

**Submission to the United Nation's Committee on the
Convention on the Elimination of All Forms of Discrimination
against Women (CEDAW)**

Suggested questions and issues to be raised with the Government of
the Hong Kong Special Administrative Region (HKSAR)

In the event of the ninth report of the People's Republic of China (PRC)
under CEDAW, during its 80th Pre-sessional Working Group in March
2021

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Introduction and summary

The Women's Foundation (TWF) is a non-profit organisation dedicated to improving the lives of women and girls in Hong Kong. Our three key focus areas are:

- Challenging gender stereotypes
- Increasing the number of women in leadership and decision-making positions
- Empowering women in poverty to achieve a better quality of life for themselves and their families

Our submission therefore focuses on these areas within the scope of the Hong Kong Special Administrative Region (HKSAR), as part of the People's Republic of China's reporting obligations under CEDAW.

Progress since the HKSAR CEDAW Review in 2014

The Hong Kong Government has taken some positive steps to close the gender equality gap since its last CEDAW review in 2014:

- 14 weeks statutory maternity leave, in line with international standards (December 2020)
- Sexual Discrimination Ordinance (SDO) updates, containing protections against sexual harassment for volunteers, consignment workers, interns, and members / prospective members of clubs (June 2020)
- Upcoming SDO reforms to protect women against breastfeeding discrimination (effective June 2021)

However, large and concerning gaps remain which have only been exacerbated by COVID-19.

Areas for Improvement¹

Before COVID-19, women and girls in Hong Kong were facing a number of challenges, including: pervasive sexual violence, low workforce participation rates, gender pay gaps, disproportionate caregiving responsibilities, higher rates of poverty, persistent gender stereotypes, and barriers to leadership positions.

As elsewhere, the outbreak of COVID-19 has meant that Hong Kong is facing unprecedented challenges. Women have been disproportionately impacted by this crisis – comprising the majority of front line health and essential workers, juggling extra care responsibilities, being more vulnerable to financial instability, and are at increased risk for domestic violence. However, these specific gender impacts have not yet been recognised by the Government nor has targeted action been taken to address these specific struggles.

¹ The HKSAR Government submitted their report in 2018; therefore a portion of their report is outdated. Our views reflect the situation in 2020. We have acknowledged both positive and negative developments within our purview.

Much remains to be done before Hong Kong can be said to be pursuing a comprehensive policy of eliminating all forms of discrimination against women and actively advancing the interests of women and girls.

We hope the Committee will consider our areas of concern and recommendations with a view to persuade the Government, by all appropriate means and without further delay, to address these critical areas.

Key issues and recommendations

Article 3

Q: How will the Government employ a gender lens at the highest levels of policy and decision-making to ensure all policies are equitable, accessible and impactful for all?

The Women's Commission (WoC) is the Government body dedicated to advancing the rights and well-being of women and girls in Hong Kong.

Issues

- As an advisory body, the WoC does not operate as a central mechanism within the Government Secretariat potentially hindering the WoC's ability to effectively lobby for gender responsive policies.
- Greater integration of the specific needs of women and girls into all areas of Government policy and decision-making is needed.

Recommendations

- Include gender equality in the Executive Council agenda and all Government initiatives.
- Lead a taskforce that comprehensively identifies and reviews barriers to gender equality across all sectors, drawing on Singapore's [recent initiative](#).

Q: What can the Government do to enhance the availability of gender-disaggregated data and women-specific research to inform gender-responsive policies and initiatives, particularly under COVID-19?

While all Government bodies are required to maintain gender disaggregated data, in practice, it is not always comprehensive or publicly accessible. This reduces the ability of organisations to fully understand city-wide gaps in gender equality. Similarly, although the Census & Statistics (C&S) Department annually produces a gender disaggregated report, the data is not sufficient for understanding key areas affecting women's well-being. There is no city wide gender disaggregated data for COVID-19, e.g. uptake in mental health services and informal caregiving responsibilities, among others.

Recommendations

- Update data collection methods as follows:
 - Require Government bodies to formulate their data collection methods so that data can be disaggregated by gender and making measures consistent across all departments, with regular tracking and transparent reporting measures.
- Conduct research in the following areas:
 - Annual territory-wide survey that provides comprehensive publicly available data on sexual violence for a baseline understanding of the prevalence of this issue across demographics.

- Review on the gendered impacts of COVID-19 including extra caring responsibilities, domestic violence, employment and mental health.

Q: How will the Government reduce the gender pay gap?

The gender pay gap in Hong Kong is at 20%.² It is likely wider when looking at commensurate years of age and experience. This pay gap widens among blue collar jobs, e.g. women craft workers earn 30+% less than men.³ Two-thirds of workers earning less than HK\$5,000 per month are women, while women aged 65+ earn 35% less than their male counterparts.⁴

Issues

- **Lack of transparency and accountability:** Non-transparency in organisations' pay scales and the way an organisation defines the pay gap makes it difficult for that organisation to rectify this gap, and they face no pressure to correct these imbalances.
- **Previous salary disclosure:** Women are coming into salary negotiations behind their male counterparts, which intensifies the gender pay gap. Offers at successive companies are calculated largely based off of what that candidate is currently earning, placing women at a disadvantage.

Recommendations

- Take steps to encourage the reformulation of wage structures where women are disadvantaged.
- Introduce measures for gender pay disclosure by Hong Kong companies of a certain size, requiring the following measures:
 - Transparency around compensation and ensure benefits for each pay grade are complied with
 - Transparent salary differences in comparable positions adjusted for age and years of experience
 - Mandated reporting by listed companies of gender statistics at management, senior management and Board level
 - Encourage companies to hire third parties to undertake and provide certification on pay disparity reviews and to validate the process and findings
- Ban all employers from asking applicants about salaries from their previous jobs.
- Consider mechanisms to make general market salaries publicly available.

Article 5

Q: What strategy will the Government employ to holistically tackle sexual violence?

1 out of 7 women in Hong Kong will be sexually assaulted in her lifetime and 9 out of 10 will not report the incident.⁵ Victim-survivors face numerous hurdles when trying to report an incident: lack of

² Hong Kong Census & Statistics Department (HK C&S Dept) (2019 data), Median monthly employment earnings of employed persons (excl. Foreign Domestic Workers (FDWs))

³ HK C&S Dept(2019 data), Median monthly employment earnings of employed persons by occupation and sex (excl. FDWs)

⁴ HK C&S Dept (2019 data), Median monthly employment earnings of employed persons by age group and sex (excl. FDWs)

⁵ Women's Coalition on Equal Opportunities, "[Survey on Hong Kong Women's Experience of Sexual Violence](#)", 2013

knowledge on where to seek help, fear of retribution, entrenched stereotypes and a culture of victim-blaming and social stigma.

Issues

- **Inadequate legal protection:** The Hong Kong Law Reform Commission (HKLRC) conducted comprehensive reviews of existing legislation for sexual violence victims from 2012-2018 culminating in a "[Review of Substantive Sexual Offences](#)" report that propose nearly 70 updates to the current criminal law, including updated definitions of consent and rape, among others. These updates have not yet been introduced into law.
- **Non-Disclosure Agreements (NDAs):** At work, NDAs and confidentiality clauses are often used to deter people from speaking out. Those subject to NDAs would often rather comply than face any risk that they may be sued.
- **Outdated sex education curriculum:** The sexual education curriculum in many schools does not cover definitions around consent or cover interpersonal aspects of relationships which are fundamental to sexual harassment prevention.
- **Online abuse:** Women are [impacted far worse](#) by online harassers and targeted more frequently than their male counterparts. Reports around incidences of online sexual abuse have increased during COVID-19.

Recommendations

- Urgently draft the HKLRC updates into law.
- Work with regulatory and industry bodies to promote responsible, victim-centred and gender sensitive reporting of sexual violence, and provide training to use international best practice when reporting on sexual violence through a Code of Practice.
- Collaborate with NGOs and other actors to promote public campaigns that encourage positive conversations to support victims collectively.
- Update Hong Kong's sexual education curricula in line with international best practices that are age appropriate, evidence-based and addresses the drivers of gender-based violence.
- Introduce legislation mandating all organisations to have a written sexual harassment prevention policy and that all employers provide sexual harassment training for their staff.
- Introduce legislation making any contractual clause in an NDA which prevents disclosure of future acts of discrimination, harassment or victimisation void.
- Explore enhanced protections and solutions with social media platforms to curb sexist behaviour, abuse and harassment in cyberspace.
- Hong Kong Police Force (HKPF) reforms to enhance protections for sexual crime victims, including:
 - Add a special unit to the HKPF to handle sexual assault cases that has special training and operates to a code of practice.⁶
 - Revision of the Police General Orders to include enhanced requirements on gender sensitivity and prevention of sexual harassment and sexual offences.
 - Gender sensitivity and sexual harassment training for all officers.
 - Introduction of a Code of Practice for the Investigation of Sexual Crimes with the aim of:
 - Minimising trauma and increasing the confidence of sexual crime victims and the public in the management of sexual crimes.

⁶ HKPF has a dedicated unit to handle domestic violence cases. This rationale should be extended to all sexual violence cases.

- Providing a coordinated and trauma-informed approach to the handling of sexual crime cases by HKPF, forensic medical services and other victim support services.
- Achieving best practice through consistent, clear and accountable response to, and investigation of, sexual offences.

Q: How will the Government support domestic violence victims particularly during COVID-19?

Since the start of COVID-19, frontline service NGOs have reported a 25-30% increase in domestic and sexual violence hotline calls. This is likely due to a combination of factors with higher stress levels, being forced to spend prolonged periods with their perpetrators, and limited access to support services all contributing to the increased vulnerabilities victim-survivors face.

Issues:

- Shelters noted concerns with increased occupancy rates during COVID-19. Many have shared facilities, which increase the risk for COVID-19 infection and spread.
- When the pandemic ebbs, lay-offs and financial instability will continue to exacerbate tensions in households, which positively correlates with increases in domestic violence.⁷
- Three NGOs (including us) [wrote](#) to the Government on these issues with no material action taken.

Recommendations

- Increased funding to frontline NGOs that offer critical services.
- Subsidise rooms at select hotels for victims should shelters not have availability or space to effectively protect against COVID-19 (adopted in [France](#)).
- Raise public awareness around the issue to aid both prevention and support, working with media, transport services, and NGOs familiar with the profile and needs of victims
- Publicity of hotlines and social service support.
- Ensure that Social Welfare Department’s relevant units are always available to domestic violence victims, including during COVID-19.
- Consider implementing emergency warning systems linked to dedicated resources, such as code words at supermarkets and [pharmacies](#) to report domestic violence and seek [help](#).

Q: What can the Government do to help eliminate gender stereotypes hindering the advancement of women and girls?

Gender stereotypes are prevalent in Hong Kong from beauty standards to career choices. From research and our work, we know gender stereotypes are exacerbated for men and women after prolonged exposure. It also contributes to body image and self-esteem issues for women and girls, violence against women and the ambition gender gap.

Issues

- Gender stereotypes are rife in schools. Teaching materials contain stereotypical language / examples or omit the female experience altogether and there is gender bias or insensitivity from teachers and administrators.

⁷ Chinese University of Hong Kong. [The Status of Women in Hong Kong: Challenges and Opportunities](#). Commissioned by TWF, 2012. Chapter 6, pgs 149-150.

- The media exacerbates gender stereotypes, which objectifies, sexualises and diminishes women with harmful consequences.
- At work, stereotypes negatively affect women’s performance reviews, salary negotiations, overseas opportunities, networking and appointments to boards.
- Government-supported public content sometimes contains harmful gender stereotypes ([here](#) is a recent example featuring a scantily clad woman to inform the public about the unrelated issue of dengue fever).

Recommendations

- Education reform, including: teacher training on gender equality and gender sensitivity; replacing materials that omit / tokenise women; removing gender stereotypical language / examples; and ensuring school libraries feature books with gender diverse content and authors, free from gender stereotypes.
- Ensure all Government bodies have gender sensitive policies and practices so that no content perpetuates harmful gender stereotypes, and encourage private sector, media, PR and advertising agencies to do the same.

Article 11

Q: How is the Government addressing the needs of informal working caregivers, particularly during COVID-19?

Women comprise the majority of informal working caregivers, i.e. those with formal sector employment that also have care responsibilities unrelated to their work.

Issues

- **Leaving the workforce:** 30% of women [drop out](#) of the workforce due to care responsibilities.
- **Motherhood penalty:** A [survey](#) conducted by the Equal Opportunities Commission noted 50+% of employers would not hire women with children.
- **Working caregivers:** Hong Kong has a rapidly aging population and an increased need for informal working caregivers, the majority women. Many working caregivers lose income and career advancement opportunities which has worrying implications for their future financial well-being.⁸
- **COVID-19 impact:** Online schooling, work-from-home and the closure of care services has exacerbated existing pressures on women juggling multiple roles.

Recommendations

Childcare

- Expand maternity leave following other leading regional actors such as Singapore ([16 weeks](#) at 100% coverage) and paternity leave in line with China’s provincial government’s [standards](#) (minimum 7 days’ paid leave).
 - Long term, implement gender-neutral parental leave.

⁸ For details, read: [Eldercare Hong Kong](#) (2019)

- Raise awareness around issues like the motherhood penalty among employers and promote best practice.
- Provide more childcare services targeting vulnerable groups, and provide alternative solutions to traditional childcare during COVID-19, which can include compensating low income parents for childcare and school closures (adopted in [South Korea](#) and [Germany](#)).

Eldercare

- Legislation incorporating care and income security needs for individuals with caregiving responsibilities, including Flexible Working Arrangements, social assistance, extended care leave and ensure explicit protection for caregivers.
- Create a societal income insurance mechanism that protects the income of caregivers who need to take a partial / complete break from work to provide caregiving.
- Provide regular training, learning opportunities and support for family / other caregivers, and share best practices on caregiver support innovations and services.
- Provide tax incentives for caregiving-friendly initiatives and employers.
- Provide COVID-19 relief measures to informal caregivers such as legally protected reduced working hours like [Spain](#), statutory carer’s leave days like [Germany](#) or allowances like [Canada](#).

Q: How will the Government meet the needs of vulnerable women and address the disproportionate impact of COVID-19 on female-dominated sectors?

[1 in 6](#) women live below the poverty line. COVID-19 has exacerbated inequalities and some groups of women have additional vulnerabilities.

Issues

- **Vulnerable groups of women:**
 - Single mothers: Comprising [over 85%](#) of single parents living below the poverty line, have less of a safety net to fall back on. Sectors adversely impacted by COVID-19 are primarily female dominated.
 - Foreign Domestic Workers (FDWs)⁹: Amid COVID-19, FDW’s workload has surged with reports of some FDWs being asked to forfeit their one day off per week. Scapegoating and discrimination has also been reported, with FDW’s being blamed or feared for spreading the virus.
 - Ethnic minorities (EM): EM girls have much lower educational attainment than their male or Chinese counterparts, which is closely linked to poverty. EMs are the poorest population in Hong Kong, with [1 in 5](#) below the poverty line.
 - LGBT+ Communities: There are no official protections for those who identify as sexual minorities.
- **Financial Vulnerability:** Homemakers, along with some part-time workers and elderly, are ineligible for MPF (pension). This is concerning given women, on average, outlive men by six years.¹⁰ Longer life spans coupled with forced retirement, gender pay gaps, and midlife caring responsibilities, make women more vulnerable to poverty.

⁹ Approx. 390,000 FDWs are in HK, the majority women who perform [crucial work](#).

¹⁰ HK C&S Dept, Table 1: Summary of Key Statistics “Expectation of life at birth (years)” 2019.

- **Inadequate financial knowledge:** Those in low paying jobs with MPF often [do not have](#) the financial savvy to manage their accounts. Women tend to [rely on](#) spouses for planning, leaving them financially vulnerable.
- **Poor mental health:** COVID-19 has created and aggravated mental health issues, particularly among underprivileged women.¹¹

Recommendations

- Adopt a gender lens when formulating the city's economic recovery plan to ensure women's needs are taken into account.
- Establish a Vulnerable Women's Relief Fund to provide financial support to women impacted by COVID-19, including single mothers and the elderly.
- Develop methods for assessing the quantitative value of unremunerated work, and provide public workshops, targeting vulnerable populations and educating them about available support services, subsidy schemes, and financial planning advice.
- Provide support for retirement for people who have not worked / do not otherwise qualify for MPF, particularly women who are more disadvantaged in retirement age.
- Collaborate with businesses and NGOs to provide training programmes and confidence and leadership building initiatives for women who are either in, or trying to enter, the workforce.
- Ensure the full protection of FDWs from exploitation and abuse along with work conditions and access to information aligned with the International Labour Organisation's standards.
- Introduce a standalone discrimination ordinance to protect LGBT+ people against discrimination at work, at school or in public.
- Tailor policies and services to sensitively address some of these vulnerabilities that ethnic minority women and girls face.
- Promote messages on mental health care and direct individuals to free and subsidised mental health resources in languages accessible to vulnerable groups, and allocate more funding to mental health services to meet increasing demand.

Q: How will the Government address the gender gap in STEM, which was exacerbated during Covid-19?

Boys are [four times](#) more likely to enter into STEM-related degrees and careers than girls, which has worrying implications for young women's future career opportunities in a world increasingly reliant on STEM. Covid-19 has [highlighted the divide](#) between those with skills and access to technology and those without, exacerbating the already existent gender gap in STEM.

Recommendations

- Encourage and support underprivileged women and girls to access STEM and technology through Government subsidised initiatives.

Q: What will the Government do to ensure equal access and opportunities for women to serve on boards?

Hong Kong is lagging behind on board gender diversity with only [13.7%](#) directors on HSI-listed boards being women.

¹¹ No HK gender data, but the disproportionate impact on women is noted [elsewhere](#).

Recommendations

- Role model best practice on gender diversity within its own departments and bureaux.
- Raise the 35% female representation target on Advisory & Statutory Bodies (ASBs) to 40% and ensure implementation across all ASBs. Encourage the private sector to set and match these goals, and further:
- Require listed companies to:
 - Meet targets of 25% women on boards by 2025 and 30% in six years which, if not met, should be mandated through quotas.
 - Apply diversity policies across the company together with measurable objectives, targets for achieving gender diversity in senior management and workforce
 - Disclose gender-disaggregated data including gender composition at board, senior management and workforce, gender pay gap, flexible work practices, gender diversity targets, turnover and attrition rates, percentage of promotions, and caring responsibilities.