

(Revised)

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RainLily

**The Third Review of the Hong Kong Special Administrative Region on the Universal
Periodic Review of the United Nations Human Rights Council**

Written Submission

In 1996, the “Convention on the Elimination of All Forms of Discrimination against Women” (CEDAW) was eventually extended to Hong Kong, which re-affirmed government’s commitment in improving women’s status. This became a remarkable milestone to the women’s rights movement in our local community. Having said that, in recent times, the HKSAR government is preparing its third report for the United Nations Human Rights Council Universal Periodic Review, whereas the issues about women’s rights have been largely overlooked in the draft, in particular the problem of sexual violence against women in Hong Kong. Echoing the implementation of CEDAW, the government shall bear a greater responsibility to protect women’s rights or otherwise, it fails to accommodate the needs of women as well as to accomplish its promises.

Established in 2000, RainLily – the first one-stop crisis centre in Hong Kong – has always provided a range of support services for sexual violence victims. Since its establishment, RainLily has handled more than 16,000 requests for assistance, helping victims to overcome the unpleasant experiences and to reclaim their rights and dignity. On the International Women’s Day this year, RainLily published a major report, “The living evidence of sexual violence against women in Hong Kong: A retrospective study of RainLily’s crisis services (2000-2018)”. In the report, 3,611 case records from RainLily’s services database were analysed, delivering detailed quantitative data about the prevalence of sexual violence problem in Hong Kong, and envisioning potential improvements for the status quo.

Findings of the study reaffirm that sexual violence against women is still a serious unsolved problem in Hong Kong today. The related issues affect women from all walks of life, regardless of differences in age, education level and residency status. In terms of types of sexual victimization, 64% of the total cases involved rape, 30% involved indecent assault and the remaining 6% involved sexual harassment. Nonetheless, the number of all the three types of sexual violence cases has been steadily increasing over the past decades. Such results shed light on the fact that the related problems might be worsening, and that prompt and appropriate policy responses are urgently needed to address the issues.

Notwithstanding the pain and suffering incurred from sexual assault, findings of the study suggested that only a few victims sought help promptly after the incident. Reckoning the days between when the assault happened to when it was reported to RainLily, of the 3,611 victims took an average of 1389 days (3.8 years) before reaching out to RainLily, and the most extreme case the delay was around 58 years. Moreover, the present study also found that only half of the 3,611 sexual violence victims chose to take further legal action via reporting their cases to police. Even worse, more than one-tenth of these victims later chose to withdraw the complaint. At the end of the day, only 221 cases received convictions after the first trial, through which only 1 in every 8 reported cases obtained legal justice. These shocking numbers not only highlight the potential barriers and obstacles faced by the victims in seeking help, but also question the efficacy of the juristic system in safeguarding victims' legal rights.

With respect to the said issues, child and adolescent victims are subjected to a more vulnerable situation. Amongst the child and adolescent victims (victims aged below 16 years at the time of the incident) in the present study, the mean duration of delay in reporting was 4814 days (13.2 years), whilst only one-third of these victims chose to take legal action regarding their sexual victimization experience. Additionally, the findings showed that parents, sibling and relatives had the highest likelihood to become the perpetrator in cases involved child and adolescent victims and what's more, quite some of the victims were even found co-residing with the abuser. These worrying figures indicate that victims of different backgrounds face very different obstacles, and children and female teenagers are particularly vulnerable to handling sexual violence and the related issues.

Sexual violence has always been an urgent and salient social issue throughout the world, and Hong Kong is no exception. Today, sexual violence is still a serious social problem in our local community. Building off the findings of our recently published report, the issues of delayed reporting and underreporting are particularly severe, especially amongst child and adolescent victims, which deserve special attention. To tackle sexual violence in Hong Kong and to formulate appropriate measures to support those in need, an overall re-assessment and improvement of existing prevention strategies and service provision shall be made in relation to the specific needs of different groups of women.

Regarding the third report of the Hong Kong Special Administrative Region for the United Nations Human Rights Council Universal Periodic Review, we urge the government to take prompt and effective action to foster a zero violence environment and to improve the crisis support services. To achieve these goals, we present the following recommendations:

1. Implement hospital-based one-stop crisis centre which provides around-the-clock post-crisis emergency services (including medical check-up, forensic evidence collection, counselling and emotional support, and police-reporting and statement-taking). To enhance the support services for sexual violence victims, the government should set up a crisis centre in at least one public hospital in each of the New Territories, on Hong Kong Island and in Kowloon.
2. Improve procedures to encourage reporting to police by victims. Not only would the formation of a specialised team to handle sexual violence cases better serve the needs of victims, but also the provision of regular professional training (especially gender sensitivity training) and re-assessment of reporting procedures would help to ensure the quality of legal support services and encourage reporting by victims.
3. Reform legislation concerning sexual offences. Some of the laws relating to sexual crimes are out of date and revisions are urgently needed to adequately protect the rights of sexual violence victims. Moreover, it is also necessary to improve protective measures for victims during trial.
4. Promote education regarding gender equality and sexual assault awareness. Whilst gender and sex education should be made compulsory at primary and secondary school level, the contents must encompass a wider scope of related topics, such as the development of healthy intimate relationships, and understanding sexual consent.

About RainLily

RainLily – the first ever one-stop sexual violence crisis centre in Hong Kong – was set up in 2000 to provide services for survivors of sexual violence. These services include, but are not limited to, 24-hour on-call emergency services, immediate and follow-up medical treatment, procedural support throughout the legal process, and free legal advice and counselling. Every year, RainLily provides support to over 250 victims and handles over 2000 hotline calls. (RainLily Hotline: 23755322) www.rainlily.org.hk