

ARTICLE 3
APPROPRIATE MEASURES

“States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”

Legal Basis for Elimination of Discrimination

25. A number of international covenants and domestic legislation have been in force to eliminate discrimination on the basis of sex in Hong Kong. In addition to CEDAW, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) have applied to Hong Kong since 1976. Both Covenants require states parties to ensure the equal right of men and women to the enjoyment of the rights set forth in the two Covenants. Article 39 of the Basic Law guarantees that the provisions of the two Covenants as applied to Hong Kong shall remain in force.

26. The HKSAR Government is fully committed to the objectives of the two Covenants and seeks to implement them through legislation and policies. The BORO, which was enacted in 1991, gives effect in domestic law to the provisions of the ICCPR as applied to Hong Kong and binds the Government and public bodies. Article 1 of the BOR provides that the rights recognised in it shall be enjoyed without distinction of any kind, including sex. Article 22 of the BOR provides that all people are equal before the law and are entitled without any discrimination to the equal protection of the law.

27. Regarding domestic legislation, as described in Article 2, the SDO is the major legislation against discrimination on the grounds of sex, marital status or pregnancy in various aspects including employment, education, eligibility to vote for and to be elected etc. The DDO provides for the elimination of discrimination against persons, on the grounds of disability, in various areas such as employment, accommodation, education, access to premises, partnerships, vocational training, clubs and sporting organisations. The FSDO provides protection to persons who have responsibility of care for

an immediate family member.

Co-ordination of Implementation of the Convention

28. Some doubts have been expressed over the role and functions that the Women's Commission would perform. As a central mechanism for the advancement of women, the Women's Commission has given new impetus to the work of promoting women's well-being. Further to the protection offered by existing legislation and the statutory functions performed by EOC in eliminating discrimination, the Women's Commission takes a holistic and strategic overview of all issues of concern to women. Working zealously since its establishment in January 2001, the Women's Commission has made good progress in implementing CEDAW and promoting the well-being of women through its three priority areas of action, namely gender mainstreaming, empowerment of women and public education as mentioned in Article 2.

29. The Women's Commission has worked closely with the Administration to take forward the incorporation of women's perspectives and women's needs in the development of policies and initiatives. It has also rendered valuable advice and suggestions to the Government on a wide range of issues, including health services, public housing for women, information technology training, family services, violence, sex-disaggregated data, urban renewal, long term planning for Hong Kong, sports development, women's participation in advisory and statutory bodies, and so forth.

Gender Mainstreaming Initiatives

30. Recognising that gender-sensitive policy making process leads to better government through better-informed decision-making with inputs from both women and men, the Women's Commission has articulated the importance of gender mainstreaming to the Administration, which has accepted that the concept should be introduced into different policy areas on an incremental basis.

31. To assist government officials in considering gender perspectives, the Women's Commission has made references to overseas experience and developed an analytical tool in the form of a checklist to facilitate gender

sensitive analysis and to evaluate the possible gender impact of policies and programmes. An information kit has also been prepared to familiarise government officials with the concept of gender mainstreaming.

32. The Checklist has already been pilot-tested in five public policy areas and is being fine tuned. It will be introduced into several new policy areas in 2003. A strategy and plan for wider use of the Checklist has been mapped out involving government departments, women's groups and relevant organisations.

33. An important part of the strategy is the capacity building of civil servants. To facilitate the consideration of women's perspectives in the policy making process, gender-related training has been provided as a means of capacity building for civil servants to enhance their sensitivity towards gender issues and women's concerns. Such training is being done by tertiary institutions. Non-governmental organisations have also been invited to participate in and share experience with civil servants at the training sessions. Workshops have been organised for staff of Social Welfare Department and Education and Manpower Bureau, members of the Hong Kong Police Force, as well as newly recruited Administrative Officers. So far, over 500 participants have attended these training courses. Plans are in hand to expand the training programmes to other grades and ranks of the civil service. Measures to gender mainstream civil servant training courses are being considered.

34. The Women's Commission attaches much value to partnership with non-governmental organisations and academia. The Women's Commission has been working together with non-governmental organisations in pursuing gender mainstreaming. In developing the Checklist, the Women's Commission has conducted a discussion session with the non-governmental sector in February 2002 to collect comments and suggestions regarding the gender mainstreaming strategy and ways to strengthen the role of non-governmental organisations and academia in the work of gender mainstreaming. The Women's Commission will continue to collaborate with non-governmental organisations and the academia in this respect.

35. The Women's Commission realises that public education on gender mainstreaming would enhance public support for the gender mainstreaming initiatives which could serve as a driving force. It is the long term objective of the Women's Commission that gender mainstreaming would be adopted by

the whole community including non-governmental organisations and private sector.

Studies, Research and Data Collection on Women

36. Some non-governmental organisations have called for the collection of more sex-disaggregated data and the conduct of gender analysis. The Government is well aware that collection and compilation of sex-disaggregated data are important for gender analysis and gender sensitive policy-making. The Census and Statistics Department (C&SD) collects and compiles a variety of sex-disaggregated statistics. Examples of some of the key statistics with sex breakdown are at Annex D. A considerable proportion of these statistics is already published in the Department's statistical reports. More detailed breakdowns, which may not have been included in the reports owing to space constraint, can also be made available upon request for meeting the specific needs of data users.

37. Apart from the sex-disaggregated statistics as shown at Annex D, C&SD compiles annually a comprehensive statistical publication on gender statistics, "Women and Men in Hong Kong – Key Statistics" (since 2001). This annual publication provides handy sex-disaggregated statistics from a wide variety of sources, which helps to reflect the social and economic situation of women and men in Hong Kong including their demographic levels, educational characteristics, employment situation, health condition, participation in public affairs, etc.

38. To gain a better understanding of the situation of women in Hong Kong in various contexts and to facilitate the formulation of strategies in promoting women's well-being, the Women's Commission has conducted the following surveys and research:

- (a) a telephone survey on the extent of satisfaction of women in Hong Kong in respect of their current state of affairs, the findings of which were released in March 2002;
- (b) a mailed questionnaire survey on the extent and levels of positions taken up by women in private and non-governmental sectors in Hong Kong, the findings of

which were released in November 2002; and

- (c) an effectiveness survey of the publicity and public education campaign launched by the Women's Commission, which also looked into the community perceptions of gender-related issues, including the need to introduce gender-mainstreaming, reasons that deter women from realising their potential and extent of gender stereotyping.

A thematic household survey on time use and factors hindering women's participation in the community is being carried out by the Government. The findings will likely be released later in 2003.