

(Translation)

**Introductory Statement by H. E. Mme. Huang Qingyi  
Head of the Chinese Delegation at the Consideration of the Combined 5<sup>th</sup> and 6<sup>th</sup>  
Periodic Report of the People's Republic of China on the Implementation of the  
Convention on the Elimination of All Forms of Discrimination against Women**

10 August 2006, New York

Madam Chairperson,  
Distinguished Members,

The delegation of the People's Republic of China consists of three parts, namely the central government, Hong Kong Special Administrative Region (SAR) and Macau Special Administrative Region (SAR), altogether 41 people. In the interest of time, I will only introduce to you the composition of the delegation. There are 23 representatives of the central government, coming from the State Council's National Working Committee on Women and Children, Ministry of Foreign Affairs, Ministry of Education, State Ethnic Affairs Commission, Ministry of Public Security, Ministry of Civil Affairs, Ministry of Personnel, Ministry of Labor and Social Security, Ministry of Health, National Population and Family Planning Commission, Permanent Mission of China to the United Nations and the Supreme People's Court. The ten representatives of Hong Kong SAR come from Hong Kong Health, Welfare and Food Bureau, Women's Commission, Department of Justice, Economic Development and Labor Bureau,

Education and Manpower Bureau. The eight representatives of Macau SAR come from Macau International Law Office, Commission against Corruption, Security Coordination Office, Social Welfare Institute, Office of the Secretary for Administration and Justice and Labour Affairs Bureau.

Madam Chairperson,  
Distinguished Members,

Today, my colleagues and I are very pleased to come here for the Committee's consideration of the Combined 5<sup>th</sup> and 6<sup>th</sup> Periodic Report of China on the Implementation of the Convention on the Elimination of All Forms of Discriminations against Women ("the Convention"). We are glad to engage with Committee members in constructive dialogues about the execution of the Convention by the Chinese Government, and hear your comments and recommendations. First of all, on behalf of the Chinese Government and all members of the delegation, I would like to express our sincere appreciation and heartfelt thanks to the Committee and all Committee members for the important roles that you have played in monitoring the implementation of the Convention in States Parties and in eliminating all forms of discrimination against women, as well as in promoting de facto equality between women and men. At the same time, we would also like to express our heartfelt gratitude to the Committee and all Committee members for supporting and assisting China in its Convention implementation over the years. I am confident that today's dialogue will promote further implementation of the Convention in China and facilitate continuing progress and development of human rights of Chinese women.

Since China accepted the consideration by the Committee in 1999 and submitted report to the Committee in 2003, the Chinese government has continuously adhered to the principles of the Convention, seriously fulfilled its obligations, and given enthusiastic support to the work of the Committee. Seeing value in the comments and suggestions

made by the Committee during its considerations, the Chinese Government has, on the basis of China's national condition, reinforced its efforts in the following five aspects.

### **I. Enactment and amendment of relevant laws to ensure legal protection**

The *PRC Constitution*, amended in March 2004, explicitly provides that “the State shall protect and respect human rights”. In June 2006, the Chinese Government solemnly declared at the First Session of the UN Human Rights Council that concern for women's rights should be regarded as one of the five priorities to open up a new situation in international human rights cause. The *Amendment to the PRC Law on the Protection of Rights and Interests of Women* (“LPRIW”) adopted in August 2005 defines that gender equality is a fundamental national policy and opposes all forms of discrimination against. This indicates that China's legislation is 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 *PRC Marriage Law* adopted in April 2001 incorporates for the first time in the Chinese legislative history provisions such as prohibition of domestic violence, and compensation by the defaulting party and compensation for non-paid work done by divorced women in divorce cases. The *PRC Law on Contracting of Rural Land*, promulgated in March 2003, underscores in particular the right of married women, divorced women and widowed women to have equal access to land. The Chinese National People's Congress (NPC) approved the ratification of the *ILO Discrimination (Employment and Occupation) Convention* in August 2005 and has incorporated provisions of the Convention such as “women shall enjoy equal right to employment as men” and “gender-based discrimination shall be prohibited” into the draft of the *PRC Law on Promotion of Employment*. The *PRC Law on Compulsory Education* amended in June 2006 emphasizes that equal right of girls to education must be guaranteed.

## **II. Reinforcement of government functions and improvement of working mechanisms**

By the end of 2004, governments at and above county level all over China had set up working bodies for women's affairs, forming an organizational framework for the Convention's implementation and promotion of gender equality that featured government dominance and participation by all stakeholders. Before 2002, governments at and above county level nationwide had promulgated their respective programmes for the development of women between 2001 and 2010, resulting in a target management system that integrates the National Programme for the Development of Chinese Women(2001-2010) (herein after referred to and "the Programme"), provincial/prefecture/county programmes for women's development and plans of action by functional government departments at all levels for women's development. The central and local governments have all established organizations for monitoring and assessment of women's development within their statistical authorities, resulting in a hierarchical framework for dynamic and comprehensive monitoring and assessment of women's development. The Chinese Government convened four national conferences on women's work in 1996, 1999, 2001 and 2005 respectively. Former Premier Zhu Rongji, current Premier Wen Jiabao and Vice Premier Wu Yi and other leaders attended the meeting and made important statements. Thus a high-level conference system has taken shape featuring regular national conferences and special study on women's issues.

## **III. Adoption of special measures to implement the Programme**

Governments at all levels in China have incorporated the basic national policy of gender equality and major objectives of the Programme into their overall plans for socioeconomic development. In 2006, the NPC deliberated and adopted the *National Development Program 2006-2010*. For the first time, it devoted a separate chapter to the "Protection of the Rights and Interests of Women and Children" and contents of the

Programme were mentioned for over 50 times. To ensure the realization of the Programme objectives as scheduled, the PRC State Council has set up 15 steering groups that are headed by 30 provincial governors or government ministers and consist of over 70 experts and relevant government officials. At the moment, these steering groups are conducting on-site assessment, monitoring and instruction with regard to the implementation of the Programme in 31 Chinese provinces (autonomous regions and municipalities).

#### **IV. Pooling of financial and physical resources to address prominent problems**

The Chinese Government has concentrated and integrated various forces to address prominent problems related to the existence and development of women. For instance, in order to reduce maternal mortality rate and eliminate tetanus among newborns, multiple government departments have joined hands to implement the Project for Reducing Maternal Mortality Rate and Eliminating Tetanus among Newborns since 2000. With a cumulative financial input of RMB1.03 billion, this project has covered 1,000 counties in 23 provinces (autonomous regions and municipalities) and benefited more than 300 million people. Chinese Premier Wen Jiabao has pledged to make hospital delivery available to all pregnant rural women in three years from 2005 onward. The Chinese Government has kept increasing its budgetary input into education and health. Special funds have been set up to make compulsory education universally available in poor areas and areas inhabited by ethnical minorities and to provide assistance to poor students. From 2006 onward, the Government will move step by step towards full exemption of miscellaneous fees for all rural students receiving compulsory education. In 2003, the Chinese Government initiated the policy of “free provision of anti-virus drugs to the HIV/AIDS affected, free anonymous testing of HIV/AIDS, free prevention of mother-to-child transmission and free school education for AIDS orphans, so that the HIV/AIDS affected and their families living in hardship receive care and concern”.

## **V. Extensive publicity of the Convention to create favorable public opinion**

The Chinese Government gives top priority to promoting the spirit of the Convention and includes it in the national law-awareness campaign. In 2004, the Chinese Government took a series of actions to implement the Programme that reflected the spirit of Convention. Throughout the country radio and television stations, newspapers and website put up special programs, news conferences, seminars, performances and free counseling were organized. 2005 became the Year for Publicity of the Fundamental National Policy of Gender Equality in China thanks to close cooperation between government functional departments and non-government organizations (NGOs). Nearly 40 leading officials from the central and local governments published articles in mainstream national media and delivered special lectures nationwide to publicize the fundamental national policy of gender equality as well as the principles and spirit of the Convention. The publicity campaign penetrated into government departments, schools and communities. Higher education institutions designed for training of senior civil servants all incorporate the fundamental national policy of gender equality and the Programme into their curriculums and focus on enhancing gender awareness among decision makers. Since 2000, the Chinese Government has emphasized the education about laws, human rights and awareness of gender equality among primary and secondary school students. Relevant contents of human rights are incorporated into books for legal education for primary and secondary schools while contents related to awareness and behaviour of gender equality have been added to textbooks

Madam Chairperson,

Distinguished Members,

The Chinese Government attached great importance to the concluding comments

and recommendations of the previous consideration by the Committee. Numerous departmental meetings have been convened to explore ways to implement the conclusions. Details thereof may be found in the combined 5<sup>th</sup> and 6<sup>th</sup> Periodic Report submitted to the Committee. Here I would like to highlight a few specific issues.

**I. With regard to the Committee's recommendation that China adopt special measures to promote women's participation in high-level decision making, the Chinese Government has adopted the following actions:**

- Organize education and publicity campaigns to enhance public awareness of gender equality and women's initiative to participate in decision making;
- Explicitly define proportion of female officials in government leadership at all levels to further institutionalize mandatory requirements that government bodies should be staffed with women leaders;
- Select more outstanding women to serve in leadership at all levels on the occasion of re-election of local leaders, with priority given to medium and high-ranking women cadres and female principals;
- Adopt various measures to give women cadres better training to enhance their ability and level of political participation;
- Improve mechanisms for fair competition and management of civil servants in the course of personnel system reform to provide equal competition opportunities for women to participate in decision making and management and ensure that preference be given to women cadres when all conditions are equal; and
- Convene the 5<sup>th</sup> National Conference on Cultivation and Selection of Women Cadres in August this year.

At the moment, among the Chinese state leaders, 9 are women (3 as vice chairpersons of the Standing Committee of NPC, 4 as vice chairpersons of the of the Chinese People's Political Consultative Conference, 1 as Vice Premier of the State

Council and 1 being State Councilor), 5 more than that in 1999. In the Supreme People's Court, Supreme People's Procuratorate and the State Council ministries, there are 27 women ministers and vice ministers, and women cadres at and above the ministerial rank total 241 in China, both marking considerable improvements.

**II. The Committee is particular interested in women's employment in China's transition towards the market economy. In this regard, the Chinese Government has adopted the following measures:**

- Formulate and implement preferential policies for women's re-employment and provide employment assistance to women;
- Give tax reduction or exemption treatment to employers that recruit 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 placement services to laid-off workers;
- Organize cooperation between government labor authorities, trade unions and women's federations to provide women with job placement services and skill training to enhance their employment ability and entrepreneurship;
- Introduce a series of encouraging policies and organize various training programs for business start-ups to encourage and support independent entrepreneurship among women.

**III. With regard to concern of the Committee over trafficking of women in China, the Chinese Government has launched numerous special operations to firmly crack down on women trafficking, rescued a large number of victims and established centers for transit, training and recovery of rescued women.**

With a view to enhancing cooperation with neighboring countries, China had, by February 2006, concluded treaties on legal assistance for criminal cases with 36 countries, and signed policing cooperation agreements with 41 countries. China is also a party to



the Joint Project for Preventing and Combating Trafficking of Women and Children in the Greater Mekong Sub-region. At the moment, the Chinese Government is in the process of developing a national program of action against human trafficking.

**IV. With regard to the Committee's concern over the high sex ratio at birth in China, the Chinese Government has adopted a series of comprehensive measures to address the problem and to reach balance of sex ratio at birth by 2015.**

The *PRC Law on Population and Family Planning* promulgated in 2001 explicitly prohibits pre-natal sex selection for non-medical purposes and sex-selective termination of pregnancies. In 2002, the Chinese government defined the terms of references of all related authorities and introduced "accountability" system in areas that exhibited government inaction and a continuing trend of higher than normal sex ratio at birth. Since 2003, the Chinese Government has piloted with the Care for Girls Initiative in some areas to create a social environment favorable for girls to live and grow. In 2004, the Chinese government formulated the Policy for Providing Social Support to Rural Families Practicing Family Planning, i.e., providing financial support to rural couples above 60 and with only one child or two girls. In 2005, the government popularized the Care for Girls Initiative nationwide and took comprehensive measures to address the problem of high sex ratio at birth.

Madam Chairperson,

Distinguished Members,

Despite the fact that things have improved significantly as a result of our tremendous efforts, China remains a developing country with a population of over 1.3 billion and modest level of productivity and education, and there are still many difficulties and problems yet to be resolved in the live and work of Chinese women and in the protection of their rights. The proportion of women's participation in high-level decision making

is not high. Discrimination against women happens in employment. The education and health condition of women need to be improved. It will be a fairly long historical process to progress from de jure equality to de facto equality. The Chinese Government is now committed to pursuing a scientific development concept, building a harmonious society and implementing the *National Program for Development 2006-2010*. This will surely create new historical opportunities for the development of Chinese women. With support and help from the Committee and Committee members and with promotion and facilitation by the international community, China will achieve more impressive accomplishments in the implementation of the Convention.

The Chinese Government resumed its exercise of sovereignty over Hong Kong and Macau on July 1<sup>st</sup> 1997 and December 20<sup>th</sup> 1999 respectively. The Convention on the Elimination of All Forms of Discrimination against Women has since been applicable to Hong Kong SAR and Macau SAR. As the guiding principles of “One Country, Two Systems” and high autonomy are practiced in the two SARs according to the *Basic Law of Hong Kong SAR* and the *Basic Law of Macau SAR*, Hong Kong SAR and Macau SAR have prepared their respective reports on the implementation of the Convention. Next, I would like to give the floor to Madam Sandra Lee of Hong Kong SAR, and Mr. Jorge Costa Oliveira of Macau SAR, to deliver their introductory remarks.

Thank you, Madam Chairperson and distinguished members.

**CEDAW Hearing on the Second Report of  
HKSAR, China on the Convention on the Elimination of All Forms of  
Discrimination against Women  
10 August 2006, New York**

**Opening Statement by  
Ms Sandra Lee,  
Permanent Secretary for Health and Welfare  
HKSAR Government**

Madam Chair, distinguished Members,

Good Morning.

2. I am honoured to have this opportunity to speak on the Hong Kong Special Administrative Region Government's (HKSARG's) implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in the HKSAR, China. On behalf of the Hong Kong SAR Government, I thank you for your interest and observations on our Government's Second Report submitted in 2004 and our response to your subsequent questions submitted in May this year. May I also take this opportunity to thank Madam Huang Qingyi for her leadership of the China delegation which for the first time, includes the two Special Administrative Regions of Hong Kong and Macau.

3. Madam Chair and Members, I want to assure you that the HKSAR Government is fully committed to removing all forms of discrimination against women in the Hong Kong SAR.

4. Equality is an important fundamental under the Hong Kong Basic Law, our constitutional document. That all Hong Kong residents shall be equal before our law is guaranteed under the Basic Law. Hong Kong's Bill of Rights also guarantees that all women and men shall 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 CEDAW have remained firmly in place, and we will continue to ensure that CEDAW is faithfully implemented in HKSAR pursuant to the Basic Law and the principle of 'One Country, Two Systems'.

5. I would like to address four specific issues which I believe are of concerns to Madam Chair and Members.

*Women's Commission*

6. First, on our Women's Commission. I am glad to report that the HKSAR Government responded positively to CEDAW's concluding remarks in 1999 and set up the Women's Commission in January 2001. Our Women's Commission is a high-level central mechanism to advise and assist the Government on women's issues and to champion for women's interests. Appointed by the Chief Executive of the Hong Kong SAR, the Commission is tasked to take a strategic overview on women issues; develop a long-term vision and strategy for the development and advancement of women; and advise the Government on policies and initiatives which are of concern to women. It is chaired by a non-official, supported by a dedicated secretariat and provided with a budget. The Government has allocated **US\$16 million** for the Commission since its establishment in 2001. Members of the Commission are appointed on merits and they come from different sectors: women's groups, ethnic minority groups, district representatives, social workers, teachers and other professionals. The Women's Commission has in the past five years made substantial progress in its work.

7. The Women's Commission has assisted the Government to review 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.

8. The Commission has worked with the Government on the appointment of women to advisory boards and committees. The initial target of 25% has been met and further efforts will be made to enhance women's participation in the public decision making process.

9. The Women's Commission considers gender mainstreaming one of the key strategies in achieving women's advancement and gender equality and has been promoting its application in Government policy formulation. So far, the Commission has worked with the Government to review 19 policy areas of importance to women agenda. They include the Health Care Reform, Design of Facilities in Public Buildings and Secondary School Places Allocation. Gender mainstreaming is still a relatively new concept in Hong Kong. For it to succeed and become an integral part of the policy making and service delivery process, we

will continue to promote better understanding and awareness of the concept in our community.

10. On education, one notable success of the Commission is an innovative Capacity Building Mileage Programme it organized with the Open University of Hong Kong, a radio station and 78 women's groups and NGOs which benefited over 10,000 women including the less privileged.

11. The Commission works intimately with local women groups in taking forward its initiatives and also participates actively in international events. The Commission attended 16 major meetings overseas in the past five years including the annual meeting of the UN Commission on Status of Women.

### *Combating Domestic Violence*

12. I would now turn to the issue of combating domestic violence. Madam Chair, I wish to emphasize that the HKSAR Government takes a serious view of domestic violence and spare no efforts in dealing with it. Violent acts are liable to criminal charges under our law. Whether they happen in a domestic context or other situations, they receive the same serious attention from our law enforcement agencies. In addition to seeking help from the criminal justice system, the domestic violence victims may also seek civil redress from the Domestic Violence Ordinance. This legislation provides protection to victims facing physical, psychological and sexual abuse. Following a review of the Ordinance, the Government now proposes further improvements in three areas, namely, extending the scope of coverage to include formal spousal or co-habitation relationship; extending the criteria for attachment of a power of arrest to an injunction order to psychological harm; and an increase to the duration of the injunction order. We are consulting the public on their views on these proposals.

13. Besides legal protection, a continuum of preventive, supportive and specialized services are provided to victims of domestic violence and families in need. In the current financial year, more than US\$170 million has been allocated for counseling, shelter, child care, clinical psychology, emergency financial support and compassionate re-housing services for victims. In March 2006, we introduced two pilot projects of Batterer Intervention Programme. A new 24-hour service for victims of sexual violence is being introduced by the Government.

14. We have allocated US\$ 4M to start new services to facilitate early identification of families in need. We have strengthened training and coordination for social workers, police officers and related professionals. Volunteers also assist in the outreach programme.

15. Madam Chair, I can assure you that the HKSAR Government has zero tolerance for domestic violence and will continue to explore effective means to assist these victims.

### *Trafficking in women*

16. Now I would like to address the question about trafficking in women and exploitation of prostitution. We have provided a written response earlier. I would like to supplement that cases of trafficking recorded are small in Hong Kong – only two and three suspected trafficking cases were recorded in 2004 and 2005 respectively. Debriefing from sex workers from outside Hong Kong reveals that they entered Hong Kong to practise prostitution of their own volition. Notwithstanding that the number of trafficking cases is small, our law enforcement agencies have remained vigilant and maintained their efforts in combating trafficking activities on all fronts.

17. Prostitution itself is not a crime in Hong Kong but it is a criminal offence to organize and exploit prostitution. The Hong Kong Police Force enforces the law vigilantly and will continue to do so. There has been allegation of individual police officer abusing his power in undercover operations against vice activities. I wish to emphasize that Police undercover operations against vice activities are subject to rules and procedures clearly stated in internal guidelines. Police officers involved are carefully selected and are required to comply strictly with the guidelines. There are established mechanisms to complain against the Police.

### *Employment*

18. Finally, on the question relating to employment, I would like to supplement that women in Hong Kong enjoy the same rights and opportunities in terms of employment and choices of career as their male counterparts. The Employment Ordinance affords employees with protection of their labour rights, such as entitlement to payment of wages and statutory holidays. Foreign domestic helpers enjoy the same rights and benefits provided under the labour law as local workers. They are further protected by a standard employment contract and

minimum allowable wage. At US\$436 per month, this level compares favourably with wages offered to foreign domestic helpers among Asian economies. We also have an effective mechanism for foreign domestic helpers to seek redress if their statutory rights are infringed. In case they suffer maltreatment or abuse by their employers, the worker may terminate the contract without notice or payment in lieu and may lodge a complaint to the Labour Department or report the case to the Police. We will investigate these complaints promptly and thoroughly, and prosecute the employers if there is sufficient evidence.

19. The Sex Discrimination Ordinance prohibits discrimination against a female employee on grounds of sex, pregnancy or marital status. The Ordinance also ensures 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 has been incorporated in the Code of Practice on Employment promulgated under the Sex Discrimination Ordinance, and the Code is applicable to all enterprises, including those of small and medium sizes. Further study into the issue is being conducted by the Equal Opportunities Commission using Government funds.

### *Conclusion*

20. In conclusion, Madam Chair and Members, I wish to re-affirm the Hong Kong SAR Government's commitment to CEDAW. Let me thank you again for your interests in our efforts to eliminate discrimination against women in the Hong Kong SAR.

Ends

**Opening Statement of Mr. Jorge Costa Oliveira, Director of  
International Law Office of Macao Special Administrative Region of  
People's Republic of China on the 36<sup>th</sup> Session of the United Nations  
Committee on Elimination of Discrimination Against Women**  
(10 August 2006, New York)

Honourable Chairperson of the Committee, Ms. Manalo,  
Honourable Members of the Committee,  
Your Excellency Madam HUANG Qingyi,

The Macao Government is also pleased to attend this Committee's session on China's report.

Part III of this report incorporates the initial report for Macao as a Special Administrative Region of the P. R. of China after China's resumption of sovereignty over Macao. Thus embodying the principle of "one country, two systems".

In its drafting, we have endeavoured to be accurate and to provide thorough and complete information.

In accordance with the constitutional principle of non-discrimination established in Macao's Basic Law, policies and measures have been adopted in Macao - be it through legislation or via administrative rules and procedures; and practices - which give effect to women's rights enshrined in the Convention.

Although we believe that Macao women benefit from a high level of conformity with the Convention, through a progressive realisation of the relevant rights stemming therefrom, we are the first to acknowledge that, in several fields, there is room for improvement.

The participation of the various sectors of society in the formulation, implementation and review of relevant government policies is 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, a Consultative Commission for Women's Affairs was established in 2005.

Through this reporting process we further welcome the scrutiny of our policies and the exchange of opinions that shall take place in this session.

Thank you very much for your attention.