

**For discussion
on 21 May 2018**

Legislative Council Panel on Constitutional Affairs

**An Outline of the Topics to be Covered
in the Fourth Report of the
Hong Kong Special Administrative Region
under the United Nations Convention on the Elimination of All Forms
of Discrimination against Women**

Purpose

This paper seeks Members' comments on the proposed outline of the topics to be included in the fourth report of the Hong Kong Special Administrative Region (HKSAR) (the fourth report) under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Reporting Obligation under CEDAW

2. CEDAW has been extended to Hong Kong since October 1996. In accordance with Article 18 of CEDAW, each State Party undertakes to submit a report on measures taken to give effect to the provisions of CEDAW, and on the progress made in this respect for consideration by the United Nations Committee on the Elimination of Discrimination against Women (the Committee).

3. The initial report of the HKSAR was submitted as part of the combined third and fourth periodic reports of the People's Republic of China (PRC) in August 1998 and was considered by the Committee in February 1999. As part of the combined fifth and sixth periodic reports of the PRC, the HKSAR Government submitted its second report on the implementation of CEDAW to the United Nations in 2004, which was considered by the Committee in August 2006. HKSAR's third report, which was incorporated into the combined seventh and eighth periodic reports of the PRC, was submitted to the United Nations in 2012. The

Committee considered HKSAR's third report in October 2014 and issued the Concluding Observations in the same year.

4. The Central People's Government (CPG) is preparing its ninth report under CEDAW. In this connection, the HKSAR Government will submit to the CPG a report which will set out in detail the measures taken by the HKSAR to implement the Convention; progress made in promoting women's well-being; changes in the status of women as well as obstacles to the full achievement of the Convention since the previous report for incorporation into the ninth periodic report of the PRC.

Public Consultation

5. In line with established practice, we have prepared for public consultation an outline of the topics for inclusion in the fourth report at **Appendix**. Members of the public are invited to submit views on the implementation of CEDAW in the HKSAR in respect of those topics and to suggest any additional topics that should be included in the fourth report.

6. The three-month public consultation period, commencing on 1 March 2018, will end on 31 May 2018. We have issued the outline to relevant non-governmental organisations, professional bodies, women's groups, and gender focal points¹ to invite their views. The outline is also made available at all Public Enquiry Service Centres of the District Offices, and has been uploaded to the websites of the Labour and Welfare Bureau at www.lwb.gov.hk and the Women's Commission (WoC) at www.women.gov.hk. As the high level central mechanism to promote the well-being and interests of women in the HKSAR, the WoC co-organised two public consultation sessions with the Labour and Welfare Bureau on 25 April and 16 May 2018 for interested parties and the public to express their views. In addition, the WoC has, during the public consultation period, met with various women's groups and attended/will attend meetings of 17² District Councils to discuss the outline of the fourth report to pro-actively gauge their views.

¹ To promote the concept of gender mainstreaming to various sectors of the community, the Labour and Welfare Bureau, in collaboration with the Women's Commission, has set up the Gender Focal Point (GFP) Networks among government bureaux and departments, District Councils, non-governmental organisations in the social welfare sector, and listed companies. The GFPs serve as the contact and resource persons within their organisations and help raise the awareness and understanding of gender-related issues and promote gender sensitivity concept in the daily work of their staff.

² The consultation with the remaining District Council was through circulation of relevant documents.

Comments Sought

7. Members are invited to comment on the proposed outline. We will carefully consider all the comments received from the public, including those of Panel Members and deputations, and to address the concerns and incorporate the views so expressed as far as possible in preparing the fourth report. The fourth report will be published for dissemination to the public after submission to the United Nations.

Labour and Welfare Bureau
May 2018

**An outline of the topics to be covered in the fourth report
of the Hong Kong Special Administrative Region
under the Convention on the Elimination
of All Forms of Discrimination against Women**

Introduction

The Government is preparing for the submission of the fourth report of the Hong Kong Special Administrative Region (HKSAR) under the Convention on the Elimination of All Forms of Discrimination against Women (“the Convention”). It will form part of the ninth report of the People’s Republic of China under the Convention.

2. In accordance with the established practice, we have prepared at **Annex A** an outline of the report. It sets out the broad subject headings and individual topics that we plan to cover in the report. We will invite members of the public to submit their views on the implementation of the Convention in respect of those topics, and to suggest any additional topics that should be included in the report.

3. We will consider carefully all the comments and suggestions that will be received. Any persons or organisations wishing to offer views are invited to send them to the Labour and Welfare Bureau (LWB) on or before **31 May 2018**:

by post: Team 2, Labour and Welfare Bureau
Central Government Offices

10/F., West Wing

2 Tim Mei Avenue, Tamar, Hong Kong

by fax: 2501 0478

by e-mail: cedaw_consultation@lwb.gov.hk

4. It is voluntary for members of the public to supply their personal data upon providing views on this outline. The submissions and personal data collected may be transferred to the relevant Government bureaux and departments for purposes directly related to the preparation of the report and subsequent follow-up actions relevant to the report. The Government bureaux and departments receiving the data may only use the data for such purposes.

5. The names and views of individuals and organisations who/which put forth submissions in response to this outline (“senders”) may be published for public viewing or otherwise made available for public inspection, including being uploaded to the Internet. We may, either in discussion with others, whether privately or publicly, or in any subsequent report, cite comments submitted in response to this outline.

6. To safeguard senders’ data privacy, we will remove senders’ relevant data (other than names), such as residential/return addresses, email addresses, identity card numbers, telephone numbers, facsimile numbers and signatures, where provided, when publishing their submissions.

7. We will respect the wish of senders to remain anonymous and/or keep the views confidential in part or in whole. If the senders request anonymity in the submissions, we will remove their names when

publishing their views. If the senders request confidentiality, their submissions will not be published. Otherwise, we may publish the name and the views if need be.

8. Any sender providing personal data to this Bureau in the submission will have rights of access and correction with respect to such personal data. Any requests for data access or correction of personal data should be made in writing through the channels mentioned in paragraph 3 above to the Assistant Secretary for Labour and Welfare (2C).

9. The text of the Convention is available on the LWB website: http://www.lwb.gov.hk/UNCEDAW/documents/CEDAW_E.pdf.

10. References to “the previous report” are to the third report of the HKSAR submitted by the Central People's Government in 2012 and considered by the United Nations (“UN”) Committee on the Elimination of Discrimination against Women (“the Committee”) in October 2014. A copy of the previous report is available on the LWB website: http://www.lwb.gov.hk/UNCEDAW/documents/CEDAW_3rd_report_E.pdf. References to “the second report” are to the report of the HKSAR submitted by the Central People's Government in 2004 and considered by the Committee in August 2006, available at: http://www.lwb.gov.hk/UNCEDAW/documents/CEDAW_2nd_report_E.pdf. References to “the initial report” are to the report of the HKSAR submitted by the Central People's Government in 1998 and considered by the Committee in February 1999, available at:

http://www.lwb.gov.hk/UNCEDAW/documents/CEDAW_1st_report_E.pdf.

The Report

11. The fourth report will mainly consist of –
 - (a) information/explanations about any significant developments since the submission of the previous report in 2012;
 - (b) updates of developments that were ongoing when the Committee considered the previous report in 2014 and in respect of which we undertook to inform the Committee of future progress or outcomes; and
 - (c) responses to the concerns and recommendations made in the Committee’s concluding observations on the previous report (“the Concluding Observations”)(reproduced at **Annex B**).

12. In suggesting additional topics to be included in the report, please indicate why those issues are significant and relevant to the application of the Convention in the HKSAR. Respondents may also set out their views on the Government's performance in handling such issues.

Part I: Common Core Document of the Hong Kong Special Administrative Region

13. This part of the report contains information of a general and factual nature relating to the implementation of the human right treaties applicable to the HKSAR.

Part II: Treaty-specific Document in relation to each of the Articles in the Convention

14. This part of the report contains specific information relating to the implementation of Articles 1 to 16 of the Convention in the HKSAR.

15. Both parts of the report follow the UN Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties. The Guidelines are available at http://www.ohchr.org/Documents/HRBodies/TB/HRI-GEN-2-REV-6_en.doc. The harmonized reporting guidelines on a common core document (Chapter I) are at pages 3 to 25. The treaty-specific reporting guidelines on the Convention (Chapter V) are at pages 64 to 70.

Labour and Welfare Bureau
March 2018

**Outline of the Fourth Report of the HKSAR
under the Convention on the Elimination of All Forms of
Discrimination against Women**

Preamble

We will highlight in the Preamble the major developments since the Committee's consideration of the third report of the Hong Kong Special Administrative Region (HKSAR) submitted by the Government of People's Republic of China in 2012.

Main Report

2. This part of the report contains specific information relating to the implementation of Articles 1 to 16 of the Convention in the HKSAR as prescribed by the current reporting guidelines of the Committee.

**ARTICLE 1
DEFINING DISCRIMINATION**

3. We will advise the Committee that definition of discrimination against women in the Sex Discrimination Ordinance remains unchanged.

4. We will provide updates on the seven reservations and declarations entered in respect of the Convention and the justifications.

**ARTICLE 2
OBLIGATIONS OF STATES PARTIES**

5. We will address paragraphs 50 – 51 of the Concluding Observations with regard to the Women's Commission. We will inform the Committee of any significant developments in respect of areas such as

relevant provisions in the Basic Law and the Hong Kong Bill of Rights; the four anti-discrimination ordinances and changes in the other areas of the law regarding the protection of women; the work of the Equal Opportunities Commission (EOC); and the work of the Women's Commission (WoC) including the provision of an enabling environment and empowerment of women, etc.

ARTICLE 3 APPROPRIATE MEASURES

6. We will advise the Committee of any new developments since the previous report in respect of areas such as the basis for protection of human rights and fundamental freedom; gender mainstreaming; and studies, research and data collection on women including the collection of sex-disaggregated statistics, surveys and researches conducted by WoC.

ARTICLE 4 TEMPORARY SPECIAL MEASURES

7. We will advise the Committee that the position in relation to this Article such as special measures provided for under the Sex Discrimination Ordinance and maternity protection, etc. remains unchanged.

ARTICLE 5 STEREOTYPING AND PREJUDICES

8. We will inform the Committee of developments since the previous report. We will also address paragraphs 54 and 55 of the Concluding Observations with regard to the comprehensive review of sexual offences being carried out by the Law Reform Commission. We will also address paragraphs 68 – 69 of the Concluding Observations regarding discrimination against lesbian, transsexual and transgender women. The section will cover topics such as public education efforts, including promotion of the Convention and the public education work of

WoC and EOC; control of pornography and sex discriminatory elements in the media; and the protection of women against violence, such as legislation and international instruments, measures to prevent and tackle domestic violence, services offered to victims of sexual violence, cross-sector collaboration on combating violence, training to professionals, etc.

ARTICLE 6 EXPLOITATION OF WOMEN

9. We will advise the Committee of new developments since the previous report in relation to this Article on prostitution and trafficking of women, including measures against women trafficking and girl-child prostitution, assistance available and protection rendered to sex workers. We will also address paragraphs 56 and 57 of the Concluding Observations with regard to the Palermo Protocol, and the government's efforts in combating trafficking in women and girls and exploitation of women for the purpose of prostitution.

ARTICLE 7 EQUALITY IN POLITICAL AND PUBLIC LIFE AT THE NATIONAL LEVEL

10. We will inform the Committee of any significant developments since the previous report. We will also respond to paragraphs 58 and 59 of the Concluding Observations with regard to women's representation and participation in politics. This part will report on the participation of women in the Legislative Council, District Councils and the Election Committee for the Election of the Chief Executive of the HKSAR, Executive Council, rural elections, advisory and statutory bodies, public offices and the efforts in nurturing women leaders.

**ARTICLE 8
EQUALITY IN POLITICAL AND PUBLIC LIFE AT THE
INTERNATIONAL LEVEL**

11. We will advise the Committee of the latest position of officers representing Government at international level. We will also provide information about women officers holding leading positions in international organisations.

**ARTICLE 9
EQUALITY IN NATIONALITY LAWS**

12. We will advise the Committee that the position in relation to acquisition and transmission of nationality and the Immigration Ordinance (Cap.115) remains unchanged as reported in the previous report.

**ARTICLE 10
EQUALITY IN EDUCATION**

13. We will advise the Committee of any significant developments in the education system in relation to promoting equality between men and women. We will also respond to paragraphs 60 and 61 of the Concluding Observations concerning access to education for women and girls with disabilities.

14. This part will include topics such as an overview of the education status of women in Hong Kong; kindergarten, primary, secondary, post-secondary, vocational and continuing education (including the Continuing Education Fund and Qualifications Framework, etc) as well as special education for girls with disabilities; education provided for designated groups; sex education; financial assistance for students; gender awareness education for teachers; and women in the teaching profession.

ARTICLE 11

EQUALITY IN EMPLOYMENT AND LABOUR RIGHTS

15. We will report to the Committee any significant developments since the previous report. We will also respond to paragraphs 62 and 63 of the Concluding Observations on maternity leave and paternity leave, and paragraphs 64 and 65 with regard to foreign women domestic workers.

16. This part will include topics such as reservations entered in respect of Article 11(2) and the justification for maintaining it; women's participation and standing in the economy; legislation against discrimination in employment; administrative measures to address discrimination in employment; retirement protection; women and poverty; employment services for women; youth training and employment programmes; retraining programmes; social enterprises; imported workers and foreign domestic helpers; childcare facilities and services; promotion of family-friendly employment practices; and equal pay for work of equal value.

ARTICLE 12

EQUALITY IN ACCESS TO HEALTH FACILITIES

17. In this section, we will inform the Committee of any major developments in healthcare system of the HKSAR for women since the previous report, including women's health status in the HKSAR such as mortality and major causes of deaths, disease incidence and prevalence, etc; access to care including preventive and promotional services, ambulatory care, and in-patient service, etc; enabling resources for care; women breastfeeding their babies; and highlights on services for women with special needs including women with disabilities, elderly women, drug abusers, sex workers, ethnic minority, imported workers and foreign domestic helpers.

ARTICLE 13

WOMEN IN ECONOMIC, SOCIAL AND CULTURAL LIFE

18. We will report to the Committee any new major developments since the previous report. This part will include topics such as social security; tax allowance; Community Investment and Inclusion Fund; new arrival women; single parents; women with disabilities; women of ethnic minorities; elderly women; loans, mortgages and credit; recreation, sport and cultural life.

ARTICLE 14

RURAL WOMEN

19. In view of the small area of the HKSAR, it is not practicable to distinguish women in the rural areas from those who live in urban areas. This part will therefore mainly focus on major development in policies relating to the indigenous population in the HKSAR, and include topics such as the reservation entered in respect of male indigenous villagers and the justification for its continuation; definition of “indigenous” population in Hong Kong; succession of land property in the New Territories and review of land policy; and rural elections.

ARTICLE 15

EQUALITY IN LEGAL AND CIVIL MATTERS

20. We will report to the Committee new developments in relation to legal and civil matters since the previous report. This part will include topics such as the declaration in respect of Article 15(3) and the reservation in respect of immigration legislation, and the justification for their continuation; women’s legal status and civil rights including women’s rights to make contracts in their own name and to administer property, treatment of women in court and access to legal aid; appointment to the Judiciary; and women in prisons.

ARTICLE 16
EQUALITY IN FAMILY LAW

21. We will respond to paragraphs 66 and 67 of the Concluding Observations on the minimum marriage age. We will report to the Committee on the measures to protect equality in family law including rights in respect of marriage and family; matrimonial litigation; and legislation regarding guardianship, wardship and adoption of children.

Labour and Welfare Bureau
March 2018

United Nations

CEDAW/C/CHN/CO/7-8

**Convention on the Elimination
of All Forms of Discrimination
against Women**Distr.: General
14 November 2014

Original: English

(Note: This document only contains extracts of paragraphs concerning the HKSAR)

**Committee on the Elimination of Discrimination
against Women****Concluding observations on the combined seventh and
eighth periodic reports of China***

1. The Committee considered the combined seventh and eighth periodic reports of China (CEDAW/C/CHN/7-8, CEDAW/C/CHN-HKG/7-8 and CEDAW/C/CHN-MAC/7-8) at its 1251st and 1252nd meetings, on 23 October 2014 (see CEDAW/C/SR.1251 and 1252). The Committee's list of issues and questions is contained in CEDAW/C/CHN/Q/7-8 and the responses of China are contained in CEDAW/C/CHN/Q/7-8/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its combined seventh and eighth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party for its delegation, which was headed by the Vice Chairperson of the National Working Committee on Children and Women under the State Council, Song Xiuyan, and included representatives of the Central Government, Hong Kong, China, Macao, China, and representatives of various ministries and government agencies.

B. Positive aspects

* Adopted by the Committee at its fifty-ninth session, meeting from 20 October to 7 November 2014.



4. The Committee welcomes the progress achieved since the consideration in 2006 of the State party's combined fifth and sixth periodic reports (CEDAW/C/CHN/5-6) in undertaking legislative reforms, in particular the adoption of the following:

- (a) Law on Social Insurance on maternity insurance, in 2010;
- (b) Labour Contract Law, which prohibits the termination of employment of a female employee on the grounds of pregnancy, childbirth or nursing needs, in 2007;
- (c) Law on Promotion of Employment in 2007, which prohibits discrimination in employment on, inter alia, grounds of ethnicity and gender;
- (d) Amendment of the Organic Law of the Villagers' Committees in 2010, which stipulates that there shall be women members in the villagers' committees and that more than one third of the representatives to the villagers' representatives' conference shall be women.

5. The Committee welcomes the State party's efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and advancing women's rights, such as the adoption of the following:

- (a) National Human Rights Action Plan (2012-2015);
- (b) Programme for the Development of Chinese Women (2011-2020).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

- (a) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2010;
- (b) Convention on the Rights of Persons with Disabilities, in 2008;
- (c) Occupational Safety and Health Convention, 1981 (No. 155) of the International Labour Organization, in 2007;
- (d) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) of the International Labour Organization, in 2006.

C. Principal areas of concern and recommendations: all parts of China

National People's Congress

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National People's Congress, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations until the next reporting period under the Convention.

Reservations

8. The Committee is concerned that the State party continues to maintain reservations to article 11 (2) of the Convention, in respect of Hong Kong, China, and several interpretative declarations to the Convention.

9. **The Committee urges the State party to consider withdrawing its reservations to article 11 (2) applicable to Hong Kong, China. It further urges the State party to review its interpretive declarations to the Convention with a view to ensuring that they are compatible with its object and purpose.**

D. Principal areas of concern and recommendations: China and Hong Kong, China

Legal status of the Convention and ratification of the Optional Protocol

10. The Committee is concerned that the Convention is not directly applicable in national courts of the State party and, as a result, its provisions have not been directly invoked or applied in national courts. It is also concerned about the lack of information on the number of cases brought to court or raised through other dispute resolution mechanisms in which the Convention has been invoked by women. The Committee is further concerned that, notwithstanding the State party's significant role in the negotiations that led to the adoption of the Optional Protocol, it has not ratified it.

11. **The Committee calls upon the State party:**

(a) **To fully incorporate into domestic laws the provisions of the Convention;**

(b) **To intensify existing programmes to ensure the adequate dissemination of the Convention and the Committee's general recommendations among relevant stakeholders, including government officials, parliamentarians, legal professionals, law enforcement officers and community leaders, in order to raise awareness of women's human rights in the State party;**

(c) **To consider ratifying the Optional Protocol and to train legal professionals and law enforcement officers on the Committee's jurisprudence under the Optional Protocol.**

F. Principal areas of concern and recommendations: Hong Kong, China

Machinery for the advancement of women

50. The Committee is concerned that the Women's Commission, which is mandated to promote the advancement of women in Hong Kong, China, has a weak mandate and lacks the resources necessary to undertake gender mainstreaming and other activities.

51. **The Committee recommends that Hong Kong, China, should strengthen the mandate of the Women's Commission by, inter alia, providing adequate financial and human resources so that it can effectively undertake its activities as the machinery for the advancement of women.**

Temporary special measures

52. The Committee is concerned that temporary special measures are not used in the relevant areas covered by the Convention, such as the participation of women in public life, education and employment, in order to accelerate the achievement of substantive or de facto equality of women and men.

53. The Committee recommends that Hong Kong, China, consider using temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, with numerical goals and timetables, to accelerate the representation of women in decision-making positions at all levels.

Violence against women

54. The Committee notes that the Law Reform Commission in Hong Kong, China, has made proposals for the reform of legislation that governs sexual offences, including the definition of rape, which is currently restricted to penile penetration. The Committee is, however, concerned that Hong Kong, China, has not yet produced any proposals concerning sexual offences against children and persons with intellectual disabilities to adopt the reform proposals made by the Commission.

55. The Committee urges the State party to expedite the consideration of the reform proposals made by the Law Reform Commission and to adopt a clear and specific time frame within which to revise the legislation on sexual offences, including those against children and persons with intellectual disabilities, and the definition of rape so that it is in line with international standards. In this context, Hong Kong, China, should allocate adequate resources to ensure the effective combat of all forms of violence against women, including domestic violence by, inter alia, providing adequate shelters and enforcing protection orders.

Trafficking and exploitation of prostitution

56. The Committee is concerned that the State party has not extended the applicability of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime to Hong Kong, China. The Committee is also concerned about the lack of comprehensive anti-trafficking legislation. The Committee is further concerned that Hong Kong, China, has not repealed the legislative provisions on "vice establishment", which compel women in prostitution to work alone in isolated settings, where they are exposed to a higher risk of abuse, exploitation and violence by clients.

57. The Committee recommends that Hong Kong, China:

(a) Intensify efforts to address the root causes of trafficking in women and girls and ensure the rehabilitation and social integration of victims, including by providing them with access to shelters, legal, medical and psychosocial assistance and alternative income-generating opportunities;

(b) **Undertake a comprehensive study with a view to collecting data on the extent and forms of trafficking in women and girls, which should be disaggregated by age and region or country of origin;**

(c) **Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers, particularly with regard to source countries such as Indonesia and the Philippines;**

(d) **Consider extending the applicability of the Palermo Protocol to Hong Kong, China, and adopt comprehensive anti-trafficking legislation;**

(e) **Repeal legislative provisions on “vice establishment” and afford enhanced protection to women in prostitution, including exit programmes for those who wish to leave prostitution.**

Participation in political and public life

58. The Committee recalls its previous concluding observations (CEDAW/C/CHN/CO/6, para. 39) and remains concerned about the low level of representation of women in politics, including in functional constituencies. The Committee is also concerned that no efforts have been made to conduct a study in order to understand the impact that the electoral system of functional constituencies has on the equal participation of women in political life.

59. **The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/6, para. 40) and recommends that Hong Kong, China, undertake:**

(a) **Concrete measures, including the introduction of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 and general recommendation No. 23, to expedite the representation of women in politics;**

(b) **A study on the impact that the electoral system of functional constituencies has on the equal participation of women in political life.**

Education

60. The Committee is concerned about reports that women and girls with disabilities, particularly those with intellectual disabilities, have limited access to education.

61. **The Committee urges Hong Kong, China, to remove all obstacles to access to education for women and girls with disabilities, particularly those with intellectual disabilities, and to ensure the effective participation of women and girls with disabilities in education.**

Employment

62. The Committee notes the introduction of paternity leave in Hong Kong, China, but remains concerned that maternity leave is limited to 10 weeks, which does not comply with the international standards established by the International Labour Organization.

63. **The Committee recommends that Hong Kong, China, increase the maternity leave period in line with international standards and increase its**

efforts to promote the use of flexible working arrangements and paternity leave to encourage men to participate equally in child-care responsibilities.

Women domestic workers

64. The Committee recalls its previous concluding observations (CEDAW/C/CHN/CO/6, para. 41) and notes the response by the State party's delegation that foreign domestic workers in Hong Kong, China, are by and large treated fairly by their employers. However, the Committee remains concerned about consistent reports that foreign women domestic workers continue to experience discrimination on the basis of sex and/or gender and ethnic background. The Committee is further concerned that foreign women domestic workers continue to be subjected to:

- (a) Abuse and unfavourable working conditions, such as lower wages, fewer holidays and longer working hours than what is prescribed by law;
- (b) Abuse by recruitment and placement agencies, which charge exorbitant fees and sometimes confiscate travel documents;
- (c) The two-week rule, which requires them to leave Hong Kong, China, within two weeks upon termination of their contract;
- (d) The live-in rule, which requires them to live with their employers.

65. The Committee reiterates its previous recommendation (CEDAW/C/CHN/CO/6, para. 42) and urges Hong Kong, China:

- (a) To strengthen its mechanisms to protect foreign women domestic workers from discrimination and abuse by employers and recruitment and placement agencies;**
- (b) To consider extending the two-week rule to ensure that foreign women domestic workers whose contracts have been terminated have sufficient time to search for other employment or file suit against their former employers;**
- (c) To revise the live-in rule so that it is available on an optional basis;**
- (d) To adopt legislation that fulfils the requirements under the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.**

Marriage and family relations

66. The Committee is concerned that the minimum marriage age in Hong Kong, China, remains at 16, which is in violation of international norms including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, read in conjunction with the Committee's general recommendation No. 21 on equality in marriage and family relations, and notes the response of Hong Kong, China, that an amendment is under review to reduce the minimum age of marriage without parental consent from 21 to 18 years in accordance with the recommendation of the Law Reform Commission.

67. The Committee calls upon Hong Kong, China, to expedite the adoption of a law to raise the minimum marriage age to 18 years.

Multiple forms of discrimination

68. The Committee is concerned about reports that lesbian, transsexual and transgender women and girls in Hong Kong, China, are subjected to discrimination and abuse, particularly in the context of employment, education and access to health-care services.

69. The Committee urges Hong Kong, China, to intensify its efforts to combat discrimination against lesbian, transsexual and transgender women in employment, education and in their access to health-care services.

H. Applicable to all parts of China

Beijing Declaration and Platform for Action

74. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

Millennium Development Goals and the post-2015 development framework

75. The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.

Dissemination

76. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official language of the State party, to the relevant State institutions at all levels (local, provincial and national), in particular to the Government, the ministries, the National People's Congress and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities, research institutions and the media. It recommends that the present concluding observations be disseminated in an appropriate form at the local community level to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee's general recommendations, to all stakeholders.

Ratification of other treaties

77. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the

by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider acceding to the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

Follow-up to concluding observations

78. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 (a) and (b) and 31 (b), (d) and (e) above.

Preparation of the next report

79. The Committee invites the State party to submit its ninth periodic report in November 2018.

80. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.