



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

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

**List of issues and questions in relation to the combined  
seventh and eighth periodic reports of China**

**Addendum**

**Replies of China\***

[Date received: 15 August 2014]

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



## Remarks

This document contains the responses of the People's Republic of China to the list of questions submitted in March 2014 by the United Nations Committee on the Elimination of Discrimination against Women. It comprises three parts: Part I contains the replies of China's central Government; Part II contains the replies of the Government of the Hong Kong Special Administrative Region; and Part III contains the replies of the Government of the Macao Special Administrative Region.

### **Responses by the Government of China to the list of issues and questions submitted by the United Nations Committee on the Elimination of Discrimination against Women in relation to the combined seventh and eighth periodic reports of China on the 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**

##### **Reservation and declarations**

1. **Please provide information on measures taken to withdraw the reservation to article 11 (2) of the Convention applicable to the Hong Kong Special Administrative Region. Please further indicate whether a review of the interpretative declarations to the Convention is envisaged. Please also explain how the application of the interpretative declarations has affected the implementation of the Convention in the Special Administrative Regions.**

##### **Legislative and policy framework, and data collection**

2. **It is stated in the report that the Decision on Amending the Law of the People's Republic of China on the Protection of Rights and Interests of Women came into effect as of December 2005, which, inter alia, introduces the principle of the elimination of all forms of discrimination against women (paras. 12 and 55). Please provide information as to whether the amendment also introduces a definition of discrimination against women, in line with article 1 of the Convention, which encompasses elements of direct and indirect discrimination. In addition, what measures have been taken to amend the Sex Discrimination Ordinance in Hong Kong to ensure that its definition of discrimination covers indirect discrimination?**

Answer: The Law on the Protection of Rights and Interests of Women, which China amended in 2005, does not provide a clear definition of discrimination, but in principle embodies the principles and the spirit of article 1 of the Convention, stipulating that the State should take the necessary measures to eliminate all forms of discrimination against women and that women are entitled to equal rights with men in political, economic, cultural, social and family life. At the same time, the State should protect rights and interests that are unique to women.

**3. What reform measures have been taken to address inconsistencies in statutory law and customary law and practices that discriminate against women and girls? Please explain the measures taken to integrate intersectional discrimination, faced by ethnic minority women, into the legal and policy framework.**

Answer: (1) In China, customary law is not recognized as a formal source of law, and therefore there is no question of inconsistency between statutory law and customary law. In reality, due to the influence of long-standing patriarchal attitudes, some places still have discriminatory practices against women. For example, some rural areas have adopted village rules and regulations that refuse to recognize married women's rights under land contracts. This is a violation of the law.

In light of this situation, article 27 (2) and (3) of the Organic Law of the Villagers' Committees, as amended in 2010, provide that "No village charter of self-government, village rules and regulations, villagers' pledges or decisions taken after deliberation by a villagers' assembly or by representatives of villagers may contravene the Constitution, laws, regulations, or State policies, or contain elements that infringe upon villagers' rights, such as their personal, democratic or lawful property rights", and that "should any village charter of self-government, village rules and regulations, villagers' pledges or decisions taken after deliberation by a villagers' assembly or by representatives of villagers be found to be in violation of the preceding paragraph, the People's Government shall require that they be corrected at the township, ethnic minority township or town level, as appropriate".

Some local governments have been actively promoting the revision of village rules and regulations in order to eliminate gender-discriminatory elements. For instance, rules and regulations for all villages across Heilongjiang Province have been revised to incorporate gender equality provisions, and Dengfeng City, Henan Province, has revised rules and regulations for 90 per cent of the villages under City jurisdiction, and issued the document "Opinions on Promoting Gender Equality by Revising Village Rules and Regulations" and other guidance documents.

(2) Promoting the equality of all ethnic groups and prohibiting discrimination against any ethnic group stand as a basic principle established by the Constitution of China. China's Electoral Law, Education Law and Employment Promotion Law, among others, ensure that ethnic minority women enjoy equal rights with men. The Law on the Protection of Rights and Interests of Women prohibits discrimination against women of all ethnic groups, including ethnic minority women, while specifically stipulating that the State shall place emphasis on the training and selection of ethnic minority women cadres. China's Law on Regional National Autonomy stipulates that the self-government organs of national autonomous areas shall pay attention to the career training and development of cadres at various levels, as well as of specialized and technical personnel of various kinds, from among ethnic minority women. For the protection of the right to education of minority students, including ethnic minority women, China's Law on Regional National Autonomy also provides that the State shall set up institutions of higher education for ethnic minorities, while establishing, in other institutions of higher education, regular classes and preparatory classes exclusively for ethnic minority students; practices of enrolling students for pre-assigned jobs may also be introduced. In enrolling new students, institutions of higher education and secondary technical schools shall appropriately set lower standards and requirements for the

admission of ethnic minority students; and additional preferential treatment is given to candidates from ethnic minority groups that have a very small population.

The Chinese Government has been developing and improving relevant laws and policies that promote women's participation in decision-making and management. Efforts have been made to encourage relevant stakeholders to take measures to increase the proportion of women among People's Congress deputies and People's Political Consultative Conference members, and in the villagers' committees and residents' committees, as well as the proportion of ethnic minority women among candidates. In the process of taking major decisions involving public interests, including the rights and benefits of women, full account is taken of the opinions and suggestions of People's Congress deputies and People's Political Consultative Conference members who are ethnic minority women, as well as those of ordinary ethnic minority women.

The Government has also taken comprehensive measures to accelerate the development of education for ethnic minorities, to safeguard the cultural rights of ethnic minority women, and to protect, by law, the right of ethnic minority women to learn, use and develop their own spoken and written languages.

**4. It is indicated in the report that the State Council adopted the National Human Rights Action Plan for the period 2009-2010 (paras. 26 and 69). Has there been any comprehensive evaluation of the gender impact assessment of the Plan? Please also indicate whether a new plan has been adopted thereafter. If a new plan exists, does it take into account the specific needs of ethnic and minority groups? Are there relevant indicators for tracking progress? What coordination mechanisms are available for collection, compilation and assessment of data, disaggregated by sex, ethnicity, religion and location, as well as for ensuring their consistency and reliability?**

Answer: (1) In 2011, the Chinese Government carried out the final evaluation of the first National Human Rights Action Plan (2009-2010) and released the evaluation report, with a separate section on women's rights in particular. The evaluation showed that women's equal right to participate in the management of State and social affairs, their right to employment and their right to equal access to economic resources were effectively protected; the delivery of reproductive health services for women of childbearing age had been improved, and efforts to fight domestic violence against women had been further strengthened.

(2) In June 2012, the State Council promulgated the action plan for the new cycle, i.e. the National Human Rights Action Plan (2012-2015). The Plan, which addresses the rights of ethnic minorities and takes full account of their specific needs, includes the following elements: protection, as required by law, of the right of ethnic minorities to equal participation in the management of State and social affairs; an emphasis on the training and use of ethnic minority talents of all kinds; protection of the right of ethnic minorities to equal access to public services; protection of the right of ethnic minorities to economic development; acceleration of the development of education for ethnic minorities; protection of the cultural rights of ethnic minorities; and protection, as required by law, of the right of ethnic minorities to learn, use and develop their own spoken and written languages.

(3) The new National Human Rights Action Plan establishes a series of indicators. For instance, it clearly states that "the People's Congresses,

governments, and People's Political Consultative Conferences at the provincial and municipal levels, as well as county-level governments, [shall] include at least one female member in the leadership team" and that "by 2015 the number of women participating in maternity insurance will reach 150 million". The Plan clearly proposes to strengthen the work on gender statistics and to improve sex-disaggregated data collection and dissemination. The joint meeting mechanism for the National Human Rights Action Plan, consisting of more than 50 government departments, is responsible for supervising and evaluating the implementation of the various indicators, in order to ensure the consistency and reliability of the data.

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

**5. It is stated in the report that the National Working Committee on Children and Women, the coordinating agency for promoting gender equality, has witnessed a continuous growth in staffing and working funds and that the mechanism has been strengthened (paras. 49 and 65). Please explain the measures being taken to ensure that the Committee has the mandate to, and can adequately, enforce the implementation of the Programme for the Development of Chinese Women (2011-2020) and other policies concerning women.**

Answer: The State Council's National Working Committee on Women and Children, which is chaired by a Vice-Premier of the State Council, currently consists of 35 member organizations, including both government departments and NGOs, represented by ministerial-level officials or heads of the member organizations. Each member organization has defined its own departmental duties and specified its own responsibilities and obligations in the protection of the rights and interests of women and children, the promotion of the development of women and children and the implementation of the two Programmes (i.e. for women and children respectively). People's Governments above the county level have all established corresponding committees and offices in this regard.

- The Committee has developed and improved its regulations and systems for holding meetings, for reporting, for monitoring and evaluating, for supervising and guiding, and for liaising. The Committee holds a plenary session annually, to take stock of the preceding year's work and to plan and assign tasks for the current year; coordination meetings are also held from time to time by some member organizations, in order to explore ways to facilitate the solution of salient issues in the development of women and children.
- The Programme for the Development of Chinese Women (2011-2020) clearly states that "The State Council and local working committees on women and children at all levels are responsible for organizing, coordinating, guiding and supervising the implementation of the Programme". The National Working Committee on Women and Children has formulated and issued, in accordance with the Programme for the Development of Chinese Women and the division of duties among member organizations and relevant government departments, a document providing a detailed description and division of goals and responsibilities for the implementation of the Programme for the Development of Chinese Women, dividing and assigning specific goals and responsibilities among 35 member organizations and 10 relevant government departments; the member organizations have also developed their own plans for implementing the goals and responsibilities in relation to the Programme for the Development of

Chinese Women. A steering group for monitoring and evaluating the implementation of the two Programmes has been set up, under which there are a monitoring team and an evaluation team; a system of indicators for monitoring the implementation of the two Programmes has been developed and issued, and annual monitoring, midterm evaluation and final evaluation exercises have been carried out on the implementation of the Programme for the Development of Chinese Women, covering 57 indicators in 7 areas. By implementing projects and getting things done for the real benefit of women, solutions to major and difficult problems encountered by women have been found. Through the provision of guidance, demonstration with model and pilot projects and the identification and replication of good experiences, the implementation of the Programme for the Development of Chinese Women has been enhanced.

### **Temporary special measures**

**6. It is indicated in the report that the State party has taken a series of special measures in the fields of women's employment, political participation and health care with a view to accelerating de facto equality between men and women (paras. 72-78). How is progress in implementation monitored? Please provide information on the specific measures taken, including quotas, aimed at accelerating de facto equality between men and women in line with article 4 (1) of the Convention and general recommendation No. 25 on temporary special measures.**

Answer: (1) China has a special mechanism for information collection and management, quality control, and monitoring and evaluation, which monitors the progress of implementation by, inter alia, collecting data whenever needed and carrying out regular assessments and inspections. In the field of health care, since 2009, the Chinese Government has been implementing a national basic public health services project, under which health-care institutions at the grass-roots level undertake to provide urban and rural residents with such services free of charge. The project has now been expanded to include 11 categories of services, with maternal health management as one key element, which specifically includes providing to pregnant women and new mothers, as appropriate, early-pregnancy, mid-pregnancy and late-pregnancy health management, postpartum visits, and the 42nd-day postpartum health check, with expenses borne by the government budget at various levels. As of the end of 2013, 89.5 per cent of pregnant women and new mothers nationwide have been covered under this management system. The implementation of the project has been monitored, with overall data at the national level collected regularly by the National Statistical Information Centre, on the one hand, and with annual third-party inspections and assessments for selected provinces, on the other, in order to closely engage with grass-roots-level health-care institutions so as to ascertain the actual progress of projects.

(2) Regarding temporary special measures, the Chinese Government has taken a number of specific measures for the selection and appointment of women cadres. First, prior to the establishment of the leadership teams before every new term, seminars are held and policy documents are distributed, and specific targets in relation to the selection and appointment of women cadres are proposed. The proposal for the composition of a leadership team for the new term is subject to approval, in order to ensure that relevant requirements have been met regarding the selection and appointment of women cadres. Second, this is included in the annual

statistical monitoring process, with regular annual statistical data analysis conducted with a view to strengthening the appointment of women cadres, based on trends displayed by the data. Third, an annual reporting system and a communication mechanism have been established in relation to the training and selection of women cadres, which require all localities and government departments to report every year on their work in this regard and to communicate widely the status of implementation, so that timely supervision and guidance can be provided to all localities and departments for better implementation.

The Chinese Government attaches great importance to the issue of maternity protection for women workers, having promulgated laws and regulations relating to maternity insurance at the very beginning of the founding of New China. With developments and changes over time, China has basically developed a regulatory system for the protection of women's rights and interests in relation to equal employment and reproduction, which includes the Law on the Protection of Rights and Interests of Women, the Law on Social Insurance, the Regulations Concerning the Labour Protection of Female Staff and Workers and the Provisional Measures for Maternity Insurance of Staff and Workers of Enterprises, as well as other laws and regulations, and has served to promote equal employment for women and ensured the basic livelihood and physical health of professional women during the pre- and post-partum period.

By the end of 2013, the number of workers participating in maternity insurance had reached 164 million nationwide. In practice, all localities across the country have continuously improved policies regarding maternity insurance, in terms of maternity leave, maternity allowances and medical treatment entitlements, with a view to safeguarding employment for women and protecting their health, by stipulating that women's pay shall not be reduced during maternity leave and that medical expenses for childbirth shall be reimbursed in full, subject to relevant policies. For urban residents, the Chinese Government has included medical expenses related to hospital births in the coverage of the Urban Resident Basic Medical Insurance Fund. Maternity protection for women in rural areas is provided through the new rural cooperative medical care system and by other means. By the end of 2013, the percentage of urban and rural residents participating in medical insurance of one type or another had reached over 95 per cent.

### **Stereotypes and harmful practices**

**7. It is stated in the report that, in order to combat deep-rooted stereotypes regarding the roles and responsibilities of women and men reflected in concerns such as son preference, which lead to a high adverse sex ratio at birth and illegal sex-selective abortion, the State party has taken educational measures and is conducting investigations on cases of foetal sex identification for non-medical needs (para. 83). Please indicate how the laws against sex-selective abortion, forced sterilization and female infanticide are monitored and enforced? Please also indicate whether there exists any comprehensive strategy or initiative aimed at eliminating the negative portrayal of women as sex objects in the media, in particular in Hong Kong. Please further explain the measures taken to revise the Small House Policy in Hong Kong under which only indigenous men, but not indigenous women, are entitled to apply for a permit to build a residence in the New Territories (CEDAW/C/CHN/CO/6, para. 38).**

Answer: (1) To combat foetal sex identification for non-medical needs and sex-selective pregnancy termination (the “two illegal practices”), the relevant legal system has been developed and improved, and investigation and punishment have been intensified, as an important means of comprehensive governance in China regarding the sex ratio at birth. Currently, many laws and regulations, including the Law on Population and Family Planning, the Law on Maternal and Child Health Care and the Regulations on Administration of Technical Services for Family Planning, clearly prohibit the “two illegal practices”. Under the Criminal Law, anyone who, without being a qualified medical practitioner and without authorization, performs an operation to end gestation will be found guilty of the crime of illegally performing a birth control operation. In 2002, the National Population and Family Planning Commission, the Ministry of Health and the Food and Drug Administration issued the Provisions on the Prohibition of Non-medical Foetal Sex Identification and Sex-selective Artificial Pregnancy Termination. Since then, 26 provinces (autonomous regions and municipalities) have provided, in their respective local population and family planning regulations, for legal liability in relation to the “two illegal practices”. Fourteen provinces (autonomous regions) have issued local laws or local government regulations banning the “two illegal practices”.

To monitor and oversee the implementation of relevant laws and regulations, the Chinese Government has strengthened efforts to raise awareness of those laws and regulations that protect the rights and interests of women and children and prohibit the “two illegal practices”, in order to enhance citizens’ awareness in this regard and encourage their voluntary and conscious resistance to those practices. It has also strengthened its health and family planning institutions, as well as its management of the sale/use of pregnancy-terminating medicines, improving professional ethics while stepping up the industry’s self-regulation. Joint law enforcement inspections have been carried out and hotlines have been launched, with rewards given for reporting such cases, and perpetrators of the “two illegal practices” have been severely punished in accordance with the law. Increased publicity and visibility have been given to selected cases of the “two illegal practices” for demonstration purposes.

(2) On eliminating the negative portrayal of women in the media, first of all, radio and television administrative regulations and departmental rules in China all clearly specify that radio and television news reports and all television programmes shall not include any content promoting obscenity and shall not contain insults, discrimination or ridicule directed against women. For any violation of those provisions, the relevant government departments will require the media in question to correct their mistakes, and those responsible will be held accountable. Second, China has provided special training for media reporters and practitioners to improve their gender awareness and correct understanding of women’s issues. Third, full play has been given to the role of women’s organizations in monitoring the media. For example, the All-China Women’s Federation has established a system for monitoring public opinion, which, upon detecting a negative portrayal of women in media, will take measures accordingly to eliminate the influence. Fourth, the media are encouraged to play a constructive role in portraying women in a positive light and establishing an overall healthy and positive image of contemporary Chinese women. Radio, television and new media have all been actively broadcasting programmes and reports on gender equality. Fifth, through legal, administrative, economic and other measures and through the media, awareness has been raised

widely among the general public in relation to the basic national policy of gender equality. The aim is to promote respect for women and to improve awareness of measures taken by the State, inter alia, to promote gender equality and eliminate stereotypes that discriminate against women; to protect women's and children's rights and interests; to ban sex-selective abortion, forced birth control and female infanticide; and to combat trafficking in women and children.

### **Violence against women**

**8. Please provide information and statistical data on the prevalence of violence against women, including domestic violence, in the State party, including in the Special Administrative Regions. It is stated in the report that most cities have set up shelters providing medical treatment, psychological support and rehabilitation for women and children who are victims of domestic violence (paras. 93 and 95). Please provide information on the number of shelters available and free-of-charge hotlines established. Please provide an update on the draft family violence law. Does it include protection orders for victims and availability of support services; and criminalization of marital rape? Please also state the specific measures that have been taken to improve the prosecution of cases of domestic violence in Hong Kong, and furthermore, explain the specific measures taken to combat the increased number of rape and domestic violence cases in Macao. Please provide information on measures taken to investigate expeditiously incidents of violence against women in detention centres, in addition to preventive measures undertaken.**

Answer: (1) Under the public security organs' statistical reporting system for initial police alerts, such alerts are classified according to the nature of the cases, as determined on a preliminary basis as they are initially described in the alerts, with no specific indicator designated for domestic violence. According to the third Chinese Women's Social Status survey, the percentage of women who have been victims of domestic violence from the spouse at any time during the marriage is 24.7 per cent; China has no statistics on the incidence of rape.

(2) There have been 2,156 free hotlines set up by the Chinese Ministry of Civil Affairs; in addition, women's associations have established 12,338 women's rights service hotlines in more than 2,800 counties. There are no statistics available on the number of women's shelters.

(3) In 2012, the Legislative Affairs Committee under the Standing Committee of the National People's Congress carried out a project demonstration/assessment exercise in relation to anti-domestic violence legislation. In 2013, the Anti-Domestic Violence Law was included in the legislative agenda of the Standing Committee of the Twelfth National People's Congress, which decided that the law would be proposed by the State Council for consideration. Currently, the draft Anti-Domestic Violence Law is in the process of being discussed and developed.

(4) Chinese detention facilities respect international human rights standards; strictly implement relevant human rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women; and fully protect the legitimate rights and interests of women held in detention.

In accordance with the provisions of the Regulation on Detention Facilities and relevant laws and administrative regulations, detention facilities have adopted a

management approach based on law, science and decency, protecting the personal safety of the detainees and their legitimate rights and interests as required by law, respecting the detainees' human dignity, and refraining from insulting, physically punishing or abusing detainees, or inciting or allowing others to do so. In detention facilities, detainees are directly managed by their respective designated police-officer-in-charge, and are put under round-the-clock comprehensive security monitoring, with video data kept for at least 15 days and problems immediately addressed as they are detected. The detention facilities hold and manage female detainees separately; personal checks on female detainees and their direct management are carried out by female police officers. The detention facilities ensure that detainees are able to lodge complaints in a timely manner in cases where their legal rights have been infringed. All detention rooms are equipped with detainee abuse alarm devices to send alerts of abuses as they happen, and detainees can make appointments to meet with directors of detention facilities, special inspectors, lawyers, family members and other relevant persons to report incidents. The detention facilities keep information on their law enforcement work publicly open and available, accepting social oversight. They also accept leadership and guidance by higher public security organs, including operational guidance-providing government departments, and accept oversight and inspection by relevant legal offices, discipline inspection offices, oversight offices and other inspecting and monitoring units of public security departments at all levels. When a detainee lodges a complaint or accusation, applies for administrative review or institutes administrative proceedings, the detention facility must hand over the relevant materials to the competent authorities within 24 hours, without inspecting or withholding those materials.

**9. It is stated in the report that a pilot project against domestic violence involving 72 courts in the State party has been implemented effectively and has yielded remarkable results (para. 94). Please provide specific information on the impact of the pilot project and indicate whether there are plans to replicate it in other areas of the State party. Please provide further information on the existing gaps in the State party's institutional framework in this regard and the specific proposals under consideration by the Legislative Affairs Committee, in addition to the progress that has been made to date.**

Answer: In May 2008, the Supreme Court issued the Trial Guide for Handling Matrimonial Cases Involving Domestic Violence ("the Guide"). In June 2008, a pilot project on the trial of matrimonial cases involving domestic violence was launched among courts nationwide. In March 2012, the pilot project was extended to include the area of criminal justice.

The pilot project has made a difference mainly in the following aspects: (1) Specialized organizations are set up to handle cases of this type. In recent years, a number of grass-roots People's Courts that are capable of doing so have set up collegial panels or designated specialists to handle exclusively marriage- and family-related cases involving domestic violence, and have ensured, as far as possible, that the judges handling such cases have received professional training in domestic violence intervention. (2) Protection of personal safety has been strengthened: victims' contact information is kept confidential, and hearings are conducted in the victims' absence to protect their safety. (3) Protection orders can be issued in accordance with the law in a timely manner. Upon receipt of a request to protect personal safety, the People's Court generally will issue such an order within 48 hours. According to incomplete statistics, courts participating in the pilot project

have issued a total of more than 500 protection orders since 2008. (4) The burden of proof is reasonably allocated. After the plaintiff has provided evidence to establish the facts concerning the violation and consequent injuries and to identify the defendant as the offender, the burden of proof is shifted to the defendant. If the defendant cannot provide counter-evidence to substantiate his denial of the violation under examination, the court can proceed to presume the defendant to be the perpetrator and determine that the facts of domestic violence have been established. According to incomplete statistics, in 2011, some of the courts participating in the pilot project witnessed an increase in the overall rate of domestic violence convictions from below 8 per cent to over 29 per cent. (5) Family property is equitably divided. The People's Courts, in dividing the jointly owned property of the plaintiff and the defendant, focus on adhering to the basic doctrine of gender equality. First, fair compensation is made in order to provide equal protection to the interests of the party that bore primary responsibility for taking care of the family during the marriage. Second, the court's decision should contribute to women's survival and development after the divorce. (6) The Supreme People's Court has required that the courts participating in the pilot project should, as far as possible, also apply a criminal injunction against the defendant in cases of domestic violence, so as to reduce or eliminate the chance that domestic violence will recur.

The number of courts participating in the pilot project has increased, with 221 grass-roots People's Courts now participating. Meanwhile, the spirit and the main provisions of the Guide have been continuously incorporated into local legislative and judicial documents.

Significant progress has been made in China's anti-domestic violence work in recent years, but there remain many gaps. Currently China is working on its Anti-Domestic Violence Law, which will include provisions on related issues, in order to achieve more positive progress in this regard.

#### **Trafficking in women and exploitation of prostitution**

**10. Please provide updated information on the prevalence of human trafficking throughout the territory of the State party. Please provide sex-disaggregated data on trafficking, including the number of victims, cases investigated, cases prosecuted, convictions and the punishment of perpetrators, and assistance to victims, including shelter homes and rehabilitation services provided. It is indicated in the report that the China National Plan of Action on Combating Trafficking in Women and Children (2008-2012) and Rules for the Implementation of the National Plan of Action were adopted (para. 103). Please state whether a new action plan has been drawn up following that period.**

Answer: (1) Between 2008 and 2013, courts across the country tried and concluded a total of 9,730 cases involving crimes of trafficking in women and children, with a total of 16,141 perpetrators punished as required by law. Around 58 per cent of the perpetrators of human trafficking convicted over the past six years have been sentenced to more than five years or life in prison.

As of the end of 2013, there were a total of 1,891 assistance and management centres for the homeless, 274 rescue and protection centres for minors, and 2,182 welfare agencies to provide temporary shelter and rehabilitation services to victims of human trafficking. Apart from giving them good care, various government departments have collaborated with one another in combining social

work, psychological counselling and other specialized methods to provide psychological counselling and support, legal education and skills training, as well as other services, to victims of human trafficking; to enhance their awareness of relevant laws and of their rights; and to improve their life skills as appropriate.

(2) On 2 March 2013, on the basis of an assessment of the China National Plan of Action on Combating Trafficking in Women and Children (2008-2012), the Chinese Government promulgated the China National Plan of Action on Combating Human Trafficking (2013-2020), which will serve as a normative policy document to guide China's crackdown on trafficking for the period to come, putting forward specific action measures in many areas, such as preventing and combating human trafficking, rescuing and assisting victims of human trafficking, improving the legal system and carrying out international cooperation. This will help to create a situation where various government departments can make concerted efforts against human trafficking in coordination and cooperation with one another, with the participation of society as a whole.

**11. What measures have been taken to revise the definition of trafficking in the Penal Code, which is currently limited only to the purpose of exploitation of prostitution but not for other forms of trafficking and forced labour? It is indicated in paragraph 115 of the report that prostitution in the State party remains illegal. Please explain the measures that have been taken to address previous concerns of the Committee that the continued criminalization of prostitution has a disproportionate impact on prostitutes rather than on the prosecution and punishment of pimps and traffickers (CEDAW/C/CHN/CO/6, para. 19). There are reports that women in prostitution in Hong Kong are forced to work alone in isolated settings where they are exposed to higher risk of abuse, exploitation and even life-threatening violence at the hands of the clients owing to legislative provisions (such as "vice establishment"). What measures have been taken to ensure greater protection of sex workers? Please state the provisions that are available for rehabilitation and reintegration of women in prostitution into society, especially by enhancing other livelihood opportunities.**

Answer: (1) Under its Criminal Law, China has criminalized all forms of trafficking in persons, not just trafficking for the purpose of prostitution. According to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (hereinafter referred to as "the Protocol"), the definition of trafficking includes two aspects, namely exploitation and trafficking, which correspond to the criminalization of exploitation and criminalization of trafficking in criminal law. Regarding the criminalization of exploitation, the acts of exploitation listed by the Protocol include, inter alia, sexual exploitation and forced labour, mainly for the purpose of prostitution. In China, these types of exploitation have already been criminalized. Article 358 of the Criminal Law, for instance, has provisions regarding the crimes of organizing prostitution, forcing people into prostitution and assisting organized prostitution; article 244 provides for the crime of forced labour; and article 234 (1) provides for the crime of organizing the sale of human organs. Regarding the criminalization of trafficking, in addition to the crime of trafficking in women and children and the crime of child abduction, as set out in the Criminal Law, and in order to reflect relevant provisions in the Protocol, the 2011 Amendment (VIII) to the Criminal Law modified article 158 (3) of the Criminal Law to stipulate clearly that the act of recruiting, transporting personnel or

providing other assistance to organizers of prostitution constitutes a crime. In addition, this amendment modified the crime of forced labour against workers previously set out in the Criminal Law as a crime of forced labour, while adding at the same time that the act of recruiting, transporting personnel or providing other assistance for the purpose of forcing others to work constitutes a crime. With these modifications, the act of trafficking for the purpose of sexual exploitation and forced labour is clearly criminalized, as required by the Convention. It should be mentioned in particular that all acts of trafficking in women and children for the purpose of selling the victim are punishable as crimes of trafficking in women and children. Acts of trafficking for other criminal purposes are dealt with under the criminal justice system in accordance with the General Provisions of the Criminal Law of China in relation to various forms of joint crimes, such as being an accomplice to a crime.

(2) Regarding the criminalization of prostitution, the Criminal Law of China does not criminalize prostitution in itself; i.e., prostitutes are not punishable under the Chinese criminal justice system. Rather, the Criminal Law only provides for the crimes of forcing people into prostitution, assisting in the organization of prostitution, luring people into prostitution, sheltering or procuring people for prostitution and luring young girls into prostitution, and prostitution by people living with sexually transmitted diseases. In other words, criminal penalties apply exclusively to those who organize or assist in organizing prostitution, pimps and special categories of prostitutes who know that they are living with a severe venereal disease.

**12. Please state the measures being taken to establish an effective referral system for the refugee status determination procedure, and measures to facilitate the prompt identification and referral to the asylum system of victims of trafficking in Macao. What measures have been taken to revise the administrative practice of detaining female unaccompanied minors who arrive in Hong Kong by air and are refused entry?**

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

**13. The data provided in the report indicate that women remain underrepresented in legislative bodies, decision-making positions and the judiciary (paras. 126-131). Please provide information on the specific measures being taken, including through temporary special measures in line with article 4 (1), of the Convention and general recommendation No. 25 on temporary special measures, to increase the representation of women in all decision-making and legislative bodies at all levels, particularly in villagers' committees, as well as in Hong Kong and Macao (paras. 126 and 213). What specific measures are in place to address the low participation of ethnic and religious minority women in politics and public life?**

Answer: (1) The Chinese Government has taken various measures to ensure women's equal participation in politics. First, a specific quota has been set for this purpose. The Programme for the Development of Chinese Women (2011-2020) clearly sets out targets for women's participation in decision-making bodies at all levels. When new leadership teams were last formed at the State level, a requirement was put forward stating clearly that the proportion of women among the Party Congress deputies and People's Congress deputies must increase, and women must account for a certain percentage of People's Political Consultative Conference members.

Second, when new local leadership teams were formed, a requirement was put forward stating clearly that the leadership teams of the Party Committee, the People's Congress, the government and the Political Consultative Conference at the provincial and municipal levels, and the leadership teams of the Party Committee and the government at the county level, must each have one or more female cadres; a specific quota was set for women cadres among Party and government chiefs at the municipal and county levels; and so on. In principle, any proposal for the composition of the leadership team for the new term of any of those branches will not be approved by the relevant higher-level authorities unless it meets the relevant requirements as to the percentage of women cadres. If no suitable candidate is available locally, the vacancy can be filled through an exchange of personnel with other localities, and vacancies for women cadres that emerge during a term are to be filled promptly. Third, it is required that half of the Central Party and State organs, ministries and ministry-level commissions/committees, as well as provincial and municipal Party Committees and government departments, should have women in their leadership teams, and that Party Committees and government departments at the county level should increase the number of women cadres in their leadership teams. Also, the proportion of women directors-general and directors, as compared to their male colleagues at the same level, in Party organs as well as government departments at and above the municipal/prefecture level is to be increased. Fourth, preferential treatment is given to women in the selection and appointment of cadres. As a consistent practice, when all conditions are equal, women candidates are preferred in the selection and appointment of cadres. In open and competitive selections, the number of positions and quotas for women cadres are specified as appropriate. Fifth, the building of reserves of cadres has been strengthened so as to ensure the required proportion of women among the reserves of cadres of all ranks, and the required number of women in the leadership teams of Party organs and government departments at the provincial, municipal and county levels. The proportion of female cadres participating in training courses of all types and at all levels has been increased, and more opportunities have been made available for women cadres to participate in training sessions.

(2) China has taken active measures to ensure the required proportion of women among members of the villagers' committees.

First, clear goals and requirements have been defined. The Programme for the Development of Chinese Women (2011-2020) has proposed that by 2020, "the proportion of women among members of the villagers' committees should exceed 30 per cent; the proportion of women among village committee directors should exceed 10 per cent". Second, policies have been improved. In May 2013, the Ministry of Civil Affairs issued the Procedures for the Election of Villagers' Committees, which provides that there should be an appropriate quota for women candidates; "if no woman candidate is produced as a result of the process of direct nomination by villagers, the women who received the most votes in the process shall become candidates". "If there are no women among the chairman and vice-chairmen of the villagers' committee, but there are women candidates who won half of the votes during the election, the person who has the most votes among those women candidates shall be the first to become a member-elect, while the other candidates shall be confirmed in the order of the number of votes they have won; and if there is no woman candidate who has won half of the votes, one vacancy shall be set aside for the holding of separate elections until a woman member is elected." Third,

awareness-raising work has been carried out widely, so as to create an atmosphere conducive to women's participation in villagers' committee elections. Awareness-raising initiatives are launched in many forms, through multiple channels and from various angles, on the significance of women's participation in village-level democratic political activities, fully recognizing women's irreplaceable role in rural economic development, in the building of the "new countryside" and in the management of village affairs, and creating a favourable environment for increasing women's participation in elections. Fourth, training has been stepped up to improve rural women's capacity for democratic participation. Through the organization of training courses for women "village officials", including the use of meetings as a way to provide training and employing other effective ways to better train rural women, especially the key cadres, women's democratic awareness, their awareness of opportunities to participate, and their competencies and professional skills have been continuously improved. Meanwhile, for the newly elected women members of the villagers' committees, various training courses, with contents and methods tailored to their needs, have been carried out to enable them to quickly master the methods and skills used in the management, decision-making and other aspects of village affairs. Fifth, efforts have been made to optimize the relevant systems and mechanisms to encourage women to participate in villagers' self-government. Guidance has been provided to villagers' meetings, meetings of villagers' groups and villager representatives' meetings to help them engage women in decision-making, management and oversight regarding rural affairs. Currently, the total number of members of villagers' committees nationwide is 2,322,000, of whom 513,000 are women, accounting for 22.1 per cent of the total. The percentage of villages whose "two committees" (the Party branch committee and the villagers' committee) have women members has increased to 93.64 per cent; in some provinces, every village has a woman in either of the "two committees". The total number of members of community residents' committees nationwide is 469,000, including 229,000 women, or 48.8 per cent of the total, an obvious increase in the number of women elected compared to previous years.

(3) The Chinese Government has taken a number of measures to ensure ethnic minority women's equal participation in politics. First, training for ethnic minority women cadres has been strengthened, with outstanding ethnic minority women selected to enter universities or other institutions of learning for education and training to comprehensively develop their overall qualities and their ability to participate in politics, resulting in a remarkable increase in the number of Chinese ethnic minority women among cadres. Second, the Government has promulgated the Programme for the Development of Chinese Women, and the provinces, autonomous regions and municipalities have accordingly developed their own plans for women's development, thus further clarifying the goal of safeguarding political participation by women, including ethnic minority women. Third, in the selection of ethnic minority women cadres, certain preferential treatment measures have been applied; for instance, other conditions being equal, women cadres are preferred over men cadres for promotion and, in open selection processes for cadres, some vacancies have been set aside as women-only positions. The Tibet Autonomous Region, for example, had a total of 19,000 female civil servants as of July 2013, accounting for 34.49 per cent of its total number of civil servants; the percentages of Party and government leadership teams at the Autonomous Region, prefecture and county levels that had female cadres was 57.14 per cent, 93.24 per cent and 91.89 per cent, respectively. There were 104 women People's Congress deputies at the Autonomous

Region level, accounting for 23 per cent of the total, and 130 female members of the People's Political Consultative Conference at the Autonomous Region level, accounting for 21 per cent of the total.

### **Education**

**14. It is stated in the report that remarkable progress has been achieved in eliminating gender disparities in primary and secondary education (para. 149). Please provide information on measures being taken to enhance the proportion of girls at the university level (para. 150) and efforts aimed at addressing the limitations placed on the enrolment of women in the fields of national defence and public security. According to reports, some colleges in the State party have lowered their minimum entrance-exam scores in certain subjects for boys only. What measures are taken to prevent such discrimination against female candidates? Please state the specific measures taken aimed at improving the proportion of female teachers at all levels of the education sector (para. 151). Please explain the measures in place to ensure that non-Chinese-speaking and religious minorities enjoy equal access to education, including adult and part-time education. What measures have been taken to address the high school dropout rate for ethnic minority children, in particular girls? Please also provide information on measures taken to include age-appropriate education on sexual and reproductive health rights in school curricula, including responsible sexual behaviour.**

Answer: (1) China has adhered to the principles of gender equality and fair competition in relation to enrolment in higher education, with safeguards adopted by the Ministry of Education in all aspects of enrolment planning, the filing of applications and admissions. In 2013, female freshmen admitted into Chinese colleges accounted for 51.9 per cent of the total; female graduate students admitted accounted for 50.2 per cent of the total.

The number of female students enrolled in military academies and national defence institutions is based on the requirements related to the development and staffing arrangements of the armed forces, which reflect the special needs of the armed forces in relation to their tasks. In recent years, with the development of equipment and the deepening of the reform of the force structure, some of the command programmes in military academies have begun to enrol female students, who will be deployed, upon graduating, to take up command posts at the grass-roots level. Public security organs are responsible for enforcing administrative rules and regulations as well as criminal justice. Public security academies, as the main providers of education and training for public security expertise, need to base their enrolment and training of students on the requirements and needs of the posts in public security organs.

There have been instances where some colleges have lowered minimum scores for male students in certain programmes, a practice that has now been expressly prohibited by the Ministry of Education.

(2) A number of measures have been taken in the field of education at all levels to increase the proportion of female teachers. First, safeguards have been put in place to ensure that female teachers and male teachers enjoy equal labour rights. In terms of hiring, educational institutions or organizations may not refuse to employ women or establish higher employment standards for women on grounds of

gender. Second, the policy of equal pay for equal work by male and female teachers is implemented. In terms of housing and other benefits, as well as appointments, promotions and the awarding of professional and technical qualifications, women and men are treated equally. Third, the safety and health of female teachers at work are protected by law. Fourth, the equal rights of female teachers to learn, as compared with male teachers, are safeguarded, such as their right to further training and continuing education.

(3) Measures have been taken to ensure equal access by non-Chinese-speaking students to educational opportunities. First, since the implementation of the Law on Compulsory Education, as amended in 2006, governments at all levels have been continuously increasing funding in this regard. For instance, the Central Government has provided 250 yuan per person per year in living allowances to enable rural students who belong to small ethnic minorities to attend boarding schools throughout the compulsory education stage. For primary-school children of farmers and herdsmen in the Tibet Autonomous Region, there are “three guarantees” (for food, accommodation and school supplies) in place and the level of funding has been steadily increased. The Central Government also sets aside 20 million yuan in compulsory education grants for Tibet, earmarked to help cover the living expenses of poor students in the Tibet Autonomous Region attending boarding schools. Second, schools in all autonomous areas whose student body consists mainly of ethnic minorities are required to adopt a bilingual curriculum as appropriate, subject to local conditions. A total of 21 ethnic minorities in China have bilingual curricula, involving 29 ethnic minority written languages. More than 3,500 kinds of bilingual primary- and secondary-school teaching materials are published every year, amounting to more than 100 million copies in total and basically satisfying the needs of the bilingual curricula. The State has established the Central Government-funded “ethnic minority education” special grant for the training of high-performing bilingual ethnic minority teachers. Third, a preferential admissions policy has been adopted. For instance, various policies have been adopted regarding admissions to regular colleges, such as lowering the minimum required scores as appropriate for ethnic minority candidates or adding extra points to their scores, and giving preference to ethnic minority candidates in the enrolment plan. Various special measures have been taken for the same purpose, including the establishment of college-preparatory classes for ethnic minority students, college classes exclusively for ethnic minority students and programmes for ethnic minority students with high-level talents, as well as exclusive enrolment plans for ethnic-minority-language-speaking candidates, with the assignment of separate minimum required scores or quotas for ethnic minority areas.

(4) Measures have been taken to reduce the dropout rate among middle- and high-school ethnic minority children, especially girls. First, the role of governments at all levels in preventing dropouts has been strengthened, with a system of accountability for controlling dropouts in place. Second, the State has implemented a series of major projects to vigorously strengthen the development of compulsory education infrastructure in ethnic minority areas and to create and improve an enabling environment for schooling. Third, free-of-charge compulsory education has been fully implemented. Urban and rural students at the compulsory education stage are exempted from tuition and related fees; rural students at the compulsory education stage are also exempted from textbook expenses; boarding-school students from economically disadvantaged families are given living allowances; and

students from areas where there is a concentration of extremely poor families are given nutrition and food allowances. Fourth, the State has in place a policy of providing scholarships to secondary vocational education students. All rural students, urban students studying agriculture and students from poor families are exempted from tuition. Fifth, reforms have been carried out in the area of education and teaching, including effective measures to help students with learning difficulties, with an emphasis on the healthy growth of every student, in particular that of girls. Sixth, the science-based management approach has been strengthened: the national primary- and secondary-school student information management system is used to monitor the daily management and flow of students, so as to further improve the work related to the control of dropouts and the retention of young people in school.

(5) Measures have been taken to incorporate the right to sexual and reproductive health education into school curricula. First, policy documents have been produced to strengthen guidance. In 2002, the Ministry of Education issued the Guidelines on Mental Health Education in Primary and Secondary Schools, which were revised in 2012. In 2008, it issued the Guidelines on Health Education in Primary and Secondary Schools. Second, age-appropriate content regarding the right to sexual and reproductive health has been incorporated into the syllabuses of courses in areas such as ethics and morality, science, biology, sports and health. Third, teachers have been trained in health education, and experts have been engaged in compiling a series of health education instructor books and other teaching materials.

### **Employment**

**15. It is stated in the report that gender discrimination and segregation in employment still exists and that a high proportion of women continue to be employed in the informal sectors (para. 169). Furthermore, it is indicated that some small- and medium-sized enterprises continue to violate labour rights and interests of women workers, despite repeated prohibitions (para. 169). Please provide information on specific measures being taken to close the persisting gender pay gap and to address the prevalent gender discrimination and segregation in employment, as well as to give full legislative expression to the principle of equal pay for work of equal value; and unifying the retirement age for men and women in order to protect the pension interests of women.**

Answer: (1) As to reducing the gender pay gap and addressing the overall issue of gender discrimination in employment, the National Human Rights Action Plan (2012-2015) sets out, in the section on “women’s rights”, the objectives of eliminating gender discrimination in employment and guaranteeing women’s equal access to economic resources and their right to participate in economic development. The Labour Law, the Law on Promotion of Employment and the Law on the Protection of Rights and Interests of Women, as well as other laws and regulations, have all stipulated that women and men enjoy an equal right to employment. The Law on Promotion of Employment, which entered into force on 1 January 2008, has a separate chapter on “fair employment”, which prohibits all forms of discrimination in employment, including gender discrimination, and gives workers a corresponding right to lodge complaints; for the first time, it defines legal remedies for discrimination in employment. The Law on Social Insurance, which came into effect on 1 July 2011, was the first piece of legislation to provide for

maternity insurance, and it has greatly enhanced the status of maternity insurance in the hierarchy of laws and increased its legal effect.

- On an ongoing basis, guidance is given and requirements are set for State-owned organizations to achieve equity in employment and eliminate discrimination, including gender discrimination, in their human resources practices. For example, in the recruitment of civil servants, determined efforts have been made to handle applications and examinations in an open and equal manner, with a particular emphasis on safeguarding the legitimate rights and interests of female candidates in relation to submitting applications and taking examinations. According to statistics, in 2011, the proportion of women recruited into the civil service by the Central Government departments and by local authorities continued to increase. As to recruitment through examinations by public institutions, the Interim Provisions on Open Recruitment of Personnel by Public Institutions, issued in 2005 by the then Ministry of Personnel, and the Circular on Further Regulations on Matters Related to Open Recruitment of Personnel by Public Institutions, issued in 2010, both clearly provide that public institutions shall not, in their recruitment of staff, set discriminatory conditions. As to recruitment by State-owned enterprises, the State Council has explicitly requested that supervision of the recruitment activities of State-owned enterprises should be strengthened, that a system of open recruitment, with different grades and categories, should be fully implemented, and that gender discrimination and other types of discrimination in employment should be promptly redressed.
- China has been engaging in extensive international exchanges and cooperation in an effort to eliminate gender discrimination. The Ministry of Human Resources and Social Security, the All-China Federation of Trade Unions and the China Enterprises Confederation, representing the Chinese Government, Chinese workers and Chinese employers, respectively, together with the All-China Women's Federation, have participated in the Working Committee of the International Labour Organization (ILO) "3+1" Gender Equality Project to promote the implementation of China's strategy of mainstreaming gender equality and to improve understanding and awareness of gender equality among all parties.

(2) Regarding the elimination of occupational segregation, such segregation still exists, but China has made progress towards its elimination. Increasing numbers of women are entering occupations, such as engineering, that were once dominated by men. As China implements policies to promote gender equality, as women are becoming better educated and as sociocultural attitudes in this regard are becoming more open, women are gradually breaking through the limitations of traditional gender norms, with more and more women entering high- and new-tech industries and other traditionally male-dominated industries. Many women have entered the field of cutting-edge technology, including high-energy physics, genetic engineering, microelectronics, satellite launching and so forth; their performance is by no means inferior to that of men.

(3) Regarding the need to give legislative expression to the concept of paying men and women equally for work of equal value, the Government guarantees equal pay for women and men doing the same work. The Constitution, the Labour Law, the Law on Labour Contracts, the Law on the Protection of Rights and

Interests of Women and the Special Provisions on the Protection of Female Employees have clear provisions on equal pay for men and women doing the same work. In practice, most enterprises have managed employees in accordance with the provisions of the Labour Law and the Law on Labour Contracts, and have established a fairly standardized salary management system based on the unique characteristics of their respective industries, i.e. by implementing a fixed post salary (which does not distinguish employees by gender, but rather sets a fixed salary for each post, with men and women in the same post having identical wages and with their performance appraised against the same criteria). Thus, any difference in wages between men and women doing the same jobs will be due mainly to differences in their education levels, work experience, job performance and other factors, while gender is basically never considered; hence, the system of equal pay for men and women doing the same work has been implemented quite effectively. In the future, the Chinese Government will vigorously promote collective wage negotiations, to enable employees to participate fully in the decision-making process within enterprises in relation to wage distribution, so as to ensure the right of women and men to equal pay for equal work. Guidance has been provided to enterprises on developing labour regulations in accordance with relevant legal procedures, improving the basic salary system featuring mainly fixed post salaries, establishing posts and appraising the performance of incumbents in a scientifically sound and reasonable manner, so as to ensure further implementation of the policy of equal pay for equal work. At the same time, efforts have been made to further strengthen workplace safety supervision and law enforcement, to correct violations involving unequal pay for equal work, and to better safeguard the rights and interests of workers in terms of remuneration for their work.

(4) Regarding the retirement age, China's current policy is that male workers in enterprises retire at 60 years of age, female cadres at 55 and female workers at 50. This policy was first set in the Labour Insurance Regulations of the 1950s, and was subsequently reaffirmed in 1978 by the National People's Congress. The policy took full account of prevailing working conditions, the average life expectancy of men and women, and physiological characteristics, as well as other factors, thus playing an active role in the protection of workers' labour rights and interests, as well as their physical and mental health. Since then, as national economic and social development has progressed, the State has introduced a number of policies and regulations to extend the retirement age of female workers. For instance, women senior experts who are physically able to work normally may voluntarily choose to work until 60 years of age. In specific cases, female senior experts who have reached the age of 60 may, if their work is needed and upon approval, work until 65 years of age if they are at the associate professorial level, or up to 70 years of age if they are at the professorial level. A decision by the Third Plenary Session of the eighteenth Communist Party of China (CPC) Central Committee stated that the development of a policy of progressively extending the retirement age should be explored. Currently, the related issues are being explored in depth.

**16. What measures are being taken to increase women's employment in non-traditional and higher-paid areas of employment? Furthermore, please provide detailed information on the areas of employment where women are prohibited by law from working and the reasons for such prohibition.**

Answer: (1) As to increasing women's employment in non-traditional and higher-paid areas of employment, first, an employment priority strategy has been put in

place so as to implement a more proactive employment policy and to promote equal employment for all workers, including women. Efforts have been made to continue, expand, adjust and enrich the existing employment policies, with the development of a proactive employment policy system featuring tax relief, microcredit, social security subsidies, employment services and vocational training subsidies. Policy support has been increased to encourage women to start businesses on their own. Strong efforts have been made to provide specially tailored employment services to women job seekers. Second, efforts have been made to strengthen women's education and training, including vocational training, and to encourage women to enter the high-tech field for employment. For instance, in 2007 China promulgated the Law on Scientific and Technological Progress, which has special provisions on women's equal rights in this regard; that same year, a project was launched to nurture high-level talent among women. As of 2012, women accounted for 45.4 per cent of China's professional and technical personnel in professional and technical positions, 35.7 per cent of its senior positions, 30 per cent of positions in the economic sector, and 18.6 per cent of positions in engineering; the number of women employed in the field of research, experimentation and development reached 1.154 million, or roughly one quarter of the total. Third, exemplary success stories of women employed in non-traditional areas have been given recognition and widely publicized, as good models for other women to follow. For instance, there are various awards and titles for women, such as China's Young Women Scientists Award and the title of National March 8th Red-Banner Pacesetters, the winners of which include women who have made breakthroughs in non-traditional fields.

(2) Chinese law does not specify fields in which the employment of women is prohibited. In the Special Regulations Concerning the Labour Protection of Female Staff and Workers, promulgated by the State Council in 2012, there are provisions as to the types of work forbidden for women workers, mainly for the purpose of reducing and addressing the unique problems encountered by female workers on the job, as a result of their physiological characteristics, and protecting their health. Specific categories of work thus prohibited are as follows: underground mining operations; any work with a grade IV physical labour intensity; and work involving the carrying of loads weighing more than 20 kilograms six times within an hour, or the intermittent carrying of loads weighing more than 25 kilograms. In addition, there are provisions regarding the types of work prohibited for female employees during menstruation, pregnancy and lactation. Compared with the previous provisions, the types of work prohibited for female workers have been adjusted: the provision regarding the types of work prohibited for married women who are preparing for pregnancy has been deleted, and the types of work prohibited for women during menstruation have been reduced. This adjustment has helped to strike a balance between labour protection of women workers and their employment.

17. Please state the measures taken to repeal the "Two-Week Rule", which requires foreign domestic workers to leave Hong Kong no later than two weeks after the expiration or termination of their employment contract, hence compelling foreign domestic workers to accept employment that may have unfair or abusive terms. Please also provide information on progress made to investigate and sanction acts of abuse, exploitation and violence committed by recruitment agencies and employers against domestic workers, as well as poor working conditions relating to wages, holidays, working hours and confiscation of passports. Please explain the measures taken to prevent and investigate abuses of women migrant domestic workers arising

out of the implementation of the “Live-in Rule” applicable in Hong Kong, which requires migrant domestic workers to be accommodated by their employers.

### **Health**

**18. It is indicated in the report that the State party placed emphasis on using legal means to combat the practice of non-medical foetal sex identification and sex-selective artificial pregnancy terminations, as well as using advocacy and publicity activities in order to address the high adverse sex ratio at birth (paras. 186 and 187). Please provide detailed information on the impact of those measures in addressing the problem of sex-selective abortion that is partly attributable to the high sex ratio at birth. Please also provide information on the progress made to combat forced abortions, and reported forced sterilization of transgender women, in particular in Hong Kong.**

Answer: Over the years, China has consistently employed legal means to severely crack down on the “two illegal practices”, and has made awareness-raising and advocacy efforts to change people’s attitudes towards marriage and parenthood, thus effectively reining in the momentum of continuous increase in the sex ratio at birth.

(1) The employment of legal means to combat the “two illegal practices” has had a fairly strong effect of deterrence. China has begun to form an initial and relatively complete legal system for banning the “two illegal practices”. A number of laws and regulations, including the Law on Population and Family Planning, the Law on Maternal and Child Health Care and the Regulations on Administration of Technical Services for Family Planning, clearly provide for the strict prohibition of the “two illegal practices” and specify penalties accordingly. The Criminal Law stipulates that anyone who performs an operation for terminating gestation without being a qualified medical practitioner shall, if the circumstances are serious, be fined and/or sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance. In 2002, the then National Population and Family Planning Commission, the Ministry of Health and the Food and Drug Administration issued departmental regulations expressly prohibiting the “two illegal practices”. As of 2014, 14 provinces have enacted local laws or government regulations prohibiting these practices.

Based on the above-described laws and regulations, China has taken the initial step of establishing a multi-departmental joint working mechanism for enforcing laws on, investigating and punishing the “two illegal practices”. Public officials and individual medical practitioners involved in such cases are, as appropriate, disqualified for practice, demoted, dismissed, expelled from office and even held criminally liable. Organizations engaging in illegal medical practices that are involved in such cases are banned by law, and perpetrators are held accountable. In 2011, the National Population and Family Planning Commission, the Ministry of Health and various other government departments jointly launched an eight-month nationwide special campaign dealing exclusively with the “two illegal practices”, which investigated and handled a large number of cases of such practices. In 2013, the National Health and Family Planning Commission further strengthened efforts to investigate and handle cases of the “two illegal practices” as required by law. It included the fight against the “two illegal practices” in the Special Campaign to Combat Illegal Medical Practices to Rectify the Order of the Market, and held a number of organizations and individuals accountable for their involvement in such

cases, thus acting as a strong deterrent to the “two illegal practices” and helping to safeguard girls’ right to survival and development.

(2) Awareness and advocacy efforts have been stepped up and have had a positive effect in terms of changing people’s attitudes towards marriage and parenthood. In 2003, the then National Population and Family Planning Commission launched the “Care for Girls” initiative, in an effort to employ awareness-raising and advocacy, along with other activities, to eliminate gender preference among prospective parents and to promote gender equality. Various kinds of awareness and advocacy activities were carried out to vigorously promote gender equality and the idea that “having a girl is just as good as having a boy”; efforts were made to mobilize the entire society in the process of creating a healthy and caring social environment for nurturing girls. In 2013 and 2014, the “Dreams Come True for Girls” volunteer initiative was launched across the country, in which volunteers were mobilized and recruited to provide one-on-one assistance to poor girls in rural areas, drawing the attention of the whole society to the living conditions of girls and advocating gender equality. After years of hard work, the “Care for Girls” initiative has had an extensive influence on the whole society, drawing more attention to the living conditions of girls, raising citizens’ awareness of gender equality, and playing a subtle and gradual role in reducing people’s gender preference. As a result, a favourable social atmosphere that cares for the growth of girls and supports the development of women is gradually taking shape.

**19. It is stated in the report that, while the HIV/AIDS epidemic has slowed, the proportion of infected women almost doubled between 1998 and 2009 when compared to the total infected population (para. 180). Please provide information on the causes of this increase and the measures taken to address them. Please also provide information on the specific measures taken to improve access to affordable health-care services in rural areas where maternal mortality remains high (CEDAW/C/CHN/CO/6, para. 27). Please explain the measures taken to combat the phenomenon of forced abortions and sterilization of pregnant women who test positive for HIV. Please provide an update on the progress made to further reduce the high rate of suicide committed by women, in particular in rural areas (para. 214), as well as by transgender women in Hong Kong.**

Answer: (1) The proportion of Chinese women infected with HIV doubled between 1998 and 2009 when compared to the total infected population, due mainly to the following reasons: before 1998, HIV transmission in China took place primarily through blood collection and injecting drug use, and most of those infected with HIV through illegal blood collection and drug use were men, hence the lower proportion of HIV-infected women at that time. In 1998 the Law on Blood Donation was promulgated, and illegal blood collection has since been banned; as a result, the spread of HIV through blood collection and supply channels has been brought under control. Moreover, as a result of measures to combat drug abuse and trafficking and to set up community-based drug maintenance treatment clinics and needle exchange arrangements, in addition to other efforts, the incidence of needle-sharing among drug users has decreased significantly and the spread of HIV through injecting drug use has been brought under control. In recent years, HIV transmission in China has taken place mainly through sexual activity, in most cases among heterosexuals. With the expanded coverage of HIV surveillance and testing services and the strong mobilization of high-risk groups to undergo screening, in addition to other measures,

the number of people undergoing checks and tests has increased substantially every year, and cases of HIV infection continue to be found. This accounts for the increasing number and proportion of infected women among HIV-infected persons and AIDS patients.

In order to rein in the rising number of women infected with HIV, the National Health and Family Planning Commission has taken a number of measures. First, campaigns have been carried out to inform and educate the general public, with an emphasis on women and other priority groups, in relation to AIDS prevention and treatment, enabling a higher percentage of the population to be informed in this regard. Second, interventions have been stepped up for high-risk groups, promoting the use of condoms to reduce sexual transmission of HIV. Third, the coverage of testing services for the timely detection of HIV-infected persons has been expanded, while awareness-raising/education and follow-up management for HIV-infected persons and AIDS patients have been strengthened, in order to change their high-risk behaviours and reduce the spread of HIV to their spouses (sexual partners). Fourth, early antiviral treatment and condom-use promotion and other comprehensive interventions have been carried out, focusing on families in which one person is HIV-positive, in order to reduce the infection of spouses. Fifth, maternal HIV testing has been carried out, followed by services for the prevention of mother-to-child HIV transmission (PMTCT) for those pregnant women found to be HIV-infected.

(2) In recent years, the Chinese Government has increased funding for reducing maternal mortality. As more in-depth medical reforms have been implemented, maternal health has been incorporated into the national project on basic public health services. A series of major projects on public health services, such as the project to reduce maternal mortality and eliminate neonatal tetanus and the project on rural maternity benefits for hospital deliveries, and the PMTCT project, have been carried out, particularly in the central and western regions and rural areas, in order to standardize maternal health-care services and reduce maternal mortality. By 2008, the Chinese Government had expanded the project to reduce maternal mortality and eliminate neonatal tetanus to 1,200 counties in the central and western regions, in which the Central Government and local governments invested more than 2 billion yuan in total. As a result, the gap between urban and rural areas in terms of maternal mortality has basically been eliminated, and disparities among regions have also been gradually reduced.

(3) In China, forced abortion and birth control are illegal. The State has prohibited forced abortion, requesting all localities to enforce the law consistently, to always put people first, to provide quality service, and to make efforts to promote informed choice in terms of contraceptive methods, so that people can voluntarily make informed choices in this regard. At the same time, oversight and inspection have been strengthened to ensure that violations, such as forced abortion, are severely punished and that people's legitimate rights and interests in this regard are effectively safeguarded.

In February 2011, the Chinese Government issued an implementation plan for preventing mother-to-child transmission of HIV, syphilis and hepatitis B, which explicitly provides, inter alia, that confidential counselling services shall be provided for women who test positive for HIV, informing them of PMTCT interventions, holding discussions with infected pregnant women to enable them to make informed choices about their pregnancy, and providing referral services as

needed. Health-care institutions at all levels are to strengthen health-care and follow-up services for mothers infected with HIV, syphilis and hepatitis B, inter alia by providing guidance regarding safer sex and nutrition, monitoring signs and symptoms associated with infections, and making safe midwifery services available. Safe pregnancy termination services are provided to infected pregnant women who voluntarily choose to terminate pregnancy. Moreover, based on the overall conditions of mothers and the severity of their infections, guidance is also provided regarding feeding, psychological support, family protection and other aspects. These measures have yielded positive results.

(4) Measures have been taken to further reduce the relatively high suicide rate among women. First, efforts have been made to further improve rural farmer-friendly policies and social security measures. The State's investments in rural areas and in agriculture have increased year by year, along with a substantial increase in farmers' income and the rapid development of rural infrastructure, as more farmer-friendly measures have been introduced. For instance, the agricultural tax, the livestock tax, the tax on agricultural specialties and the livestock slaughter tax nationwide have been abolished in succession since 2006. Since 2007, children in rural schools have not been required to pay tuition and related fees during the stage of compulsory education. By 2008, the new rural cooperative medical care system and medical assistance system had been basically established nationwide. In 2009, a pilot project to introduce new rural social pension insurance was officially launched, greatly reducing the burden on farmers in relation to hard-to-afford medical expenses and difficulties in obtaining access to medical help. Second, efforts have been made to strengthen mental health initiatives. For example, the Law on Mental Health, which came into effect in May 2013, provides for the protection and promotion of citizens' mental health, as well as for the prevention and treatment of mental disorders. Third, more attention and care are given to women, with the establishment of support groups for women in rural areas. In urban and rural areas alike, women's homes have been widely established to provide psychological counselling, rights-related advice, technical training and other services for women, and to organize women for participation in a variety of cultural and sports activities. Thus far, in rural areas and communities nationwide and in populations where there is a concentration of women, a total of 745,000 women's homes have been established. Fourth, activities to create a harmonious community have been carried out in earnest, in an effort to effectively safeguard the legitimate rights and interests of women. Community-based campaigns have been conducted in all localities to raise awareness of laws and regulations relating to women's and children's issues, with a particular emphasis on the need to heed and protect the rights and interests of divorced, widowed, sick, poor, unemployed, migrant and old women, women living alone, girl orphans and other vulnerable groups. Earnest efforts have been made to enhance the cultural development of communities, with a focus on the family, so as to create a positive living environment for women. Vigorous efforts have been made to enhance community-based education by establishing schools for women and engaging women in study, education and training, so as to improve their overall qualities and promote their comprehensive advancement.

### **Rural women**

**20. According to information before the Committee, there is a high proportion of women in rural areas without contracted land. It is also reported that a high**

**proportion of women in the State party fail to obtain monetary compensation for land expropriations as compared with men, and that women have fewer chances of being resettled. Please provide information on the measures being taken to ensure gender equality in land distribution and property ownership. Please also provide information on the number of women whose land has been expropriated and who have not received compensation. Please also respond to reports that fewer women participate in social pension systems than men. Please explain the reasons for this trend and the measures in place to address the problem. Please also provide information on measures taken to address the specific situation of ethnic and religious minority women, women with disabilities and older women in rural and remote areas who face multiple forms of discrimination. In addition, please state whether there has been an impact assessment of the 2001 Amendment of the Marriage Law on the property rights of rural women.**

Answer: (1) Measures have been taken to protect the rights and interests of rural Chinese women in relation to land contracting. First, the Government has promulgated and implemented the Law on Rural Land Contracting and the Law on the Mediation and Arbitration of Rural Land Contract Disputes, and introduced relevant policies, with an emphasis on protecting the land contracting rights and interests of rural women. Since the Law on Rural Land Contracting was promulgated in 2003, 22 provinces (autonomous regions and municipalities) have developed their own measures for implementing the Law on Rural Land Contracting; 15 provinces (autonomous regions and municipalities) have issued their own methods for the distribution and use of land acquisition compensation fees; and some provinces have enacted even more specific provisions regarding the land contracting rights and interests to which married, divorced and widowed women are entitled. Second, the Ministry of Agriculture has successively developed departmental rules and regulations, such as the Measures for the Administration of Certificates of the Right to Contracted Management of Rural Land, the Measures for the Administration of the Transfer of the Right to Contracted Management of Rural Land, the Arbitration Rules for Disputes Related to the Contracted Management of Rural Land and the Model Statute of Arbitration Commissions for Rural Land Contract Disputes. In addition, local governments have enacted relevant proactive laws, regulations and policies with explicit and specific provisions on safeguarding rural women's rights and interests in relation to land contracting. Third, efforts have been made to ensure proper management of land contracting and transfer. Agricultural authorities at all levels have carried out pilot projects on the registration of rural land contracting and management rights; those in Beijing, Shanghai, Shaanxi, Sichuan and Zhejiang, among others, have issued special documents emphasizing the protection of the land contracting rights and interests of rural women. Agricultural authorities at all levels have also strengthened land transfer management and services, providing guidance to rural women who have rights and interests in terms of contracting lands away from where they live due to marriage, divorce or other reasons, in order to ensure that their land contracting rights and interests are upheld through the orderly transfer of contracted land. Fourth, land contract disputes have been mediated and settled as required by law. Since the Law on the Mediation and Arbitration of Rural Land Contract Disputes was promulgated, 2,411 arbitration commissions for rural land contract disputes have been set up nationwide. Representatives of women's organizations all over the country have been actively absorbed into these commissions, which have provided

an effective way to safeguard the land contracting rights and interests of rural women and to promptly and effectively resolve rural land contracting and management disputes. Fifth, institution-building has been strengthened to ensure rural women's enjoyment of their right to collective economic returns. In 2007, the Ministry of Agriculture issued guidance on the further implementation of the pilot project on the reform of the property rights system of rural collective economic organizations, which specifically defines the rights and interests of members of collective economic organizations, including rural women, in relation to the distribution of collective economic returns. Earlier, in 2005, the Ministry of Agriculture developed the Opinions on Strengthening Guidance, Supervision and Management in Relation to Land Compensation Fees Received by Rural Collective Economic Organizations. This document requests all provinces to develop methods for the distribution of land compensation fees within rural collective economic organizations and to strictly safeguard the legitimate rights and interests of farmers, including rural women, whose land has been acquired for other purposes. According to statistics, in 2013, the number of cases involving disputes over rural land contracting/management rights and interests handled by local agricultural departments at all levels dropped to 8,800, and the situation concerning violations of women's rights and interests in relation to rural land contracting has improved significantly.

(2) Fewer women than men participate in social pension systems, owing mainly to, inter alia, the structural differences between men's and women's employment. In light of this fact, China has actively promoted women's employment and entrepreneurship on an equal footing with men, while continuing to improve the social security system. China's current employee pension insurance system covers urban enterprises, public institutions managed as enterprises, social organizations and other employers and their workers, as well as self-employed urban citizens and individuals in flexible employment. Workers employed in urban areas, whether they are registered as urban or rural citizens and regardless of their gender, can participate in the insurance system by paying the premium as required, so as to enjoy pension benefits accordingly. As of 2012, a total of 138.29 million women nationwide were participating in urban basic pension insurance, an increase of 12.54 million over 2011; 95 per cent of urban and rural residents nationwide had basic medical insurance, and 810 million of them were participants in the new rural cooperative medical care system, reaching a participation rate of 98.3 per cent. In February 2014, China decided to establish a unified national basic pension insurance system for all urban and rural residents, so as to eliminate the urban-rural gap in pension security.

(3) As China is working to extend the coverage of the minimum living standard allowances system, the medical insurance system and the pension insurance system to all citizens, there are no discriminatory measures against ethnic minority women or older women in rural and remote areas. For policy measures to improve the situation of ethnic minority women, see the answer to question 3.

At present, older women in rural areas of China account for about 51.4 per cent of the total elderly population. With the acceleration of the building of the urban and rural basic public service systems, significant progress has been made in building the national social security and services system for rural elderly people, benefiting nearly 60 million rural older women. First, in accordance with the unified arrangements determined by the State Council, by the end of 2012, the new rural

social pension insurance system had achieved the goal of universal coverage under the basic system, thus enabling the majority of older women in rural areas to enjoy the basic pension funded by the government budget. Financial support is provided to poor rural elderly women, rural single-child families and widowed elderly women, among others. Second, efforts have been made to further improve the new rural cooperative medical care system. Government budgets at all levels have raised their contributions to that system to 280 yuan per person per year, and the proportion of hospital expenses reimbursed under that policy has increased to around 75 per cent. For women over 60 years old from low-income families and other disadvantaged groups, the Government provides subsidies in relation to the share that individuals are required to contribute themselves, so as to help these women participate in the insurance system. Free medical examinations, laboratory tests, health-related guidance and chronic disease management services are provided to persons over 65, including older women in rural areas, and specialized gynaecological check-ups are available for older women. Third, projects to renovate dilapidated housing in rural areas have been carried out to support rural “five guarantees” households, “minimum living guarantee” households and poor households living in dilapidated dwellings to rebuild or renovate their homes. This has helped to solve the housing problems faced by some poor older women in rural areas. Fourth, efforts have been made to develop rural old-age services. In September 2013, the State Council issued the Opinions on Accelerating the Development of Old-Age Services, in which it proposed to strengthen rural old-age services by adopting an approach that emphasizes three areas: a well-developed service network, expanded funding sources and a coordination mechanism. This will help to improve the development of rural old-age services and to meet the needs of older persons in rural areas, including older women, while protecting and improving their quality of life. Fifth, efforts have been made to pay more attention to rural ageing in related policies and regulations. In September 2011, the State Council issued the Twelfth Five-Year Plan on the Development of Chinese Senior Care, which calls for integrating the development of urban, rural and regional senior care services, proposing in particular to increase policy support to rural areas and western regions and giving priority to the grass-roots level in the allocation of resources, especially in rural areas and the central and western regions. The newly revised Law on the Protection of Rights and Interests of the Elderly came into effect on 1 July 2013. It has an important role to play in protecting and improving the daily lives of older people, including older women, in remote rural areas. Sixth, considerable attention is paid to the psychological and spiritual needs of rural elderly women. Across the country, including in remote rural areas, various initiatives, such as the “Be Senior-Friendly On the Job” initiative and the “Five-good Model Family” initiative, have been launched so as to create in the entire society an environment where the elderly are treated with care and respect. Older persons’ associations have been established across rural areas, where older women are encouraged to play an active role, their status is effectively improved and assistance of all kinds is made available to them.

Measures have been taken to eliminate discrimination against women with disabilities and to improve their situation. First, in terms of medical and health services, rehabilitation services and disability prevention, the Government has fully implemented a system of providing subsidies for urban and rural residents, including women with disabilities, in relation to their individual share of contributions to the basic medical insurance system. Persons with disabilities are offered partial subsidies or full payment of their individual contributions to the new

rural cooperative medical care system, the new rural pension insurance, the new urban pension insurance and other social security systems, and all kinds of special policies for women with disabilities have been put in place. Priority is given to women in all projects for persons with disabilities, and the development of institutional safeguards and long-term service mechanisms for women with disabilities has been strengthened. Second, in terms of social assistance and social insurance policies, eligible persons with disabilities are covered by the urban and rural minimum living guarantee allowance. On that basis, efforts have been made to improve the quality of assistance to persons with disabilities, including women with disabilities, and to fully protect their basic livelihood by, inter alia, allowing persons with severe disabilities to have a separate account to apply for the minimum living guarantee allowance and setting different categories of allowances as appropriate. Policies regarding the participation of women with disabilities in urban and rural basic pension insurance have been implemented, giving priority to women and children with disabilities from families having members with severe disabilities. Third, in terms of education and employment, efforts have been made to promote the employment of women with disabilities by strengthening capacity-building in the area of employment services for such women and including the employment of women with disabilities in local special programmes on employment. Proactive measures have been taken to protect women's equal access to higher education, and support has been given to women in remote areas and women with disabilities to enable them to receive vocational education. Fourth, with a view to effectively protecting the rights and interests of persons with disabilities, including women with disabilities, the Law on the Protection of Persons with Disabilities prohibits discrimination based on disability, as well as the abuse or abandonment of women with disabilities. At the same time, efforts have been made, through publicity and education, to increase the awareness and ability of the whole society to voluntarily resist domestic violence and to improve women's ability to protect themselves from domestic violence. Fifth, in terms of participation in society, in decision-making and in management, a social environment that respects women with disabilities has been created in the entire society through enhanced publicity and education in this regard, while efforts have been made to demonstrate the capacity of women with disabilities for social participation, to establish a new image of women, and to help women and children with disabilities to stay informed of all types of specially provided services and to actively participate in all kinds of social activities.

(4) China did not revise its Marriage Law in 2011; rather, it issued a judicial interpretation of the Marriage Law (III). That document provides interpretations regarding several issues in the application of the Marriage Law of the People's Republic of China, and serves as an effective complement to the existing Marriage Law. The judicial interpretation covers provisions on the division of property between the parties to a divorce, with a focus on the sale and disposal of marketable real property in urban areas, and therefore does not concern properties held by rural women.

**Part II**  
**The Government of Hong Kong Special Administrative Region of  
the People's Republic of China**

**The Hong Kong Special Administrative Region Government's  
Response to the List of Issues and Questions Raised by the  
United Nations Committee on the Elimination of Discrimination  
against Women in relation to the Combined Seventh and Eighth  
Periodic Reports of the People's Republic of China**

**Reservation and declarations**

*Paragraph 1*

Information on measures taken to withdraw the reservation on Article 11 (2) of the Convention applicable to the Hong Kong Special Administrative Region.

1. In respect of Article 11 (2) of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention), the Government of the People's Republic of China (PRC) reserves the right for the Hong Kong Special Administrative Region (HKSAR) to apply any non-discriminatory requirement for a qualifying period of employment for the application of the provisions contained therein.
2. Under the Employment Ordinance (Chapter 57 of the Laws of Hong Kong, hereafter abbreviated as Cap. 57), all pregnant employees, irrespective of their length of employment, are protected against heavy, hazardous or harmful work. A pregnant employee with a continuous contract of employment (i.e. having been employed under a contract of employment for not less than four weeks, with at least 18 hours worked in each week) and who has given notice of pregnancy to her employer would be entitled to maternity leave and protection against dismissal by her employer. If she has been employed under a continuous contract for not less than 40 weeks before the commencement of scheduled maternity leave, she will further be entitled to maternity leave with pay.
3. The existing provisions on maternity protection under the Ordinance have provided comprehensive protection for pregnant employees in various aspects. The existing requirement of a continuous contract for entitlements to maternity leave and maternity leave pay is necessary in order to strike a reasonable balance between the interests of employers and employees. In formulating labour policy and legislation, the HKSAR Government needs to take into account the local socio-economic circumstances and consider whether there is a consensus in the community. At this stage, there is no plan to withdraw the reservation.

Whether a review of the interpretative declarations to the Convention is envisaged. How the application of the interpretative declarations has impacted the implementation of the Convention in the Special Administrative Regions.

4. The PRC has entered seven reservations and declarations on behalf of the HKSAR in respect of the application of the Convention to the HKSAR having due regard to the circumstances in the HKSAR. The HKSAR Government considers that these seven reservations and declarations are necessary and should be retained. Justifications for their retention have been included in the combined seventh and eighth periodic reports of the PRC.

5. The HKSAR Government is committed to the advancement of the interests and well-being of women in the HKSAR, and to discharging its obligations under the Convention. Relevant bureaux and departments have put in place appropriate policies and measures to fulfil the objectives under the Convention.

#### **Legislative and policy framework, and data collection**

##### *Paragraph 2*

Measures taken to amend the Sex Discrimination Ordinance in Hong Kong to ensure that its definition of discrimination covers indirect discrimination.

6. The Sex Discrimination Ordinance (Cap. 480) defines “discrimination” to include both “direct discrimination” and “indirect discrimination”. “Direct discrimination” means treating a person less favourably than another person in analogous circumstances because of the victimized person’s sex, marital status, or pregnancy. “Indirect discrimination” involves imposing on everyone the same requirement or condition which, however, has a detrimental effect on a particular group of persons. Such requirement will constitute “indirect” discrimination under the Ordinance if there is no justification for the requirement. The definition of discrimination under the Ordinance in relation to discrimination against women remains unchanged.

##### *Paragraph 3*

Reform measures taken to address inconsistencies in statutory law and customary law and practices that discriminate against women and girls. Measures taken to integrate inter-sectional discrimination, faced by ethnic minority women, into the legal and policy framework.

7. The Sex Discrimination Ordinance, the Race Discrimination Ordinance (Cap. 602), the Family Status Discrimination Ordinance (Cap. 527) and the Disability Discrimination Ordinance (Cap. 487) make provisions for the elimination of discrimination against persons on the grounds of sex, marital status, pregnancy, race, family status and disability. These Ordinances are applicable when addressing discrimination, both direct and indirect, against women and girls on grounds of sex, marital status, pregnancy, race, family status and disability.

8. For the purpose of updating the Sex Discrimination Ordinance, the Government has introduced a number of amendments to repeal certain items which were exempted from the operation of that Ordinance. These include exceptions relating to disciplinary services, such as uniform and equipment requirements; reservation of positions within the Police Tactical Unit for men; and difference in training in the use of weapons between men and women.

9. As announced by the Chief Executive of the HKSAR in his 2014 Policy Address in January 2014, the HKSAR Government will implement a number of measures to strengthen education support and employment services for ethnic minorities and to help them integrate into the community. In 2014-15, the Equal Opportunities Commission will conduct new public education and promotion programmes and studies to promote the messages of inclusion and diversity, foster social integration and build a caring society. The Commission's preliminary plan is to set up an Ethnic Minority Taskforce to promote its work. This Taskforce will conduct publicity campaigns and education programmes, including new training services on cultural sensitivity and the Race Discrimination Ordinance, and organize more partnership programmes with different organizations to promote equal opportunities for ethnic minorities. The Taskforce will also liaise with relevant government bureaux, schools, stakeholders and service organizations, and will follow up with relevant government bureaux to enhance support for meeting the needs of ethnic minorities in education and employment.

### **Stereotypes and harmful practices**

#### *Paragraph 7*

Strategy or initiative aimed at eliminating the negative portrayal of women as sex objects in the media
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10. All broadcasting licensees in the HKSAR shall comply with the broadcasting codes of practice promulgated by the Communications Authority in HKSAR. Under the codes of practice, a licensee should not include in its programmes any material which is likely to encourage hatred against or fear of, and/or considered to be denigrating or insulting to any person(s) or group(s) on the basis of, among others, gender, or anything which is in contravention of the law which shall include the Sex Discrimination Ordinance (paragraphs 2 (b) and (c) of Chapter 3 of Generic Code of Practice on Television Programme Standards ("TV Programme Code") and paragraphs 7 (b) and (c) of Radio Code of Practice on Programme Standards). The TV Programme Code further requires that the licensee should take great care in the depiction of violence against women, among others, particularly in an abusive

context. Incitement to violence against specific groups identified by gender among others should not be permitted (paragraph 5 of Chapter 6 of the TV Programme Code).

Measures taken to revise the Small House Policy

11. The review of the Small House Policy is ongoing. The Small House Policy has been in operation for a long time. It involves complicated issues in various aspects including legal, environment and land use planning, all of which require careful examination.

### Violence against women

#### Paragraph 8

Information and statistical data on the prevalence of violence against women, including domestic violence

12. According to the Central Information System on Spouse/Cohabitant Battering Cases and Sexual Violence Cases and the Child Protection Registry administered by the Social Welfare Department, the number of newly reported spouse/cohabitant battering cases and child abuse cases involving female victims from 2010 to 2013 are as follows:

#### Newly reported spouse/cohabitant battering cases involving female victims

<i>Year</i>	<i>Number of newly reported cases with female victims</i>	<i>% among the total newly reported cases</i>
2010	2 643	83.6%
2011	2 616	82.4%
2012	2 300	84.1%
2013	3 144	82.0%

#### Newly reported child abuse cases involving female victims

<i>Year</i>	<i>Number of newly reported cases with female victims</i>	<i>% among the total newly reported cases</i>
2010	628	62.7%
2011	548	62.5%
2012	567	63.4%
2013	571	59.3%

Number of shelters available and free-of-charge hotlines established

13. The HKSAR Government is committed to combating domestic violence. Over the past few years, the Government has devoted additional resources to further enhance the wide range of preventive, supportive and specialized services, including public education, victim support services, clinical psychological service, etc., for victims of domestic violence and families in need.

14. Individuals and families in crisis of domestic violence can seek temporary accommodation at emergency shelters. There are five refuge centres for women with a total capacity of 260 places. The Multi-purpose Crisis Intervention and Support Centre (named as CEASE Crisis Centre) provides 80 short-term residential places to victims of sexual violence and individuals/families facing domestic violence or in crisis, while the Family Crisis Support Centre also provides 40 places of short-term accommodation to individuals and families in crisis or distress.

15. Since 2008, the Social Welfare Department has been providing, through its hotline, round-the-clock phone counselling, support and advice by social workers to individuals/families in need, and arrange appropriate follow-up services. In addition, 24-hour hotline service for victims of domestic violence and their families is also provided by all five refuge centres for women, the CEASE Crisis Centre and the Family Crisis Support Centre.

Protection orders

16. In 2008, the HKSAR Government amended the Domestic Violence Ordinance and extended the protection afforded by the Ordinance from enabling a party to marriage, or a man and woman in cohabitation to apply to the court for an injunction order against molestation by the other party, to former spouses and former cohabitants of the opposite sex as well as immediate and extended family members including grandparent, grandson/granddaughter, uncle, aunt, nephew, niece, cousin, etc. The protection of minors who are under the age of 18 and victims of domestic violence has also been enhanced. Since January 2010, the name of the Ordinance has been changed to Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189) with the protection further extended to same sex cohabitants.

Concrete measures taken to improve the prosecution of cases of domestic violence

17. In 2010, 2011, 2012 and 2013, the number of domestic violence crime cases handled by the Police were 2 157, 1 928, 2 002 and 1 870 respectively.

18. The Police handle all domestic violence reports seriously with high sensitivity with the aims of protecting victims and prosecuting offenders. To align with the multi-agency and cross-sectoral policy, victims will be referred to the support services, e.g. sheltered accommodation, immediately for assistance whenever necessary. At the same time, suspects will be arrested as soon as possible if there are reasonable grounds to suspect an offence has been committed.

19. An officer of Sergeant rank or above is required to attend the scene of all domestic violence cases to ensure correct handling. “One-family-one-team” system is adopted whereby the same team handles all cases involving the same household thus ensuring that the officers handling the case are fully aware of the extent of the problem.

20. Risk assessment of the continuation and recurrence of domestic violence is carried out based upon the facts of the reported incident, any case history involving the same parties and any other relevant matters. A checklist of domestic violence indicators and the Enhanced Central Domestic Violence Database containing details of previous reports has been formulated to assist frontline officers to do the risk assessment.

21. In 2006, the Department of Justice of the HKSAR Government issued “The Policy for Prosecuting Cases involving Domestic Violence”. Apart from explaining domestic violence and the role of the prosecutor, it provides guidance on charging policy and charging practice. In deciding whether to prosecute a case involving domestic violence, prosecutors should consider whether there is sufficient evidence to justify the institution of proceedings on the basis that it affords a reasonable prospect of conviction, and whether the public interest requires a prosecution to be pursued. The public interest will normally require that a prosecution to be brought in a case of domestic violence if the victim is willing to give evidence. Since victims are sometimes reluctant to testify for various reasons, the prosecutor has to ensure that the Police and social workers are liaising with the victim and providing appropriate support services in order to facilitate victims to consider testifying. If the prosecutor concludes that the case should continue against the wishes of the victim, it has to be decided whether an application could be made to use the victim’s statement in evidence without the victim having to testify; whether the prosecution can proceed by helping the victim to attend court by the use of special measures, such as CCTV; and whether the victim should be compelled to give evidence in person in court. Depending on the circumstances of the case, the prosecutor may consider seeking a remand in custody or conditional bail to protect the victim from the risk of danger, threats or other acts by the accused which might obstruct the course of justice. The prosecutor will also consider whether special measures are required to support witnesses at court. If a domestic violence victim is a “witness in fear” under the Criminal Procedure Ordinance (Cap. 221), the testimony may be given by live television link to court. Alternatively, the court may allow a victim to testify from behind a screen inside the courtroom.

22. To avoid delay in prosecuting cases involving domestic violence, the Department of Justice has adopted various administrative procedures to ensure that domestic violence cases are identified and processed expeditiously. These procedures include: legal advice in domestic violence cases will be provided as soon as possible upon receipt of the case files from the Police, irrespective of the venue of trial; advice will be given on an urgent basis even when the full transcripts of

video-recorded statements or translations of documents are not available on the file; and where possible and appropriate domestic violence cases will be tried in Chinese. If a delay is unavoidable, the victim should be informed of the position by the Police, and the reasons for the delay.

### **Trafficking in women and exploitation of prostitution**

#### *Paragraph 10*

Updated information on the prevalence of human trafficking

23. It should be pointed out clearly that the HKSAR is *not* a destination for human trafficking and is *not* a place of origin or transit for such illicit activities. Also, the existing legislation in the HKSAR provides a solid framework underpinning our robust efforts to combat human trafficking.

24. Trafficking-related acts as defined in the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime” (“UN Palermo Protocol”) are prohibited in the HKSAR under various pieces of legislation such as the Crimes Ordinance (Cap. 200), the Immigration Ordinance (Cap. 115) and Offences against the Person Ordinance (Cap. 212). The prescribed penalties are up to a maximum of 10 years’ to life imprisonment. The HKSAR Government has all along spared no effort in cooperating closely with our overseas counterparts on intelligence exchange and the conduct of joint operations in the fight against human trafficking.

25. Occurrence of human trafficking for sex exploitation crimes is rare in the HKSAR. Five syndicates were smashed by the Police in the past three years and the arrested persons were sentenced to up to 30 months’ imprisonment. The human trafficking case statistics from 2009 to 2013 are tabled below:

	2009	2010	2011	2012	2013
Number of trafficking cases	4	3	2	4	7

26. Taking into account the latest developments of international trends about human trafficking, the Prosecution Code issued by the Department of Justice in September 2013 includes a new section on “Human Exploitation Cases”. It provides useful guidelines to prosecutors in the identification of human exploitation cases as well as broad principles regarding their handling having regard to international standards and practices concerning victims of human trafficking in order to promote fair, just and consistent decision-making at all stages of the prosecution process in these cases.

27. Furthermore, the HKSAR Government has enhanced cooperation with international and local non-governmental organizations for rendering relevant supporting services, including the protection of trafficking victims. Frontline departments have planned to conduct various sharing sessions with them in order to update law enforcement officers with the latest trend of human trafficking, including the skills in victim identification.

28. For protection of foreign domestic helpers (FDHs), various short, medium and long-term measures have been and will be implemented. The HKSAR Government will further strengthen its publicity and educational efforts, including enhanced collaboration with relevant consulate-generals in the HKSAR, to increase FDHs' awareness of their rights and measures to safeguard their own interest, for example, how to deal with situations on intrusion of personal safety and confiscation of identity documents by others as well as channels for seeking redress, etc. The HKSAR Government has also increased manpower to strengthen the monitoring and inspection of employment agencies in April 2014, and will consider reviewing the present licensing mechanism for employment agencies placing FDHs.

*Paragraph 11*

Measures taken to ensure greater protection of sex workers

29. In HKSAR, the Police maintain liaison with sex workers' associations in the HKSAR and disseminate to them information about measures to ensure the safety of sex workers. Leaflets are issued to sex workers giving advice on ways to protect themselves. Sex workers are also encouraged to install alarm systems at their premises to cater for emergency or life-threatening violence.

*Paragraph 12*

Measures taken to revise the administrative practice of detaining female unaccompanied minors who arrive in Hong Kong by air and are refused entry

30. Under the laws of Hong Kong, a person being refused permission to land may be detained pending his/her removal from the HKSAR. For an unaccompanied minor arriving by air and being refused permission to land, the Immigration Department will normally arrange for immediate removal with the concerned airline to convey him/her back to the port of embarkation by the earliest available flight. The airline will be requested to contact the minor's contact person in the port of embarkation to receive the minor upon his/her return. Meanwhile, the minor may be detained temporarily in the Airport Detention Quarters located inside the restricted area of the Hong Kong International Airport pending removal to ensure the safety of the unaccompanied minor. Inside the Airport Detention Quarters, male and female detention rooms are situated separately and the female detention rooms can only be accessed by female immigration officers.

31. In exceptional circumstances where the concerned minor cannot be removed within a very short period of time, under the existing policy they will not continue to be detained unless with strong reasons (e.g., it is believed that the child will be assisted to abscond, or an unaccompanied child who would not be properly taken care of if he/she is not so detained, etc.) Each case will be assessed on individual merits and they will normally be released on recognizance as soon as supervised care home facility is available. If detention is indeed necessary, the minor will,

pursuant to paragraph 4 and Schedule 2 of the Immigration (Places of Detention) Order, be admitted into the Tuen Mun Children and Juvenile Home operated by the Social Welfare Department who will provide proper care and guidance.

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

#### *Paragraph 13*

Women participation in the Legislature, Administration and Judiciary

- *Women in the Legislative Council, District Councils and the Election Committee for the Election of the Chief Executive of the HKSAR*

32. Women and men enjoy the same rights to vote and to stand for elections to the Legislative Council, the District Councils and the Election Committee for the Election of the Chief Executive of the HKSAR. This right is safeguarded by the Basic Law. The relevant legislation makes no reference to a person's gender, ethnic origin<sup>1</sup> or religion to qualify a person as an elector or a candidate in elections. The HKSAR Government will continue our efforts in ensuring that elections are conducted openly, fairly and honestly at all times.

33. Female electors constitute around half of the registered electorate. In the 2012 Legislative Council election, there were 1.75 million registered female electors on the electoral register, representing 50.4% of all the registered electors in the HKSAR. This compared with 1.78 million (50.1%) and 1.67 million (49.7%) registered female electors in the 2011 District Council election and 2008 Legislative Council election respectively. Furthermore, out of the 1.84 million voters who cast their votes in the 2012 Legislative Council election, 49.6% were female. The corresponding figures for the 2011 District Council election and the 2008 Legislative Council election were 50.1% and 48.9% respectively.

34. In the 2012 Legislative Council election, 59 candidates (19.8%) out of the 298 candidates were women. Eleven of them were elected making 15.7% of the membership of the 70-member legislature. For the 2011 District Council election and the 2008 Legislative Council election, the number of female candidates was 166 (17.8% of 935 candidates) and 38 (18.9% of 201 candidates) respectively. The number elected was 79 (accounting for 19.2% of 412 elected members) and 11 (accounting for 18.3% of 60 elected members) respectively.

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<sup>1</sup> Article 67 of the Basic Law provides that permanent residents of the HKSAR who are not of Chinese nationality or who have the right of abode in foreign countries may become members of the Legislative Council if so elected, subject to their number not exceeding 20% of the total membership of the Council. Non-Chinese permanent residents who wish to acquire Chinese nationality may do so in accordance with Article 7 of the Nationality Law of the People's Republic of China and the "Explanations of some questions by the Standing Committee of the National People's Congress concerning the implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region".

35. For the current-term Election Committee, 1 034 seats were returned through elections,<sup>2</sup> i.e. the 2011 Election Committee subsector elections, in which there were 130,909 female registered voters, representing 56.0% of the overall number of registered individual voters.<sup>3</sup> A total of 1,583 candidates stood for the subsector elections, out of whom 258 (16.3%) were female. Among these female candidates, 157 were elected. Following the subsector elections, the current-term Election Committee was constituted in 2012. It had 180 female members (at the time of the fourth-term Chief Executive election in 2012), 71 more when compared to the Election Committee of the previous term (at the time of the third -term Chief Executive election in 2007).

- *Women in the Executive Council and public offices*

36. There are currently a total of 30 Members sitting on the Executive Council, and six (20%) of them are women. The Chief Secretary for Administration, second only to the Chief Executive of the HKSAR Government, is a female. As at end-2013, female civil servants made up 36.3% of the Civil Service. The number of senior female directorate officers in the Civil Service rose from 396 in 2009 to 435 in 2013, which represented 33.5% of the directorate positions in the Civil Service. In July 2014, nine out of 17 Permanent Secretaries ranked at Administrative Officer Staff Grade A1 (the top civil service rank) were female.

- *Women in the judiciary*

37. Article 92 of the Basic Law stipulates that judges and other members of the judiciary of the HKSAR shall be chosen on the basis of their judicial and professional qualities. Gender is not a relevant consideration in judicial appointment. As at 1 April 2014, there were 41 females (i.e. 26.6%) out of a total of 154 judges and judicial officers.

*Encouraging women to participate in various levels of rural elections*

38. Whether a person would participate in rural elections is entirely a matter of his or her own choice. Nevertheless, the HKSAR Government has been committed to encouraging eligible persons, men and women, to participate in rural elections and has undertaken a series of publicity and promotion activities.

39. The HKSAR Government will further step up its effort to encourage women to participate in rural elections, including advertising on television and radio in hours with more female audience, placing advertisements and press releases on newspapers, displaying publicity banners, posters and notices, mobile broadcasting vans, appealing through the Women and Youth Affairs Committee of Heung Yee Kuk and distributing rural election voter registration forms at major locations and during district activities (especially activities for women).

40. The last round of village ordinary elections was conducted in 2011. As compared with the village ordinary elections in 2007, the number of valid female

<sup>2</sup> Apart from the 1,034 seats filled by members returned by elections, the Election Committee also comprises 106 ex officio members (i.e. Hong Kong deputies to the National People's Congress and Members of the Legislative Council) and 60 members nominated by six designated religious bodies.

<sup>3</sup> According to the latest Final Register published in 2013, there are 127,232 female voters registered for the subsectors, representing 55.9% of the overall number of registered individual voters in the various subsectors.

candidates in 2011 increased from 35 in 2007 to 39, representing an increase of 11%. The number of female Village Representatives elected also rose from 28 in 2007 to 30 in 2011, representing an increase of 7%.

Representation of women in Government advisory and statutory bodies

41. The HKSAR Government makes appointments to Government advisory and statutory bodies (ASBs) on the basis of the merit of individuals concerned, taking into account a candidate's ability, expertise, experience, integrity and commitment to public service, with due regard to the functions and nature of business of ASBs concerned as well as the statutory provisions of statutory bodies. The HKSAR Government has continued to take proactive measures to enhance women's participation in community and public service. Women's associations and professional organizations are welcome to nominate female members for inclusion into the Central Personality Index held by the Home Affairs Bureau. Bureaux/Departments are reminded from time to time of the requirement to vigorously consider appointing female members to ASBs under their purviews.

42. Taking into account the advice of the Women's Commission, the HKSAR Government set in 2004 a gender benchmark of 25% as a working target for appointment to ASBs. In June 2010, the gender benchmark was raised to 30%. As at 31 March 2014, there were 1,937 female Government appointed non-official post-holders and 4,043 male Government appointed non-official post-holders in ASBs. The women participation rate in ASBs was 32.4%.

Measures in place to address the low participation of ethnic and religious minority women in politics and public life

• *Rights to vote and to stand for elections*

43. As stated in paragraph 32 above, women and men enjoy the same rights to vote and to stand for elections to the Legislative Council, the District Councils and the Election Committee. This right is safeguarded by the Basic Law. The relevant legislation makes no reference to a person's gender, ethnic origin or religion to qualify a person as an elector or a candidate in elections.

• *Appointments to Government ASBs*

44. In considering appointment and re-appointments to ASBs, the HKSAR Government has been following the established practice to carefully assess the suitability of the prospective candidates, taking into account relevant factors such as their ability, expertise, experience, integrity and commitment to public service.

45. The HKSAR Government has proactively invited the public and other organizations to nominate individuals to serve on ASBs by inviting them to return to the Government the Curriculum Vitae (CV) forms. In accordance with the principle of no-discrimination, the CV providers are not required to state in their CV forms

their race or any religion they may have. There is no readily available information on the number of members of ethnic or religious minorities serving on ASBs.

46. The HKSAR Government maintains the established policy that the best available person capable of meeting the specific needs of ASBs concerned should be appointed to any ASB vacancy, and that the appointment to ASBs should be non-discriminatory. The HKSAR Government will continue to encourage the appointing authorities to appoint more female members of the public with different cultural backgrounds to ASBs to ensure the representation of the different interests and sections of the community in ASBs.

## **Employment**

### *Paragraph 15*

Measures taken to address the prevalent gender discrimination and segregation in employment and to promote and implement the principle of “Equal Pay for Work of Equal Value”

47. Under the Sex Discrimination Ordinance, it is unlawful for a person, in relation to employment by him/her at an establishment in the HKSAR, to discriminate against another person in the terms on which he/she offers the person that employment. At present, discrimination complaints are being handled by the Equal Opportunities Commission which is a statutory body in the HKSAR.

48. Since its establishment in 1996, the Equal Opportunities Commission has worked steadily to advance the Equal Pay for Work of Equal Value (EPEV) principle by including it in the Code of Practice on Employment issued under the Sex Discrimination Ordinance. In 2006, the Commission released its Study on EPEV, a long term project undertaken by it to advance the principle of EPEV in the HKSAR. The study on certain selected jobs in the civil service and the Hospital Authority revealed no systemic problem of pay inequity on the basis of gender.

49. Subsequently, in 2008, the Equal Opportunities Commission developed a set of clear guidelines to employers to continuously strengthen the public understanding on the concept of equal pay, to address the issue of pay disparity between the two genders and to conduct investigation into alleged contraventions. Talks were arranged by the Commission for employers and women groups and other stakeholders on the subject of EPEV. The essence of EPEV principles and practices has been incorporated in its regular training for different stakeholders and the general public. The Commission would continue to promote EPEV as part of its overall public education effort on the concept of equal opportunities for all.

50. The Commission has not received any related complaints since launch of the EPEV guides and the aforementioned promotional and training work. The present arrangements have worked well and there is no compelling need for legislation on EPEV.

*Paragraph 16*

## Promotion of women employment

51. The Labour Department (LD) provides comprehensive, equitable and free-of-charge employment services to all job seekers, regardless of their gender. The vacancies received by LD from employers for recruitment services cover a wide spectrum of industries and occupations. In 2013, out of the 1,218,885 vacancies processed by LD, 409 714 were from the occupational groups of managers and administrators, professionals, and associate professionals earning higher pay, covering 33.6% of the total number of vacancies. The vacancy information is widely and efficiently disseminated through a network of 12 Job Centres, the Interactive Employment Service website (which is a very popular Government website with around 0.38 billion page views recorded in 2013) and vacancy search terminals installed at various convenient locations throughout the territory. LD also organizes large-scale and district-based job fairs regularly in different locations to expedite the dissemination of employment information so as to help different groups of job seekers find work. In addition, LD reminds employers using its recruitment services of the need to consider the genuine occupational qualifications of the posts during recruitment. LD vets vacancies submitted to ensure the job requirements and employment terms are in compliance with labour legislation and discrimination ordinances, including the Sex Discrimination Ordinance, before they are released for display.

52. Job seekers who have registered with LD for employment services may be placed into employment either through the referral services of LD or by direct application to employers who advertise their vacancies through LD. In 2013, 1,115 placements in the occupational groups of management/ professionals were secured through LD's referral services. Among them, 541 (48.5%) were from female job seekers. Currently over 90% of the vacancies advertised through LD are open for direct application by job seekers. Those who have secured employment through direct application are not required to report their placements to LD.

## Protection for women employees under labour law

53. The Employment Ordinance (Cap. 57) confers female employees with equal employment rights and protection as male employees.

*Paragraph 17*

## Regulation on employment agencies (EA)

54. The HKSAR Government attaches great importance to regulating employment agencies (EAs) through licensing, inspection, complaint investigation and prosecution,

etc. to ensure that they are operating in compliance with the law and to protect the interests of job seekers.

55. According to Part XII of the Employment Ordinance and the Employment Agency Regulations (EAR), all EAs, including intermediaries placing FDHs, are required to obtain a licence from LD before they can operate any business of employment service in the HKSAR. They are also not allowed to receive from job seekers any charges which are more than 10% of their first month's salary for job placement. EAs that operate without a licence or collect more than the prescribed commission would be liable for an offence and subject to a maximum fine of HK\$50,000 (USD 6,410).

56. Officers of LD make regular and surprise inspections to EAs, conduct investigation upon receipt of overcharging or malpractice complaints, and take out prosecution where there is sufficient evidence. In 2013, LD conducted 1,341 inspections to all EAs in the HKSAR, with over 75% of these inspections made to EAs placing FDHs. LD has increased its manpower since April 2014 to step up the monitoring and plan to increase the number of inspections conducted by around 38% to 1,800 per year.

57. During the same period, LD prosecuted nine EAs that were suspected of breaching the law. Of these, seven were convicted and one is being dealt with by the court.

58. If satisfied on reasonable grounds that an EA has breached the law, the Commissioner for Labour, as head of LD, may refuse to issue or renew its licence, or revoke the licence of an EA. In 2013, the licences of four EAs were revoked/not renewed respectively subsequent to an EA being convicted of overcharging, and the licensees of the three EAs being convicted of an offence involving dishonesty, providing forged document to the Immigration Department, and being considered not fit and proper to operate an EA after repeatedly failing to provide information to LD according to the Employment Ordinance.

59. In the longer term, LD will consider measures to strengthen the present licensing mechanism on EAs to step up protection of the interests of FDHs.

Protection of rights of foreign domestic helpers (FDHs)
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60. The HKSAR Government attaches great importance to protecting the rights of FDHs in the HKSAR. Like local workers, FDHs enjoy equal and full protection and entitlements under the Employment Ordinance, including rest days and annual leave etc. An employer who without reasonable excuse fails to grant rest days to his or her employee, or compels his or her employee to work on rest days, is liable to prosecution and, upon conviction, to a maximum fine of HK\$50,000 (USD 6,410).

61. Apart from statutory protection, FDHs are further protected by a Government prescribed Standard Employment Contract, under which they enjoy Minimum Allowable Wage, free food (or food allowance in lieu), free passage to/from their places of domicile, free medical treatment and free accommodation with reasonable privacy.

62. The Minimum Allowable Wage for FDHs has been prescribed by the HKSAR Government since the early 1970s to protect them from exploitation, and is subject to regular reviews. Employers shall not pay a wage lower than the Minimum Allowable Wage stipulated in the Standard Employment Contract signed with the FDH. The prevailing Minimum Allowable Wage is HK\$4,010 (USD 514) which is applicable to all contracts signed on or after 1 October 2013. An employer who wilfully and without reasonable excuse underpays an FDH is liable to prosecution and, upon conviction, to a maximum fine of HK\$350,000 (USD 44,871) and to imprisonment for three years.

63. FDHs have full access to the LD's free services, including consultation and conciliation service to resolve disputes with their employers. If no settlement could be reached by conciliation, the cases are referred to labour courts for adjudication.

64. LD provides conciliation and related services to assist FDHs to pursue their civil claims. LD will not tolerate abuse of FDH and takes rigorous enforcement action against labour offences. Any complaints involving suspected underpayment of wages or non-granting of rest day will be investigated promptly. Prosecution against the offending employer will be instituted if there is sufficient evidence.

65. To ensure FDHs are aware of their rights and their employers are aware of their obligations and consequences of breaching the law, LD undertakes a host of promotional activities throughout the year, including:

- (i) Producing various publications (with some available in FDHs' first languages in addition to English) on the rights and obligations of FDHs and their employers which are disseminated free of charge. The information is also available online;
- (ii) Holding seminars and exhibitions on the Employment Ordinance and Standard Employment Contract from time to time, sometimes jointly with consulates of the FDH-exporting countries;
- (iii) Staging information kiosks at FDHs' popular gathering places and distributing information packs;
- (iv) Placing advertisements in local newspapers read by FDHs; and
- (v) Screening radio commercials as well as publicity videos at public places.

66. The publicity and educational efforts will be further strengthened to increase FDHs' awareness of safeguarding themselves, in addition to LD's ongoing efforts which focus on employees' rights and benefits. For example, advertisement has been posted in local newspaper read by FDHs on what channels they could approach if and when being exploited. LD will stage more information kiosks to distribute the information packs containing pamphlets on FDHs' rights and benefits and the redress channels available to them and to screen publicity videos. Furthermore, LD will enhance FDHs' understanding of their labour rights through TVAPI and collaboration with relevant consulate-generals in the HKSAR, and appeal to the employers to treat FDHs well, not to withhold their wages nor deduct their wages for paying any intermediary or training fees.

*Two-week rule*

67. Under the prevailing policy, FDHs are required to leave the HKSAR upon completion of their contract or within 14 days from the date of termination of their contract, whichever is earlier. Employers have the contractual obligation to provide their FDHs with passage to their places of origin. The “two-week rule” is essential for maintaining effective immigration control and helps prevent FDHs from changing employers frequently or taking up illegal work in the HKSAR after contract termination. The policy does not preclude FDHs from applying to work in the HKSAR again after returning to their places of origin and has allowed sufficient flexibility to cater for exceptional circumstances. The Immigration Department may exercise discretion in approving an FDH’s application for change of employer in the HKSAR without returning to his/her place of origin if the contract is terminated on grounds of the migration, external transfer, death or financial reasons of his/her ex-employer, or if there is evidence suggesting that the FDH has been abused or exploited. The HKSAR Government considers that the “two-week rule” is appropriate and has no plans to change it.

*Live-in requirement*

68. The live-in requirement forms the foundation of the HKSAR’s policy of importing FDHs. It has been the HKSAR Government’s established policy that, as in many other jurisdictions, priority in employment should be given to the local workforce, and importation of workers should only be allowed where there is proven manpower shortage in a particular trade that cannot be filled by the local workers. FDHs have been imported since the early 1970s to meet the acute shortfall of local live-in domestic workers. The live-in requirement has been clearly specified in Standard Employment Contract which has to be signed by both the employer and FDH. Such requirement has been made known to FDH before he/she assumes duty in the HKSAR.

69. Apart from the above cardinal policy considerations, the employers’ affordability in providing separate accommodation to their FDHs, the additional medical costs, insurance and other risks by allowing FDHs to live out as well as issues such as the additional pressure on private housing and public transportation, etc. should also be fully taken into account. The HKSAR Government considers it necessary to retain the “live-in requirement” and the relevant requirements specified in Standard Employment Contract for FDHs.

70. According to the prevailing policy, employers shall provide FDHs with free, suitable and furnished accommodation. In processing employment visa applications of FDHs, the Immigration Department will assess whether the accommodation provided by the employer for FDH is suitable, has reasonable privacy and has basic facilities/furniture, etc. The application will be refused if the Department is not satisfied that the employer can provide suitable accommodation for the FDH concerned. If reports of employers’ failure to provide suitable accommodation for their FDHs are received, the Immigration Department will follow up with the complaints and arrange field visits where necessary. If the employers furnish false information in the applications, they may contravene the Immigration Ordinance (Cap. 115). Under the prevailing legislation, it is an offence for any person to make a false representation to Immigration Officers. Offenders shall be liable to prosecution and a maximum fine of HK\$150,000 (USD 19,231) and imprisonment for 14 years on

conviction. Aiders and abettors are also liable to prosecution. The Immigration Department will also take into consideration an employer's conduct in considering his/her future applications for employment of FDHs and may refuse any such future applications if the employer breaches the undertaking on accommodation arrangements.

71. If FDHs in the HKSAR have been abused or exploited by employers or EAs, they should report immediately to the relevant Government departments for assistance. If an FDH is involved in labour or monetary disputes and has to attend hearings at relevant tribunals, or if he/she has been criminally intimidated or abused and is required to remain in the HKSAR for assisting in investigation or acting as a witness, etc. after the termination or expiry of his/her contract, the Immigration Department may, based on individual merits, exercise discretion to allow him/her to extend his/her stay in the HKSAR as a visitor. Also, these records will be kept and taken into account by the Immigration Department in considering any future applications for employment of FDHs by the employers.

## **Health**

### *Paragraph 18*

Information on the progress made to combat forced abortions, and reported forced sterilization of transgender women
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72. In accordance with Section 47A of the Offences against the Person Ordinance (Cap. 212), a pregnancy may be terminated if two registered medical practitioners are of the opinion, formed in good faith, that:

- (i) The continuance of the pregnancy would involve risk to the life of the pregnant woman or of injury to her physical or mental health, greater than if the pregnancy were terminated; or
  - (ii) There is a substantial risk that if the child were born, it would suffer from such physical or mental abnormality as to be seriously handicapped.
- Termination of pregnancy can only be performed within 24 weeks of pregnancy, unless it is absolutely necessary for saving the life of the pregnant woman. Any treatment for the termination of pregnancy must be carried out by a registered medical practitioner in a government approved or gazetted hospital, or in the operation theatre of the Family Planning Association of Hong Kong. In the HKSAR, any person who has anything done with the intent to procure unlawfully her own or another woman's miscarriage is liable to imprisonment and fine.

73. According to the Code of Professional Conduct issued by the Medical Council of Hong Kong for registered medical practitioners, a doctor cannot perform diagnostic procedures and medical treatment on a patient who does not consent to the treatment. As such, forced abortion or sterilization is not allowed in the existing legal framework.

*Paragraph 19*

An update on the progress made to further reduce the high rate of suicide committed by women, particularly trans-gender women in Hong Kong

74. The HKSAR Government adopts a multi-pronged and cross-disciplined approach and works together with different sectors including non-governmental organizations, medical and healthcare professionals and academics in reducing suicidal risks and promoting suicide prevention in the community.

75. The psychiatric specialty of the Hospital Authority provides a wide-range of services to, including comprehensive suicidal risk assessment for patients with suicidal risk. Under existing triage mechanism of the Hospital Authority, patients with suicidal risk will be scheduled as “Priority 1” in which an urgent medical appointment will usually be arranged within one week. Based on individual patient’s needs, appropriate and timely multi-disciplinary support will be provided accordingly. The Social Welfare Department provides a wide range of preventive, supportive and remedial services, and organizes publicity campaigns and training programmes for frontline professionals to assist persons with emotional distress and/or with suicidal risks.

76. According to the Census and Statistics Department, the crude suicide death rates (number of known suicide deaths per 100 000 population) for female and male were 9.0 and 16.3 respectively in 2012. It is also observed that the crude suicide death rates for female have been lower than those for male in the past decade.

77. While the statistics on suicide deaths of trans-gender persons is not available, attention has been paid to trans-gender persons who may have special clinical and psychosocial needs. In the case of trans-gender persons who wish to receive sex reassignment surgery, they will be given appropriate support and counselling services depending on individuals’ specific clinical and psychosocial needs, before and after the surgery. The whole process of counselling service will last for at least two years, including a minimum 12-month successful real-life experience (i.e. social gender role change) before the surgery. The consultation time for counselling service varies on a case-by-case basis depending on individual person’s specific clinical and psychosocial needs.

**Part III  
The Government of Macao Special Administrative Region of the  
People's Republic of China**

**Reply of the Government of the Macao Special Administrative  
Region to the List of Issues Raised by the Committee on the  
Elimination of Discrimination against Women on 7 March 2014  
(CEDAW/C/CHN/Q/7-8) relating to the Seventh and Eighth Joint  
Report Submitted by the People's Republic of China with  
Reference to the Convention on the Elimination of All Forms of  
Discrimination against Women**

**Part Three  
Macao, China**

**1. Please provide information on measures taken to withdraw the reservation on article 11(2) of the Convention applicable to the Hong Kong Special Administrative Region. Please further inform whether a review of the interpretative declarations to the Convention is envisaged. Please also explain how the application of the interpretative declarations has impacted the implementation of the Convention in the Special Administrative Regions.**

1. As regards the impact of the application of interpretative declarations on the Macao SAR's implementation of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as the Convention), it is necessary to clarify that when the People's Republic of China (PRC) notified the Secretary-General of the United Nations in its capacity as depositary entity of the Convention on 19 October 1999 about the continued application of the Convention to the Macao SAR since 20 December 1999, apart from declaring the application to the Macao SAR of the PRC's reservation to Article 29(1) of the Convention concerning the disputes in relation to the interpretation and application of the Convention, no other reservations or interpretative declarations regarding the application of the Convention to the Macao SAR were made by the PRC.

**8. Please provide information and statistical data on the prevalence of violence against women, including domestic violence, in the State party, including in the Special Administrative regions. The report states that most cities have set up shelters providing medical treatment, psychological support and rehabilitation for women and children who are victims of domestic violence (paras. 93 and 95). Please provide information on the number of (a) shelters available, and (b) free of charge hotlines established. Please provide an update on the draft family violence law. Does it include protection orders for victims and availability of support services; criminalization of marital rape? Please also state the concrete measures that have been taken to improve the prosecution of cases of domestic violence in Hong Kong. Furthermore, please explain the concrete measures taken to combat the increased number of rape and domestic violence in Macao. Please provide information on measures taken to investigate expeditiously incidents of violence against women in detention centres as well as preventive measures undertaken.**

2. According to the information provided by the police, the number of cases of women suffering from domestic violence between 2010 and 2013 was on the decline, with 269, 243, 231 and 186 female victims respectively. This exemplifies an improvement in the situation of women suffering from domestic violence. Under the financial support of the Social Welfare Bureau (SWB), two private institutions provide asylum service for the women and children who are affected by domestic violence. The Family Counselling Office subordinated to the SWB provides supporting services for families in need from the preventive level, for instance, financial assistance, psychological counselling, legal enquiry service and so on, so as to curb the causes of domestic violence and alternately reduce the crime rate.

3. In relation to free hotlines, apart from the 24-hour hotline and an email for anonymous reporting or for the provision of information related to crimes provided by the Public Security Police Force and the Judiciary Police, the SWB also subsidises a private institution (the Lai Yuen Centre of the Women's General Association of Macau) for its 24-hour hotline, which was established especially for providing women and children affected by domestic violence with support and enquiry services. In addition, leaflets and posters are available at health centres, hospitals, schools, government departments and immigration frontier ports for the public to raise their awareness of and to disseminate the means of crime reporting.

4. The Macao SAR Government has been showing concern for the situation of domestic violence and has planned to further protect the women and children in families under the Law for the Prevention of Domestic Violence. At present, the drafting process of the proposed law has already been completed and it will soon enter the legislative process. Pursuant to the provision of the proposed law concerned, in case of domestic violence, the victims have the rights to obtain the following assistance:

(1) Under the coordination and arrangement of the SWB, the victims can stay in the social facilities temporarily and obtain services such as financial assistance, legal assistance, free medical service, schooling and employment assistance, as well as individual and family counselling and so forth under the law.

(2) The personal safety of the victims and the family members involved can be secured by the police, who will also provide them with escort services to the facilities or hospitals, or back to the sites of the incidents or their domiciles for collecting their belongings.

(3) The judges may order the adoption of judicial protection measures upon requests of the victims and may impose the following orders or restraints on the perpetrators, namely, to order them to move out of the places where they are living with the victims, to prohibit them from approaching or following the victims, to prohibit them from getting close to the domiciles and workplaces of the victims, to prohibit them from lingering in the school areas of the victims, to prohibit them from contacting their minor children, and to order them to receive counselling, and so on.

5. As regards marital rape, as long as the related act conforms to the constitutive elements of a crime provided for in Article 157 of the Macao Criminal Code, whether or not the act takes place in a marriage constitutes the crime of rape and is punished with imprisonment from 3 to 12 years. Should the perpetrator perform the related criminal act for taking advantage of the victim's financial dependence on

him, the minimum and maximum limits of the aforementioned penalty will be aggravated by one-third (Article 171(1)(a) of the Macao Criminal Code).

6. According to the records of the detention rooms of the Judiciary Police and of the Macao Prison, there was no record of any incident of violence against women in the detention rooms. In case of receipt of related complaints or suspected cases, physical examination will be immediately arranged for the victims concerned and investigations including the collection of evidence, the hearing of witnesses' statements, the checking of CCTV records will also be launched. Should the incidents contain criminal involvement, the cases will then be transferred to the Public Prosecutions Office for follow-up. Should the criminal suspects be police officers, internal and disciplinary proceedings shall be carried out at the same time and the related situations shall be reported to the Commission for Disciplinary Control of the Security Forces and Services of Macao, which is responsible for monitoring and issuing recommendations for the misconduct of the police forces, for instance, acts which damnify human rights, abuse of powers and procedures and so on (Article 3(1) of the Order of the Chief Executive No. 14/2005).

7. In practice, both the Judiciary Police and the Macao Prison adopt a series of preventive measures to guarantee the physical and psychological safety of female detainees. At the detention rooms of the Judiciary Police, all female victims of physical or sexual violence are interrogated by female officers who are specially trained to assist this type of victims. Interrogations are conducted in a private room and the victims may be assisted by legal representatives, interpreters (if necessary) and social workers. Similarly, female detainees will also receive adequate protection by being separated from male suspects and will be placed in a separate room with CCTV. On the other hand, the preventive measures adopted by the Macao Prison chiefly includes 24-hour cell vigilance by female correctional officers, all the activity areas (except cells and bathrooms) being monitored with a CCTV system and by female correctional officers and the right to make requests, file complaints or report to the judges and prosecutors, who pay regular visits to the Prison for inspection.

**12. Please state the measures being taken to establish an effective referral system for the refugee status determination procedure, and measures to facilitate the prompt identification and referral to the asylum system of victims of trafficking in Macao. (...)**

8. In order to precisely implement the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees in the Macao SAR, Law No. 1/2004 established an internal system for the recognition and the rejection of refugee status, providing for the procedures of recognising the status of refugees, the protection for refugee applicants, the reasons for and consequences of rejecting refugee status and so forth, and establishing a Committee for Refugee Affairs, which is responsible for analysing individual cases of applications for refugee status and for proposing relevant recommendations to the Chief Executive. Article 3 of the aforementioned Law sets two special circumstances for the recognition of refugee status: any person who is regarded as a refugee pursuant to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees, or any person who falls under the competence of the Office of the United Nations High Commissioner for Refugees (UNHCR) as prescribed in Articles 6 and 7 of the

Statute of the Office of the UNHCR could be recognized as refugees in the Macao SAR.

9. Specifically, the applications for the recognition of refugee status shall be made immediately upon the applicants' entries into the Macao SAR. Should the reasons for the applications occur after their entries into the Macao SAR, they shall submit their applications as soon as they are aware of the stated facts. During the process of applications, the applicants shall be informed of their rights and obligations, including the facts that they can contact the Office of the UNHCR and that they have to inform the Immigration Department of their home addresses and report as requested and so forth. In addition, pursuant to law, the applicants can receive assistance of interpreters, legal enquiries for free and legal protection; moreover, they can have their information kept confidential and their spouses and children incorporated into the applications, and obtain basic living conditions (food, accommodation and monthly financial assistance) as well as other special support services, such as medical services and schooling for minors (Articles 8, 9, 31, 33, 34 and 38 of Law No. 1/2004).

10. The Chief Executive will make a decision, in the light of the Committee for Refugee Affairs' recommendation, on whether or not to preliminarily accept an application within 48 hours after receiving it. Should the application be accepted at a preliminary stage, the Committee for Refugee Affairs shall arrange an interview with the applicant within 5 days upon its receipt of the application and shall adopt necessary measures (such as seeking help from experts) to investigate any fact which is considered crucial for the analysis of the application. Once the investigation is completed, the Committee will make recommendations with reasons to the Chief Executive concerning whether or not he shall decide to recognize the applicant's status as a refugee. The time frame for the Committee to investigate and compile a case file is generally 30 days and can be extended to a maximum of a year when necessary. The procedures of recognising or rejecting refugee status are considered as non-compensatory at the administrative stage and at the stage of judicial proceedings, and shall be handled as emergency procedures (Articles 15(1), 16(1), 18(5) and 37 of Law No. 1/2004).

11. Should an application be rejected, the applicant can file an appeal to the Court of Second Instance within 15 days since the day he/she is notified of the related decision. The applicant who obtains the refugee status will be issued an identity card for refugees and travel document and will be permitted to stay in the Macao SAR legally. If necessary, the applicant can still maintain the aforementioned social and financial assistance after obtaining his or her refugee status (Articles 15(5), 22(2), 23 and 35(2) of Law No. 1/2004).

12. During the process of the aforementioned applications for the recognition of refugee status, the Committee for Refugee Affairs shall cooperate with the Office of the UNHCR for assessing the applications for refugee status together. For this reason, the Office is free to contact the applicants or refugees, provide them with assistance (including legal opinions), participate in any stage of the procedures for the recognition or rejection of refugee status, attend interviews with applicants or refugees, file documents, which are important for fact-finding and analyses of the related applications, and will be informed of the decisions related to applications (Articles 4 and 6 of Law No. 1/2004).

13. With respect to promptly identifying the victims of human trafficking and transferring them to the asylum system, the Public Security Police Force has already set up a 24-hour reporting hotline for the crimes of human trafficking and of sexual exploitation and the SWB has also been subsidising a private institution for the latter's provision of a 24-hour hotline for the fight against trafficking in persons. Correspondingly, the Human Trafficking Deterrent Measures Concern Committee (Order of the Chief Executive No. 266/2007) established a set of mechanism for the communication and collaboration among the immigration departments, the Public Security Police Force, the Macao Customs and the Judiciary Police so as to facilitate their cooperation upon their discoveries of potential victims of human trafficking and to transfer the victims to the Health Bureau, the Social Welfare Bureau or the related embassies or consulates when necessary. In addition, internal guidelines have already been formulated for assisting law enforcers in identifying and assisting victims of human trafficking.

14. Furthermore, in order to protect the victims of human trafficking, Article 6 of Law No. 6/2008, the Combat against the Crime of Trafficking in Persons, provided for a series of preventive measures, including adequate protection by the police; legal enquiry service and judicial assistance service; recourse for civil compensation; psychological, medical and pharmaceutical support, interpretation assistance. Should the victims be foreigners, the Macao SAR Government will immediately inform the embassies, consulates or official representatives of their countries or regions of the related news, and will allow the victims to stay in the Macao SAR during the hearings of the cases. The people concerned are immediately entitled to the stated support services once they are confirmed as potential victims.

15. On 18 March 2011, the SWB signed a cooperation agreement with the Hong Kong Office of the International Migration Association, which provides assistance for the Macao SAR Government in the escort of victims of human trafficking to their places of origin and the follow-up and assessment of the risks of the victims and their families.

**13. The data provided in the report indicate that women remain under-represented in legislative bodies, decision-making positions and the judiciary (paras. 126-131). Please provide information on the concrete measures being taken, including through temporary special measures in line with article 4, paragraph 1 of the Convention and General Recommendation No. 25 (2004) on temporary special measures, to increase the representation of women in all decision-making and legislative bodies at all levels, particularly in Villagers' Committees, as well as in Hong Kong and Macao (paras. 126 and 213). What specific measures are in place to address the low participation of ethnic and religious minority women in politics and public life?**

16. The law of the Macao SAR does not allow any form of discrimination. Men and women enjoy equal status and exercise equal rights in political and public affairs.

17. Pursuant to Article 26 of the Basic Law of the Macao SAR, permanent residents of the Macao SAR shall have the right to vote and the right to stand for election in accordance with law. As of 31 December 2013, the number of registered Macao SAR electors was 281,200, with 51.7% female (145,410 women) and 48.3% male (135,790 men). From this, it is apparent that the degree of participation of the Macao SAR women in public affairs was similar to men's.

18. As regards the insufficient representativeness of women at the Legislative Assembly, it should be pointed out that the number of women elected among members of the Fifth Legislative Assembly in 2013 had increased by 43% compared to that of the Fourth Legislative Assembly in 2009, which made the total number of female members 7.

19. On the other hand, according to the information provided by the Public Administration and Civil Service Bureau, there has been an increase in the number of female civil servants working at public administrative institutions. As of 31 December 2013, among 26,593 civil servants, 42% were female (11,081 women), which reflected a steady growth in women's functions at administrative institutions in the Macao SAR. Further, as of 31 December 2013, there were a total of 84 magistrates, with 45% female (38 women); a total of 725 heads and chiefs of administrative institutions, with 41% female (296 women); a total of 53 heads and chiefs in the administration area of judicial institutions, with 49% female (26 women); a total of 4 heads and chiefs in the administration area of legislative institutions, who are all female. The present second prominent position in the Macao SAR, the Secretary for Administration and Justice, is also held by a woman. Moreover, there are 2 women (18.2%) among 11 members currently in office at the Executive Council, which is an institution that assists the Chief Executive with decision-making. In conclusion, the above data and information have shown that the proportion of women holding decision-making positions in the Macao SAR's political system is by no means low.

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