



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

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**Committee on the Elimination of Discrimination  
against Women  
Thirty-sixth session**

**Summary record of the 743rd meeting (Chamber B)**

Held at Headquarters, New York, on Thursday, 10 August 2006, at 10 a.m.

*Chairperson:* Ms. Manalo

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*The meeting was called to order at 10.05 a.m.*

### **Consideration of reports submitted by States parties under article 18 of the Convention**

*Combined fifth and sixth periodic report of China (CEDAW/C/CHN/5-6 and Add.1 and 2; CEDAW/C/CHN/Q/6 and Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of China took places at the Committee table.*

2. **Ms. Huang Qingyi** (China) said that the Chinese Government had reinforced its efforts to comply with the Convention in five areas. In the first place, it had enacted and amended its legislation to ensure further legal protection for women. The amendment to the Law on the Protection of Rights and Interests of Women (Law on the Protection of Women), adopted in August 2005, stipulated that gender equality was a fundamental national policy. China's legislation was evolving from focusing on protection and development of women's rights and interests to fighting against and punishing gender discrimination. The amended version of the Marriage Law adopted in April 2001 included provisions such as prohibition of domestic violence and compensation by the guilty party, as well as compensation for unpaid work done by divorced women. The Law on Contracting of Rural Land, promulgated in March 2003, underscored in particular the right of married, divorced and widowed women to have equal access to land. The National People's Congress had ratified the International Labour Organization (ILO) Convention on Discrimination (Employment and Occupation) in August 2005 and had incorporated provisions of the Convention into the Law on Promotion of Employment. The Law on Compulsory Education, amended in June 2006, emphasized that the equal right of girls to education must be guaranteed.

3. In the second place, government functions and mechanisms had been improved. By the end of 2004, governments at and above county level throughout China had set up women's affairs units, forming an organizational framework for implementation of the Convention and the promotion of gender equality that featured government oversight and participation by all stakeholders. Before 2002, government at and above county level nationwide had promulgated their

respective women's programmes for 2001 to 2010. The system brought together the National Programme for the Development of Chinese Women (2001-2010) (which she would thereafter refer to as "the Programme"), provincial/prefecture/county programmes for women's development, and governmental plans of action at all levels.

4. Thirdly, special measures had been adopted to implement the Programme. Government at all levels in China had incorporated the national policy of gender equality and the major objectives of the Programme into their socio-economic development plans. In 2006 the National People's Congress had adopted the National Development Programme 2006-2010, which included a separate chapter on the protection of the rights and interests of women and children.

5. The fourth area of effort was the pooling of financial and physical resources to address key issues. A number of Government departments had joined hands to implement the project for reducing maternal mortality rates and eliminating tetanus among newborns. Premier Wen Jiabao had pledged to make hospital delivery available to all pregnant rural women in three years from 2005 onward. The Government had steadily increased its budget for education and health. Special funds had been set up to make compulsory education universally available in poor areas and areas inhabited by ethnic minorities and to provide assistance to poor students. From 2006 onwards, the Government would move towards full exemption of miscellaneous fees for all rural students receiving compulsory education. In 2003, the Government had initiated the policy of providing free anti-virus drugs to those affected by HIV/AIDS, free anonymous testing for HIV/AIDS, free prevention of mother-to-child transmission and free school education for AIDS orphans, so that persons affected by HIV/AIDS and their families could receive proper care.

6. The fifth area was the organization of an extensive publicity campaign to create favourable public opinion regarding the Convention. Throughout the country, radio and television stations, newspapers and websites had promoted special programmes, press conferences, seminars and performances and had provided counselling. Thanks to close cooperation between governmental departments and non-governmental organizations, 2005 had been declared the year for publicity to promote the national policy of gender equality in China. Higher education institutions

that provided training of senior civil servants had all included the national policy of gender equality and the Programme into their curricula and had focused on promoting gender awareness among decision makers. Since 2000, the Government had emphasized education about laws, human rights and gender equality among primary and secondary school students. The subject of human rights and gender equality had been included in primary and secondary school textbooks.

7. Turning to the Committee's concluding comments and recommendations concerning the previous report, in particular the recommendation that China should adopt special measures to promote women's participation in high-level decision-making, she explained that the Chinese Government had organized educational and publicity campaigns to enhance public awareness of gender equality and women's participation in decision-making. It had explicitly defined the proportion of female officials in government leadership at all levels so as to further institutionalize mandatory requirements for governmental bodies to be staffed with women leaders. It had selected more outstanding women to serve in leadership at all levels, with priority being given to medium- and high-ranking women cadres and female principals. Measures had been adopted to give women cadres better training so as to enhance their ability and level of political participation. The Government had improved mechanisms for fair competition and management of civil servants in connection with reform of the personnel system so as to provide equal opportunities for women to participate in decision-making and management and ensure that preference would be given to women cadres when all conditions were equal. The fifth national conference on cultivation and selection of women cadres had been convened in August 2006.

8. At present, nine Chinese State leaders were women, five more than in 1999. Of the nine, three were vice-chairpersons of the Standing Committee of the National People's Congress, four were vice-chairpersons of the Chinese People's Political Consultative Conference, one was Vice-Premier of the State Council, and one was State Councillor. In the Supreme People's Court, Supreme People's Procuratorate and the State Council ministries, there were 27 women ministers and vice-ministers, and women cadres at and above the ministerial rank totalled 241.

9. The Committee had expressed concern regarding women's employment in China's transition to a market economy. In that regard, the Government had decided to: formulate and implement preferential policies for women's re-employment and provide employment assistance to women; grant tax reduction or exemption to employers that recruited laid-off women workers and provide them with social insurance subsidies; give preference to laid-off women workers in job recommendation and recruitment; offer free job replacement services to laid-off workers; organize cooperation between government labour authorities, trade unions and women's federations to provide women with job placement services and skills training to enhance their employability and entrepreneurship; and introduce policies and organize training programmes for business start-ups with a view to encouraging and supporting independent entrepreneurship among women.

10. Referring to the Committee's concern over trafficking of women in China, she said that the Government had launched numerous special operations to combat trafficking, rescued a large number of victims, and established centres for transit, training and recovery of rescued women. With a view to enhancing cooperation with neighbouring countries, China had concluded treaties on legal assistance in criminal matters with 36 countries and signed police cooperation agreements with 41 countries. China was also a party to the Mekong Subregional Project to Combat Trafficking in Women and Children. The Government was currently in the process of developing a national programme of action against human trafficking.

11. Regarding the Committee's concern over the sex ratio at birth in China, she explained that the Government had adopted measures to address the problem and to achieve a balanced sex ratio at birth by 2015. The Law on Population and Family Planning that had been promulgated in 2001 explicitly prohibited prenatal sex selection for non-medical purposes and sex-selective termination of pregnancies. In 2002, the Government had defined the terms of reference of all relevant authorities and had introduced an accountability system in areas that exhibited government inaction and a continuing trend of higher-than-normal sex ratio at birth. Since 2003, the Government had conducted a pilot programme, the Care for Girls Initiative, in some areas to create a

social environment favourable for girls. In 2004, the Government had formulated a policy for providing social support to rural families that practised family planning under which financial support was provided to rural couples over 60 with only one child or two girls. In 2005, the Government had extended the Care for Girls Initiative nationwide and had taken comprehensive measures to address the problem of the sex ratio at birth.

12. Although the situation had improved significantly as a result of those efforts, China remained a developing country with a population of over 1.3 billion and a modest level of productivity and education. There were still many difficulties and problems to be resolved in the lives and work of Chinese women and in the protection of their rights. Women took little part in high-level decision-making. Discrimination against women occurred in employment. The education and health of women needed to be improved. It would be a fairly long process to progress from *de jure* equality to *de facto* equality. The Government was committed to pursuing a scientific development concept, building a harmonious society and implementing the National Programme for Development 2006-2010, which would create new opportunities for Chinese women. With support and help from the Committee and with promotion and facilitation by the international community, China would achieve more impressive accomplishments in the implementation of the Convention.

13. The Chinese Government had resumed its exercise of sovereignty over Hong Kong and Macao on 1 July 1997 and 20 December 1999 respectively. Since then, the Convention had been applicable to the Hong Kong Special Administrative Region and the Macao Special Administrative Region. As the guiding principles of “one country two systems” and a high degree of autonomy were practised in the two Special Administrative Regions, they had prepared their own reports on the implementation of the Convention.

14. **Ms. Lee** (Hong Kong Special Administrative Region) said that equality was a fundamental element of the Hong Kong Basic Law. Hong Kong’s Bill of Rights also guaranteed that all women and men should have an equal right to the enjoyment of civil and political rights. Since reunification in 1997, international human rights treaties applicable to Hong Kong, including the Convention, had remained firmly in place. The Government would continue to ensure

that the Convention was faithfully implemented in Hong Kong SAR, pursuant to the Basic Law and the principle of one country, two systems.

15. She wished to address four specific issues which were of concern to the Committee. Firstly, on the matter of the Women’s Commission, she was glad to report that the Hong Kong SAR Government had responded positively to the Committee’s concluding remarks in 1999 and had set up the Women’s Commission in January 2001. The Women’s Commission was a high-level central mechanism to advise and assist the government on women’s issues and to advocate for women’s interests. Appointed by the Chief Executive of Hong Kong SAR, the Women’s Commission was tasked to take a strategic overview of women’s issues, develop a long-term vision and strategy for the development and advancement of women, and advise the Government on policies and initiatives which were of concern to women. It was chaired by a non-official, supported by a secretariat and provided with a budget. The Government had allocated US\$ 16 million to it since its establishment in 2001. Members were appointed on merit and came from different sectors. They included representatives of women’s and ethnic minority groups, district representatives, social workers, teachers and other professionals.

16. The Women’s Commission had made substantial progress in its work over the past five years. It had assisted the Government in the review of five major pieces of legislation of significant impact on the well-being of women, including the Domestic Violence Ordinance and the Crime Ordinance related to marital rape. It had worked with the Government on the appointment of women to advisory boards and committees. The initial target of 25 per cent had been met, and further efforts would be made to enhance women’s participation in the public decision-making process.

17. The Women’s Commission considered gender mainstreaming one of the key strategies in achieving women’s advancement and gender equality and was promoting its application in government policy formulation. Gender mainstreaming was still a relatively new concept in Hong Kong. For it to succeed and become an integral part of the policymaking and service-delivery process, the Government would continue to promote better understanding and awareness of the concept in the community.

18. On education, one notable success had been an innovative capacity-building programme which the Women's Commission had organized with the Open University of Hong Kong, a radio station and 78 women's groups and NGOs. The programme had benefited over 10,000 women, including the less privileged. The Women's Commission worked closely with local women's groups and also participated actively in international events.

19. On the issue of combating domestic violence, she stressed that the Hong Kong SAR Government took the problem seriously and spared no effort in dealing with it. Violent acts were liable to criminal charges under the law, whether they happened in a domestic context or in other situations. In addition to seeking help from the criminal justice system, victims of domestic violence could also seek civil redress under the Domestic Violence Ordinance, which provided protection to victims facing physical, psychological and sexual abuse. Following a review of the Ordinance, the Government had proposed further improvements in three areas, namely, extending the scope of coverage to include formal spousal or cohabitation relationships, extending the criteria for attachment of a power of arrest to an injunction order in cases of psychological harm, and increasing the duration of the injunction order.

20. Besides legal protection, a continuum of preventive, supportive and specialized services were provided to victims of domestic violence and families in need. In March 2006, the Government had introduced two pilot projects under a batterer intervention programme. A new 24-hour service for victims of sexual violence was being introduced by the Government. Four million dollars had been allocated to start new services to facilitate early identification of families in need. Training and coordination for social workers, police officers and related professionals had been strengthened. Volunteers also assisted in the outreach programme.

21. Turning to the issue of trafficking in women, she said that only five suspected cases of trafficking had been recorded in Hong Kong in 2004 and 2005. Debriefing from sex workers from outside Hong Kong had revealed that they had entered Hong Kong to practise prostitution of their own volition. Even though the number of trafficking cases was small, the law enforcement agencies had remained vigilant and

maintained their efforts in combating trafficking activities on all fronts.

22. Prostitution itself was not a crime in Hong Kong, but it was a criminal offence to organize and exploit prostitution. The Hong Kong Police Force enforced the law vigilantly and would continue to do so. There had been allegations of individual police officers abusing their power in undercover operations against vice activities. She wished to emphasize that police undercover operations against vice activities were subject to rules and procedures clearly stated in internal guidelines. Police officers were carefully selected and were required to comply strictly with the guidelines. There were established mechanisms for lodging complaints against the police.

23. Finally, on the question of employment, she stressed that women in Hong Kong enjoyed the same rights and opportunities in regard to employment and career choices as their male counterparts. The Employment Ordinance afforded employees protection of their labour rights, such as entitlement to payment of wages and statutory holidays. Foreign domestic helpers enjoyed the same rights and benefits provided under the labour law as local workers. They were further protected by a standard employment contract and minimum wage. At US\$ 436 per month, the level compared favourably with wages offered to foreign domestic helpers in other Asian economies. Hong Kong also had an effective mechanism for foreign domestic helpers to seek redress if their statutory rights were infringed. Complaints were investigated promptly and thoroughly, and employers were prosecuted if there was sufficient evidence.

24. The Sex Discrimination Ordinance prohibited discrimination against a female employee on grounds of sex, pregnancy or marital status. The Ordinance also ensured equal opportunities for both sexes in employment and equal access to opportunities for promotion, transfer, training, benefits, facilities or services. In addition, the principle of equal pay for work of equal value had been incorporated in the code of practice on employment promulgated under the Sex Discrimination Ordinance, and that code was applicable to all enterprises. Further study into the issue was being conducted by the Equal Opportunities Commission.

25. **Mr. Costa-Oliveira** (Macao Special Administrative Region) said that, in accordance with the principle of

non-discrimination established in its Basic Law, Macao SAR had adopted policies and measures, both through legislation and through administrative rules and procedures and practices, which gave effect to the rights of women enshrined in the Convention. Although women in Macao benefited from a high level of compliance with the Convention, there was still room for improvement. The participation of different sectors of society in the formulation, implementation and review of relevant government policies was a core feature of the Macao way of life. In order to deepen such involvement and to create better channels to promote women's rights and interests, the Consultative Commission for Women's Affairs had been established in 2005.

*Articles 1, 2 and 3*

26. **Mr. Flinterman** pointed out that article 1 of the Convention began with a comprehensive definition of discrimination against women, including both direct and indirect discrimination, in the public and private spheres. The lack of such a definition in Chinese laws could have a very negative impact on education, training, reporting, assessment and monitoring of programmes relating to the implementation of the relevant legislation. How did the Government of China guarantee that the definition in article 1 of the Convention was being used in the implementation of its domestic legislation? Did the Government of China intend to include such a definition in its domestic legislation?

27. He would like to know whether China planned to accede to the Optional Protocol in the near future.

28. He understood from the report that women could obtain protection through the ordinary courts but also through more than 3,000 special courts that had been created to protect women's rights. How did those special courts relate to the ordinary court system? Who were the judges in those special courts and what kind of cases had been processed through the more than 3,000 special courts?

29. Noting that non-citizens, including asylum-seekers and refugees, were not entitled to constitutional guarantees or enjoyment of their rights and freedoms, he expressed concern, in particular, about the position of North Korean women in China. Was the Chinese Government planning to adopt legislation to implement the 1951 Convention relating to the Status of Refugees

in connection with the determination and protection of refugees, including female refugees? Was the Government of China planning to extend the 1951 Convention relating to the Status of Refugees to Hong Kong? Did the Government of Hong Kong SAR intend to take measures to comply with its obligations under the CEDAW Convention as interpreted in general recommendation No. 19 on violence against women?

30. He was concerned about the situation of female migrants in Hong Kong, especially female migrant domestic workers, who were often the victims of double discrimination, both as females and as belonging to other ethnic minorities. How did the measures taken and policies developed by the Hong Kong Government work out in practice? In how many cases had female migrant workers received direct assistance from the Hong Kong Government?

31. Finally, he would like to know what measures the Government of Hong Kong SAR intended to take to end the discrimination against indigenous women created by the small house policy.

32. **Ms. Patten** said that she too was concerned about the absence of a definition of discrimination in Chinese legislation, especially since the Law on the Protection of Rights and Interests of Women contained a definition of gender equality but not of discrimination. She would like to know why such a definition had not been included, given that the Committee had made a recommendation to that effect in its last concluding comments.

33. Her next question concerned the absence of remedies in the Law on the Protection of Rights and Interests of Women. What priority was being accorded to that issue?

34. With regard to the special courts and tribunals that had been established, she would like to know if there were any data on the number of such courts in rural as opposed to urban areas. Were there data showing an increase in the number of women accessing those courts? What provisions were in place for legal aid to those women? She would like to know whether court magistrates and lawyers received training on the Convention itself and on the recommendations of the Committee. If so, what type of training, and was the training ongoing? Was reference being made to the Convention in the courts and tribunals? How many women judges and magistrates were there?

35. **Ms. Dairiam** noted that in spite of the positive trends achieved in China, the demographic statistics still displayed a negative sex ratio. She would like to know what action was being taken against perpetrators of sex-selective pregnancy termination and how the accountability system that had been put in place was working. It was also important to reflect on why women were so devalued that the population had recourse to such measures and to take further action in that regard.

36. She noted that despite rapid economic growth and development, poverty persisted and disproportionately affected rural populations. There was a gross income disparity and a rural-urban divide. There were no data by which to assess which categories of women were most affected by poverty. There were 55 minorities, including Tibetans, and there were no disaggregated data not only on the basis of sex but also on the basis of minority status, including Tibetans. The Committee had requested that information and would like to have it.

37. She urged the Government of China to consider reviewing the legal and regulatory framework relating to State secrets. Information should be available to policymakers in a transparent manner, so that targeted efforts could be made and benchmarks could be set in a disaggregated manner according to various categories of women.

38. **Mr. Xu Hong** (China), referring to the questions that had been raised regarding the definition of discrimination, said it was true that there was no definition of discrimination in Chinese legislation. However, the absence of definition did not affect implementation of China's obligations under the Convention. China had ratified the Convention, and it would be implemented through Chinese legislation. When acceding to the Convention, China had not expressed any reservation with regard to the definition of discrimination.

39. It was not the custom in Chinese legislation to include definitions of terms. The recently amended Law on the Protection of Rights and Interests of Women clearly stated that China would strive to eliminate all kinds of discrimination against women. Other related laws and regulations also included provisions to that effect, and those provisions collectively embodied the definition of discrimination. The question of whether there would be a definition of the term in future would need to be studied further.

40. Referring to the question concerning the Optional Protocol, he said that the Chinese Government had always faithfully implemented its obligations under the Convention and had submitted periodic reports to the Committee. The Chinese Government attached great importance to the role of the Committee in monitoring the implementation of the Convention and hoped that in different ways China could keep in contact and have exchanges with the Committee. The Chinese Government was currently studying the Optional Protocol very carefully, and it was hard to give a schedule for its action on that matter.

41. Turning to the question of refugees, he said that China had acceded to the Convention relating to the Status of Refugees and the protocols thereto. From 1978 to 2006, China had provided effective asylum to about 280,000 Indochinese refugees, thus contributing to the safeguarding of peace and stability in the region. In providing for the settlement and protection of refugees, the Chinese Government also paid special attention to the need to protect the rights and interests of female refugees. China had not found any cases where the rights and interests of refugees had been violated.

42. Referring to the situation of Korean women refugees in China, he said that there were many illegal aliens, including women, from the Democratic People's Republic of Korea. They came to China as a result of natural disasters and for economic reasons and could not be regarded as refugees. Sex did not play a role in those migrations. Even though the people coming from DPRK were illegal aliens, China was doing its best to treat them well. Repatriation was also carried out according to the law, and there was no reason to say that their rights or interests were being violated.

43. On the question of legislation regarding refugees, he said that China was working on the matter. As far as Hong Kong SAR was concerned, the Basic Law of Hong Kong SAR stipulated that international agreements to which China was or became a party should be decided by the central Government in accordance with the circumstances and needs of the Region and after seeking the views of the Government of the Region. Accordingly, the central Government would be in touch with the Government of Hong Kong SAR before deciding whether there was a need to apply the Convention relating to the Status of Refugees to Hong Kong SAR.

44. Finally, on the question concerning the definition of what constituted a State secret, he explained that Chinese laws contained clear-cut definitions.

45. **Ms. Wang Yanbin** (China), responding to questions regarding special courts, said that the number of people's courts was decided bearing in mind the convenience to the people and the judges involved. The difference between special courts and tribunals was that a tribunal was below the court in the judicial hierarchy. Special courts were devoted to the protection of civil and criminal rights together. Regardless of location, the purpose was to protect the rights and interests of women. Many courts, especially middle and lower courts, had established special courts or tribunals, some of which were working on a trial basis.

46. The judges in the special courts and tribunals were individuals who were committed to the protection of the rights and interests of the people and who were sensitive to the gender issue. They were normally judges that acted as presidents of tribunals concerned with cases relating to the violation of the rights and interests of women. On the distribution of special courts and tribunals between urban and rural areas, she said that the number varied, since the courts and tribunals were sometimes merged, eliminated or reorganized. She would try to find out exactly how many such courts and tribunals there were. The court system in China had a total of 189,000 judges, 43,700 of whom were women; thus, women represented 23 per cent of the total number of judges. The Supreme People's Court had a total of about 100 female judges.

47. Regarding the availability of legal assistance, she said that under Chinese legislation, a course on legal assistance was provided. The Supreme People's Court also had issued interpretations concerning legal aid which could be used to fully protect people, especially women, who faced economic difficulties when they wanted to go to court.

48. Regarding training on the Convention and the Law on the Protection of Women's Rights and Interests, she said that the Standing Committee of the National People's Congress, the Supreme People's Court and 12 government organizations had issued a joint circular requesting that law enforcement agencies carry out training activities on gender equality for persons involved in law enforcement activities. In the court system, the judges, especially those belonging to

the Judges Association, regularly worked on the concept of legal protection of women's rights and on the application of relevant laws. Seminars were held on those issues, and competitions were organized at which papers were requested. Training on the Convention was also provided.

49. **Ms. Huang Qingyi** (China), replying to the question concerning the disparities between urban and rural areas, especially for women, acknowledged that such disparities were due in part to historical and geographical factors. The Government was making every effort to find solutions to the problem, especially bearing in mind the needs of the poor, including poor women. In recent years, the central Government had adopted new policies. To begin with, there was a proposal to construct a harmonious society centred on human beings, particularly through fostering harmony between men and women, with special attention being given to women's development in rural areas and poor areas.

50. The new science-based development strategy pursued by the central Government was aimed at achieving balance between rural and urban areas and between the different regions in the country. Special attention would be given to issues affecting farmers, including women farmers, and there would be particular emphasis on poor people, especially poor women.

51. The central Government was also making a special effort to develop the western part of the country, covering 12 cities and provinces, most of them relatively poor and backward. Tibet and other provinces were also poor. The westward-looking strategy was a joint effort of all levels of Government. Other measures had been taken to help women in poor areas, especially in education and health, so as to enable them to play a more active role in economic and social life.

52. The number of poor in China had been reduced from 100 million to 20 million. Students received nine years of compulsory education with full exemption of tuition and miscellaneous fees. Schools had been established where women could receive training including technological training. China had reduced the female illiteracy rate from 80 per cent to 4.2 per cent by the end of 2004. The Government had taken measures to increase opportunities for women's employment and entrepreneurship. Microcredit was



available for women to start their own businesses. The health insurance programme had also produced positive results, and life expectancy had been raised from 36 years in 1949 to 74 in 2006.

53. **Ms. Lee** (Hong Kong Special Administrative Region) said that the 1951 Convention relating to the Status of Refugees did not apply to Hong Kong SAR, and the Hong Kong Government had no intention of seeking its extension to the Region. Hong Kong was small and densely populated, and its prosperous economy and liberal visa regime could make it vulnerable to abuse if the Convention were to be extended to it. However, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment did apply to Hong Kong, and the Government had put in place an administrative mechanism for handling torture claims. The Hong Kong SAR Government considered such complaints of torture and requests for asylum on a case-by-case basis and provided assistance in kind, including temporary accommodation, food, clothing, transport allowance, medical services and counselling. Women were also offered special medical services in gynaecology and antenatal and postnatal care. Schooling was provided for children free of charge upon request. In a recent hearing, the court had noted that the overall package of assistance which the Government offered in conjunction with a non-governmental organization was sufficient to meet the standards set by article 7 of the International Covenant on Civil and Political Rights and article 3 of the Hong Kong Bill of Rights Ordinance.

54. Torture claimants whose claims were pending would not be removed to a country where they were likely to be subjected to torture, but they could be removed to a country where there was no such danger or back to the country of origin if the threat of torture subsided or the claim was no longer substantiated. While they were in Hong Kong, claimants were provided with assistance in kind, which was provided by the authorities in conjunction with non-governmental organizations.

55. On the question of the small house policy, she explained that under the small house policy in Hong Kong, a male indigenous villager was eligible to apply for permission to build for himself once in his lifetime a small house within his own village. The Hong Kong SAR Government was aware that there were sexual discrimination elements in that policy. The

Government was carefully studying the many complex issues involved in the small house policy, and more in-depth consultations would be held with stakeholders and communities before any further action was taken.

56. **Ms. To** (Hong Kong Special Administrative Region), replying to the question regarding foreign domestic helpers, said that those workers enjoyed the same protection as local workers under the Hong Kong SAR labour law. They were further protected by a permanent contract providing for the minimum allowable wage, free accommodation, free medical treatment, free meals and free passage to return home upon completion of their contract. In a recent report on abuse against domestic workers around the world, published by Human Rights Watch, Hong Kong had been identified as one of the few places where the Government guaranteed equal protection for foreign domestic helpers under its labour law. Hong Kong had in place an effective mechanism for foreign domestic helpers to seek redress if their statutory or contractual rights were infringed and to lodge claims with the Labour Department, which would provide free consultations and conciliation service. If a claim could not be resolved by conciliation, foreign domestic helpers could seek adjudication at the labour tribunal or the employment claims adjudication board. Measures were also in place for foreign domestic helpers to seek redress through legal proceedings and assistance.

#### *Articles 4, 5 and 6*

57. **Ms. Patten** recalled that at its previous session, the Committee had recommended the adoption of temporary special measures to increase the number of women in non-traditional areas of education, especially in science, technology and engineering, and also to promote women from junior and auxiliary positions in teaching and academia to more senior positions. She would like to know why China had not adopted temporary special measures.

58. Referring to the list of measures taken to promote women's participation in the decision-making process, which appeared on page 13 of the English version of the report, she asked when the regulations had been adopted, whether they had been implemented, and whether the Government had conducted an evaluation of the impact of the measures taken. How many senior positions were involved and how many women had

actually been selected? Likewise, at the supervisory level, how many positions existed?

59. She would appreciate further information on the Electoral Law. She would also like to have more details of the education system, particularly the financial aid programme. When had the Ministry of Education established the programme, and how many girls benefited from it? She would urge the Government in its next report to explain its reasons for choosing one type of measure over another and to state how girls and women were given access to it. Which institution was responsible for designing, implementing, evaluating and enforcing the temporary special measures? To what extent had women had a role in the design, implementation and evaluation of such measures?

60. Her final comment concerned the measures listed under participation in development. In her view, those were not temporary special measures but were merely general social policies.

61. **Ms. Arocha**, referring to article 5, said that she would like more information on efforts to modify stereotypes in a culture where until recently women had been considered inferior. It was not enough to penalize the improper use of the media to disseminate a false image of women or to prohibit discrimination. A special effort must be made to promote use of the media for educational purposes. The report did not provide details of any such programmes. Although it was important to have special programmes for women and girls, there was a risk in focusing on problems which society considered to be specific to women. She would like to know what was being done to create programmes designed for a general audience and not just for the female audience. She would also like to know what special measures were being taken to overcome stereotypes in rural areas and among ethnic minorities.

62. In connection with efforts to promote gender equality as a value in education, she asked what was being done to provide teachers with training so as to enable them to transmit those values.

63. **Ms. Shin**, referring to articles 5 and 6, said that in order to change longstanding traditions, it was important that China's new development policy should be linked to the system of social security. In managing the one-child policy, it was very important that people should have the assurance that when they got old, whether they had only a daughter or only a son, they

would not have to worry about their future. Otherwise, the preference for boys would not disappear. The recent phenomenon of rural-urban migration also had implications for women and girls. When a family migrated, it often took the boy and left the girl in the rural area to take care of the grandparents. She hoped that in its next report, China would address the implications of the new policy for girls and women.

64. She appreciated the reply of the representative of Hong Kong SAR regarding the matter of migrant workers. However, she had heard that there were many cases of fraud or deceit by agencies that mediated the employment contracts. Although, as the representative of Hong Kong had said, anyone whose rights were violated could report the case and it would be investigated, she understood that they were bound by the two-week policy. The number of women who came forward might be much smaller than one would expect. Supervision and control over the agencies should be strengthened, and every effort should be made to remove any deterrent that might prevent women from coming forward.

65. She was also concerned about the fact that the rape crisis centre had been turned into a centre that received all complaints, not only those in rape cases. She hoped that the centre would resume focusing on rape cases.

66. She noted that in Macao SAR, the number of crimes related to rape procurement and sexual coercion, as well as domestic violence cases, had been increasing over the years, much more than crimes against life or physical integrity. It appeared that the Government of Macao was not doing enough to deter those crimes and that domestic violence and other crimes against women were considered less important than other types of crime. She hoped that the Government of Macao would do more to prevent domestic violence as well as rape and other crimes against women.

67. **Mr. Flinterman**, referring to article 6, said he was concerned about the fact that in cases of domestic violence, criminal prosecution depended on a petition being made by the victim. Sanctions for domestic violence were provided for in the general criminal law, under which only serious domestic violence constituted a crime. He would like to know whether in the light of general recommendation No. 19, the Government of China was considering a specific law on violence

against women that would include a proper definition of violence against women, including domestic violence, as well as provisions for the protection of victims. Such a law should specify the responsibilities of the public prosecutor and the Supreme People's Procuratorate and provide appropriate sanctions.

68. He was somewhat disturbed by the lack of statistical data on violence against women. He hoped that the next report would include statistical data on violence against women broken down by province. He was pleased to hear that the Government of Hong Kong SAR was initiating a comprehensive policy for dealing with violence against women. He would like to know what the time frame was for implementation of those policies.

69. He had received information about incidents of violence against women in detention facilities in China, including in Tibet. He would like to know if such cases had been investigated and whether perpetrators were being prosecuted and punished.

70. Although the Chinese Government had provided some information on the trafficking of women, there was still a lack of data on the numbers of internally trafficked women. He was worried about the limited definition of trafficking contained in Chinese criminal law, which only defined trafficking for purposes of prostitution and not for other purposes. He was also concerned about the fact that prostitutes could be held in administrative detention centres and that not many perpetrators of trafficking were being prosecuted. Finally, he would like to associate himself with the questions that had been posed for the Macao SAR Government.

71. **The Chairperson**, speaking as a member of the Committee, said that she wished to pose a question relating to article 5. Chinese culture was based on Confucian values, which were essentially patriarchal. She would like to know what vision China had for implementation of the Convention within the framework of Chinese culture.

72. **Mr. Su Yan** (China), referring to the questions regarding temporary special measures, said that was a matter to which the Chinese Government attached great importance. China had taken steps to ensure women's participation at all levels of Government. In the filling of vacancies, women were given priority over other equally qualified candidates and certain posts were reserved for women.

73. The election law clearly stipulated that the National People's Congress and the People's Congress at the local level must have an appropriate number of women representatives and that the ratio of women representatives should be increased gradually. As far as local regulations were concerned, China tried to set a minimum ratio for women delegates to the National People's Congress. In recent years, two thirds of the provinces, autonomous regions and municipalities had those regulations in place.

74. **Mr. Huang Xingsheng** (China), referring to the question concerning assistance provided to girls in education, said that since 2001, the country had been implementing in the middle and western part of the country a policy of providing poor families with free textbooks and waiving tuition and miscellaneous fees. Those families also received a life support stipend. The compulsory education law had recently been amended to waive all State fees for students at the compulsory education stage. Within two years, all tuition and fees would be eliminated for the rural school system. That policy would benefit girls.

75. **Ms. Zhang Liming** (China), replying to questions regarding temporary special measures, said that the women's development programme established by the Government reflected the spirit, principles and contents of the Convention. Details of the programme for the period 2001-2010 were described in the report. The 10-year programme was specifically aimed at reducing the disparity between rural and urban areas. The women's programme, which had been integrated into China's general economic development plan, publicized and promoted the goal of gender equality. In connection with implementation, efforts were concentrated on finding solutions to the main problems and issues hindering women's development.

76. Replying to the question concerning article 5, she said that the Chinese Government was aware of the important role that could be played by the media in promoting gender equality and changing discriminatory stereotypes. Gender equality as a basic national policy had been included in the recently amended Law on the Protection of Women's Interests and Rights. For the first time, the legislation had explicitly addressed the issue of the responsibilities of the mass media. Since 2003, measures had been taken to monitor Internet content and regulate Internet cafés and games.

77. The Government had taken a number of measures to deal with activities that were detrimental to women's rights and interests. Conversely, it also commended individuals who provided positive role models for women. The contents of the Convention and the basic laws on equality were taught in primary and middle schools. The Chinese television channel CCTV had a special programme which targeted rural families, promoting harmonious family life.

78. Concerning the need to improve women's training and qualifications, she stressed that the Chinese Government had indeed taken measures to empower women and not just to protect them. In recent years, the Government had formulated and implemented policies to promote women entrepreneurs, including by providing them with small loans and tax incentives. It also provided employment opportunities and job placement services for women and offered training and other preferential policies for women. Women were also promoted to higher positions. In the rural areas, the Government offered special training programmes for the rural labour force. Women accounted for over 60 per cent of participants in those programmes. The Government had also established rural women's schools throughout the country.

79. **Ms. Guan Jinghe** (China), referring to the question on the relationship between the one-child policy and social insurance, said that China had established a social insurance system suited to a market economy which was designed to provide for old age and disability. All men and women were enrolled in the programme and enjoyed its benefits on an equal basis. The Government was exploring the feasibility of a system for providing support to rural residents in their old age. In order to address the problem of the sex ratio, priority was given to families with only daughters.

80. **Ms. Deng Li** (China), responding to the question regarding measures to combat domestic violence, said that up to the end of July 2006, 26 municipalities, provinces and autonomous regions had promulgated anti-domestic violence laws. The question of whether to enact a special law to combat domestic violence or include the issue in separate chapters of existing laws was still under discussion. The Government was making a special effort to collect statistics on efforts to combat domestic violence, and a sample survey had been conducted in 2002. From 2003 to the present, the courts had tried 100,000 cases relating to domestic

violence. Cases of humiliation accounted for three per cent, and abduction and trafficking in women, for 5.3 per cent. Those statistics were examples of the type of data that were being collected and analysed. Statistics were published on a regular basis.

81. With regard to the role of the public prosecutor's office, she said that efforts were being made to raise awareness of the problem among employees in the public prosecutor's office as well as among the general public. In some provinces, teams of female prosecutors had been appointed to deal with domestic violence. Cases of domestic violence were dealt with by the public security bureaux, the communities and the women's federation. When feasible, community units and the women's federation would engage in conciliation efforts to help the parties involved and solve practical problems. Civil affairs institutions had established shelters for abused women throughout the country. There were complaint centres throughout the country, as well as 100 hotlines. The bureaux of public security were empowered to mete out penalties or issue arrest warrants.

82. **Ms. Zhang Jing** (China), responding to the question concerning Confucian values, said that in the traditional culture of China, there was an aspect that was excellent, but there was another side that should be abandoned because it was backward; that was the case with regard to discrimination against women. Since the founding of the People's Republic of China in 1949, the social system and all the laws that had been enacted had been designed to ensure that women enjoyed the same rights as men, including political, economic and social rights. China gave high priority to such laws. Publicity campaigns were conducted which targeted decision makers, both male and female. Educational programmes were also emphasized. Women were encouraged to be self-confident and to take advantage of the conditions created for them by the Government.

*The meeting rose at 1 p.m.*