

**Equal Opportunities Commission
Hong Kong SAR, China**

**NGO Report on the Convention on the
Elimination of All Forms of Discrimination Against Women
(CEDAW)**

November, 1998

Introduction

The Equal Opportunities Commission (EOC) was established by statute in May, 1996. It is currently responsible for administering three anti-discrimination laws: the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, and the Family Status Discrimination Ordinance. The Commission is fully funded by the Government. The Chairperson and members of the EOC are appointed by the Chief Executive of the Hong Kong Special Administrative Region (SAR).

Submitting a Supplementary NGO Report

2. Not being part of the Government, the EOC was not consulted nor involved in the drafting of the “Initial Report on the Hong Kong Special Administrative Region under Article 18 of CEDAW”. We would like to supplement the Initial Report with a non-governmental organization (NGO) report. In writing this report, EOC held two consultative meetings with over 20 NGO women’s organizations. All have agreed on what is needed for the SAR to implement and monitor the Government’s obligations under CEDAW.

3. The initial report, submitted by the SAR states that despite “the suggestions that a Women’s Commission be set up to provide a focal point to address matters of concern for women, the Government considers it neither necessary nor desirable as at the top level of the Administration, the Policy Groups chaired by the Chief Secretary for Administration and attended by senior representatives of the bureaux

concerned, already provide the necessary co-ordination among the different bureaux” (para. 19).

4. The EOC is not aware of a Policy Group that specifically and regularly addresses matters of concern for women. The NGO women’s groups continue to look for a focal point to whom they could address women’s concerns on policy and service in areas such as education, employment, violence against women, health, welfare, security, and the like. With no where else to turn, these groups have tried to seek such a focus within the EOC.

5. While the EOC is not specially set up to implement all of CEDAW, we play a significant part in fulfilling some of the obligations under CEDAW as indicated by the coverage of EOC’s work in the Government’s CEDAW Report. We do what we can to eliminate discrimination against women within the jurisdiction of the anti-discrimination ordinances.

6. We are very effective in the areas in which we have been given jurisdiction. For example, the anti-discrimination laws covers the area of employment and we have successfully eliminated discriminatory job advertisements. We have done a lot of work to redress grievances of women in pregnancy discrimination and sexual harassment. We are less effective in areas which affect women’s employment but are outside our jurisdiction. For example, we are not able to provide child care services to enable women to seek gainful employment.

7. When the EOC was established in 1996, we were specifically told that monitoring and coordinating the SAR’s obligations under CEDAW were not among the portfolio items given to us. We were only given the responsibility for the administration of the three anti-discrimination ordinances and it does not extend to covering the broader remit of implementing and monitoring CEDAW.

For the Implementation of CEDAW in HKSAR

8. The EOC continues to join the call of other NGO women’s organizations in Hong Kong on the need to have a high-level focal point to develop policy,

administer funding, and coordinate government services to implement CEDAW. We believe it would be more effective to have a central mechanism, within the Government, reporting directly to the Chief Executive or to the Chief Secretary. A governmental body would be more effective in this respect, since a Commission outside of the Government cannot coordinate government policies and services for women.

9. The goal of this central mechanism should be to implement and monitor the SAR's obligations under CEDAW by promoting gender equality, and the full participation of women in the economic, social, cultural and political life of the Special Administrative Region. This central mechanism should involve and support actions by women's organizations and other partners seeking to advance equality for women by addressing women's needs. It should:

- i. deal with issues in CEDAW;
- ii. formulate policies on women;
- iii. advise on the impact on women of all Government policies;
- iv. direct funding into areas based on these policies;
- v. address women's problems;
- vi. compile gender statistics and analyses;
- vii. act as clearing house on training programs for women.

10. When the women's organizations in Hong Kong first asked for a Women's Commission in 1993, there were already in existence, in other parts of the world, at least 28 Ministers, 12 Ministries, and over 30 national government offices addressing the needs of women. In the U.K. and Australia, after which Hong Kong has modeled its anti-discrimination legislation and the establishment of the EOC, there are also separate government ministries on women's affairs. In the 18 APEC (Asia-Pacific Economic Cooperation) economies of which Hong Kong is a member, ministries or high-level government councils on women's affairs are in place in 10 member economies. These offices are separate and distinct from other national commissions that are established to promote equal opportunities or human rights.

Is Such a Central Mechanism Necessary?

11. The Hong Kong SAR Government states in its initial report that its current efforts are adequate for the implementation of CEDAW. Let us examine some examples.

12. Article 5: Stereotyping and Prejudices (para. 23-39):

- Working Women: “married women accounted for 21 percent of the employed population, up from 18 percent in 1986” –

Despite the improvement in women’s educational attainment, women’s labour force participation remains at 48% in 1997, compared with 45% in 1977. This rate is also low relative to other developed economies. One major barrier is the lack of adequate child care facilities especially for working-class women. The EOC urges the Government to address the child care needs of the employed married women.

- Education: a long list of EOC programs on public education is listed -

The EOC expends a lot of its efforts in public education to eliminate discriminatory attitudes in relation to sex, disability and family status; due to its mixed mandate, it only has limited resources to focus on the elimination of sexual stereotypes. The government has not mapped out its strategy to take measures to implement Article 5.

- Civic Education: “has made a theme of equal opportunities a major focus of its work” -

Gender stereotyping and prejudices are not major themes in the promotion of Civic Education. The report was not clear about the percentage of budget used for equal opportunities for women within this area.

- Government Publications:

Apart from the publication of the initial promotional materials on the Sex Discrimination Ordinance and on CEDAW on its extension to Hong Kong, none of the publications have women as its sole focus.

□ Pornography:

There is no avenue to address commercials or advertisements in the print media that denigrate women but may not be pornographic in nature. There are gaps in law in this area relating to the electronic and print media.

□ Protecting Women Against Violence:

There is no overall plan or programme to cope with the multiple concerns of violence against women. Even after an interdisciplinary Working Group on Battered Spouses comprising representatives from Government departments, the Hospital Authority, and welfare agencies was set up in 1995, it has yet to resolve the simple issue of having a refuge operated by a government department to take in victims from domestic violence, through police referrals, after office hours. There is no mention in the report of other aspects of violence against women. Other than law-enforcement, services need to be provided for victims of rape, indecent assault, trafficking of women, and the like. Only limited services and training are offered by volunteers and women's groups and these are not funded by the government.

13. Article 7: Equality in Political and Public Life at the National Level (para. 44-58):

□ Legislative Council election (1998)

While 47.7% of the registered voters in HKSAR are women, only 16 percent are members of the Legislature, and the percentages of female members among the elected candidates in the Municipal Council and District Boards are both 12 and 11 percent respectively. There is no plan by the government to remove the social and cultural barriers to political participation by women.

□ Women in Advisory and Statutory Bodies:

The Report does not give any numbers or percentages of women serving in 350 of these bodies with a membership of over 3,500. The Report stresses that members are appointed on their own merits and gender is not a relevant consideration in making appointments. An independent

study shows that only 14.5% are female members. The Government has not indicated any efforts to promote women's participation in political and public life. We urge the Government to take a more positive step in this direction. As a first step, more women should be appointed to advisory statutory bodies as serving on these bodies have proven to be a good training ground for persons in public office.

Conclusion

14. The implementation of CEDAW and related follow-up actions on the Beijing Platform for Action by the Hong Kong SAR government requires a central mechanism to map out strategies and plans of action or to monitor the commitments of the government's obligations under CEDAW. At present, there is no such government program or mechanism. Government agencies are not knowledgeable about the provisions and there is no plan of action.

15. The NGO women's organizations were consulted, in the writing of this supplementary report, are concerned that vital issues on women are not being addressed due to a lack of a central mechanism to map out a woman's policy and to co-ordinate services for women.

16. The EOC believes that the government should set up a high-level central mechanism on women's affairs to fulfill its obligations under CEDAW.

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