



Hong Kong Women's Coalition on Equal Opportunities

Submission in Response to the Third Review of the Hong Kong Special Administrative Region by  
the Working Group on the Universal Periodic Review of the United Nations Human Rights Council

平等機會婦女聯席

就聯合國人權理事會普遍定期審議工作組就香港特別行政區進行的第三次審議  
遞交之意見書

Submitted on 04 April 2019

Hong Kong Women's Coalition on Equal Opportunities is comprised of 8 NGOs, including:

*Association of Women with Disabilities Hong Kong, Action for REACH OUT, The Association for the Advancement of Feminism, Association Concerning Sexual Violence Against Women, Hong Kong Federation of Women's Centres, Hong Kong Women Workers' Association, Women Affairs Department, Hong Kong Young Women's Christian Association, Women's Committee, Hong Kong Confederation of Trade Unions*

1. Hong Kong Women's Coalition on Equal Opportunities (the Coalition) is submitting our opinions regarding in this submission:
  - **Gender Mainstreaming**
  - **Sexual Violence Against Women**
  - **Situations of Marginalized Groups of Women**
2. Hong Kong is the last free land in China, and we truly think that if Hong Kong fails to protect human rights for all and realize genuine democracy, it is tremendously difficult to see substantive improvement for women's rights. Sad but true, protection of human rights is declining these years and women's rights remain minor, if not forgotten, in HKSAR Government's agendas.
3. Before expressing our opinions in the above-mentioned areas, we strongly protest against the absence of the mentioning of gender equality in the Government's report for the United Nations Human Rights Council Universal Periodic Review (Third Cycle), as if gender equality is excluded from human rights. Is it because she feels shame to tell the world that they place no emphasize on gender equality in the past four years?

**Gender Mainstreaming**

4. HKSAR, being as part of the China delegation, is obliged to abide by the articles under Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), one of which is establishing a central mechanism in undertaking gender mainstreaming. While the Government claims that



Women's Commission (WoC) is a high-level central mechanism to promote the advancement of women in HKSAR, CEDAW's Committee expressed concerns that WoC has a weak mandate and lacks the necessary resources to undertake gender-mainstreaming and other activities.

5. Aligned with a study conducted by the Coalition in 2017<sup>1</sup>, it was found that WoC lacks the authority and financial resources of a high-level central mechanism and, in reality, is akin to a consultative body under Labor and Welfare Bureau which has very limited influence on government policies. Gender mainstreaming does not constitute a separate item in its budget, causing the work to lose focus. The appointment of members to the WoC is unclear, its composition lacks gender specialists and does not include representatives of women from diverse backgrounds. These all contribute to the lack of progress of gender mainstreaming work in Hong Kong.
6. Although the Government announced in 2015 Policy Address that gender mainstreaming is to be comprehensively rolled out to all government departments, there is no implementation plan nor budget for this important work. We doubt if it is an empty slogan with no concrete actions.

### Sexual Violence Against Women

7. The legal definitions of rape and sexual assault were formed in 1957, which are shockingly obsolete, outdated and inadequate. Definition of rape is currently restricted to penile penetration and there is no provision that define 'consent', which is the core element that constitutes the crime. They fail to provide protection to sexual violence victims. HK is left far behind many other jurisdictions.
8. The Law Reform Commission has made proposals for the reform of legislation that governs sexual offence since 2006, concerning rape and other nonconsensual sexual offences, offences against children and persons with intellectual disabilities and elimination of homosexual-related offences. However, HKSAR Government has zero responses to adopt the reform proposals made by the Law Reform Commission. CEDAW committee had noticed about it and urged the Government to '*expedite the consideration of the reform proposals made by the Law Reform Commission and to adopt a clear and specific timeframe.... so that it is in line with international standards*' in the concluding comments of 3<sup>rd</sup> hearing.
9. Supportive services for sexual violence victims are inadequate, which hampers victims from seeking help. Today, victims are required to rush around different departments (including hospital, police station, forensic doctor's office) to seek for assistance by themselves. The currently prolonged arrangement also requires the victim to repeatedly give their account of the incidents for at least 5 to 7

---

<sup>1</sup> 平等機會婦女聯席(2017)。性別主流化在香港的實踐研究及檢討報告。



times: For cases that happened within the past 72 hours, the victim will have to visit the hospital to receive emergency contraception and other medical assistance. To urge the Government to establish an up-to-international-standards crisis support centre to provide all-rounded services to victims, including medical treatments, forensic examination, statement-taking and crisis intervention, the Hong Kong Legislative Council held a debate session on 12th December 2018 for a motion '*Requesting the Government to set up crisis support centres for sexual violence victims and abused children in public hospitals*'. The motion was passed with a unanimous vote; disappointing, the Government shows no intention to set up a crisis support centre in response to the request.

### Situations of Marginalized Groups of Women

10. **Migrant domestic workers:** Migrant domestic workers continue experiencing discrimination on the basis of their sex and/or gender and ethnic backgrounds. They continue to be subjected to below systematic injustice without any improvements for years: (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, who charge exorbitant fees and sometimes confiscate their travel documents; (c) The "two-week rule", which requires them to leave Hong Kong within two weeks upon termination of their contract; and (d) The "live-in rule", which requires them to live with their employers, makes them vulnerable to abuse and deprives their privacy. CEDAW Committee raised the above concerns in all concluding comments in the past and yet, zero responses were heard from the Government.
11. **Caregivers:** According to Hong Kong Federation of Women's Centres, women remain the vast majority of caregivers in Hong Kong (93.3%).<sup>2</sup> The sacrifice the private life and jobs to take care the family and in face of huge psychological pressures. Without them, Hong Kong is impossible to enjoy a robust economic developments. However, their caregiving labor is not counted as 'work' and demeaned to 'contribution' that is taken for granted. They have no payments and worse still, our Government ignore this group of women and fail to provide supportive services to them, such as respite care and emotional supports services. There were elderly caregivers committing suicide due to unbearable pressures, which exposed the dire consequences due to lack of societal supports.<sup>3</sup>
12. **Women with disabilities:** the Government has not recognized the characteristics and needs of different groups of women with disabilities (including: physically handicapped, hearing impaired, visually impaired, mentally handicapped, ex-mentally ill and othes), to ensure that they receive appropriate supports and communications; provide various types of accessible information, such as

---

<sup>2</sup> 香港婦女中心協會「照顧者生活狀況」問卷調查（2011）

<sup>3</sup> 香港 01，【2017 回顧】照顧者壓力爆煲屢釀倫常案 耀東邨殺妻案家屬訴辛酸，參考：  
<https://www.hk01.com/突發/140980/2017-回顧-照顧者壓力爆煲屢釀倫常案-耀東邨殺妻案家屬訴辛酸>



simple graphic versions, sign language translation, braille; offer sign language interpretation services for hearing-impaired women to assist with their cases.

13. **New arrival women from mainland China:** intersectional discrimination against new arrival women are still prevailing in Hong Kong since the current Discrimination Ordinance is excluding immigration status, so the Government should start the legislation as soon as possible.
14. **Sex workers :** the current definitions of 'vice establishment' forces sex workers to work alone in an isolated setting, and exposed their personal safety to robbery, rape and murder by their clients. We urge the Government to redefine the legal definition of 'vice establishment' to allow at least two women to work together in a single premise for mutual protection.

**For enquiries, please contact:**

Ms Jacey KAN

Tel: 23922569

Email: [jacey@rainlily.org.hk](mailto:jacey@rainlily.org.hk)