

**Submission to CEDAW on the
implementation of The Convention on
the Elimination of All Forms of
Discrimination against Women (CEDAW)
in Hong Kong**

**Submitted by Hong Kong Federation of Women's Centres
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1. Introduction

This Submission will cover the following articles of CEDAW:

- Article 2: Policy measure
- Article 5: Stereotypes and prejudice
- Article 7: Social and Political Participation
- Article 10: Education
- Article 11: Employment
- Article 13: Social Security
- Article 16: Marriage and Family

2. Carer

2.1. Issues of concern

2.1.1. Lack of recognition toward carer's work (unpaid work)

Although there are no official statistics on carers, scattered data reflects that many carers in our society are primarily women.^{1 2} Women bear most care duties. Still, their efforts and contributions have not been formally recognised because economic care work has been classified as unpaid work and not accounted for in the Gross Domestic Product (GDP). This anomaly prevents recognition of carers' economic contributions in a widely understood way and underestimates the carer's dedication to society and family.

2.1.2. Lack of carer-oriented policy to support carers with different needs

Many carers or employed women with caring responsibilities bear financial, mental, and emotional pressure, especially during Covid-19. However, the current social welfare structure cannot respond to the needs of carers as it is a care-recipient-orientated structure. Although many consultation reports on carer-related services and carer-oriented policies have been conducted, the implementation schedule still needs to be determined. Without the carer-oriented policy, it is not easy to have overall planning for the carers' development and supportive services. Nowadays, it relies on scattered time-limited projects to provide limited services.

2.1.3. Heavy caring responsibilities and workloads caused a physical and mental burden on carers

Due to enormous caring pressure, women have suffered from mental and emotional health problems. Carers are usually less aware of their emotional status and personal needs, which easily spiral into suffering physical pain and mental illness. With limited immediate support, their situation would worsen, such as limited respite service. Subsidised respite services account for only 160 places for the disabled, 228 for the elderly and 852 for children. Furthermore, Covid-19 has amplified their caregiving burden with a higher standard of hygiene concerns and classroom suspension. In a survey

¹ According to *"Special Topics Report No. 63: Persons with Disabilities and Chronic Diseases"*, there are at least 204,200 carers residing with disabled people and 248,000 carers living with patients with chronic diseases. *"2016 Population By-census Thematic Report: Older Persons"* reflects that 916,389 households live with older people, of which 219,530 are in elderly care. Referring to the statistics of the Education Bureau, there were 53,256 special education students (including mainstream schools and special schools) in 2017/18. Suppose you add up the amounts of disabled people, patients with chronic diseases and students with special needs. In that case, you can imagine hundreds of thousands of carers in our society, which is not included Child Carers.

² Social Welfare Department, HKSAR, 2022, *"Residential Respite Service"*, *"Residential Respite Service for the Elderly"* and *"Child Welfare Services"*.

conducted by the HKFWC in late February 2020, among the 850 female carer respondents, 58% of them shouldered the sole responsibility of purchasing face masks and disinfectants for the family. In contrast, only 22% stated that this responsibility was shared among family members. 15% of the respondents rated the highest score of their anxiety level (10), and the average score was 7, a relatively high level.³ It confirms that carers have heavy caring responsibilities, which cause mental wellness issues.

2.1.4. Lack of economic opportunity for women as carers in different stages

Women usually need more economic opportunities and life planning for their development. The limited respite service is one of the factors hindering women re-joining the labour market. Childcare services are an effective way to release the carer's responsibility, but the provision of government-subsidised childcare is insufficient to meet with the demand. According to the Census and Statistics Department, there were more than 221,000 children aged 0-4 at the end of 2021 but there are only 852 places in subsidised independent childcare centres, and the occupancy rate is 97%, indicating a shortage of childcare services.⁴

2.2. Recommendations

2.2.1. Reform Carer's Allowance for recognition and financial support

Recognising care work as work with value and its contribution to the advancement of society will involve recognising carers as paid labour with labour rights set out by the International Labour Organization (ILO).⁵ Allocating adequate social protection for carers, including Child Carers, enhances their recognition as formal work with economic and social value. Thus, establishing an all-rounded allowance scheme for various types of carers is essential.

2.2.2. Set up a Carer-oriented Policy to integrate carers' services

Countries like Australia and the United States have established carer-oriented policies to provide comprehensive support for women's wellness and economic opportunities. Within a proper framework and regular research, a carer-oriented policy can provide needed physical, mental, and emotional support to carers and create a carer-friendly community.

3. Divorce and single parents

3.1. Issues of concern

3.1.1. Failures in receiving maintenance

According to the Census and Statistics Department, in 2015, there were 13,900 cases which failed to receive maintenance. But we believe more cases are facing a similar situation due to the complicated legal procedure in making outstanding maintenance claims. There were only 844 hearings of judgment summons in 2015 and only 35 Attachment of Income Orders granted by the Court.⁶

³ Hong Kong Federation of Women's Centres, 2020, "*International Women's Day 2020: Women Voice under Epidemic*".

⁴ Legislative Council, HKSAR, 2022, "*Replies to initial written questions raised by Legislative Council Members in examining the Estimates of Expenditure 2022-23*".

⁵ International Labour Organization, 2022, "*Care at work: Investing in care leave and services for a more gender equal world of work*".

⁶ Census and Statistics Department, HKSAR, 2016, "*Thematic Household Survey Report No. 61 -- Enforcement of maintenance orders*".

NGOs have advocated for the government to set up an intermediary body to facilitate maintenance payments for many years. In 1997 and 1999, the Legislative Council (LegCo) passed a motion to urge the Government to set up a Maintenance Board, but the Government did not follow this LegCo's recommendation.⁷ Under the current system, it is hard to ensure that women, especially single mothers who form the majority of single parents, can enjoy equal rights and responsibilities with men.

3.1.2. Limited social support and service barriers of Comprehensive Social Security Assistance Scheme (CSSA) for single parents

The number of impoverished single-parent households was 36,000 before the policy intervention, with a poverty rate as high as 49.2% in 2020.⁸ As a group with a higher risk of poverty, they have to face enormous financial pressure on their own and deal with the defaulted maintenance and family crises. Although their plight is noted, the welfare CSSA scheme for an additional provision of HKD390 subsidy is woefully insufficient. The current welfare policy is not meeting the aims of Articles 13 and 16.

3.2. Recommendations

3.2.1. *Setting up an intermediary body to handle maintenance issues*

In dealing with single-parent poverty and the economic dependence of women, the government should proactively establish an intermediary body with legal authority for collecting and recovering maintenance, simplify the process and avoid too many legal procedures. The body should coordinate relevant departments to solve maintenance issues and conduct public education on family issues and women's rights.

3.2.2. *Review the CSSA system and establish crisis intervention funding.*

CSSA is the primary social welfare funder in Hong Kong to support the basic needs of people living in poverty. But more financial allowance is needed for female single parents to secure their basic needs. In addition, the government should establish a fund that provides short-term family-oriented financial intervention for families in crisis or women facing emergencies.

4. Domestic violence (DV)

4.1. Issues of concern

4.1.1. Lack of Gender Sensitivity among professionals

Violence against women is often neglected. There were 4,082 cases of violence against children, spouses, and cohabitants in 2021 (1,367 cases of violence against children⁹ and 2,715 cases of violence against spouses and couples), a significant increase from 3,541 cases in 2020 (940 cases of violence against children and 2,601 cases of violence against spouses and couples).¹⁰ Among them, 85% of the survivors were female. We estimate that DV cases could be higher in reality and emerge in different forms, such as physical violence, psychological violence, and social control.

⁷ Legislative Council, HKSAR, 2020, "*Enhancing collection of child maintenance payments for single parents*".

⁸ Census and statistics Department, HKSAR, 2021, "Hong Kong Poverty Situation Report 2020".

⁹ Social Welfare Department, HKSAR, 2021, "*Child Protection Registry Statistical Report 2021*".

¹⁰ Social Welfare Department, HKSAR, 2021, "*Central Information System on Spouse/Cohabitant Battering and Sexual Violence Cases Statistical Report 2021*".

Gender sensitivity is necessary for handling DV cases. However, many professionals and trained frontline workers, such as social workers, police and teachers, lack the sensitivity to address domestic violence that may cause a second assault on the survivors.

4.1.2. The classification system underestimates DV's situation

Police currently classify "domestic conflict cases" into "domestic violence (criminal)", "domestic violence (miscellaneous)", and "domestic incidents" according to their severity. Only the first two have been classified as domestic violence incidents.¹¹ According to LegCo's information in 2017 and 2021, nearly 85% of the police cases were classified as "domestic incidents" of lower severity, thus significantly reducing the number of domestic violence cases and ignoring mental abuse or lower level physical violence.^{12,13} Furthermore, from the data provided by the police in 2021, there were only 1,196 criminal cases of domestic violence. In other words, many DV cases may be neglected under the current classification system.¹⁴

4.1.3. *Insufficient assistance in the crisis supports survivors of Violence Against Women.*

The current social, medical, and legal assistance in crisis support is insufficient and have not fulfilled the standard set by the Guidelines for Medico-legal Care of Victims of Sexual Violence published by the World Health Organization.¹⁵ The survivors of sexual violence or intimate partners psychologically experience a second assault in the formal procedure when they sought assistance because they needed to repeat the case's details more than five times. Also, NGOs are essential in providing crisis assistance that helps survivors to cope with negative feelings after the violence. Therefore, when they complete all help-seeking procedures, it is not difficult to imagine that the survivors will feel insecure. As a result, more women suffering from DV are unwilling to seek help from social service agencies.

4.1.4. *Lack of recognition of various forms of sexual violence and intimate partner violence*

There are multiple forms of sexual and intimate partner violence in different settings, such as intimate sexual assault, sexual humiliation, emotional violence, verbal intimidation, economic or social isolation, non-contact physical violence, etc. Referring to the research from Hong Kong Women's Coalition on Equal Opportunities in 2022, more than 30% were most often "sexually abused or forced to have sex" (35.52%), while the rest were more often subject to "verbal abuse or intimidation" (22.01%) and "physical

¹¹ Legislative Council Panel on Welfare Services, HKSAR, 2015, "*Administration's paper on the Police's handling of Domestic Violence and Family Violence Cases*"

¹² Legislative Council, HKSAR, 2017, "LCQ14: Handling of domestic violence cases"

¹³ Legislative Council Panel on Welfare Services, HKSAR, 2021, "*Support for victims of domestic violence and sexual violence*"

¹⁴ Legislative Council Panel on Security, HKSAR, 2022, "*2021 Policy Address Policy Initiatives of Security Bureau*"

¹⁵ World Health Organization, 2003, "*Guidelines for medico-legal care of victims of sexual violence. World Health Organization*".

violence" (14.29%)¹⁶. These forms have been developed to harm women's physical and mental health.

4.1.5. Lack of education in the formal curriculum and the public sphere

Many cases of sexual violence and intimate partner violence showed that the survivors did not know how to seek help, and perpetrators did not note that he/she is executing violence against women in different mediums and fields. There is still much misunderstanding about violence against women. Psychological barriers, like stigma, retaliation and conservative social norm, hinder women from seeking help from others.¹⁷

4.1.6. Ineffectiveness of anti-abuse programme, treatment, and counselling for perpetrators of domestic violence

There are ineffective anti-abuse measures from the Social Welfare Department and Department of Justice to help perpetrators. According to LegCo's statistics, using compulsory and voluntary anti-abuse programs for perpetrators of intimate partner violence is ineffective. In 2017-2019, the Batterer Intervention Programme (BIP), which is voluntary, had only 152 batterers participating. The Anti-Violence Programme (AVP), which is compulsory, had only two male batterers referred to by the Court in the Programme.¹⁸

4.2. Recommendations

4.2.1. Establish a Crisis Intervention Support Centre for survivors of Violence Against Women

It is essential to refer to the "Guidelines for medico-legal care for Victims of Sexual Violence" issued by the World Health Organization and set up a one-stop crisis intervention support centre to handle the medical, judicial, and social service needs of battered women. The centre should include medication, judicial support, support from social workers, and counselling to enhance the support for women who suffer from violence and prejudice and reduce the psychological harm that is a consequence from institutional policies and adjudicative process.

4.2.2. Training for professionals

More training programmes must be implemented for professionals, such as social workers and police, to deal with survivors of violence against women. The government should increase resources in public administration for gender education and training to ensure that survivors have sufficient assistance and rights in the help-seeking process. Professionals need gender sensitivity training to address the needs and vulnerabilities of women.

4.2.3. Review existing guidelines and case classification system for frontline staff on sexual and intimate violence

¹⁶ Hong Kong Women's Coalition on Equal Opportunities, Zonta Club of Kowloon, Department of Sociology and Social Policy of Lingnan University, 2022, "*Hong Kong Women's Experiences of Violence 2021: A Research Report*".

¹⁷ Hong Kong Women's Coalition on Equal Opportunities, Zonta Club of Kowloon, Department of Sociology and Social Policy of Lingnan University, 2022, "*Hong Kong Women's Experiences of Violence 2021: A Research Report*".

¹⁸ Legislative Council, HKSAR, 2019, "*11 December 2019 Council meetings, Written answers to questions -- Sexual violence on social disturbances*".

The government should review existing guidelines and case classification systems for frontline workers on sexual and intimate violence to provide appropriate support more quickly and ensure unified support from different professionals seeking help.

4.2.4. Increase resources in continuous support for survivors of Violence Against Women

Increasing resources for NGOs serving female survivors of violence will help them provide better support services to women. With the service suspension experience of Covid-19, the government and funders should increase the flexibility to allow the NGOs for the service re-arrangement.

4.2.5. Improve anti-abuse programme for perpetrators

The government should improve the system and regulation for anti-abuse programmes, treatments, and counselling to increase the participatory rate and effectiveness of the programs.

5. Economic participation

5.1. Issues of concern

5.1.1. Lack of “women-friendly” employment environment

The labour market of Hong Kong is not “women-friendly”. Women in the grassroots usually work as casual or low-skilled workers because of care responsibilities. Thematic Household Survey Report No. 72 mentioned that 203,500 short-duration or working hours (SDWH) employees worked in the non-government sector during enumeration.¹⁹ These women lack labour protection and are vulnerable to poverty, information, and background restrictions. It showed there is room for Hong Kong to improve the working environment to be more women-friendly and eliminate discrimination against women in other areas of economic and social life. The employment arrangement and environment do not favour women’s rights for Article 11 related to employment in terms of opportunity, promotion, benefit, and training.

5.1.2. A discrepancy in the wage level and employment opportunity between male and female worker

Male and female workers still have a discrepancy in wage level and employment opportunities. According to “Quarterly Report on General Household Survey in April to June 2021”²⁰, the median monthly salary of men workers was \$20,000, \$3,000 higher than that of women’s. Female Talent Pipeline Study by HKU and Meraki showed that only 22% of middle and senior management are female, and the number of men earning more than HK\$20,000 per month in employment is as high as 60% as compared to women.²¹ While the “Sex Discrimination Ordinance” and the “Family Status Discrimination Ordinance” are currently in place in Hong Kong, many people are unaware of the relevant legislation. In a survey by the Equal Opportunities Commission in 2018, it was found that only 30% of employees and less than 20% of employers were aware of the “Family Status

¹⁹ Census and Statistics Department, HKSAR, 2021, “*Thematic Household Survey Report No. 72*”.

²⁰ Census and Statistics Department, HKSAR, 2021, “*Quarterly Report on General Household Survey in April to June 2021*”.

²¹ The University of Hong Kong and Meraki Executive Search & Consulting, 2019, “*Participate in HK’s Female Talent*”.

Discrimination Ordinance". Only 38.9% of employers were willing to hire women without family care responsibilities, and only 16.7% were willing to employ mothers who needed to care for their children²². It showed that there are gender inequalities in the labour market, and employers have different expectation on women than on men.

5.2. Recommendations

5.2.1. Lobby the companies to create a women-friendly workplace

The women-friendly workplace is a significant culture and system for women or carers to balance work, living and care responsibilities, such as affordable daycare service and flexible work schedules. The government should proactively promote a "women-friendly" culture in the labour market and legislate ordinances to facilitate women/carer-friendly employment.

5.2.2. Provide more affordable childcare services in the community

To release the female labour force, the government should provide sufficient and affordable alternative care options for women and carers, such as respite services for the elderly and the disabled, childcare services for 0-12 years old children and special-needs education students.

6. Social Security and Retirement Protection

6.1. Issues of concern

6.1.1. Absence of Universal Retirement Protection

Hong Kong relies on the old age allowance and Mandatory Provident Fund (MPF) for retirement welfare. MPF payments depend on the length and amount of employer and employee contributions. This scheme is not favourable to elderly workers, low-income workers, and, most importantly, unpaid homeworkers who are predominantly women. There are approximately 650,000 homemakers in Hong Kong, and over 95% are women.²³ Women involving in unpaid care responsibility, unemployed or casual workers had limited or no investment in their accounts. Therefore, women are not protected by any statutory retirement protection scheme. As the aging problem worsens and women live longer than men, the number of elderly women constantly increases. The absence of a well-functioned retirement protection system has violated Article 11 that the right to social security in retirement.

6.1.2. Absence of unemployment protection for women in transient workers

Hong Kong does not have unemployment insurance for grassroots families, especially women as carers and casual workers, so they cannot apply for workfare to pass the unemployment period. The financial pressure on women, working carers, and grassroots families during the pandemic underscores the dire need for a cash protection policy when unemployed. Although the government argued that they eventually set up the short-term Employment Support Scheme, it could only meet basic needs instead of addressing the structural unemployment problem.

Also, the function of the CSSA is to provide a safety net for basic living rather

²² Equal Opportunities Commission, HKSAR, 2018, "*A Study on Family Status Discrimination in the Workplace in Hong Kong*".

²³ Women's Commission, HKSAR, 2022, "*Hong Kong Women in Figures 2021*".

than to respond to the needs of the unemployed. According to a survey commissioned by Oxfam Hong Kong in 2021, 60% of the respondents believe that the CSSA failed to help the unemployed through hard times.²⁴ It showed that the government needs to take action to deal with unemployed and grassroots women in social protection. Inadequacies in unemployment protection cannot fulfil Article 11, which refers to the right to social security in unemployment, sickness, and other work incapacities.

6.2. Recommendations

6.2.1. Set up an unemployment protection system and establish the crisis intervention funding

The government should establish short-term family-oriented crisis intervention funds for families or women in crisis. When they suffer from crises, such as unemployment or being laid-off, it can prevent the client from applying for CSSA as a long-term subsidy. In the long-run, the government should set up an unemployment protection system, such as unemployment insurance.

6.2.2. Implement Universal Retirement Protection

The government should establish universal retirement protection to cover different groups, particularly low-income women, carers, and unemployed women.

7. Gender Education

7.1. Issues of concern

7.1.1. Missing pages on reforming the curriculum of gender education

Gender education is underdeveloped in the formal curriculum. Education Bureau established “the Guidelines on Sex Education in Schools” in 1997, and they have not been reviewed and amended for over 25 years. According to research from MWYO, secondary school students have less than two learning hours annually for gender education.²⁵ Therefore, the existing curriculum is not favourable for students to build up gender sensitivity. Furthermore, as the implementation of sexuality education / gender education programmes is school-based, there is scanty information available in the public domain about the approach, content and delivery mode of that education implemented in schools in Hong Kong. For example, the Government has included topics such as gender identity, gender role and equality in gender education, but there are few studies available in the public domain about the coverage and delivery of gender education in primary and secondary schools.²⁶

7.2. Recommendation

7.2.1. Established periodical review to ensure the content of sex and gender education is suitable for the social context

Introducing the updated guideline for sex and gender education is a milestone for Hong Kong to promote CEDAW and gender equality. Also, the guideline should be periodically reviewed to ensure the content on sex and gender education is suitable for the current social situation.

²⁴Oxfam Hong Kong, 2021, “Poll results: Public satisfaction with Budget”.

²⁵MWYO, 2021, “Sex and Relationship Education Survey Report”.

²⁶Legislative Council, HKSAR, 2018. “Information Note – Sexuality education”

