

Gov't welcomes UN concluding comments on HKSAR women's rights

The Government today (Saturday) welcomed the concluding comments made by the United Nations Committee on the Elimination of Discrimination against Women after its hearing in New York in February 1999 on the initial report on the Hong Kong Special Administrative Region (HKSAR) under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The Committee published its concluding comments following its examination on the third and fourth periodic reports on China under CEDAW on February 1 and 2. The initial report on the HKSAR was submitted and examined as part of China's report.

A Government spokesman welcomed the Committee's appreciation for the high level HKSAR delegation to the hearing, and for submitting a "well-structured and informative" initial report "in a timely manner". The spokesman also welcomed the Committee's commendation on the Government "oral presentation of the report and for the detailed oral and written replies, including statistical information to the questions posed by the Committee."

The spokesman pointed out that it was particularly important that the Committee welcomed the guarantee of human rights and fundamental freedoms of women and men in the Basic Law (BL) and the Hong Kong Bill of Rights Ordinance (HKBORO).

The following are the positive aspects mentioned by the Committee in its released concluding comments :

* The Committee commends the continuing applicability of the Convention to the HKSAR following the resumption of Chinese sovereignty over Hong Kong on July 1, 1997 under the principle of "one country, two systems". It also notes that the HKSARG has disseminated the Convention, including through the Internet.

* The Committee notes the recent adoption and revision of laws to

eliminate discrimination against women. It commends, in particular, the Sex Discrimination Ordinance (SDO) of 1995 and the establishment of the Equal Opportunities Commission (EOC).

* The Committee also expresses satisfaction at the high level of literacy and the universal system of free primary education.

The Committee has also raised a number of issues and made some recommendations including commercial sex workers and marital rape.

The spokesman said that the Government would consider all the points made by the Committee carefully.

In fact, he said, the Government had already taken steps to address some of the issues of concern raised. For example, an interdisciplinary Working Group on Battered Spouses, chaired by the Social Welfare Department and comprising representatives from Government departments, Hospital Authority and welfare agencies, had been formed to strengthen their co-ordination and co-operation in handling and combating the problem of battered spouse.

On the Committee's concern about a constitutional definition of discrimination in addition to the SDO, the spokesman said that Article 8 of the BL already provided that the laws previously in force in Hong Kong should be maintained. As such, the HKBORO, apart from the provisions which were declared to be inconsistent with the BL, continued to be in force in Hong Kong, including Article 1 which provided the equal rights of men and women to the enjoyment of all rights set out in the Hong Kong Bill of Rights (HKBOR). Besides, Article 3 of the International Covenant on Civil and Political Rights, on which Article 1 of the HKBOR was based, was entrenched in our constitutional document by virtue of Article 39 of the BL.

The Committee recommended the setting up of a high-level central mechanism for the development and co-ordination of women policy. The spokesman pointed out that as women impinged on a wide range of policy areas, the existing Policy Groups chaired by the Chief Secretary for Administration and attended by senior representatives of the bureaux

concerned already served the purpose. In addition, the Equal Opportunities Commission was established to, inter alia, work towards the elimination of discrimination on the grounds of sex and family status as well as the promotion of equal opportunity.

The spokesman said that the Government was fully committed to discharging the treaty obligations under CEDAW and was aware that these obligations could not be taken lightly. The Government, however, was also obliged to assess whether these obligations could be discharged for the moment, having regard to the need and special circumstances of Hong Kong, the BL and the BORO. The Government's view was that the reservations and declarations, including those in relation to religious organisations and the Small House Policy remained necessary. Should changing circumstances suggest that any of them may no longer be necessary, the Government would review the need for their retention.

Concerning women in education, the spokesman said that the Government strictly observed gender equality in appointments to teaching positions as well as student admissions to courses in schools and faculties in tertiary institutions. The SDO has in fact made discrimination on the ground of sex unlawful in the fields of, inter alia, education and employment.

The women migrant workers, just like other workers in Hong Kong, enjoyed safeguard against abuse and violence, the spokesman said. In addition, they also enjoyed the protection of minimum wages. The Committee had commended Government's efforts to develop a standard labour contract for migrant workers with provision for minimum wages.

On the Committee's recommendation of including the principle of equal pay for work of equal value in relevant legislation, the spokesman pointed out that the SDO already provided for the principle of equal pay for equal work, and the Government supported, as a matter of principle, proposals that would enable the realisation of equality. The Code of Practice on Employment under the SDO published by the Equal Opportunities Commission also encouraged employers to progressively implement this principle. In fact, the Equal Opportunities Commission had already commissioned a research to examine the feasibility of

implementing this principle in Hong Kong.

The Committee was also concerned about women's representation in constituencies on the principle of universal and equal suffrage. Women and men in Hong Kong enjoyed the same right to vote and to stand for election, the spokesman said. In fact, the right was safeguarded by the BL. The Government could not agree that the current electoral system contained structural obstacles to women's equal political participation. The ultimate aim, as stipulated in Article of 68 of the BL, was the election of all members of the Legislative Council by universal suffrage.

END/Saturday, March 6, 1999

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