

**The Initial Report on the Hong Kong Special Administrative Region under the  
Convention on the Elimination of all Forms of  
Discrimination Against Women**

**Submission to the LegCo Panel on Home Affairs  
By the Equal Opportunities Commission\***

**7 December 1998**

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1. This submission examines a number of aspects of the Initial Report on the Hong Kong Special Administrative Region under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Because of the breadth of the coverage of CEDAW, we will focus our comments on a few areas.

Introduction

2. 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.

\* Attachments:

Equal Opportunities Commission's NGO Report on the Elimination of All Forms of Discrimination Against Women (CEDAW), November 1998

"Implementing the CEDAW Convention: the need for a Central Mechanism in Hong Kong", Dr Fanny Cheung, Seminar Organised by the Centre for Comparative and Public Law and the Women's Research Studies Centre, The University of Hong Kong, 28 November 1998

3. 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, therefore, supplemented the Initial Report with a non-governmental organization (NGO) report to the United Nations (Annex A). In writing this report, EOC held two consultative meetings with 23 NGO women's

organizations. All have agreed on what is needed for the SAR to implement and monitor the Government's obligations under CEDAW.

#### Areas to be addressed

4. We would like to address the following areas:
  - i. establishment of a central mechanism to address women's issues;
  - ii. Article 5: Stereotyping and Prejudices;
  - iii. Article 7: Equality in Political and Public Life at the National Level.

#### Establishment of a Central Mechanism

5. 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 various bureaux" (Part II, para.19).

6. 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 nowhere else to turn to, these groups have tried to seek such a focus within the EOC.

7. NGOs expected the EOC to fulfill the functions of a women's commission. This expectation is fostered by the Government as reflected by its inclusion of the EOC in the same paragraph of the CEDAW report mentioned earlier under the heading "Co-ordination of Implementation of the Convention" (Part II, para. 19).

8. While the EOC is not specifically 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.

9. 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 other 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.

10. Since the EOC was established in 1996, monitoring and coordinating the implementation of the SAR's obligations under CEDAW have not been among the portfolio items given to us. We were only given the responsibility for the administration of the three anti-discrimination ordinances and does not cover the broader remit of implementing and monitoring CEDAW.

**11. The EOC urges the Government to establish a high-level central mechanism to develop policy, administer funding, and coordinate government services to implement CEDAW.** We believe that a central mechanism within the Government would be more effective if it reports directly to the Chief Executive or to the Chief Secretary for Administration. A commission outside of the Government cannot coordinate government policies and services for women.

12. 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 which seek 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.

Article 5: Stereotyping and Prejudices (Part II, para. 23-39):

13. In reference to this Article we would like to address the SAR Initial Report's comments on 'working women', 'education', 'civic education', 'government publications', 'pornography', 'protecting women against violence'.

- ❑ 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 women to enable them to seek gainful employment.**
- ❑ Education: a long list of EOC programs on public education are listed -- the EOC expends a lot of its efforts in public education to eliminate discriminatory attitudes in relation to sex, disability and family status but due to its mixed mandate, it only has limited resources to focus on the elimination of sexual stereotypes. **The government should map out its educational strategy to take measures to eliminate sexual stereotypes.**
- ❑ 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 Government publications has 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 government operated refuge 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.

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

14. The issues we would like to address in this area are on 'political participation by women' and 'women in advisory and statutory bodies'.

- Political participation by women -- Legislative Council election (1998): while 47.7% of the registered voters in HKSAR are women, only 16 percent are members of the Legislature; 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 statutory 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 appoint more women to advisory statutory bodies as a first step.** Serving on these bodies has proven to be a good training ground for persons in public office.

## Conclusion

15. 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. Related institutions and NGOs are currently not involved in the implementation of CEDAW.

16. The EOC urges the Government to set up a high-level central mechanism on women's affairs to fulfill its obligations under CEDAW, to take in all fields and all appropriate measures to ensure the full development and advancement of women.

## Summary of Principal Recommendations

1. We recommend that the LegCo Panel on Home Affairs urges the Government to:
  - establish a high-level central mechanism to develop policy, administer funding, and coordinate government services to implement CEDAW.
  - address the child care needs of women to enable them to seek gainful employment.
  - map out its educational strategy to eliminate sexual stereotypes.
  - set aside a budget in civic education for use to promote equal opportunities for women.
  - develop a plan for government publications with the advancement of women and the elimination of all forms of discrimination against women as its sole focus.
  - review Governmental regulations to ensure adequate measures to address advertisements in the media that denigrate women but may not be pornographic in nature.
  - develop and implement an overall plan or programme, with adequate funding, to cope with the multiple concerns of violence against women.
  - develop and implement a plan to remove the social and cultural barriers to political participation by women.
  - appoint more women to Advisory and Statutory Bodies.

**Implementing the CEDAW Convention: the need for a  
Central Mechanism in Hong Kong.**

**Dr Fanny M. Cheung**

**CEDAW: Its Implementation in the SAR**

**Organised by the Centre for Comparative and Public Law and the  
Women's Studies Research Centre  
The University of Hong Kong**

**28 November 1998**

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Dr. Shalev, Associate Professor Byrnes, Ms. Mathai, Fellow Speakers,  
Distinguished Guests:

I would like to thank the Centre for Comparative and Public Law and the Women's Studies Research Centre for organising this forum to discuss a most important topic for women: the implementation of CEDAW in Hong Kong.

**Introduction**

Many of you here remember that, back in 1993, women's organizations first asked for the extension of CEDAW to Hong Kong and for the establishment of a Women's Commission to address issues of discrimination against women. The call for such a commission went unanswered even though at that time 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 18 APEC (Asia-Pacific Economic Cooperation) economies of which Hong Kong is a member, high-level government offices on women's affairs are in place in 10 member economies. These offices are separate and distinct from other national institutions that are established to promote equal opportunities or human rights. In the British Commonwealth



countries, such as U.K. and Australia where independent commissions on equal opportunities have been established, there are also separate government ministries on women's affairs.

### EOC and CEDAW

In 1996, the Equal Opportunities Commission was established under the Sex Discrimination Ordinance. Later in the same year, CEDAW was extended to Hong Kong. These were significant advances in protecting the rights of women. Nevertheless much more is needed to bring CEDAW into effect.

The full implementation of CEDAW requires the Government's commitment, the collaboration of the related institutions, and the involvement of NGOs. A strong focal point is needed to address the multi-faceted concerns of women using CEDAW as a guiding framework. Such a focal point is lacking.

The Initial Report on the Hong Kong Special Administrative Region under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women states that despite “[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 various bureaux” (Part II, para.19).

The EOC is not aware of the existence of a regular Policy Group specifically addressing matters of concern for women. NGOs continue to look for a focal point to whom they could address women's concerns on policy and service in areas affecting women such as education, employment, violence against women, health, welfare, security, and the like. With nowhere else to turn to, these groups have tried to seek such a focus within the EOC.

NGOs expect the EOC to fulfill the functions of a women's commission. This expectation is fostered by the Government as reflected by its inclusion of the EOC in the same paragraph of the CEDAW Report (under the heading "Co-ordination of Implementation of the Convention") by stating, "the Equal Opportunities Commission – an independent statutory body – is in place to promote equal opportunities between the two genders and implement the Sex Discrimination Ordinance (Part II, para. 19).

Unfortunately, the EOC was established by statute and only given the responsibility for the administration of three anti-discrimination laws: the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, and the Family Status Discrimination Ordinance. We were specifically told that the monitoring and implementation of SAR's obligations under CEDAW was not among the portfolio items given to the EOC. The EOC is regarded by Government as an NGO and not one of the state parties. What the EOC can do for the women in Hong Kong is in relation to its work in the administration of the three anti-discrimination laws, which does not cover the broader remit of CEDAW.

I have to point out also that under the Sex Discrimination Ordinance, both women and men are protected from discrimination on the ground of their sex and marital status. Although discrimination against women on the ground of their gender is much more prevalent, we have the responsibility of protecting all persons from sex discrimination. Males constitute about 20 percent of our complainants under the SDO. Many of our male clients are wary that we would be helping women only in the administration of the SDO.

While the EOC is not specifically set up to implement 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 are doing what we can to eliminate discrimination against women within the jurisdiction of the anti-discrimination ordinances.

## Employment

As shown from our operational experience and research, discrimination against women in the employment field constitutes a major concern.

Seventy percent of the 501 complaints we have handled (up to the end of October, 1998) were in the employment area. Women frequently come to us about their problems on being rejected for a position they had been selected for because they were pregnant and could not take X-rays during the pre-employment medical check-up. They come to us about being dismissed on return from maternity leave; about being sexually harassed or on having to work in a sexually hostile environment. They come to us when they are discriminated against because of their disability or for health reasons.

Thirty-three percent of 163 cases under the SDO has been in the area of sexual harassment, 29 percent on sex discrimination, 21 percent on pregnancy discrimination, 10 percent on the basis of marital status, and 10 percent on being victimised by the employer or supervisor as a result of a complaint on discrimination. So far, the success rate for the cases that have gone through conciliation is 75.8 percent. Settlement terms include monetary compensation, letters of apology, enactment of policies to guard against discrimination, re-instatement, promotion, or transfer.

Since its establishment, the EOC has eliminated discriminatory job advertisements, on the basis of sex. Before the law came into effect at the end of 1996, sex-specific recruitment advertisements in newspapers ran as high as 37 percent. After a series of educational campaigns and legal actions, there is practically no such advertisement since mid 1997.

The EOC has approved nine out of 20 applications for legal assistance, which include cases of employment disputes on sex or pregnancy discrimination and sexual harassment in the work place. Despite the fact that we do not have a separate legal fund, we manage by squeezing current resources to support what we consider to be important

court actions. We could have more court cases if the complainants were not reluctant to pursue court action for various reasons.

Some complainants want to protect their privacy and not expose themselves to the public limelight in an open court system. Others may find the legal process daunting; or they may not want to jeopardise their future employment prospects. For example, a foreign domestic worker was granted legal assistance to seek redress on a sexual harassment case but decided not to go to court as she did not want her new employer to consider her “a trouble maker”. After repeated consultations with our Legal Advisor, she insisted that the case be dropped. Other cases may not end up in court as the parties decide to settle out of court.

Prevention plays an important function in eliminating discrimination. An important step in preventing discrimination in the employment field is to educate employers and employees. In the past two years, we have worked with employers to acquaint them with the laws so that the employers would not violate the rights of the employees. Among the first materials we produced are the Codes of Practice for each of the anti-discrimination laws and a series of pamphlets on Good Management Practice which give guidance on how to prevent discriminatory practices. This year, we are advising employees about their rights by publishing the *DDO and I* which tells the individual about their rights under the Disability Discrimination Ordinance. A similar publication is being drafted on the *SDO and I* and the *FSDO and I*. Another series of topical brochures have been drafted on “Know Your Rights” relating to Sexual Harassment, Pregnancy Discrimination, and Family Status Discrimination.

Census studies show that, despite the improvement in women’s educational attainment, women’s labour force participation remains at 48% in 1997 compared with 45% in 1977. One major barrier to women’s access to equal opportunities in the employment field is the lack of adequate child care for working class women. The EOC urges the Government to address the child care needs of women. If better day care provisions can be made, it will enable women to participate in the labour force. The Government should consider providing day care centres in Housing Estates. This is especially important for single parents who

would prefer earning their own living rather than depending on welfare for their support.

Other areas in employment that need addressing include appropriate job training and retraining programmes that meet women's needs, as well as the need for provision of economic support to women who provide "unpaid services" within the family. These women meet great hardship when they get older with no retirement benefits.

### Education

Education is a most important area for women. Young girls can come through the process as confident individuals or as young women with low self-esteem setting lower objectives and accepting a discriminatory lot in life. Young boys can come through the education process with perceptions of the relative positions of males and females in society that either supports discriminatory attitudes or with mind sets that endorse equal opportunities in our society. Education, therefore, can help to break the discriminatory cycle or perpetuate it.

This is why EOC is targeting its public education efforts in the schools. We are working to promote the concept of equal opportunities from childhood by developing educational programs for students beginning with pre-school. We are working with the Department of Education to bring equal opportunities messages to primary school students in the form of puppet shows and we are developing ETV curriculum for the secondary school. A research project on "sexual stereotyping in text books" is also being planned.

Education is so important that we selected it as the first target of EOC's program to fight systemic discrimination. We are conducting a formal investigation into the Secondary School Places Allocation System to see if it disadvantages one sex from another. Another area we will be looking into is "segregated education programs". For example, does a school systematically place all boys in technology classes and all girls in domestic science classes?

### Health

In August this year, we sponsored a special workshop on “women with disabilities”. The workshop discussed the problems disabled women have in the areas of health, family, parenting, and economic sufficiency. Participants at the workshop decided to establish a regional network among women with disabilities and a regional newsletter has been started for this purpose. Local participants now meet regularly to discuss follow-up actions to secure better services for women and for women with disabilities.

### Equality in Political and Public Life at the National Level

An area that needs addressing is on the Equality in Political and Public Life at the National Level (para. 44-58). The Government’s Initial Report implies that the current level is adequate. It gives percentages showing that 25 % of the directorate level personnel is female; that 16 percent of the 1998 Legislative Council are women; and that approximately 10 percent of the Municipal Councils and the District Boards are female. The EOC does not consider this as adequate female participation in political and public life.

There is no plan by the Government to remove the social and cultural barriers to political participation by women. We feel that a good way for Government to train women for public leadership is through its appointment process. The Initial Report states that women are not discriminated against in appointment to Advisory and Statutory Bodies. The Report does not give 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 count by the EOC, shows that only 14.5% of the members of these advisory bodies are female. We have urged the Government, as a start, to take a more positive step in this direction. More women should be appointed to advisory statutory bodies as serving on these bodies has proved to be a good training ground for persons in public office.

### Other areas of needs

There are many other areas that need addressing.

For example, the Initial Report on CEDAW does not mention services for violence against women other than that for battered spouses. Aside from 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 now offered by volunteers and women's groups and these are not all funded by the Government.

The growing number of immigrant women need special assistance of all kinds. They face adaptation problems as well as the same issues of violence against women, housing, etc. I cannot possibly name all the areas here but I am sure the other speakers will address them more comprehensively later today.

One important problem I have not yet addressed today is the economic survival of women's NGOs. With the economic downturn, the Government is cutting its budget and so are the major sources of funding -- the Community Chest and the Jockey Club. Who will be providing needed services for women if our women's NGOs have no funds to hire staff?

Even the Government depends on these NGOs for services. For example, the Initial Report talks about police training for the handling of domestic violence. What it does not mention is that the awareness training for front-line officers are provided by the same women NGOs who are being economically squeezed.

### The Government's Role

The Government has no overall plan or programme to cope with the many concerns of women. It takes a lot more than the EOC to "eliminate all forms of discrimination against women". While the EOC can be very effective in the areas where we have been given jurisdiction, we can only help the aggrieved persons the best we can and refer them to other authorities or services in areas in which we have no jurisdiction.

In some cases, there is no authority to address these issues. A simple example is a recent advertisement showing a man sawing a woman mannequin into many separate parts. We felt that the advertisement denigrated women and encouraged violence against women. We approached several different government agencies to express our concern and found that since it was a print advertisement and was not pornographic in nature, no government agency could address this issue. On the other hand, if the advertisement was in the electronic media, we could refer the complaint to the Broadcasting Authority. Besides the gap in the machinery to deal with different forms of media, the relevant authorities and the media need to be sensitised to the negative impact of sexual stereotypes and denigration of women.

The EOC continues to join the call of women's NGOs on the need to have a high-level focal point to develop policy, administer funding, and coordinate government services to implement CEDAW. The EOC believes it would be more effective to have a central mechanism, within the Government, reporting directly to the Chief Executive or to the Chief Secretary for Administration. A governmental focal point, with NGO involvement, would be more effective since a body outside of the Government cannot coordinate government policies and services for women.

The need for a central mechanism was included in the Beijing Platform for Action endorsed by 180 nations in 1995, including the United Kingdom and China. The mechanism, defined as "a national machinery for the advancement of women, is to be the central policy coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas."

The Government, as part of the UK delegation in 1995, endorsed the Beijing Declaration. We ask that the Government implement the Beijing Platform for Action and establish a central mechanism to implement and monitor the SAR's obligations under CEDAW. The mechanism should promote 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 as well as



support actions by women NGOs 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 a clearing house on training programmes for women.

At present, there is no such government program or mechanism. Government agencies are not knowledgeable about the needs of women or the provisions of CEDAW and there is no plan of action. Women in need have to look for support from the many women's NGOs which have not been granted government funding.

In conclusion, the EOC urges the government to set up a high-level central mechanism on women's affairs in order to fulfill its obligations under CEDAW and the Beijing Platform for Action.

Thank you very much for giving me the opportunity to share our concerns with you today and I look forward to hearing the different areas of needs raised by the other distinguished speakers.

**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 specifically 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;
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- iv. direct funding into areas based on these policies;
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- 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 modelled 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 we 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.