 9/1999 on the Legal Framework of the Judiciary, as amended by Law 9/2004, Law 9/2009 and Law 4/2019).

#### **Question 8 (parts involving the Macao SAR)**

33. Regarding the investigation and taking of evidence on violence against women, the Macao Criminal Procedure Code expressly provides for the evidence system. During the inquiry stage, the Procuratorate leads the inquiry, with the assistance of the criminal police bodies. The methods that may be used to obtain evidence, among others, include examination, inspection and search, seizure and communication interception. In the preliminary hearing stage or trial stage of the case, in addition to the above-mentioned methods of obtaining evidence, the court may also, *ex officio* or upon request, order the investigation of other methods to obtain evidence that it considers helpful to discover the truth of the facts and to make good judgments, including witness testimonies, statements, confrontations, identifications of defendants, the parties assisting the public prosecutor and civil parties as well as reconstitutions of facts, evaluations and documentary evidence, *etc.*

34. In addition, considering the particularity of domestic violence cases, Law 2/2016 on Preventing and Combating Domestic Violence provides for special treatment concerning the taking of evidence from victims. Specifically, the judge presiding over the trial may, *ex officio* or upon the request of the Procuratorate or the victim, determine the examination of the victim in the hearing as the witness, as the party assisting the public prosecutor or as the civil party to take place without the presence of the defendant. In exceptional cases, judiciary authorities or criminal

police bodies may authorise the victim to give statements in the proceedings as the witness, as the party assisting the public prosecutor or as the civil party, being accompanied by a family member, doctor or healthcare professional, counsellor, social worker or other persons whom the judiciary authorities or criminal police bodies deem adequate. The preliminary hearing judge may, upon request of the Procuratorate, the victim or the party assisting the public prosecutor, carry out an urgent examination of the witnesses during the inquiry stage and the examining stage, so that the testimonies may, if necessary, be taken into consideration at trial or be read at trial, when they serve to ensure their spontaneity or when the vulnerability of the witnesses so requires (Articles 26 and 27).

35. Meanwhile, the Procuratorate and criminal police bodies also provide relevant staff with training programmes on handling cases involving women victims of domestic violence, for them to better understand the psychological conditions of women victims when handling the cases and assist them to tell the truth and to cooperate with the investigations, *etc.* Moreover, the Public Security Police Force has even set up specific questions and procedures for related situations which include the arrangement of suitable independent spaces for examinations based on the actual situations, police officers of the same sex for taking testimonies and sending the victims to hospitals for examinations so as to avoid the infliction of secondary harm on them due to repeated recordings of testimonies, as well as informing the SWB and providing all appropriate support and police protective measures, *etc.*, and uses example cases, combined with legal provisions and work guidelines, in daily police training to explain to frontline staff in order to improve their case handling abilities and inquiry skills.

36. It is worth reiterating that in accordance with Law 2/2016, victims of domestic violence and people in dangerous situations of domestic violence may receive general protection and assistance measures (such as temporary shelter in social services facilities, emergency economic assistance, access to emergency legal aid, *etc.*) or police protection (escort) measures (Articles 16 and 17), and whether they may be granted the aforementioned protection and assistance measures does not depend on the criminal characterisation of the act in question (Article 12). Furthermore, if there are strong *indicia* of the commission of the crime of domestic violence, the judge may impose on the defendant, besides the coercive measures provided for in the Macao Criminal Procedure Code, cumulatively or separately, the coercive measures stipulated in Article 25 of that Law. The above measures help increase the victims' confidence in the judicial system which may alternately lead them to actively cooperate with the investigation and evidence collection of judicial organs.

37. According to Articles 259 to 261 of the Macao Criminal Procedure Code, if there are insufficient *indicia* of the occurrence of a crime, the inquiry will be archived but the inquiry may be restarted when new evidence materials appear in the future and the criminal procedure may continue in order to pursue the criminal liability of the defendant.

38. Pursuant to Article 18 of Law 2/2016, the crime of domestic violence is an offence punishable by imprisonment for a maximum of more than three years; therefore, pursuant to Article 3 of Law 10/2022 on the Legal System for the Interception and Protection of Communications, such offence is a situation in which interceptions of communications are permissible in accordance with the law, thus contributing to the collection of evidence pursuant to the law. Even though the perpetrator may not be held criminally liable due to insufficient evidence, this does not prevent the victim from claiming compensation for civil damages against the defendant in the court. Besides, victims of violent crimes who meet the requirements or their relatives (in case of deaths of the victims) may apply for special financial

compensation even if the offender's identity is unknown or if the offender cannot be accused or convicted (Law 6/98/M on the Protection of Victims of Violent Crimes).

### Question 9 (parts involving the Macao SAR)

39. As stated in paragraphs 89 to 93 of the 9th periodic report, the prevention and investigation measures against the crime of trafficking in persons are carried out respectively under the leadership of law enforcement agencies and judicial organs. According to the information provided by the Human Trafficking Deterrent Measures Concern Committee, from 2010 to 30 September 2022, there were a total of 99 cases of trafficking in persons (Article 153-A of the Macao Criminal Code) investigated by the police while there were 95 cases preliminarily determined by the Procuratorate as cases of trafficking in persons, involving a total of 133 victims. Please see the tables below for relevant disaggregated data.

### Cases of trafficking in persons investigated by the police

Year of filing	No. of cases investigated	No. of cases preliminarily determined by the Procuratorate as cases of trafficking in persons*	No. of cases archived	No. of cases pending	No. of cases prosecuted	No. of persons prosecuted	Judgment (No. of cases)		Judgment (No. of persons)		Other convictions
							Tried	Pending trial	Acquittal	Convicted as trafficking in persons	
2010	14	20	15	0	5	8	5	0	1	3	4
2011	13	12	11	0	1	3	1	0	0	0	3
2012	19	14	9	0	5	17	5	0	1	7	9
2013	34	33	31	0	2	3	2	0	1	0	2
2014	5	5	5	0	0	0	0	0	0	0	0
2015	5	3	1	0	2	3	2	0	1	0	2
2016	4	2	1	0	1	1	1	0	0	0	1
2017	3	4	2	1	1	1	1	0	0	0	1
2018	1	0	0	0	0	0	0	0	0	0	0
2019	1	1	0	1	0	0	0	0	0	0	0
2020	0	0	0	0	0	0	0	0	0	0	0
2021	0	1	0	0	1	2	1	0	1**	1**	0
2022 (Jan to Sept)	0	0	0	0	0	0	0	0	0	0	0

Source: Human Trafficking Deterrent Measures Concern Committee

\* In addition to the cases filed by the police for investigation, cases reported directly to the Procuratorate were also included.

\*\* Regarding the case of 2021, two persons were each charged with three counts of trafficking in persons, one of whom was eventually convicted of one count of trafficking in persons and two counts of exploitation of prostitution, and was sentenced to four years and six months in prison, while the other was found not guilty.

**Cases preliminarily determined by the Procuratorate as cases of trafficking in persons**

Year	No. of cases	No. of victims	Gender	Age		Place of origin	
				≥18	< 18	Mainland China	Others
2010	20	37	F	24	13	37	0
2011	12	14	F	9	5	14	0
2012	14	24	F	13	11	24	0
2013	33	40	F	15	25	38	2
2014	5	5	F	1	4	5	0
2015	3	5	F	4	1	4	1
2016	2	2	F	1	1	2	0
2017	4	2	F	1	1	2	0
2018	0	0	-	0	0	0	0
2019	1*	0	-	0	0	0	0
2020	0	0	-	0	0	0	0
2021	1	4	F	4	0	0	4
2022 (Jan to Sept)	0	0	-	0	0	0	0

Source: Human Trafficking Deterrent Measures Concern Committee

\* The case is still under investigation; therefore, there is no detailed information about the case.

40. According to the information provided by the Office of the President of the Court of Final Appeal, between 2010 and 30 September 2022, the court heard a total of 18 cases of trafficking in persons, involving 39 defendants, of which 4 were acquitted, 11 were convicted of trafficking in persons and 24 were convicted of other crimes. For details of judgments and penalties, please refer to the annexed table.

41. With respect to assisting victims of trafficking in persons (including potential victims), as mentioned in paragraphs 98 to 101 of the 9th periodic report, the SWB provides financial assistance for victims based on the situations of the cases (including living expenses, transportation expenses of the return trips to their places of origin, fees for certificates, *etc.*), accommodation, medical referrals, translation and legal counselling, *etc.* From 2010 to 30 September 2022, the SWB provided assistance to 107 victims, all of whom were female. Please see the table below for details.

**Victims of trafficking in persons assisted by the SWB**

Year	No. of victims	Gender	Age		Place of origin	
			≥18	< 18	Mainland China	Others
2010	13	F	6	7	13	0
2011	13	F	7	6	12	1 (Russia)
2012	29	F	17	12	29	0
2013	33	F	13	20	31	2 (Ukraine)
2014	6	F	2	4	5	1 (Tanzania)
2015	6	F	2	4	5	1 (Brazil)
2016	4	F	1	3	4	0
2017	2	F	0	2	2	0



Year	No. of victims	Gender	Age		Place of origin	
			≥18	< 18	Mainland China	Others
2018	1	F	0	1	1	0
2019	0	-	0	0	0	0
2020	0	-	0	0	0	0
2021	0	-	0	0	0	0
2022 (Jan to Sept)	0	-	0	0	0	0

Source: SWB

42. For detailed data and information on various assistance services provided by the SWB to victims and potential victims of trafficking in persons, please refer to the following table.

### Assistance provided by the SWB to victims and potential victims of trafficking in persons

Service Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022 (Jan to Sept)
Accommodation (no. of persons)	10	8	14	13	2	2	1	0	0	0	0	0	0
Accommodation provided by NGOs to minors (no. of persons)	1	3	9	19	4	4	3	2	1	0	0	0	0
Counselling and follow-up (no. of times)	108	62	119	133	55	20	12	6	3	0	0	0	0
Clinical psychotherapy (no. of times)	14	-	-	-	-	0	0	0	0	0	0	0	0
Medical and healthcare referrals (no. of times)	16	10	25	49	8	7	4	2	1	0	0	0	0
Drug dependence treatment (no. of times)	0	0	0	0	0	0	0	0	0	0	0	0	0
Skill training (no. of times)	1 person 0 (2 times)		0	2 persons 0 (8 times)		0	0	0	0	0	0	0	0
Service for return to places of origin provided by the International Organisation for Migration (no. of persons)	0	0	0	2	1	1	0	0	0	0	0	0	0
Financial aid (Patacas)	56,133.3	41,834.5	83,778.2	104,156.7	57,081.2	32,710.9	13,535.5	11,900	12,252	0	0	0	0

Source: SWB

43. It is worth noting that victims of cases of trafficking in persons registered by the Procuratorate who need to stay in the Macao SAR to complete necessary judicial investigations may be arranged to stay in temporary shelters provided by the SWB during that period. According to current practices, the Immigration Control Department of the Public Security Police Force will issue supporting documents to grant permission for the victims to stay temporarily in the Macao SAR and will recommend that victims of trafficking in persons be exempted from the administrative penalties caused by overstaying or illegal entries into the Macao SAR. The penalties for other criminal violations involving illegal entries or prostitution, *etc.*, are also generally exempted due to their involuntary or forced participations.

44. In terms of assisting victims to return to their places of origin, as stated in paragraph 94 of the 9th periodic report, the SWB had signed a cooperation agreement with the International Organisation for Migration (Hong Kong Office) to provide risk assessment and escort services for foreign victims and follow-up reports after returning to their places of origin, *etc.* Moreover, the Agreement between the Government of the Macao Special Administrative Region of the People's Republic of China and the Government of Mongolia on Cooperation to Combat Trafficking in Persons, signed between the Macao SAR and Mongolia in 2010, remains in force.

45. As regards victims from Mainland China, the SWB, with the assistance of the Liaison Office of the Central People's Government in the Macao Special Administrative Region, has started collaborating with local NGOs to provide them with escort services to their places of origin since 2017. As at the end of 2022, 2 victims were escorted to their places of origin. At present, the Human Trafficking Deterrent Measures Concern Committee is also planning to establish a permanent mechanism with the public security authorities in Mainland China to standardise the procedures for the return of victims who are from Mainland China.

### **Question 13 (parts involving the Macao SAR)**

46. As mentioned in the response to Question 1, paragraph 2 of Article 38 of the Basic Law specifically stipulates that the legitimate rights and interests of women are protected by the Macao SAR.

47. Articles 27 and 32 of the Basic Law expressly guarantee the freedom of speech, freedom of association, and freedom and privacy of communication, respectively. Its Article 40 even specifically points out that the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied will remain in force, including the provisions that "everyone shall have the right to freedom of expression" and "everyone shall have the right to freedom of association with others".

48. In addition to the constitutional protection enshrined in the provisions of the Basic Law mentioned above, Article 188 of the Macao Criminal Code also expressly stipulates that the infringement of the content of postal communications or telecommunications without consent is a criminal offence, punishable by a maximum of 1 year's imprisonment or a fine of 240 days. Moreover, Article 4 of Law 16/92/M on Communications Confidentiality and Privacy Protection specifically prohibits public authorities from interfering with postal communications and telecommunications where such interference is not provided for in law. If privacy is infringed, provisional remedies proceedings may be initiated and compensation for damages caused may be claimed through civil proceedings in accordance with the provisions of Articles 15 and 20 of that Law. Articles 13 to 15 of Law 10/2022 specifically criminalise the unlawful interceptions of communications, breaches of confidentiality obligations and improper uses of information, which are punishable as public offences. On the other hand, Article 7 of the Law stipulates that if the judge

considers that the interception of a communication is unjustified after it has been completed, the person who suffers from the damage shall be notified so that he/she may claim compensation through litigation. It is necessary to reaffirm hereby that there are no women human rights defenders or civil organisations in the Macao SAR that have been subject to reprisals or investigation for providing opinions or information to the United Nations Committee on the Elimination of Discrimination against Women.

49. In respect of association, Article 154 of the Macao Civil Code and its following articles as well as Law 2/99/M that establishes the Regime for the Freedom of Association further protect the right of association and regulate the registration of associations, providing that Macao SAR residents have the right to associate freely without the need for any permission. As long as the relevant associations do not promote violence, violate criminal laws or endanger public order, the Identification Bureau will register the associations for free. Anyone, even if it is a public authority, forcing or coercing anyone to join or leave an association may be punished by the penalty stipulated in Article 347 of the Macao Criminal Code for “Abuse of Power”, that is, a maximum of 3 years’ imprisonment or a fine (Article 4 (2) of Law 2/99/M). As of 30 September 2022, there were 100 registered associations involving women’s rights and interests or safeguarding equality for women.

#### **Question 20 (parts involving the Macao SAR)**

50. Regarding the elimination of discrimination against lesbians, transsexual and transgender women, the laws and regulations of the Macao SAR, including the Basic Law, stipulate the principles of equality and non-discrimination in the fields of employment, education and healthcare. The above-mentioned persons exercise the rights conferred by law equally as other women and obtain the same legal protection:

- In the area of education, as described in paragraphs 142 and 154 of the 9th periodic report, Law 9/2006 on the Legal Framework of the Non-higher Education System and Law 10/2017 on the Higher Education System (both as amended by Law 2/2022), as the core laws of the education system of the Macao SAR, establish the basic principle of equal access to education, that is, the right of all persons, regardless of gender or sexual orientation, to education without discrimination and the obligation of the Government to develop appropriate mechanisms to promote equal opportunities in education. Meanwhile, the Macao SAR Government also provides necessary conditions and resources to ensure that women or girls who are temporarily or permanently unable to enjoy the right to education due to pregnancy, childbirth, illness, disability, being in prison or other institutions receive education;
- In terms of employment, as mentioned in paragraph 168 of the 9th periodic report, Law 7/2008, as amended, Law 4/98/M on the Legal Framework of Employment Policy and Worker’s Rights and Decree-law 52/95/M on equal opportunities and treatment in employment establish equality of opportunity and treatment in work and occupation as a major principle and also expressly prohibit any form of discrimination based on gender or sexual orientation. No employee or job applicant should be deprived of any rights or be exempted from any obligation for such reason. According to subparagraph 1 of Article 85 (1) of Law 7/2008, as amended, the discrimination of an employer against employees or job applicants without reasonable grounds constitutes contraventions. The employer may be imposed a fine ranging from 20,000 to 50,000 Patacas for each employee involved in the contravention;
- With respect to healthcare, as mentioned in the response to Question 1, Decree-law 24/86/M stipulates that the Macao SAR Government will provide basic

healthcare services to all residents. Among the services, specific health services are also provided for women, in addition to free primary healthcare services and regular health checkups for women, including women's healthcare (family planning, post-natal checkups and general checkups for women), pre-conception consultations, pre-natal checkups, and medication and devices used in family planning. The above services are equally applicable to any women in need and there will be no differential treatment or discrimination based on gender.

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