

**Second Report to be prepared by the Hong Kong
Special Administrative Region under the Convention on the
Elimination of All Forms of Discrimination Against Women**

– Submission from the Equal Opportunities Commission –

Introduction

1. In September 2002, the Health, Welfare and Food Bureau (HWFB) began a one-month public consultation on a draft outline of the second report of Hong Kong Special Administrative Region (HKSAR) under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This paper presents a summary of the response of the Equal Opportunities Commission (EOC) to the consultation (see Annex I for full text) and some principal issues of concern.

Annual Progress Reports on CEDAW

2. The Government is required under Article 18(1)(b) of CEDAW to submit reports to the CEDAW Committee at least once every four years. In the current reporting cycle, the Government has not provided any information to the public on its progress with implementing CEDAW. The EOC proposes that the Government should systematically monitor its work in this area and report on its progress annually to the Legislative Council, non-governmental organizations (NGOs) and the public at large.

Public Consultation

3. The United Nations (UN) places great emphasis on partnerships between governments and social partners. In particular, the UN considers NGOs to be indispensable partners in the process of deliberation and policy formulation as well as in the execution of policies. This is reflected in Resolution 1996/31, adopted by the Economic and Social Council in 1996,

which contains elaborate details on consultation between UN and NGOs.¹ In 1997, the UN published the Manual on Human Rights Reporting to familiarize reporting officers with reporting under six major international human treaties, one of which is CEDAW.² This manual addresses the importance of involving NGOs and popular and representative groups in the reporting process and gives examples of good practice in Member States.

4. The EOC is of the view that, as a matter of principle and good practice, the public should be given ample opportunity to comment on the actual report. The EOC recently learned from the Home Affairs Bureau that the first draft of the report is expected to be completed by late November 2002. This would seem to allow time for consultation on the draft report and it is hoped that HWFB would reconsider this option.

NGOs' Participation

5. NGOs are social partners of the Government and represent an important voice from the community. The Government should encourage and facilitate NGOs' participation in the monitoring and implementation of CEDAW.

Access to Information

6. The Government has a duty to disseminate information on CEDAW as widely as possible through various channels. However, some information appear to be only available through one channel, such as the concluding observations of the CEDAW Committee on the initial report of HKSAR, which is only available on the Internet. The Government should ensure that information is provided in formats easily accessible to women and people with disabilities.

Representation on Public Bodies

7. The EOC welcomes the current government review of public bodies and strongly recommends that it should include an evaluation of the representativeness of these bodies. The complexion of public bodies should reflect the diverse make-up of the community on the boards and committees. The Government should set targets for public bodies to achieve specific

¹ Resolution 1996/31 is available at: www.un.org/documents/ecosoc/res/1996/eres1996-31.htm.

² Manual on Human Rights Reporting is available at: www.unhchr.ch/pdf/manual_hrr.pdf.

levels of representation as milestones towards achieving fair representation of different groups at decision-making and policy-formulation level of these bodies.

Sex-disaggregated Data and Gender Analysis

8. Sex-disaggregated data is important for evaluating the contributions and situation of women, and consequently for devising appropriate policies. Since the first publication of *Women and Men in Hong Kong: Key Statistics* in 2001 by the Census and Statistics Department, there has been an increase in the availability of sex-disaggregated data. However, such data do not appear to be collected consistently across all government departments and cross-analysis is often absent.
9. There is also generally no gender analysis of statistics. For example, health data on women are seldom accompanied with explanation of the socio-economic factors that affect women's health. It is suggested that the Government should apply a gendered perspective in its treatment and interpretation of statistical data.

Employment and Poverty

10. The number of women in the labour force has increased significantly over the years but constitutes only 43% of the total workforce.³ More worryingly, recent data indicate a trend towards feminisation of poverty in Hong Kong:
 - In 2001, median monthly earnings of employed persons were \$10,000. Women earned less at \$8,500 while men earned \$12,000, representing 29% difference in median monthly earnings.
 - 80% of employed persons who earned less than half the median monthly earnings, i.e. \$4,999 or below, were women.
 - During the period 1996 to 2001, CSSA recipients have increased by 77.9% to 397,468. The biggest increase was found in female recipients at 87.6% from 110,244 in 1996 to 206,791 in 2001.
 - Of single parent families who were CSSA recipients, 61% were female-headed families – a situation largely unchanged since 1996.(Source: Census and Statistics Department, *Women and Men in Hong Kong: Key Statistics*, 2002 Edition.)

³ Census and Statistics Department, *2001 Population Census Thematic Report – Women and Men*, 2002, p.36.

11. In the present economic downturn, women often work without job security in casualised and temporary modes of employment. They are often without retirement benefit and enjoy limited employment protection.
12. To address the employment situation of women and the issue of poverty, the Government needs to act swiftly by looking at ways to empower women and develop their individual capacities.

Mental Health and Women

13. According to census data, more women (55.1%) than men (44.9%) were reported to have a mental illness.⁴ In a recent study conducted jointly by the EOC and the Chinese University of Hong Kong, it was found that depression was more commonly reported by female respondents.⁵ This concurs with the World Health Organisation Report 2001, which points out that women were almost twice as likely to have depressive and anxiety disorders. Reasons for higher prevalence include, inter alia, the traditional role of women that exposes them to greater stresses and make them less able to change their stressful environment, and the high rate of domestic and sexual violence against women. In this regard, mental health service for women needs to be sensitive to the socio-economic context as well as the genetic and biological factors underpinning mental illnesses.

Policy and Programmes on Women

14. The EOC believes strongly that the new administration, with politically accountable bureaux secretaries appointed for the first time, must set a clear agenda for human rights development in Hong Kong, which includes the rights of women. The Secretary for Health, Welfare and Food should clearly articulate his policy programmes and the annual budget for these programmes at the policy address in January 2003. The design, implementation and monitoring of these policy programmes should have the full participation of women at all levels that will foster the empowerment and advancement of women.

Equal Opportunities Commission
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⁴ Census and Statistics Department, *Special Topics Report No. 28 – Persons with Disabilities and Chronic Illness*, August 2001, p.35.

⁵ Equal Opportunities Commission and Chinese University of Hong Kong, *A Study of Mental Health Service Users' Perception and Experience of Discrimination in Hong Kong*, 2002 (not yet published).

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24 October 2002

Dr. E. K. YEOH
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Health, Welfare and Food Bureau
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Dear

**Draft Outline of Second Report of HKSAR
under the Convention on the Elimination of
All Forms of Discrimination Against Women**

I refer to the consultation of the captioned document and welcome this opportunity for the Equal Opportunities Commission to comment on it.

We find the outline document published by the Health, Welfare and Food Bureau (HWFB) a useful starting point for discussion on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). However, we were disappointed to learn at the consultation session held on 12 October 2002 that the Government would not be holding any further consultation on CEDAW once the report is drafted.

We believe this is a serious flaw in the consultation process. In its present form, the outline is not a self-contained document and does not provide sufficient information to facilitate structured and in-depth responses to the report. Specifically, one of the most important aspects of the report is absent for consultation, that is, the evaluation of the progress with implementing CEDAW and proposals for improvements in the future. Instead, the outline only provides a list of items to be included in the report without giving any details or perspective on the issues underpinning these items.

We feel it is a matter of principle and good practice that the public is given ample opportunity to comment on the actual report. We therefore urge HWFB to conduct a second round consultation on the draft report prior to submission to central government. In its present format, we are unable to provide any further comments on the contents of the outline document.

As regards the concluding observations of the Committee on CEDAW, the outline document refers to the paragraph numbers of these observations but gives no details of the actual remarks. We feel that these observations should have been attached to the outline document for ease of reference but this was not the case for reasons unknown. We are aware that this paper is available on the Government website but this does not assist those who have limited or no access to computers, or those who simply do not prefer to use computers to receive information. The Government has a duty to disseminate information on CEDAW as widely as possible through various channels, including printed media. The Government should also consider the particular difficulties for certain groups of people to access information, such as women with disabilities, and to ensure that information is provided in formats easily accessible to them.

As regards the availability of the final report, we were informed at the recent consultation session that it would be made public after central government has incorporated it as part of its overall report. We hope the Government will inform the public as soon as that takes place and to disseminate the report widely in the community through a variety of channels.

For your information, we will be submitting an alternative report under CEDAW to the CEDAW Committee. A copy will be forwarded to HWFB once it is prepared.

Finally, we note in the outline document that the Government would be sending all responses to the present consultation in their original texts to the CEDAW Committee under a separate cover. We welcome this letter being sent along with other submissions.

If you have any queries, please feel free to contact Miss LAM Siu Wai, Senior Equal Opportunities Officer, at 2106 2202.

Yours sincerely,

Anna Wu
Chairperson