

# Shadow Report<sup>1</sup> to the CEDAW Committee

## **On Sexual Violence In Hong Kong SAR, China**

In respect of  
The 3<sup>rd</sup> Report of HKSAR<sup>2</sup>  
To be considered at the 59<sup>th</sup> Session

From:  
Association Concerning Sexual Violence Against Women  
(ACSVAW), and  
RainLily  
September 2014

### Contact Information

Association Concerning Sexual Violence Against Women (ACSVAW)  
P.O. Box 74120, Kowloon Central Post Office, Kowloon, Hong Kong.

Telephone: (852) 2392-2569

Fax: (852) 2392-2531

E-mail: [acsvaw@rainlily.org.hk](mailto:acsvaw@rainlily.org.hk)

Website: <http://www.rainlily.org.hk>

Contact Person: Ms Linda Wong (Executive Director)

---

<sup>1</sup> Please post our written submissions on the CEDAW website for public information purposes.

<sup>2</sup> Hong Kong, China. 2012. *Considerations of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined seventh and eighth periodic reports of States parties.* Hong Kong: Hong Kong Government.

# INDEX

	Executive Summary	2
	Recommendations	3-4
Chapter 1	Article 2 – Policy measures	5-7
Chapter 2	Article 3 – Basic human rights and fundamental freedoms	7-10
Chapter 3	Article 5 – Sex Role Stereotyping and prejudice	10-11
Chapter 4	Article 11 – Employment	11-13
Chapter 5	Article 12 – Health	13-15
Chapter 6	Article 13 – Women in economic, social and cultural life	15-16
Chapter 7	Article 15 – Law	16-18
Appendix 1	A survey on Hong Kong women’s experience of sexual violence in 2013, published by Hong Kong Women’s Coalition on Equal Opportunities (May 2013)	19
Appendix 2	Newspaper clips	20
Appendix 3	Hong Kong Police Force’s Crime Statistics of Rape and Indecent Assault cases(2008-2013)	21
Appendix 4	RainLily Hotline from Apr 2011 to Mar 2013	21
Appendix 5	Report and Conviction Rate of Rape and Indecent Assault cases(2010-2013)	22
Appendix 6	Hong Kong Police Force’s Crime Statistics of Rape and Indecent Assault cases arising from online social networking (2010-2012)	22

# EXECUTIVE SUMMARY

1. The crime of sexual violence against women is still prevailing in Hong Kong and around 40% of the victims are from the grassroots. Despite the Hong Kong Government having claimed that it has input substantial resources and a variety of measures to prevent and combat sexual violence against women and to provide support to the victims, the number of female victims of sexual violence is still on the rise.
2. Our organization focuses solely and attentively on this issue of sexual violence against women in HK. We provide services to support the victims, advocate policy change and law reform to prevent and combat sexual violence against women and carry out education programme to raise public awareness. We see the continuance and aggravation of such crime in HK as follows:
  - (a) Lack of or inadequacy of “one-stop” rape crisis centre to support sexual violence victims: Victims of sexual violence are often beset of various immediate and long-lasting psychological problems in addition to the physical injuries suffered. Accordingly, the lack of or inadequacy of “one-stop” services aggravates the problem of “second trauma” in the reporting and judicial procedure which in turn discourage sexual violence victims to report their cases to the police. Low reporting rate of sexual violence crime further breeds the crime itself.
  - (b) Narrow definition of the crime of “rape”: Under the existing law of Hong Kong, “sexual intercourse” as defined in the offence of rape excludes coerced oral sex, penetration by objects other than male penis, etc whilst definition of ‘sexual assault’ excludes the crime of “upskirting”.
  - (c) Lack of or inadequacy of gender sensitive training to the judicial and law enforcement officers and health care workers.
  - (d) Inadequate protection of sexual violence victims during the judicial process further contributes to the low reporting rate. Under the existing protection of crime victim policy, sexual violence victims are excluded from the definition of “vulnerable witnesses”. Further, Victim Impact Statement is not included as a recognized considering factor when the court sentenced the perpetrators of sexual crimes.
  - (e) Female migrant domestic workers and ethnic minorities in Hong Kong suffered from double jeopardy in the crime of sexual violence: the “Two-week Rule” and the “Live-In” requirements imposed real and practical hurdles for female migrant domestic workers to resist and report sexual violence encountered at their workplace. Existing adaption programme and supporting services for ethnic minorities lack gender perspective and fail to address the low reporting rate of sexual violence incidents due to cultural and religious reasons.
3. In this report, we pointed out the abovementioned problems and suggested certain recommendations which we believe the Hong Kong Government is able to and should carry out in order to prevent and combat sexual violence against women effectively and efficiently.

# RECOMMENDATIONS

1. To re-establish or support a real **“one-stop” rape crisis centre** which provides comprehensive and timely “one-stop” emergency support service located at the hospital in Hong Kong. (Para.4 of Ch.1; Para.6 of Ch.5)
2. To provide relevant figures and data which can show or demonstrate the resources (both financial and human resources) allocated to combat sexual violence against women, in particular the details about **budget allocation**. (Para.11 of Ch.2)
3. To review and amend the relevant legislation on sexual violence including to adopt the **law reform** proposed by the Legal Reform Commission and provide the schedule and timeframe in the implementation of the said law reform. To put forward the anti-stalking law for discussion of the Legislative Council. (Para.2 of Ch.3)
4. To devise long term measures and promote the ideas and practices of **mainstreaming anti-sexual violence and gender perspective** into formal education and community. To step up community publicity and school based programs, aiming to enhance public awareness, to encourage victims to seek help and prevent the occurrence of sexual violence. (Para.12 of Ch.1)
5. To take serious attention and effective commitment to implement gender mainstreaming through setting up a **higher power mechanism** to coordinate, implement, monitor and evaluate policies and measure to tackle sexual violence, especially in reviewing all the procedures for reporting and for rape and sexual assault cases to be referred for criminal investigation, so as to obviate the need for victims to recount the incident. (Para.5 of Ch.2)
6. To conduct an **independent and comprehensive study on sexual violence problem** in Hong Kong in order to gain a thorough understanding of this hidden but long-standing social problem. After grasping the situation fully, it should formulate a corresponding policy and strategy in order to effectively combat sexual violence crimes. (Para.9 of Ch.2)
7. To review the sufficiency and effectiveness of **gender sensitivity training to professionals**, including the Police, the Judiciary and the Health Care Workers regarding sexual violence. The relevant guidelines should be revealed for the public and relevant organizations to monitor their effectiveness in solving the problem. (Para.8 of Ch.3)
8. To shorten the length of legal process in **Migrant Domestic Workers (MDW) cases**, to revise the length of extension of stay if the case of maltreatment is reported to the police or labour department and to waive the extension fee for the victim of crime. To establish a comprehensive support and welfare scheme and set up a one-stop remedial service centre for MDW victims including psychological support, financial assistance and shelter. To organize the mandatory awareness raising and cultural understanding programs on preventing exploitation and abuse to new MDWs and employers respectively before starting the contract instead of spreading the pamphlets or information materials. To provide the gender sensitive training to interpreters and staffs of related MDW and EM cases especially in tackling the cases of domestic violence and sexual violence. (Para.6 of Ch.4)
9. To formally include **Victim Impact Statement** in the judicial process. To provide these court facilities to the sexual violence victims, irrespective of age and mental capacity. One possible way

is to include sexual violence victims as one category of “**vulnerable witness**”. The victims should be informed of their rights when they are giving statement at the police station. They should be given opportunity to choose video recording starting from giving statement until finishing cross-examination in the witness box. A further step forward is to specifically codify the provision of court facilities to better address the vulnerability of the victims. (Para.13 of Ch.3; Para.4 of Ch.7)

10. To take serious attention and commitment to combat sexual violence through **reviewing laws on marital rape and related sexual offences** to include non-penetration intercourse, and reconsidering measures to tackle sexual violence, in particular to ensure and to safeguard the rights and welfare of female victims of sexual violence. (Para.12 of Ch.7)

## Chapter 1

### **Article 2: Policy measures to eliminate sexual violence**

1. In Hong Kong, victims of rape and sexual assault are mainly women<sup>3</sup>. From the database provided by the Social Welfare Department (SWD) in 2013, over 99% of the said victims are still female. Around 40% of female victims come from lower class<sup>4</sup>. The Association sees gender inequality (in social and economic senses) and gender stereotyped ideologies and cultures as the root problems of sexual violence (a gender based violence). However, the Government has failed to reinforce gender mainstreaming, and to prioritize anti-sexual violence and gender equality education in government policies. Nothing about sexual violence has been mentioned in the Government's 2014 Policy Address<sup>5</sup>.
2. We therefore **URGE THAT** the Hong Kong Government should take serious attention and substantive commitment to combat sexual violence. This includes providing relevant figures and data which show or demonstrate the resources (both financial and human resources) allocated to combat sexual violence against women, in particular the details about budget allocation.
3. Current arrangements in crime reporting are unsatisfactory and unfriendly to victims, and in violation of the General Recommendation 19<sup>6</sup>. According to the recent report of RainLily<sup>7</sup>, victims of rape are often beset by fear, guilt, shame, loss of self-confidence, depression, and in serious cases, inclinations to commit suicide<sup>8</sup>. Accordingly, the Association finds a “one-stop” integrated service for victims of sexual violence is particularly important. A one-stop service mode will help reduce worries and anxieties of the victims, make them feel more comfortable and safe to seek help, assistance and treatment from different professions.
4. According to the Concluding Comments in the 36<sup>th</sup> Session, “the Committee encourages the Government to re-establish the Hong Kong rape crisis centre so as to ensure that victims of sexual violence receive specific attention and counseling in full anonymity”<sup>9</sup>. In response, the Government mentioned that it funded a new crisis centre CEASE in 2007. The CEASE crisis centre, however, is a “Multi-purpose Crisis Intervention Centre” instead of a hospital-based model. It does not provide for all the services needed by female victims of sexual violence at “one-stop”<sup>10</sup>. See more in Chapter 5.
5. Therefore, we **URGE THAT** the Hong Kong Government should re-establish or support a real one-stop rape crisis centre in Hong Kong as recommended by the Committee at last session.

---

<sup>3</sup> General Recommendation No. 19, approved by the CEDAW, the eleventh session, 1992. 1992. Points 1, 6 and 7(b) in *Violence against women Specific Recommendation*. Geneva: CEDAW committee.

<sup>4</sup> Social Welfare Department. 2013. “Statistics on Child Abuse, Spouse/ Cohabitant Battering and Sexual Violence Cases.” Retrieved on Jan 23, 2014 (<http://www.swd.gov.hk/vs/english/stat.html>).

<sup>5</sup> Hong Kong Government. 2014. *Hong Kong 2014 Policy Address*. Retrieved on 5 Sept, 2014 (<http://www.policyaddress.gov.hk/2014/index.html>).

<sup>6</sup> See point 7(g) in the General Recommendation No.19.

<sup>7</sup> RainLily is a rape crisis centre set up in the hospital since 2000, it is run by ACSVAW. Its website is <http://www.rainlily.org.hk>.

<sup>8</sup> The Gender research Centre, Chinese University of Hong Kong. 2003. *RainLily Build-in Study Report*. Hong Kong: The Chinese University of Hong Kong Press.

<sup>9</sup> See para. 36 of the Concluding Comments in the 36<sup>th</sup> Session.

<sup>10</sup> See para.5.48 in the 3rd Report of HKSAR forms part of the combined 7th and 8th Report of China under the Convention (“the 3<sup>rd</sup> Report”).

## Changes in the areas of the law

6. The relevant legislation of sexual violence in Hong Kong has been in place for more than 50 years, amongst which many of them are obsolete, has failed to provide sufficient protection for sexual violence victims, and restricts sexual autonomy. Although the Law Reform Commission (LRC) has published a Consultation Paper on Rape and Other Non-consensual Sexual Offences<sup>11</sup> in September 2012, the progress of the law reform met setbacks and therefore it was put on hold. Currently, there was no time schedule for the implementation of the said reform.
7. The existing sexual offences have been criticized for its narrow definition of rape and sexual assault. Under the Crimes Ordinance (Cap. 200), the definition of rape is that a man “has unlawful sexual intercourse with a woman who at the time of the intercourse does not consent to it”. The existing definition of rape does not include cases like coerced oral sex and penetration by objects other than the male penis, nor does it include the possibilities of male being a victim of rape. Moreover, “upskirting” which is prevalent nowadays and is a serious violation of a person’s sexual autonomy is not included in the said definition of “sexual assault”.
8. Existing common punishment on rape is not severe enough to deter the perpetrators and to compensate the loss and sufferings of the victims. The Government fails to see rape as a serious problem. In a recent review on excepted offence<sup>12</sup>, the LRC considered to exclude rape and sexual assault as a kind of excepted offences (prohibit a suspended sentence from being imposed). It reveals that the Government see rape and sexual assault as a minor offence. However, it is contrary to the public perception on the seriousness of sexual violence.
9. We therefore **URGE** the Government to amend the law to expand the range of circumstances under which sexual violence will be unlawful, and in particular, to hold perpetrator directly responsible for their misbehaviors through more severe penalty. We also **URGE THAT** the Government should expand the definition of ‘sexual intercourse’ in the offence of rape to include coerced oral sex and penetration by objects other than the male penis, and to abolish the gender element in the definition, and to include “upskirting” in the sexual offence. We **URGE** the Government to adopt the law reform proposed by the LRC and provide the schedule and timeframe in the implementation of the said law reform.

## Public Education and provision of an enabling environment

10. Despite the prevalence of sexual assault and rape cases in recent years, Hong Kong Government have failed to develop both **long-term and short-term strategies** to effectively prevent and combat these crimes<sup>13</sup>. According to a recent report, the number of rape cases reported annually is more than 100 and the number of indecent assault cases reported annually is more than 1,400. There are 121 cases of rape, and 1,495 cases of indecent assault were recorded in 2012, representing an increase of 14.9% of rape (30 cases) and 1.8% of sexual assault (80 cases) when compared with the preceding year<sup>14</sup>. Despite such increase, the Government mentioned nothing in its Policy Address or the 3<sup>rd</sup>

---

<sup>11</sup> The Law Reform Commission of Hong Kong, Review of Sexual Offences Sub-committee. 2012. *Consultation Paper on Rape and Other Non-consensual Sexual Offences*. Hong Kong: The Law Reform Commission of Hong Kong.

<sup>12</sup> The Law Reform Commission of Hong Kong. 2013. *Consultation paper on Excepted Offences under schedule 3 of the criminal procedure ordinance (CAP 221)*. Retrieved on 5 Sept 2014 ([http://www.hkreform.gov.hk/en/docs/exceptedoff\\_se.pdf](http://www.hkreform.gov.hk/en/docs/exceptedoff_se.pdf)).

<sup>13</sup> See para.47 of the 3<sup>rd</sup> Report.

<sup>14</sup> Refer to Appendix 4.

Report submitted to the Committee.

11. The Government has not developed any effective long term strategies to combat sexual violence through like teaching gender equality in the tertiary institutions. The existing guidelines on sex education issued by the Education Department are confined only to physiological knowledge and ways to make friends and so on. There is not much on topics like sex, sexual violence, reflections on gender roles and mutual respect of others etc. The establishment of gender equality and mutual respect in society is an important step towards the prevention of sexual violence. Such subject should be given greater weight in the curriculum. Besides, more information should also be provided to the public such as the legal definition of marital rape, and the rights that a lawful wife would enjoy in a marriage.
12. We therefore **URGE THAT** the Government should devise long term measures and promote the ideas and practices of mainstreaming anti-sexual violence and gender perspective into formal education and community like organizing community and school based programs and activities, aiming to promote awareness of anti-sexual violence and gender equality education in formal school curriculum.
13. The Government do not have short term strategies to reduce the under-reporting rate through public education. The low crime reporting rate is because victims are ashamed of it and they may fear discrimination once their cases are known. Moreover, existing public education programmes do not encourage victims' to report<sup>15</sup>.
14. The Government has also failed to conduct public education programs to terminate discrimination and to arouse understanding and concern on sexual violence and its victims. The prevalence of rape myths has reinforced discrimination against women who encounter sexual violence. For example, victims might be criticized for wearing revealing or provocative clothing; and if victims and perpetrators know each other, victims might even be criticized for being promiscuous or leading an unrestrained life. It is important that there should be no blaming, negative labelling, discrimination and/or hostile attitudes against women suffered/suffering from sexual violence. Therefore, the public education program should encourage by-standers to report when they encounter sexual offences.
15. We therefore **URGE THAT** that the Government should conduct more public education programs through media to encourage victims to seek help. Most importantly, the public should be alerted that sexual violence is not a personal issue. We should all work together for combating sexual violence.

## Chapter 2

### **Article 3: Sexual violence is a violation of basic human rights and freedoms**

1. The Government lacks commitment and effort to combat sexual violence through gender

---

<sup>15</sup> Findings of a recent survey from Hong Kong Women's Coalition on Equal Opportunities found that about 25.5% of women experienced family violence, 43.3% of women experienced sexual harassment and 15.4% women experience rape or sexual assault. The survey also indicated that only 17.7% victims of family violence and 8% victims of sexual violence reported to the police. Only 5.5% victims of sexual harassment seek help(See Appendix 1). In addition, RainLily hotline received 1,208 calls from Apr 2011 to Mar 2013. Among which there were 933 victims of sexual violence, but only 121 victims were willing to report to the Police. That means only 12.9% of these cases are reported to the police, with those unreported cases remaining as much as 87.1% of the total(See Appendix 4).

mainstreaming<sup>16</sup>. At present, Women's Commission, currently an advisory body under Labour and Welfare Bureau (LWB) take up responsibility of implementing gender mainstreaming. However, the Women's Commission have failed to take up this task due to lack of effective executive power<sup>17</sup>. The LWB is neither the highest authority nor powerful enough to lead various government departments to implement gender mainstreaming policy<sup>18</sup>.

## **Gender mainstreaming**

2. The Women's Commission (WC) failed to develop an effective analytical tool<sup>19</sup> to monitor the work of Government department, although gender mainstreaming (GM) checklist was introduced in 2003 and revised in 2009<sup>20</sup>. Although nearly 40 program areas in the Government department have used the GM Checklist, there are few achievements of GM checklist due to the lack of effective executive power of Women's Commission. Besides, the LWB team only allocated few staff to WC to carry out GM programmes. The GM checklist has failed to monitor the Police Force in reporting procedures of victims of sexual violence<sup>21</sup>.
3. Existing reporting procedures is not transparent and too torturous for victims. Some victims may just give up during the early stage of the investigation process due to the unbearable pressure involved, thereby making it impossible for the investigation to continue<sup>22</sup>. However, the GM checklist had never been used to evaluate the effectiveness in police reporting procedure for victims of sexual violence. In addition, the police reporting guideline for handling complainants of sexual crimes are not opened to the public. Victims of RainLily complained that their cases were rejected by the Police without knowing the reasons<sup>23</sup>.
4. Moreover, the Police said that they usually send a specially trained female police officer or by way of video recording to attend to the needs of a female victim, including interviewing the victim, taking statements from her, and arranging for referrals to other departments. But victims of RainLily, revealed that many underage victims were not using video recording. Besides, some victims have to talk about their traumatic experience in the presence of male police officers<sup>24</sup>. The Police did not maintain the number of cases in which victims made statements with the company of female police officers or by way of video recording after reporting the cases. In a report of the Panel on Welfare Services for submission to the Legislative Council<sup>25</sup> dated July 2013, the Panel was concerned about: the lack of knowledge and skill of front-line staff. They advised the Government to provide trainings to enhance the understanding and sensitivity of the front-line social workers in rendering services to people of different sexual orientations as well.

---

<sup>16</sup> See Article 3, General recommendation 19 (10).

<sup>17</sup> The function of Women's Commission. *South China Morning Post*, August 12, 2014.

<sup>18</sup> In Hong Kong, the highest decision-making person is the Chief Executive, under him there are 3 Secretaries (Administration, Attorney General and the Financial Secretary), and the Administration has twelve bureaus, including LWB, which is responsible for combating sexual violence and providing support services for victims of violence. At present, the LWB is the highest coordination mechanism of setting up policy about sexual violence.

<sup>19</sup> See para.59 of the 3<sup>rd</sup> Report.

<sup>20</sup> Labour Welfare Bureau, Hong Kong. 2013. *Gender Mainstreaming - a global strategy for the promotion of women's advancement and gender equality*. Retrieved on 17 Aug, 2014 ([http://www.lwb.gov.hk/Gender\\_Mainstreaming/eng/training.html](http://www.lwb.gov.hk/Gender_Mainstreaming/eng/training.html)).

<sup>21</sup> *Hong Kong Commercial Daily*, October 23, 2013.

<sup>22</sup> See para.66 of the 3<sup>rd</sup> Report.

<sup>23</sup> *Apple Daily*, October 23, 2013.

<sup>24</sup> *Apple Daily*, October 23, 2013.

<sup>25</sup> Legislative Council, Hong Kong. 2012. "LC Paper No. CB(2)1597/12-13 Ref : CB2/PL/WS" Retrieved on 17 Aug, 2014 (<http://www.legco.gov.hk/yr12-13/english/panels/ws/reports/ws0717cb2-1597-e.pdf>).

5. We therefore strongly **URGE THAT** the Hong Kong Government should take serious attention and effective commitment to **implement gender mainstreaming** through setting up a higher power mechanism to coordinate, implement, monitor and evaluate policies and measure to tackle sexual violence, especially in reviewing all the procedures for reporting and for rape and sexual assault cases to be referred for criminal investigation, so as to obviate the need for the victim to recount the incident.

### **Studies, research and data collection on women**

6. Hong Kong Government has not collected and compiled **sexual violence data** which is important for gender analysis and gender sensitivity policy-making<sup>26</sup>. There is no household survey on sexual violence being conducted since 1999<sup>27</sup>. Therefore it is difficult to collect data on the nature of sexual violence, the seriousness of the issue and the problems of under-reporting. The Women Commission has never conducted any independent surveys and research on situation of sexual violence in Hong Kong<sup>28</sup>.
7. The survey on victims of crimes published by the Census and Statistics Department does have a detailed breakdown of sexual violence cases but this kind of survey is not done on a regular basis. As sexual violence is a rather sensitive issue, factors like the design of survey questions, the skills and gender of interviewers and so on will have a bearing on the accuracy of the data so obtained.
8. The conviction rate of rape and indecent assault is very low during the recent years<sup>29</sup>. However, the Government had not explored the reasons of low conviction rate, making it difficult to devise measures and strategies to increase the conviction rate.
9. Therefore, we **URGE THAT** the Hong Kong Government should **conduct an independent and comprehensive study** on sexual violence problem in Hong Kong in order to gain a thorough understanding of this hidden but long-standing social problem. After grasping the situation fully, it should formulate a corresponding policy and strategy in order to effectively combat sexual violence crimes.

### **Gender Budgeting**

10. No separated funding is set assign solely for the support service of victims of sexual violence and prevention of sexual harassments in schools<sup>30</sup>. According to the LWB, the annual budget for provision of supporting services (like hotlines, shelters, crisis intervention services) for domestic and sexual violence is HK\$10.8 million (refer to LWB 619) but there is no separate budget<sup>31</sup>. Moreover, the Education Department does not have separate breakdown of the expenditure on prevention of sexual harassment in schools in 2011-14(refer to EDB277)<sup>32</sup>. Such preventive education programs

---

<sup>26</sup> See para. 68 in the Considerations of reports.

<sup>27</sup> The figures available are from the last survey was 15 years ago. (Conducted in 1999 and the subjects were the victims of 1998)

<sup>28</sup> See para. 70 of the 3<sup>rd</sup> Report.

<sup>29</sup> See Appendix 4.

<sup>30</sup> See para. 67 of the 3<sup>rd</sup> Report.

<sup>31</sup> Legislative Council, Hong Kong. 2013. *LC Paper No.LWB(WW)619, Secretary for Labour and Welfare response to question by Hon. LEUNG Kwok-hung on the expenditure for handling sexual violence cases*. Retrieved on 17 Aug, 2014 ([http://www.legco.gov.hk/yr12-13/chinese/fc/fc/w\\_q/lwb-ww-c.pdf](http://www.legco.gov.hk/yr12-13/chinese/fc/fc/w_q/lwb-ww-c.pdf)).

<sup>32</sup> Legislative Council, Hong Kong. 2010. *LC Paper No EDB 277, 0985 point (a) Secretary for Education response to*

were only integrated in different school curriculum and activities and the effectiveness is unable to assess. There is no breakdown of this figure made available to the public, therefore it is difficult to assess whether the Government has allocated sufficient resources to combat, among others, sexual violence against women as recommended by the Committee at the 36<sup>th</sup> Session<sup>33</sup>.

11. We therefore strongly **URGE THAT** there should be a gender budgeting in the budget planning by the Government.

## Chapter 3

### **Article 5: Sex Role Stereotyping and Prejudice**

#### **Legislation protecting women against violence**

1. As stated in para. 95 of the 3<sup>rd</sup> Report, the Government are currently studying the Law Reform Commission (“the LRC”) report on stalking in depth for formulating laws on stalking.
2. The LRC released the Stalking Report on 30 October 2000. On 19 December 2011, the Government published a consultation paper to consult the public on an anti-stalking law. The consultation period ended on 31 March 2012. We **URGE THAT** the Government to put forward the law for discussion and reading of the Legislative Council.

#### **Training to professionals**

3. The Government should seek to improve gender sensitivity training for judicial and law enforcement officials, health professionals and social workers on violence against women.
4. The Police are at the front line combating sexual violence. There are internal guidelines as to treatments to sexual violence victims; however, the victims have suffered from secondary traumatising when reporting their cases. See more in paragraphs 3-4 of Chapter 2 above.
5. The Judiciary is not trained with gender sensitivity to handle the victims. They have undermined the necessity of court facilities to protect the integrity and dignity of the victims. Victims can hardly access to court facilities unless the relevant section<sup>34</sup> expressly provide the protection.
6. The Government mentioned the guidelines developed by the AED of public hospitals for healthcare staff on the management of victims of sexual violence and the victim should be treated in a safe, confidential and protected manner<sup>35</sup>. However, the Government has failed to provide sufficient facilities to support the implementation of these guidelines.
7. Although trainings have been provided by SWD to enhance the understanding and sensitivity of the

---

*question by Hon. WONG Pik-Wan, Helena.* Retrieved on 17 Aug, 2014 ([http://www.legco.gov.hk/yr09-10/chinese/fc/fc/w\\_q/edb-c.pdf](http://www.legco.gov.hk/yr09-10/chinese/fc/fc/w_q/edb-c.pdf)).

<sup>33</sup> See para. 36 of the Concluding Comments in the 36<sup>th</sup> Session.

<sup>34</sup> Criminal Procedure Ordinance (Cap. 221), s.79B.

<sup>35</sup> See para.143 of the 3<sup>rd</sup> Report.

front-line social workers in rendering services to the victims, the provisions of welfare services require substantial improvement<sup>36</sup>.

8. We **URGE THAT** the Government should implement gender sensitivity as the core element of general policy on combating violence. The Government should provide the number of gender sensitivity trainings to the judicial and law enforcement officers (including judges, prosecutors and Police) regarding sexual violence. The Government should also thoroughly review the sufficiency and effectiveness of training to professionals, including the Police, the Judiciary and the Health Care Workers. The relevant guidelines should be revealed for the public and relevant organizations to monitor their effectiveness in solving the problem.

### **Legal implementation of Victim Impact Statement (VIS)**

9. According to the National Center for Victims of Crime, VIS are often “the victims’ only opportunity to participate in the criminal justice process or to confront the offenders who have harmed them” from the victims’ perspective<sup>37</sup>.
10. Sexual violence crimes are one of the crimes where VIS is applicable. Sexual violence victims suffer from severe emotional damage and only by VIS, the others can learn about their feelings, at the same time, they can heal their wounds through giving VIS<sup>38</sup>.
11. In the judicial process of Hong Kong, VIS is not included in sentencing, despite the worldwide increasing trend to provide the opportunity for the victims to express themselves, apart from repeating the case or answering specific questions in the cross examination.
12. There are mainly two purposes of submitting VIS: (1) the sentencing judge can assess the seriousness of the harm suffered by the victim which judges must take into account when determining the sentence to be imposed on the perpetrator; and (2) the victim can input in the administration of justice.
13. We **URGE THAT** the Government to formally include VIS in the judicial process.

## **Chapter 4**

### **Article 11: Equality in Employment and Labour Rights**

#### **Policy for Migrant Domestic Workers (MDWs)**

---

<sup>36</sup> See Hung, Suet-lin. 2011. Page 101 in *A Study on Help Seeking Experiences of Sexual Violence in Hong Kong: Community Response and Second Victimization*. Hong Kong: Association Concerning Sexual Violence Against Women.

<sup>37</sup> The National Center for Victims of Crime. 2012. *Victim Impact Statements*. Retrieved on 4 May, 2014 (<http://www.victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/victim-impact-statements>).

<sup>38</sup> See McGovern, Danica. 2009. Page 25 in *The Therapeutic Potential of Victim Impact Statements for Sexual Violence*. In accordance with Prof. McGovern, there are four dimensions of therapeutic potential of the VIS, namely :-

- I. Receiving formal recognition of the wrong and acknowledgement of the harm;
- II. Developing insight into the effects of the sexual violence and the resources available for addressing those effects;
- III. Facilitating grief and growth; and
- IV. Reducing shame.

1. According to the Concluding Comments in the 36<sup>th</sup> Session, the Committee urged the Government to repeal the “Two-week Rule” and to implement a more flexible policy regarding foreign domestic workers in its previous concluding comments.
2. The Government claim that the migrant women enjoy the same entitlement to equal statutory rights and benefits including statutory holidays, maternity protection, etc. All anti-discrimination ordinances also apply to migrant workers and the legal aid scheme is provided by the government and they are subject to the same eligibility criteria as local residents<sup>39</sup>. However, the gender-neutral policy cannot fully protect the migrant women from the abuse of employers and exploitation from agencies. On the other hand, the Government do not establish a specific policy or protocol for facilitating MDWs’ access to remedy.
3. The Government further responds that it will not repeal the “Two-week Rule” and only grants the discretion to MDWs in case there are some special reasons such as they have been abused<sup>40</sup>. However, the reality is once the MDW complains of being abused or exploited, she will lose her job and thus work permit and will be deported. The said discretion fails to encourage the MDWs to voice out and pursue their rights.
4. A survey on the situation of female domestic workers by the Mission for Migrant Workers in 2013 founded that 18% of 3000 female interviewees have faced physical abuse and 6% suffered from sexual abuse. In fact, the figures represent only the tip of the iceberg as many victims are too scared or lack of information to make complaints<sup>41</sup>.
5. In general, the legal process of criminal offences from police-reporting to judgment may need several months to more than 18 months. Even the discretion on “Two-week Rule” is exercised on grounds of maltreatment, the visa extension is regularly renewed on monthly basis and the applicant requires paying \$160 (≐ US\$20) for the extension fee every month until the determination of the case. With no income and no subsidy, the MDWs are difficult to afford the payment of visa extension fee for a long time.
6. We **URGE THAT** the government of Hong Kong (i) should shorten the length of legal process in these cases; (ii) should revise the length of extension of stay if the case of maltreatment is reported to the police or labour department; (iii) should waive the extension fee for the victim of crime.

### **Support for the Migrant Domestic Workers (MDWs)**

7. The Government states that a number of centres are providing the social support services and trainings for MDWs. Publications and seminars on the employment rights and benefits of MDWs in their language are distributed to them for raising the awareness<sup>42</sup>. However, there is lack of remedial service and support for MDWs if their rights are violated.
8. Once the MDWs are abused by their employers and report to the police, they will simultaneously lose their jobs and incomes. During the legal procedure, they are requested to stay in Hong Kong as

---

<sup>39</sup> See para.271-272 of the 3<sup>rd</sup> Report.

<sup>40</sup> See para.287-289 of the 3<sup>rd</sup> Report.

<sup>41</sup> Levine, Jonathan. 2013. “Survey reveals extent of abuse of foreign maids in Hong Kong” *South China Morning Post*, 4 Aug, 2013.

<sup>42</sup> See paras.281-283 and 285 – 286 of the 3<sup>rd</sup> Report.

witnesses of the case but they are not allowed to apply for a new work permit without returning to their place of domicile. Result from the loss of work permit; the MDWs are not eligible for some kinds of public services such as health care service.

9. The MDWs, differ from local citizens, are not eligible for applying the financial assistance in Hong Kong even they are the victims of abuse or violence. All the financial assistance schemes such as social security and emergency fund only accept the application from Hong Kong residents. Therefore, it is difficult for them to sustain their living for several months to more than one year.
10. In addition, there are 319,325 MDWs working in Hong Kong in 2013, but no government-funded service is provided for MDW victims. Although some MDW-oriented NGOs provide remedial service such as temporary safe houses and assisting the aggrieved workers to go through the legal process, the lack of long-term funding sources may affect the stability of services.
11. On the other hand, most of the MDWs come from Indonesia and Philippines and there is a big cultural difference between Chinese and Southeast Asian. However, no awareness arising from education or promotion is provided for employers and agencies in order to lessen the tension from the cultural difference or discrimination towards MDWs.
12. We therefore strongly **URGE THAT** the Government i) should establish a comprehensive support and welfare scheme and set up a one-stop remedial service centre for MDW victims including psychological support, financial assistance and shelter; ii) should organize the mandatory awareness raising and cultural understanding programs on preventing exploitation and abuse to new MDWs and employers respectively before starting the contract instead of spreading the pamphlets or information materials.

## Chapter 5

### **Article 12: Health**

1. Although it is known that violence against women puts women's health and lives at risk,<sup>43</sup> the Government ignored the adverse impact of sexual violence to women's health in particular that victims lack access to health care system<sup>44</sup>. Some victims experience psychological problems as long as 15 years after the assault. Effects of violence may also be fatal resulting intentional homicide, severe injury or suicide. Studies show that the health care costs of women who were raped or assaulted were 2.5 times higher than the costs of other women. RainLily found that the 70% of the female victims suffered from depression, 13% of them attended the psychiatric ward, 47% had self-harm behaviour, 25% had suicidal ideation and 20% had attempted suicide after the sexual assault incidents<sup>45</sup>.

#### **Access to health care system**

2. The Government claimed that it has introduced a comprehensive and one-stop service model

---

<sup>43</sup> Referring to article 12, GR 19 (point 19) and 24.

<sup>44</sup> See para.321 of the 3<sup>rd</sup> Report.

<sup>45</sup> Cheung, Fanny M., Ng, Wai-ching.2005. *Rainlily Build-in Study Report 2001-2003*. Hong Kong: Association Concerning Sexual Violence Against Women, The Gender Research Centre at the Chinese University of Hong Kong.

involving multi-disciplinary assistance for victims of sexual violence in response to the Committee's recommendations<sup>46</sup>, but the only up to standard "one-stop" rape crisis centre in Hong Kong was not supported by the Government<sup>47</sup>.

3. According to World Health Organization's guidelines, "the ideal is that the medico-legal and the health services are provided simultaneously; that is to say, at the same time, in the same location and preferably by the same health practitioner". Therefore, the rape crisis centre should take place at one site where there is high **accessibility** to the full range of services and facilities that the victims may need, for example, within a hospital or a clinic<sup>48</sup>.
4. However, existing service in Hong Kong fail to reach the abovementioned WHO's guidelines. The existing CEASE Crisis Centre has not adopted a hospital-based model and has failed to provide a "one-stop" supporting services exclusively to female sexual violence victims as recommended by the Committee in the 36<sup>th</sup> Session<sup>49</sup>.
5. A one-stop rape crisis centre should include hotline for enquiry, 24-hour outreaching, crisis intervention, arrangement of medical examination, therapeutic group, counseling, and legal services, based in a hospital. The victims are able to access all services at one location. It helps to build up a sense of security and confidentiality for the victims. While a victim is receiving immediate medical examination, forensic evidence is obtained. After urgent treatment, the victim can give evidence by video-recording. The video statement can be applied in other occasions such as counseling and trial, to reduce the need to repeat the victim's case. One-stop also implies that the victim can reach help from different officers and professionals at the centre. Second traumatisation can be therefore avoided.
6. Sexual violence causes damage to women's dignity and psychological harm. We therefore strongly **URGE THAT** the Government should establish or support a real "one-stop" rape crisis center which offers a single location at local hospital at which all services can be accessed, including forensic examination, police statement taking, counseling and health services.

### **Prevention of sexual abuse for younger generation**

7. Internet use has become increasingly prevalent among youngsters and children. There is increasing number of sexual offences arising from frauds in online social networking. According to the crimes reported and the figures of crimes detected, the number of rape and sexual assault cases reported annually in 2012 is 45, which was increased to 50% when compared with statistics of 2011<sup>50</sup>. However, nothing effective has been done to educate young people on how to protect themselves from sex crimes.
8. We therefore strongly **URGE THAT** the Hong Kong Government should conduct a public education

---

<sup>46</sup> See no.452 of the 2<sup>nd</sup> Report(A/61/38).

<sup>47</sup> See para.376 of the 3<sup>rd</sup> Report.

<sup>48</sup> Victims should be able to access the service in 24-hour. Besides, the guiding principles of service provision to victims should include accessibility, security, clean and private. Location of the service provision should be either within a hospital or a medical clinic, or somewhere immediate access to medical expertise. The victims should also be able to access to a range of laboratory and counseling services as well. Sufficient facilities and equipment means an examination room, separate room for talking with the victims, shower and toilet for victims, a room for police, and a reception area for waiting family and friends.

<sup>49</sup> See para. 452 of the Concluding Comments in the 36<sup>th</sup> Session.

<sup>50</sup> See Appendix 5.

TV to prevent sexual violence for our younger generation. More emphasis should be put on the seriousness of the internet crime. Most importantly, the message of the TV film should encourage the victims to seek help because sexual violence is not their fault.

## Chapter 6

### **Article 13: Women in economic, social and cultural life**

#### **Social Security**

1. Different from other forms of physical violence, most victims of sexual violence suffer from a lot of long-term psychological impacts such as Post Traumatic Stress Disorder and depression. It affects the daily functioning and even daily life. Apart from the emotional support, a prompt and accessible social security scheme is necessary for supporting the victims to walk through the trauma.
2. Under the social security system in Hong Kong, the Criminal and Law Enforcement Injuries Compensation (CLEIC) Scheme provides financial awards to persons who are injured as a result of a crime of violence. However, the CLEIC only accepts the physical or mental injuries. In fact, all the above-mentioned impacts and influences should be recognized as injuries caused by sexual violence and should therefore entitle the victims to receive compensation under the CLEIC.
3. We **RECOMMEND THAT** CLEIC scheme should broaden the coverage to the scope of psychological impacts and income loss caused by the crime of sexual violence.

#### **Women of ethnic minorities (EM)**

4. In para. 429-438 of the 3<sup>rd</sup> Report, the Government stated that four support service centres have funded to provide the adaptation programs and supportive services for ethnic minority people in order to combat racial discrimination and integration of ethnic minorities. However, the needs of EM women and girls from gender perspective are not specifically addressed.
5. In reality, the problem of gender inequality and stereotyping is still serious among the community of ethnic minorities. In their traditional customs and culture, the social status of women is low and they usually play a subordinate role in family. In 2011 Population Census Report of ethnic minorities<sup>51</sup>, the female labour force participation rate is lower than male in all ethnic groups. The lowest participation rate is only 12.4% as in Pakistani group. Besides the low participation rate in labour force market, EM women receive lower income than men do. In conclusion, EM women are suffering the inequality on economic status.
6. We believe that the traditional gender stereotypes, such as being a housewife after marriage, is the main factor leading to the difference of economic status and participation in labour force rather than language barriers and vocational skills. Thus, only the social adjustment programs and social integration training are not enough for upgrading the social status of EM women.
7. In addition, sex is a taboo in most of the EM culture and religion. In their traditional masculine culture, men have power and privilege on sex and marriage. EM women are educated to be

---

<sup>51</sup> Census and Statistic Department, Hong Kong. 2012. *2011 Population Census Thematic Report: Ethnic Minorities*. Hong Kong: Hong Kong Government.

submissive and obedient to men. Under this oppressive culture, they have no idea on any kind of violence against women. Therefore, sexual violence and domestic violence are usually happened in EM communities but the victims always tolerate violence because of ignorance.

8. We believe that the concept of zero-tolerance on violence against women is globally accepted regardless of culture and religion. Thus, we **URGE THAT** the education and promotion on prevention of sexual violence and domestic violence and gender education should be designed and provided for EM based on their cultural belief. Besides, the inter-departmental and multi-disciplinary working group should be set up for discussing policies on eliminating gender discrimination in EM communities.
9. We **URGE THAT** the Government of HKSAR should take all measures to safeguard the EM women from economically dependent role in EM communities so that the EM women can be able to resist from domestic violence and sexual violence.
10. Although the Government claim that many community services are available for EM groups, there is a distinct lack of provision of gender-perspective based services. We **RECOMMEND THAT** the gender sensitive training to interpreters and staffs of related services should be enhanced especially in tackling cases of domestic violence and sexual violence.

## Chapter 7

### **Article 15: Equality before the Law**

#### **Treatment of women in court**

1. The distinctive nature of sexual violence trial has made the victims hesitate to go into the witness box, although there are some protections for the victims, as found in both statutory provisions and non-statutory prosecution policies and guidelines in Hong Kong.
2. There are mainly two existing court facilities to protect the rights and dignity of the victims: testifying behind a screen; and testifying through live TV link.
3. Vulnerable witnesses<sup>52</sup>, with the leave of the Court, may give evidence by these court facilities. **“Witness in fear”<sup>53</sup> is usually referred to witness or his family in physical fear, whether emotional distress would be taken into account will be of judicial discretion.** Victims are often informed in the last minute that the Court has not granted them the use of court facilities.
4. We **URGE** the Government to provide these court facilities to the sexual violence victims, irrespective of age and mental capacity. **One possible way is to include sexual violence victims as one category of “vulnerable witness”.** The victims should be informed of their rights when they are giving statement at the police station. They should be given opportunity to choose video

---

<sup>52</sup> The provisions allowing these three categories of vulnerable witnesses (i.e. witness in fear, child and mentally incapacitated person) to give evidence by live television link are separately set out in Criminal Procedure Ordinance s.79B(2), (3) and (4).

<sup>53</sup> “Witness in fear” is defined under Criminal Procedure Ordinance s.79B(1) as a witness whom the court hearing the evidence is satisfied, on reasonable grounds, is apprehensive as to the safety of himself or any member of his family if he gives evidence.

recording starting from giving statement until finishing cross-examination in the witness box. **A further step forward is to specifically codify the provision of court facilities to better address the vulnerability of the victims**<sup>54</sup>.

5. **Meanwhile, the Government should fully enforce the non-statutory provisions to effectively protect the victims before the codification has been passed.** While the Police are at the front line to help the victims, they should be provided with sufficient gender-sensitive trainings to enforce the provisions on one hand, and to respect the rights and integrity of the victims.
6. The trial process is really very burdensome and intimidating for the victims as they have to repeat mentioning the incidents and these recall the traumatic memories of rape. Gender-sensitive training should be given to our judges in Hong Kong.
7. The Government should provide periodic reports on the enforcement of the non-statutory provisions and to evaluate the effectiveness of such provisions in protecting the victims.

### **Marital rape<sup>55</sup> and related sexual offence**

8. In making the Concluding Comments in March 1999 on Hong Kong's initial report<sup>56</sup>, the Committee urged the amendment of existing legislation to include marital rape as a criminal offence. In 2003, the legislature amended relevant sections in the Crimes Ordinance<sup>57</sup> only to clarify the term "unlawful sexual intercourse" does not include sexual intercourse that a man has with his wife.
9. Although marital rape has been codified for years, cases of marital rape and indecent assault between spouses have been under-reported. From 2002 to 2014, there have been only 2 reports publicized by various newspapers in Hong Kong. During the same period, there have been only 2 cases in the Court of First Instance<sup>58</sup>.
10. The provision<sup>59</sup> has adopted the definition of "unlawful sexual intercourse" in rape as limited to the penile penetration into the vagina. Anything less than the male genitalia or inserted into other parts of the female body excluding the vagina will be charged and convicted of indecent assault.
11. It is inadequate to reflect the gravity of non-penile penetration assaults, as the physical and psychological impacts of which could be as serious as rape. The victimization and the emotional trauma that is often suffered by the victims such as "depression, fear, shock, anger and humiliation" remain from the intrusion regardless of the distinction between penile and non-penile sexual penetration. It is an outrageous and unacceptable behavior and the need to categorize penile penetration and non-penile penetration is excessive.

---

<sup>54</sup> See Court Protection for Sexual Offence Complainants, Association Concerning Sexual Violence Against Women, March 2013.

<sup>55</sup> See point 8 of Agenda item 4.

<sup>56</sup> CEDAW. 1999. *Concluding Observations: China*. Geneva: CEDAW committee.

<sup>57</sup> Crimes Ordinance (Cap. 200), sections 118, 119, 120 and 121.

<sup>58</sup> Cases involving facts that are relevant to marital rape and indecent assault in divorce and family proceedings and other marital indecent assault charges decided at the Magistrate are not included.

<sup>59</sup> Crimes Ordinance (Cap.200), section 118.

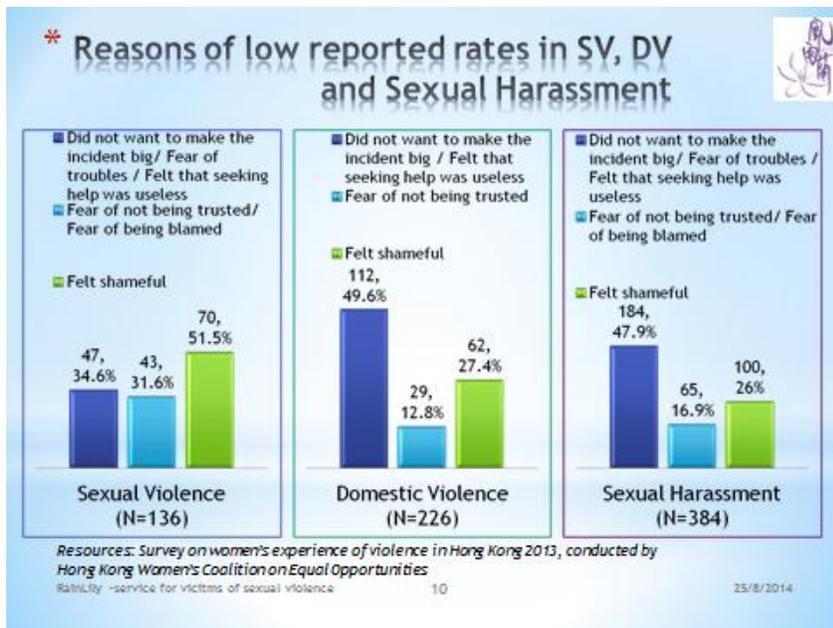
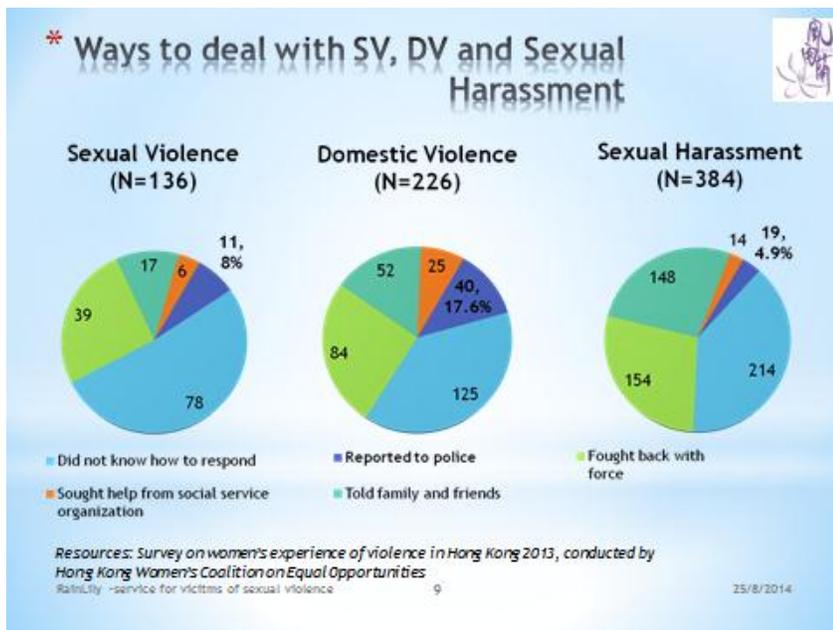
12. We therefore strongly **URGE THAT** the Government should take serious attention and commitment to combat sexual violence through reviewing laws on marital rape and related sexual offences to include non-penetration intercourse, and reconsidering measures to tackle sexual violence, in particular to ensure and to safeguard the rights and welfare of female victims of sexual violence.

-End-

Appendix 1

**A survey on Hong Kong women’s Experience of sexual violence 2013, published by Hong Kong Women’s Coalition on Equal Opportunities, May 2013.**

According to a survey conducted by the Hong Kong Women’s Coalition on Equal Opportunities in January 2013, 15.4% of women are sexually assaulted or raped. The survey from Hong Kong Women’s Coalition on Equal Opportunities also found that about 25.5% of women experienced family violence, 43.3% of women experienced sexual harassment and 15.4% women experience rape or sexual assault. The survey also indicated that only 17.7% victims of family violence and 8% victims of sexual violence reported to the police. And only 5.5% victims of sexual harassment seek help.



## Appendix 2

Newspaper clipping from South China Morning Post, January 22, 2013

CRIME C4

### Many domestic violence cases not reported: poll

Joyce Man  
joyce.hyman@scmp.com

About one in four women in a recent survey said they had been victims of domestic violence, but fewer than one in 10 told police.

Also, 49 per cent of the respondents said they had been sexually harassed, but less than 3 per cent of them reported it.

The survey of 402 women was taken this month by the Hong Kong Women's Coalition on Equal Opportunities, which released the results yesterday.

Hui Pui-lam, a coalition spokeswoman, said the victims might not report the cases because they did not know that what they had been subjected to was a form of domestic violence or sexual harassment. "They might have experienced something that fits the definition, but did not know it," she said.

Hui said Section 40 of the Sex Discrimination Ordinance covered sexual harassment by someone providing goods, facilities or

services to a woman, but not the other way around.

Hence stewardesses, make-up artists and other women providing a service would not be protected from sexual harassment from a client. Such cases, Hui said, would go unreported.

Some of the reasons respondents gave for not going to the police or friends and family included feeling ashamed and not wanting to blow up the incident.

The coalition noted that from 2007 to 2011, the police received 551 reports of rape and 7,000 of indecent assault, and that figures from the Equal Opportunities Commission showed that there was one case of sexual harassment every three days.

These figures were "only the tip of the iceberg", it said.

It suggested that the Legislative Council's panel on welfare services form a subcommittee on violence against women.

The government should also support groups that help victims of sexual violence, and hospitals should have crisis centres.

Newspaper clipping from Hong Kong Standard, January 22, 2013

6 TOP NEWS The Standard 英文虎報 Tuesday, January 22, 2013

## Abused women speak out

Winnie Chong

One in every seven women is sexually abused or raped by her husband or partner.

And among them, 43 percent have gone through the experience repeatedly – but only one in 13 has reported to the police.

The greater majority say they have no choice but to accept the humiliation as they do not know how to stop it.

The findings came in a survey of 402 women conducted by the Hong Kong Women's Coalition on Equal Opportunities from January 1 to 16.

It found that 14 percent suffered from sexual violence, with 44 percent

saying they were forced into having sex.

One fourth said they were sexually abused while under the influence of alcohol or drugs.

Nearly half of all respondents said they had experienced sexual harassment – 33 percent were molested and 17 percent were victims of indecent exposure.

One victim, Ah Hung, 62, said her husband always asked for sex after taking drugs.

"But as my health was not good, I rejected him. On one occasion he got very angry and held two kitchen choppers to my neck," she said.

"I was afraid to leave as he threatened to kill me. I didn't know

what to do as I didn't want to lose face by seeking the help of others."

She finally escaped with the help of her stepson and moved to a home care center.

Elene Lam Yee-ling, of the Association Concerning Sexual Violence Against Women, described

the survey results as shocking and suggested that marital rape is becoming a serious problem.

The association urged the government to set up a special committee under the Legislative Council's welfare panel to provide more resources to nongovernment

organizations that help women who suffer from sexual violence.

It also suggested the Law Reform Commission to integrate "rape" into "sexual assault by penetration," which will cover penetration not only by penis but also by other objects.

winnie.chong@singtaonews.com



Members of the Hong Kong Women's Coalition on Equal Opportunities hold signs urging an end to sexual violence.

Appendix 3

**Crime Statistics of the Hong Kong Police Force about Rape and indecent assault (2008-2013)**

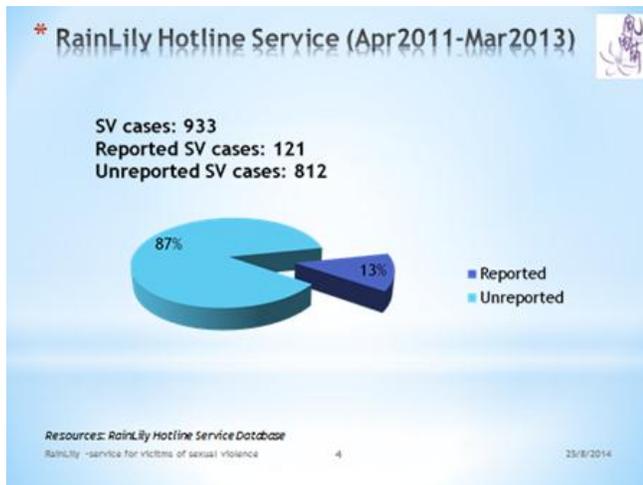
*Table 1: Number of rape, indecent assault between 2008 and 2012  
(Including cases in which the victims met the offenders through the Internet)*

Offence	2008		2009		2010		2011		2012		2013	
	No. of Cases	%	No. of Cases	%	No. of Cases	%	No. of Cases	%	No. of Cases	%	No. of Cases	%
Rape	105	13.3	136	22.8	112	9.8	91	12.1	121	14.9	105	-13.2
Indecent Assault	1,381	1.4	1,318	3.0	1,448	1.9	1,415	1.3	1,495	1.8	1,463	-2.1

Source: Hong Kong Police Force

Appendix 4

RainLily hotline, a local rape crisis centre, received 1,208 calls from Apr 2011 to Mar 2013. Among them, there are 933 victims of sexual violence, but only 121 victims were willing to report to the Police. That means only 12.9% of these cases are reported to the police, with those unreported cases remaining as much as 87.1% of the total.



## Appendix 5

### **Report and conviction rate of the Hong Kong Police Force about Rape and indecent assault (2010-2013)**

Figures of rape and indecent assault cases received by the Police  
(Between January 2010 – June 2013)

	2010	2011	2012	2013 (as at June)
Rape	112	91	121	59
Indecent Assault	1148 (1397)	1415 (1364)	1495 (1423)	759 (722)

Figures in brackets are the number of cases in which the victims are female.

No of persons convicted of indecent assault or rape  
(Between January 2010 – June 2013)

	2010	2011	2012	2013 (as at June)
Rape	19	28	20	8
Indecent Assault	426	421	439	190

Source: Hong Kong Police Force (as at 20 November 2013)

## Appendix 6

### **Crime Statistics of the Hong Kong Police Force about Rape and indecent assault arising from online social networking (2010-2012)**

Year	Rape	Indecent Assault
2008	14	19
2009	31	39
2010	11	27
2011	11	19
2012	18	27

Source: Hong Kong Police Force