

WOMEN'S COMMISSION
Second Report under the Convention on
the Elimination of All Forms of Discrimination Against Women

PURPOSE

This paper aims to: -

- (a) present for Members' information the timetable for preparation of the second report of HKSAR under the Convention on the Elimination of All Forms of Discrimination Against Women (HKSAR CEDAW report);
- (b) seek Members' views on the draft outline of the HKSAR CEDAW report; and
- (c) seek Members' views on the proposed way forward regarding preparation of the HKSAR CEDAW report.

BACKGROUND

2. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979 by the UN General Assembly and entered into force in 1981. It is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. The Convention has, as of 10 May 2002, 169 States parties. It was extended to Hong Kong on 14 October 1996 and has remained in force since then.

3. As part of the combined third and fourth periodic reports of China, HKSAR submitted its initial report on the implementation of CEDAW to the United Nations in August 1998. The UN Committee on the Elimination of Discrimination against Women (the CEDAW Committee), which was

established as a functional commission of the UN Economic and Social Council in 1946 to prepare recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields, considered the submitted report and held a hearing in February 1999. The CEDAW Committee raised a number of concerns and made recommendations on Hong Kong's effort in promoting women's rights.

4. The CEDAW Committee commended the Sex Discrimination Ordinance of 1995 and the establishment of the EOC as an independent statutory body responsible for addressing complaints on discrimination and promotion of gender equality. The Committee expressed satisfaction at the high level of literacy and the universal system of free education. The Committee also expressed concerns and made recommendations on a number of principal areas, which included the following: -

- (a) absence of a governmental mechanism for the advancement of women in Hong Kong charged with the pro-active development of policy and long term strategies on gender equality ;
- (b) need to take measures to ensure equal representation of women in all constituencies ;
- (c) need to take measures to realise women's right to participate in public life and high-level decision-making positions ;
- (d) need for counselling treatment for offenders of domestic violence and to enhance services for victims of domestic violence;
- (e) marital rape should be made a criminal offence;
- (f) need to put in place and enforce regulations to protect women sex workers;
- (g) to protect women migrant workers from abuse and violence;
- (h) to increase the number of women in non-traditional areas of education and to promote women to senior positions in the academia; and
- (i) to include the principle of equal pay for work of equal value in relevant legislation.

The CEDAW Committee requested Hong Kong SAR to disseminate widely the concluding comments and provide in the next periodic report information addressing concerns it had raised in the Concluding Comments.

5. In this connection, Members may wish to note that under Article 18 of CEDAW, a state party is required to submit periodic reports on the legislative, judicial, administrative or other measures that have been adopted to give effect to the provisions of the Convention and on the progress made at least every four years after the initial report. The Office of the Commissioner of the Ministry of Foreign Affairs of PRC has recently requested HKSARG to prepare its second report on the implementation of CEDAW for incorporation in the combined fifth and sixth periodic reports of China by March 2003. The report would cover the period between February 1999 and end September 2002.

6. Prior to May 2000, the Home Affairs Bureau (HAB) was responsible for the promotion of equal opportunities for men and women, the co-ordination of reports under CEDAW, and the follow-up action on the implementation of the Beijing Platform for Action. Policy responsibility for women's issues was transferred to the former Health and Welfare Bureau (HWB) (now Health, Welfare and Food Bureau) in May 2000 as a prelude to the setting up of the Women's Commission. Subsequently, a dedicated team in HWB was set up in January 2001 to advance Government initiatives to promote the well-being and interests of women in Hong Kong, to provide the necessary administrative and secretariat support to the Women's Commission, and perform duties previously undertaken by HAB, including overseeing implementation of CEDAW in Hong Kong.

PREPARATION OF THE SECOND CEDAW REPORT

7. For the purpose of preparing the second CEDAW report, we have prepared a preliminary workflow with tentative dates. The Administration has also prepared a draft outline of the Report, which sets out the broad subject headings and individual topics that are envisaged to be covered in the Report.

8. It is the established practice of the Administration to seek the views of the legislature, interested non-governmental organisations and the

public on the state of implementation of international conventions in the HKSAR. These views will be reflected and addressed in the respective reports.

9. After consulting the Women's Commission, the Administration intends to consult the public (including LegCo) in mid-September 2002. The outline of the report will serve as an invitation to all members of the public to submit their views on the implementation of the Convention in respect of those topics. It also invites the public to suggest (and comment on) any additional topics that they consider should be addressed. A public consultation session will be held in this connection.

10. Based on input from this Commission, LegCo and the public, the Administration will commence drafting of the report in November 2002. We intend to complete the preparation of the first draft of the CEDAW Report in December 2002, and Members of this Commission will be invited to comment on the draft report in January 2003. Submission of the report will be made in March 2003.

OUTLINE OF THE 2ND CEDAW REPORT

11. In preparing the draft outline of the CEDAW Report, we have made reference to the guidelines given in the "UN Guidelines for Preparation of Second and subsequent Periodic Reports of States Parties". Whilst it is the intention of the UN for the initial report to be a detailed and comprehensive description of the position of women in the reporting country, which will provide a benchmark for measuring subsequent progress, the second and subsequent reports should update the previous report, detailing significant developments that have occurred, noting key trends, and identifying obstacles to the full achievement of the Convention.

12. Based on the above, we have prepared the draft report outline to cover, inter-alia, the following: -

- (a) updates of legal and other measures taken to implement the Convention;
- (b) progress made in promoting women's well-being and ensuring the elimination of discrimination against women; and

- (c) significant changes in the status of women and equality of the sexes since the previous report.

13. We shall also try to address the various concerns and recommendations made by the CEDAW Committee in its concluding comments (para 4 above) by including additional topics in the draft outline, such as the establishment of the Women's Commission as a central mechanism.

14. In order that the second CEDAW Report would be a comprehensive one which reflects the status of well-being of women in Hong Kong and highlighting significant developments, we have also included the following topics in the draft outline: -

- (a) single parents;
- (b) women and poverty;
- (c) new arrival women;
- (d) participation of women in sub-degree level education, i.e. project Yi Jin and other associate degree programmes, and youth pre-employment training programme;
- (e) education and health services for women with disabilities;
- (f) access of IT training for women;
- (g) HIV prevention and care;
- (h) women smoking; and
- (i) setting up of Community Investment and Inclusion Fund.

WAY FORWARD

15. As recommended by the CEDAW Committee, the Administration will involve non-governmental organisations when it prepares for the Report. The Administration will also work closely with the Women's Commission on the drafting of the Report throughout the course. A six-week public

consultation period will commence in mid-September 2002 and a consultation meeting with all interested parties is tentatively scheduled for mid-October 2002. In this connection, we hope to solicit Members' assistance in participating actively at the consultation session. We shall also seek Members' views on the draft report nearer the time.

ADVICE SOUGHT

16. Members are invited to:-
- (a) consider and comment on the outline of the Report;
 - (b) advise on the way forward of the preparation of CEDAW Report (para 15); and
 - (c) participate actively in the public consultation on the draft outline of the Report (para 15).

Women's Commission Secretariat
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