



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

Distr.: General
24 August 2006

Original: English

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

Summary record of the 744th meeting (Chamber B)

Held at Headquarters, New York, on Thursday, 10 August 2006, at 3 p.m.

Chairperson: Ms. Manalo

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fifth and sixth periodic reports of China (continued) (CEDAW/C/CHN/5-6, CEDAW/C/CHN/5-6/Add.1 and Add.2, CEDAW/C/CHN/Q/6 and Add.1)

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

Articles 1 to 6 (continued)

2. **Ms. Lee** (Hong Kong Special Administrative Region) said that her Government's proposed services for victims of sexual violence respected privacy, were convenient and supportive and included a 24-hour hotline, social workers, short-term accommodation and other services. The programme would be introduced jointly with an NGO early next year. Comprehensive services for victims of domestic violence were already in place.

3. **Dr. Chen Ka-Ki** (Hong Kong Special Administrative Region) said that school curriculum reforms which mainstreamed science and technological subjects made those subjects available to boys and girls on an equal basis. Efforts to enforce a merit-based university admission system continued which meant that discrimination against women in university admissions was slight to non-existent. As noted in the report, the percentages of women in science, medicine and engineering had increased.

4. **Ms. Do Pang Wai-Yee** (Hong Kong Special Administrative Region) said that under Hong Kong labour law, employment agencies were permitted to charge foreign domestic helpers a commission not to exceed 10 per cent of the first month's wages. Overcharging was a criminal offence which could lead to fines and revocation of its operator's licence. The Department of Labour investigated complaints promptly and employment agencies were regularly inspected. Often the violations took place in the foreign domestic helper country of origin, but if local agencies were involved, the Government took action, prosecuted and informed consular authorities of violations occurring in workers' countries of origin. Of course, for that to happen, workers had to come forward and provide information.

5. If a work contract was prematurely terminated, the employee was allowed to stay until the end of the limit of stay or for an additional two weeks, whichever was shorter, to prevent picking up unapproved employment. However, foreign domestic helpers could work again in Hong Kong after returning home, and employers covered the cost of return travel regardless of who was at fault in termination of the contract. In exceptional cases involving death, migration, financial difficulties or evidence of helper abuse, the Government allowed foreign domestic helpers to change employment without first returning home. In 2005, all foreign domestic helper applications for extension of stay had been granted, as had over two thirds of applications for a change of employer after premature termination.

6. **Mr. Costa Oliveira** (Macao Special Administrative Region) stated that sexual crimes were increasing faster than crimes against physical integrity. The reason for the increase was unclear. Previously, the increase in both types of crimes had been attributed to the economic recession, but three years after the end of the recession that explanation no longer appeared satisfactory. The authorities were looking into root causes. A large part of the increase in domestic violence was due to an increase in population. Figures had been provided about complaints lodged with the police, since those numbers provided a truer picture of the situation than did data about domestic violence cases in the court system. Prevention was important, as were awareness campaigns.

Articles 7 to 9

7. **Ms. Gabr** wondered why there had been no increase in the numbers of women engaged in high-level political participation in China since the previous report. Attributing the situation to gender stereotypes was inadequate. The report indicated that an amendment of the basic law for political participation in villages was envisaged. Information about when that would be achieved would be appreciated. Representation of women at the ambassadorial level was also insufficient. In Hong Kong and Macao women were represented in the commercial but not the diplomatic sphere.

8. **Ms. Popescu** asked how political representation of women from ethnic minorities was being handled. She noted that the phrase "an appropriate number" of women deputies appeared in various legislative texts.

The meaning of that phrase was unclear, and could be used to mask indirect discrimination, since it was never used in relation to men in political life. Numbers and quotas should be established. The references to the proportion of female officials in government leadership at all levels raised the question of who defined that proportion and whether it was standard for all government bodies, regions and provinces, or differentiated.

9. She also wished to know whether the target percentage mentioned for women in advisory boards and committees in the Hong Kong Special Administrative Region was an improvement over the earlier situation, since the Committee had mentioned that as a challenge in its previous concluding comments. Further, it would be appreciated if the representative of the Macao Special Administrative Region would speak about women's political representation there and describe the challenges faced.

10. **Ms. Belmihoub-Zerdani** asked why, in a country where there were approximately 650 million women, it was impossible to find 10,000 women to engage in politics. China was an example to the world and must apply the Convention. From 2002 to 2005, women's political representation had tripled, reaching approximately 11 per cent. If it continued to triple every three years, by 2011 it would approach 50 per cent. China had the resources to become a world leader in representation of women in politics.

11. **Mr. Yin Peizhuang** (China) said that the revised provisions of the Organic Law of the Villagers' Committees stipulated that at least one woman should be included in each villagers' committee, replacing the rule that each committee should have what was considered to be an appropriate number of women. The National People's Congress would decide whether to adopt the draft law during 2006. In relation to the way the appropriate number of women represented on a villagers' committee was determined, it was important to remember that China was a predominantly rural country. Men performed the majority of physical labour in rural areas and that responsibility determined the status of men in the village and in the family. That high status gave men an advantage in elections, particularly in leadership contests. There were no special provisions for gender in elections because it was essential to respect the fairness of the elections. The appropriate number of women reflected the lower status of women in rural areas but the draft law would

ensure that at least one woman was represented on each committee.

12. **Mr. Su Yan** (China) said that the Government was taking measures to increase the participation of women in public life, and he presented complimentary data to the Committee to show the progress that had been made in increasing the number of cadres in various organs at the provincial, county, municipal and government levels. At the end of 2005, there were 15 million female cadres in total throughout the country, constituting 38.9 per cent of the total number of cadres. That represented an increase of 2.7 per cent as against 2001. However, there was still room for improvement and the Government would take further measures to increase the participation of women.

13. **Mr. Xu Hong** (China) said that female ambassadors had represented 4 per cent of the total number of ambassadors at the time the report was submitted. In 2006, there were 14 female ambassadors, constituting 8.1 per cent of the total. Female consuls-generals represented 12 per cent of the total, and female counsellors represented 23 per cent of the total. In 2006, female diplomats represented 47 per cent of the total number of diplomats. The number of female diplomats had increased because the Ministry of Foreign Affairs was reviewing its policy of not sending female diplomats to countries where the living and working conditions were particularly harsh. Furthermore, younger female diplomats were being trained.

14. **Ms. Lee** (Hong Kong Special Administrative Region) said that the functional constituency was not an obstacle to the equal participation of women in politics. It was a simplification to argue that functional constituencies were dominated by business organizations and professional bodies. There were 28 functional constituencies that covered important sectors such as agriculture, fisheries, tourism, education, labour, social welfare, sport and the performing arts, catering, as well as commercial and professional bodies.

Articles 10 to 14

15. **Ms. Popescu** said that the report did not refer to any specific measures to address the problem of the high dropout rates in education and it would be interesting to learn what measures were being undertaken by the Government to redress that situation.

The Committee would welcome further information on the treatment given to ethnic minorities in the education system, including the provisions of the curriculum relating to the languages of ethnic groups.

16. **Ms. Patten**, referring to the Macao Special Administrative Region, said that there was lack of legislation relating to sexual harassment in the workplace. It was important to know how the Government intended to address that particular form of violence against women and which sanctions would be imposed on offenders. There was lack of information in the report on the measures that were being taken to provide support to vulnerable groups, including women with disabilities. Efforts being made to integrate those vulnerable women in the labour market should be clarified.

17. In relation to the 3,188 labour protection and monitoring offices, it was apparent that only a small number of cases were being investigated, and it would be useful to learn if there had been an evaluation of those offices. Even though China had ratified the International Labour Organization Conventions No 100 and No. 111, there was insufficient domestic legislation to ensure that women and men were given equal remuneration. It was important to learn which measures the Government was taking to deal with wage discrimination and which government bodies were responsible for gathering information on wage levels in the different sectors. It would also be useful to know which methodology was being used to ensure that indicative wage levels were established in accordance with the Convention.

18. **Ms. Shin** said that the restructuring of the Chinese economy was creating problems for women because women were often the first employees to be made redundant. Furthermore, women were sometimes forced to accept employment from employers who did not comply with the labour laws, and that meant accepting poor working conditions, low pay and work without insurance. The State party should indicate whether it was aware of that form of discrimination and should provide information on the measures that were being taken in the context of the restructuring of the economy. The Government had established training programmes to assist women who had been made redundant, and there were initiatives to help those women set up their own businesses, but most of the training focused on the informal sectors. It would be

useful to learn whether it would be possible to include the formal sectors in those training initiatives.

19. **Mr. Huang Xingsheng** (China) said the high dropout rate in education applied primarily to remote and rural areas. The Government accorded high priority to girls' education and rights and treated girls' education as an important part of State policy. A series of plans and projects to strengthen girls' education in the western and remote regions had been implemented and financial assistance had been provided to the poor regions. The result of those measures had been a decrease in the dropout rate and an increase in the enrolment rate. In 2006, the enrolment rate of girls was 99 per cent and the dropout rate was 4.5 per cent at the primary school level. At the secondary school level, the enrolment rate was 99 per cent and the dropout rate was 2.43 per cent.

20. The Government attached great importance to education in areas inhabited by ethnic minorities. In 2001, there were 100,000 primary schools in the autonomous regions of the country and there were 20 million students from ethnic minorities. In areas where the ethnic minority population was significant, the enrolment rate was 98 per cent. The Government supported bilingual education for ethnic minorities, and there were more than 10,000 schools throughout the country which provided bilingual education for 21 ethnic minorities. The number of students enrolled at those schools was 6 million. Throughout the country, the percentage of students from ethnic minorities enrolled in secondary schools and institutes of higher education was 6.77 per cent and 5.71 per cent respectively. It was clear that those enrolment rates were increasing.

21. **Mr. Guan Jinghe** (China), in response to the question raised about equal pay, said that China had ratified the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention No. 100). Equal pay for equal work was practiced in China. Men and women working in the same position enjoyed the same benefits and salary. Any difference in pay was owing to differences in job levels and competencies. His Government was concerned, however, that women tended to work in low-paying professions. It was therefore actively engaged in training for women to enhance their ability to compete in the labour market. China was striving to attain the goal of equal pay for work of equal value. It had encountered some

difficulties, however, in gauging the value of work done.

22. Economic restructuring in China affected not only women, but also other categories of workers regardless of gender. For example, the elderly, including elderly women, had been affected by the change. In recent years, his Government had held several meetings and developed various policies to promote employment. The measures taken included the retraining of women and provision of information on available jobs. For laid-off workers, his Government provided one-time free training to enhance their ability to find new employment. Unemployment benefits were provided for women workers over 40. Incentives were given to businesses to hire laid-off women workers, including tax breaks and social security subsidies.

23. **Ms. Deng Li** (China) said that in 2005 a provision on sexual harassment was included in the Law on the protection of rights and interests of women. By law, women were entitled to file complaints with their workplace, the Ministry of Public Security and women's associations, or they could seek legal remedy from the People's Court. Finally, sexual harassment was punishable in accordance with the relevant regulations governing public order.

24. **Mr. Costa Oliveira** (Macao Special Administrative Region) said that sexual harassment was not considered a crime under the criminal law of the Macao Special Administrative Region. Its Criminal Code dated from the early 1990s. During its drafting, the issue of several kinds of harassment, including sexual harassment and harassment with respect to debt collection, had been considered. It had not been included, however, in the Code. There were several categories of crime into which harassment would fall, including threatening another person or exercising coercion physically or otherwise. However, for the time being, sexual harassment was not a separate crime.

25. Concerning women with disabilities, the Social Security Fund provided subsidies for persons with disabilities to establish their own business. There were also subsidies to stimulate companies to hire persons with disabilities. There were other mechanisms and programmes being run by the Social Welfare Institute regarding such persons and other vulnerable groups of women, including single mothers.

26. **Mr. Ip Peng Kin** (Macao Special Administrative Region) said that his Government had taken various measures to protect single mothers, including providing child subsidies for basic necessities, books and school activities. His Government was also working to help single mothers to establish a mutual assistance network. Non-governmental organizations were also actively involved in providing them with assistance.

Articles 12 to 14

27. **Ms. Dairiam** said that she commended the policies in China which criminalized forced abortion, forced sterilization and coercive family planning methods. There were reports, however, that such practices did continue. She would like to know what China was doing to monitor the implementation of the law or policies prohibiting those practices. It was unclear whether complaints mechanisms against such abuses were in place. Clarification was needed on whether local authorities had an incentive to monitor and report abuses. It would be helpful to learn about the action being taken on the issue.

28. Concerning the health of rural women and access to health services, in rural areas the decentralization of health-care spending and privatization of services had led to problems for women such as the imposition of user fees and the neglect of preventive care in favour of curative care, which was more lucrative. As the successful rural cooperative system had been withdrawn, people were constrained to pay for medical services. The Committee on Economic, Social and Cultural Rights had expressed concern at the reduced expenditure on rural health services. It would therefore be useful to have data on access to services. More information was needed on how access was monitored, especially in rural areas. She would particularly appreciate information on access for the very poor, ethnic minorities, Tibetan women and persons with disabilities.

29. There was a need for more data on the economic situation of rural women, as it was related to access to health and other services. That data should include access to land and the technical assistance which rural women received for their livelihoods. She noted that, although women enjoyed equal rights in rural land contracting under the law, at least 70 per cent of women in rural areas did not have access to land in their own name. The report and the statements made

before the Committee had mentioned big rural development projects and China's movement towards the West, but there was no information on how women were benefiting from such projects and whether the large expenditures in rural areas went to infrastructure or social spending to improve women's livelihoods, living conditions and access to health.

30. Lastly, she took issue with a suggestion made by a member of the Chinese delegation that women were not as valuable as men in leadership positions in rural areas because they were not capable of as much physical labour. Women worked very long hours and were engaged in another kind of physical labour. There was therefore no need to devalue women or deny them decision-making positions. If the community perceived women in such a discriminatory way, it was incumbent on the Chinese Government to change that perception, in accordance with article 5 of the Convention. Such a perception should not be provided as an excuse for discrimination.

31. **Ms. Gabr** said that the progress registered with respect to rural women was very positive. There remained some problems, however, including gender parity and health issues facing rural women. Another problem was suicide among rural women. She commended the Chinese Government for dealing with those issues. It would be good to know whether there had been any decrease in the incidence of such problems. She would also like to know how the lack of birth registration in the countryside affected girls, including its impact on their education, health care and other areas, and whether any measures were being taken to address the matter. Lastly, with respect to the current attempts at restructuring rural economic activities, she would appreciate having some specific examples of the measures being taken and how they affected employment and poverty among women.

32. **Ms. Song Li** (China) said that health care for rural women was an essential area of her Government's work. Much had been done to improve their situation and many resources had been allocated to address the issue. Efforts were being made to reduce maternal mortality and tetanus among newborns. In addition, a pilot project was established in 2003 to provide farmers with affordable health services and had since been extended throughout the country. Poor women without any means of support were the major beneficiaries of the project.

33. **Mr. Guan Jinghe** (China) said that suicide prevention was an area of focus of his Government. The causes of suicide had been studied and the appropriate measures had been adopted to address that important social and public health problem. Efforts were being made to manage toxic materials in rural areas and encourage rural women to avoid their use through advocacy and education. In 2006, three pilot projects were launched in rural areas to enhance the training of medical staff in the psychological problems experienced by rural women, focusing efforts on poor women and victims of spousal abuse, resulting in a reduction of 1.6 per cent in the suicide rate compared to 1995.

34. **Ms. Su Ronggui** (China) said that her Government had taken three measures to increase the birth registration of girls. First, it had tried to ensure that public security bureaus would step up efforts to increase registration and to establish a better network to administer birth registration. Secondly, a system to issue birth certificates was established on 1 January 2006, which would enhance her Government's monitoring of the newborn population and prevent the abandonment of children. Thirdly, efforts had been made to enhance household registration and the census to ensure the accuracy of data on newborn infants. In the previous census, some 80,000 newborns had not been registered, including boys. Those responsible for the failure to register them were held accountable. Previously unregistered children currently enjoyed the same rights as registered children.

35. **Mr. Deng Li** (China) said that about 8.3 per cent of the rural population had no land in their own name. Among them, 70 per cent were women. His Government had taken a series of measures to resolve the land contracting problem for rural women, including those mentioned in the report. The new law on land contracting included specific provisions for such contracting in the event of marriage and divorce. Women could seek mediation at the village level in cases of violations of their rights or file a complaint with the People's Court. They could also request mediation by the collective. After two years of experience with land contracting, her Government recognized that the issue was difficult. Some additions had therefore been introduced into the amended Law on the protection of the rights and interests of women in that regard to ensure that arbitration by counties and the People's Governments was carried out in

accordance with the law. Some collectives had deprived women of their rights in the past by majority vote, especially those who had married outside of the collective. A specific provision had therefore been made for Government intervention in such matters. His Government had reached its intended objectives. In Zhongshan in Guangdong Province, for example, some 80 per cent of such married women had resolved their land issues, and 11 per cent of the complaints had been partially resolved.

36. **Ms. Zhang** Jing (China) said that large construction projects did involve some relocation; but there were specific regulations governing compensation as well as on-site regulations, all in accordance with labour laws and land regulations, which clearly stipulated the minimum compensation. There could be no forced relocation and any violation of that principle would be settled by law.

37. Some people, who lived in rural areas and were susceptible to relocation wished to change their employment. Special arrangements were made to help relocate them, including unemployment benefits, medical insurance and other forms of compensation.

38. All departments had to publish lists of inhabitants whose best interests would be ensured.

Articles 15 and 16

39. **Ms. Shin** thanked the delegation for the explanation regarding the new land law, which endeavoured to change former discriminatory practices and permitted married women to own land. It appeared that, in the case of a dispute, the village committees decided on the distribution of land to married or divorced women. However, it was customary for women to go and live in their husband's village, which could create difficulties in that regard if there was a divorce. The Convention stated that men and women should have equal rights; therefore, it would be useful to try to change the custom so that the couple could decide where they wished to live. That would lead to a more flexible situation and give greater value to women.

40. It appeared that many women from North Korea who entered China seeking better economic conditions were trafficked into marriage and lived in semi-slavery. They were unable to escape the situation because they had no official status in China and, if they did manage to flee, they went to South Korea, which created

another series of problems. According to the United Nations Convention on the Status of Refugees, it was the responsibility of the Office of the United Nations High Commissioner for Refugees (UNHCR) to decide whether such women could be categorized as refugees; UNHCR should therefore be allowed access to the border area and to those women.

41. **Mr. Xu** Hong (China) said he had already explained his Government's position regarding North Korean women who came to China. If trafficking was involved, the Chinese Government would certainly abide by international law and punish the traffickers as appropriate; but, in the case of illegal aliens, UNHCR should not become involved.

42. **Mr. Flinterman** expressed his continuing concern about the lack of a definition of what constituted discrimination against women in Chinese legislation. The delegation had said that, since the Convention was part of Chinese law, there was no need to repeat the definition in other relevant legislation; however, that supposed that the Convention was applicable and self-executing in China. There was no reference to the Convention in the law on the protection of the rights and interests of women that the delegation had submitted to the Committee. It would therefore be important to include an appropriate definition in relevant legislation.

43. With regard to domestic violence against women in Hong Kong, he noted that a comprehensive policy had already been adopted. Nevertheless, further information would be appreciated, particularly whether it meant that victims no longer had to appear before two courts of law; whether the policy included the relevant training for law enforcement personnel and the appropriate sanctions, and whether it was the Hong Kong Government's intention to extend the approach to include all forms of violence against women.

44. **Ms. Shin** asked whether the Chinese Government was willing to allow UNHCR to visit the border area between China and North Korea to find out if any of the women were eligible for refugee status.

45. With regard to Hong Kong, the functional constituency was indirectly discriminatory to women; since it resulted in predominantly male representation. She hoped that some changes could be introduced into the system so that women in Hong Kong could enjoy the same rights as men.

46. In the case of Macao, a draft of the report should be circulated to women's organizations and civil society to obtain their feedback before the final version was submitted to the Committee.

47. **Ms. Popescu** reiterated her enquiry regarding the representation in public life of women belonging to ethnic minorities.

48. **Mr. Xu Hong** (China) said that, according to the United Nations Convention Relating to the Status of Refugees, individuals who entered another country for economic purposes were not refugees. As a party to the Convention, China had the right to distinguish between refugees and non-refugees in accordance with the provisions of the Convention. Therefore the right to determine who was a refugee was the prerogative of the State party and not of UNHCR. However, China had always enjoyed an excellent collaborative relationship with UNHCR. In March 2006, the United Nations High Commissioner for Refugees had visited China and held useful discussions with the authorities; also, members of UNHCR were already in the border area between China and the Democratic People's Republic of Korea. Since he was not an expert on the issue, he was unable to provide a comprehensive reply, but, if necessary, would obtain further information for the Committee.

49. **Ms. Jin Chunzi** (China) said that, with regard to the representation of women members of ethnic minorities in public affairs, at the end of 2004, there were over two million middle management personnel who belonged to ethnic minorities, and 74 per cent of them were women; also, 32 per cent of the members of the People's National Congress were women.

50. **Ms. Lee** (Hong Kong Special Administrative Region), referring to domestic violence against women in Hong Kong, said that, if there was sufficient evidence, victims would have to appear before a criminal court as witnesses, and if they chose to take civil action at the same time, they would also have to appear before a civil court. The Government took acts of violence against women very seriously and pressed charges when there was sufficient evidence.

51. Training was provided not only for members of law enforcement agencies, but also for the Judiciary. A system had been developed to help the police investigate domestic violence and attend the victims, and social workers worked alongside the police. A central domestic violence database had been

established and internal guidelines drafted; also, an alert mechanism was in place to identify recurring incidents. There were plans to make the domestic violence law more comprehensive by extending coverage to include other forms of violence against women and increasing sanctions according to the severity of the crime.

52. The functional constituency did not constitute a structural barrier to anyone who wanted to be elected to the Legislature and already five women members had been elected through that mechanism.

53. **Mr. Costa Oliveira** (Macao Special Administrative Region) said that Macao was interested in consulting with non-governmental organizations on the report to the Committee. Nevertheless, it had learned from experience that sending out letters requesting opinions led to considerable delays in producing the final report. Consequently, it preferred to place the final version on the official website; although that was not always possible prior to its submission to the Committee. Due note was taken of the Committee's concerns and efforts would be made to improve the consultation mechanism.

54. **Ms. Huang Qingyi** (China) thanked the members of the Committee for their acknowledgement of the efforts being made by the Chinese Government to implement the Convention and for their constructive comments to help improve women's rights in China. Notwithstanding the results achieved, the Chinese Government knew all too well that it had a long way to go and the task remained daunting. However, it was confident that efforts would be made to overcome all the difficulties and advance the cause of women in China. The constructive dialogue was of great benefit to China and it would study carefully the Committee's concluding comments.

The meeting rose at 5 p.m.