

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

Issues to be raised with the Government of the Hong Kong Special
Administrative Region (HKSAR)

In the event of the seventh and eighth reports of the People's Republic of
China (PRC) under CEDAW, during its 59th Session

October 2014



About The Women's Foundation

The Women's Foundation (registered charity number 91/6962) 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 decision-making and leadership positions
- Empowering women in poverty to achieve a better quality of life for themselves and their families

We conduct research, run community programmes and engage in education and advocacy. We also provide scholarships to empower Hong Kong students who might not otherwise have the opportunity to pursue degree programmes at the University of Cambridge, the Hong Kong University for Science & Technology and the Ivey Business School. For more information, please visit: www.thewomensfoundationhk.org

Our submission to the CEDAW Committee focuses on the areas mentioned above, in relation to the State's obligations under the Convention.

Key Issues and Recommendations for the Hong Kong Government

Key Issues

Article	Issue
3	The Women's Commission, being an advisory body rather than a central mechanism policy bureau, lacks the ability, influence and accountability to drive the integration of gender in legislation, public policies and programmes. It is also hampered by a lack of gender-disaggregated data, as are the NGOs that work in this area.
3	Hong Kong is lagging behind 102 other countries in its provision of just ten weeks' statutory maternity leave (vs the ILO recommended standard of 14 weeks minimum). Meanwhile, the burden of caring for Hong Kong's rapidly ageing population will acutely affect women's economic participation and employment opportunities since the burden of care is largely shouldered by women.
7	Women continue to be under-represented at all levels of political activity. They currently represent only 16% of Legislative Councilors (i.e., lawmakers).
11	Women continue to be employed in lower status jobs and earning lower incomes. Blue-collar middle-aged women need more support to transition from a manufacturing to a service and finance-based economy. This group holds the greatest number of casual, part time and poorly paid jobs in Hong

	<p>Kong, representing the bulk of the workforce in the 4C's – catering, caring, cashiering and cleaning - and they lack statutory protections with respect to the employment and other benefits enjoyed by full-time workers.</p> <p>Meanwhile, women-owned businesses start small and tend to stay small because they lack access to capital, technology and IT-related expertise, human resources and networks.</p>
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Key Recommendations

Article	Recommendation
3	<p>We urge the Government to review the structure, mandate and effectiveness of the Women's Commission and consider establishing a central mechanism in its place which is tasked with ensuring the Government integrates gender perspectives in its legislation, policy and programmes, and that there is equitable access to, and benefit from, society's resources and opportunities.</p>
3	<p>We urge the Government to review and extend the statutory maternity leave entitlement from ten weeks to at least the ILO's recommended 14 weeks.</p> <p>We hope the Government will show the way by introducing policies and measures for government employees that alleviate the hidden burden of care for elderly parents/parents-in-law on working women, such as paid elderly care/family leave days for men and women and the inclusion of employees' elderly parents in staff medical insurance policies — and encouraging Hong Kong-based businesses to do the same.</p> <p>We also urge the Government to review, with a view to easing, the full time and live-in requirements on foreign domestic helpers which would open up the part-time care market. This would also, critically, allow greater protection for foreign domestic workers, who can find themselves trapped in abusive conditions.</p>
7	<p>We urge the Government to introduce initiatives to encourage the full and equal participation of women in political life including collaborating with political parties on awareness-raising activities, training and mentoring programmes and helping to explain possible career pathways for women entering politics. We also hope the Government will work to balance the gender ratio among voters with education programmes for women on their right to vote, the importance of this right and how to exercise it.</p>
11	<p>We urge the Government to encourage businesses to set and monitor targets for the percentage of women in executive and non-executive roles. We would also like to see the Government show the way by providing retraining programmes and more opportunities for women who are trying to re-enter the</p>

	<p>workforce after a career break.</p> <p>We hope the Government will review the application of the Minimum Wage and its impact on alleviating poverty, particularly among marginalised women groups. We also urge the Government to raise awareness among employers and employees that pay discrimination on the grounds of gender is unlawful.</p> <p>We urge the Government to introduce computer programming and coding as part of the standard school curriculum from an early stage and to ensure that universities support and encourage girls in the fields of IT and computer sciences through scholarship schemes and mentoring programmes.</p> <p>We urge the Government to encourage lenders to provide tailored, holistic financing solutions for women business owners, to collaborate with the private sector to set up mentoring and training schemes for women entrepreneurs, and to facilitate the access of women entrepreneurs to technology, IT-related expertise, and other qualified human resources to help scale their businesses.</p>
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ARTICLE 3

Issue

The Women’s Commission lacks the ability, influence and accountability to drive the integration of gender in legislation, public policies and programmes. It is also hampered by a lack of gender-disaggregated data, as are the NGOs that work in this area.

The Women's Commission (WoC) was formed in 2001 in response to the need for an official mechanism dedicated to promoting the advancement of women. The WoC is tasked with taking a strategic overview of women's issues, developing a long-term vision and strategy for the development and advancement of women, and advising the Government on policies and initiatives of concern to women.

While the WoC has conducted research on several topics, set development goals for women and run a number of programmes and events, its output over the past twelve years has not lived up to its mandate and particularly in recent years, its visible advocacy work and public programmes have been limited. As a result, the WoC has recently been criticised in the media by NGOs and others for being ineffective.¹ This is perhaps unsurprising given that, unlike the Equal Opportunities Commission which was set up as a stand-alone statutory body

¹ Kumar, Harry. “Hong Kong's women's rights body appears to have lost its way.” South China Morning Post, August 11, 2014. Link: <http://www.scmp.com/comment/insight-opinion/article/1570835/hong-kongs-womens-rights-body-appears-have-lost-its-way>

and employs some 100 staff, the WoC was established and remains a second tier agency within the Labour and Welfare Bureau and lacks the statutory framework and extensive powers afforded to the EOC. The WoC also lacks the resources (particularly in terms of human capital and funding) to play a significant role in driving policy objectives. The chair of the WoC is an honorary volunteer and it has no permanent staff, which limits the scope of its initiatives.

The International Council on Human Rights Policy suggests that national human rights institutions should set “(a) standards against which they can assess themselves; and (b) specific measures that tell them how effectively they are working.” A combination of benchmarks and indicators should be employed to measure the effectiveness of national human rights institutions in terms of performance over time. While the WoC publishes its terms of reference, without explicit benchmarks or quantitative and qualitative indicators, it is difficult to give a clear and credible assessment of the impact and effectiveness that it has had in practice. The WoC needs to develop clear, transparent benchmarks and indicators to strengthen its accountability as an institutional mechanism for the advancement of women.

Furthermore, many departments within the Hong Kong Government collect and record data without sufficiently disaggregating it by gender. Gender-segregated data maintained by government departments and bureaus (to the extent this exists) is not comprehensive, consistent or always accessible. This reduces the Government’s ability — despite gender mainstreaming attempts in some policy areas — to design and implement policies, programmes and budgets that promote gender equality and protect women’s human rights.

The lack of gender responsive budgeting has led to gaps in social security assistance and benefits for certain groups of women, among them, the elderly, casual workers, single mothers and home makers. One of the main issues of current public dissatisfaction concerns Hong Kong’s pension protection scheme – the Mandatory Provident Fund (MPF). It is estimated that approximately one million women – housewives, part-time workers and the elderly, representing one seventh of the entire population in Hong Kong – are ineligible for pension protection.

The Women’s Foundation urges the Government to, among other steps:

- Review, report on and respond to comments and suggestions regarding the effectiveness of the WoC as a national mechanism for achieving gender equality, with a focus on whether it is appropriately structured and supported in terms of financial and human resources, and properly monitored and evaluated
- Review the situation in other countries which have a Minister for Women’s Affairs (or similar) who sits on the executive cabinet, and presides over a staffed, full-time office. If the WoC were situated under a Women’s Affairs Bureau within the Government Secretariat and headed by a Secretary for Gender Equality, this would potentially allow for a more coordinated policy response, thus enhancing the legitimacy of women’s interests as a substantive policy concern

- Require each Government department and bureau to (re)formulate their questionnaires and data collection methods in such a way that data can be disaggregated by gender, with regard to both number and percentages
- Undertake a full scale analysis of whether its current approach to budgeting addresses, enhances, or leaves unchanged existing gender inequalities and discrimination, and to respond with proactive and corrective measures that include providing retirement protection for women who do not qualify for MPF

Issue

Hong Kong is lagging behind 102 other countries in its provision of just ten weeks' statutory maternity leave (vs the International Labour Organisation recommended minimum standard of 14 weeks). Meanwhile, the burden of caring for Hong Kong's rapidly ageing population will acutely affect women's economic participation and employment opportunities since the burden of care is largely shouldered by women

In a recent survey by the WoC, 30.7 % of women cited caring for family members as the main reason they dropped out of the workforce. This is in a context in which flexible working hours or options to work part time or from home are rare. At the same time, Hong Kong's paid maternity leave entitlement is among the lowest in Asia at 10 weeks, compared with Mainland China (90 days) and Singapore (16 weeks). It is also below the International Labour Organisation's recommended 14 weeks. Indeed, Hong Kong is an outlier with over 102 countries having statutory maternity leave of 12 weeks or longer. Meanwhile, the Government launched a pilot five-day paid paternity leave scheme for civil servants in 2012 but its plans to introduce this more widely seem to have stalled at least for the time being.

At the same time, the need for elderly dependent care is growing. The projected growth of Hong Kong's elderly population is set to increase by 230% (in the 85-plus bracket) and 193% (ages 80 to 84) over the next 22 years. Women's economic participation and employment opportunities are acutely affected since the burden of caring for elderly relatives is largely shouldered by women in Hong Kong. This significantly limits their ability to access the labour market, economic security and society at large - rights which are protected by CEDAW.

In 2013, there were 1,000 places at subsidised professional daytime nurseries for children under the age of two while Census data for 2011 showed there were 100,000 children of that age in the city. Furthermore, the uneven distribution of such centres means Tai Po and districts on outlying islands have no subsidised nursery places available. Meanwhile, the housing and welfare needs of Hong Kong's rapidly ageing population are becoming more pressing. Currently, there are nearly 30,000 people waiting for subsidised nursing units and the average wait is 35 months – up from 30 months in 2003. 5,000 elderly people die every year while waiting for a subsidised nursing unit. Official statistics also show that subsidised home care services which include delivering meals and accompanying the elderly to medical appointments helped 23,4000 elderly people in 2012 – a drop in the ocean compared with the more than 700,000 elderly people who need help.

We believe the Government can do more to align the situation in Hong Kong with the Beijing Platform for Action Outcome Document requirements on affordable support services.

Existing public and NGO-run schemes which provide fully or partially subsidised services for children, the elderly and the disabled, are too few and are inconveniently located and inadequately resourced

The private sector care market is restricted largely to the 10% of families who can meet the financial and other requirements for hiring a foreign domestic helper. The statutory obligations that apply to the employment of foreign domestic helper are also arguably unduly onerous and limit the availability of part-time help, which further impacts the extent of childcare and elderly care support available to working women. For example:

- Employers and helpers are required to enter into a two-year standard employment contract which prohibits the helper from taking up any other employment with any other employer and requires the helper to work and live in the employee's place of residence
- Foreign domestic helpers must leave Hong Kong within two weeks of the termination of their employment unless they find employment with another employer.²

Easing the full time and live-in requirements on foreign domestic helpers would open up the part-time care market. This would also, critically, allow greater protection for foreign domestic workers, who can find themselves trapped in abusive conditions under full-time contracts — and aligns with the Committee's 2006 recommendations to 'implement a more flexible policy regarding foreign domestic workers', and protect them from abuses.

The Women's Foundation urges the Government to, among other steps:

- Review and extend Hong Kong's statutory maternity leave entitlement from ten weeks to at least the ILO's recommended 14 weeks
- In the short term, expand the maternity leave entitlement and introduce statutory paternity leave to be on par with international standards
- In the longer term, replace maternity leave and paternity leave with gender-neutral parental leave whereby parents can choose which of them stays at home to be the primary caregiver
- Review Government spending on care and education for children aged six and under from the current 0.14 per cent of GDP in light of the 0.69 per cent spent in OECD countries and the 1 per cent level recommended by the European Union
- Review, with a view to easing, the full-time and live-in requirements for foreign domestic helpers

² This rule has been condemned by the UN Committee on CEDAW (2006) and the UN Committee on ESCR (2005), particularly because the same limitation is not enforced for other foreign workers.

- Ensure that more women have a central role in the design, planning and delivery of healthcare services for the elderly
- Consider the co-location of multiple generations and the on-site provision of 24-hour medical services in the (re-)design and (re-)development of new and existing residential districts and housing estates to minimise the physical stress on working women caring for elderly relatives
- Show the way by introducing policies and measures for government employees that alleviate the hidden burden of care for elderly parents/parents-in-law on working women, such as paid elderly care/family leave days for men and women and the inclusion of employees' elderly parents in staff medical insurance policies

ARTICLE 7

Issue

Women continue to be under-represented at all levels of political activity. They currently represent only 16% of Legislative Councilors (i.e., lawmakers).

This is a pivotal time for Hong Kong as it stands at the twin cross-roads of greater democracy and ever growing ties with China. It is critical that women have a seat at the table when it comes to deciding the policies that will govern and shape Hong Kong going forward. Although there are some notable women in Government and in Hong Kong's political parties who undeniably punch above their weight, women are currently under-represented in all levels of politics – as office bearers, as party staffers and volunteers, and as voters.

For example, as noted by the CEDAW Committee in its 2006 observations, women's representation in the Legislative Council is low. Currently, only 16% of Legislative Councilors are women and in the most recent 2012 Legislative Council elections, not a single woman was elected to one of the traditional 30 functional constituency seats although two women won election in the five "super" seats elected at large from all district councils. The 16% figure lags behind that of the national parliaments in Europe, and far below the 30% target endorsed by UN's the Economic and Social Council.

The District Councils are local advisory bodies with one fifth of members appointed through elections held every four years. While there was some progress in the 2011 District Council elections — which saw women win 19.2% out of 412 publically elected seats — the overall proportion of appointed women dropped to 14.7%. International examples show that regional and local assemblies are stepping stones for political participation at the central level, which makes it important that female participation is increased.

More encouragingly, women make up 28% of the members of the Executive Council, the advisory body to the Chief Executive, and comprise 32% of Government-appointed non-official members on advisory and statutory bodies.

The Women's Foundation urges the Government to, among other steps:

- Research the reasons which are putting women off political participation

- Introduce initiatives to encourage the full and equal participation of women in political life including collaborating with political parties on awareness-raising activities, training and mentoring programmes and helping to explain possible career pathways for women entering politics
- Work to balance the gender ratio among voters with education programmes for women on their right to vote, the importance of this right and how to exercise it

ARTICLE 11

Issue

Women face significant disadvantages in the workforce including being employed in lower status jobs and earning lower incomes. Meanwhile, women-owned businesses start small and tend to stay small because they lack access to capital, technology and IT-related expertise, human resources and networks.

Background

Women are over-represented among casual, part time or low status full-time workers and under-represented in decision-making positions, top status jobs and high earning fields. Women represent the bulk of the workforce in the 4C's – catering, caring, cashiering and cleaning, and they lack statutory protections with respect to the employment and other benefits enjoyed by full-time workers. 64.4% of all part-time employees are women (most aged between 40 and 59) and 66.7% of all casual workers are women. Among casual workers, women made up 67.7% of those paid less than HK\$4,000 a month.

At the other end of the spectrum, there is not one woman in the Court of Final Appeal of 21 senior judges. Hong Kong has never had a female university president or chancellor and women comprise just 15% of professors in Hong Kong. Women comprise just 29% in top-status jobs such as managers and professionals and make up just 10% of directors of all listed companies in Hong Kong with 38% of listed issuers having no women on their boards at all. In a 2011 survey by the Women's Commission, around 70% of female and male respondents agreed that being a woman is an obstacle to advancement in the workplace. Issues of gender bias, gender insensitive workplace policies and a lack of appropriate care services or parental leave options (see above), must be tackled to redress the imbalance.

Despite the introduction of the Sex Discrimination Ordinance in 1996, Hong Kong as a society still vastly undervalues 'women's work'. Men earn around 20% more than women across all occupations for work of equal value (a gap that is 4% greater than the global average). The average monthly salary of women in elementary occupations in 2011 was HK\$7,000, according to the EOC, compared with HK\$8,500 among male counterparts. There is a significant pay difference even in fields dominated by women, with female human resources heads in Hong Kong earning up to 23% less than their male counterparts according to another recent study.

While women outnumber, and often outperform, men at university they are significantly under-represented in the STEM (Science, Technology, Engineering & Mathematics) subjects in Hong Kong in terms of studies and career options. This is due in large part to entrenched gender stereotypes and cultural attitudes about the relative aptitude of men and women in relation to IT and engineering, a lack of exposure to future employers for IT jobs which means they lack an understanding of the possible career pathways within the IT industry, an absence of female role models and mentors, and a lack of a female peer network.

It is difficult to draw a full picture of women's entrepreneurial activity in Hong Kong due to the lack of publicly available gender-disaggregated data. However, 2013 census data reveals a 3.5 to 1 ratio of male to female employers, and analysis by GEM reveals that 81% of high-growth businesses in Hong Kong are founded by men. Hong Kong lacks a department or body like the Office of Women's Business Ownership in the US to co-ordinate and implement gender policy on entrepreneurship. This means that there are no specifically women business owner-focused policies and programmes and no collaborative initiatives between the government, banks and other funding providers, private sector companies, educational institutions and civil society organisations to support women entrepreneurs specifically. SME lending schemes tend to cater more for medium than for small enterprises, which has gender implications since more micro-enterprises tend to be owned by women.

Training is also required in Internet literacy, e-networking and e-commerce to address a gender imbalance in IT literacy and female representation among technology start ups. While the Government has targeted some groups of women (low income, elderly) with computer skills training as part of its Digital 21 Strategy and it has also targeted SMEs in programmes to build ICT capabilities, it has not joined the dots to focus on women-run SMEs.

The Women's Foundation urges the Government to, among other steps:

For girls:

- Educate parents and teachers so that they see STEM subjects as rewarding and girl-friendly, and encourage girls to pursue STEM-related subjects and career choices
- Introduce computer programming and coding as part of the standard school curriculum from an early stage, following the example of countries such as Singapore
- Ensure that universities support and encourage girls in the fields of IT and computer sciences through scholarship schemes and mentoring programmes

For women in the workforce:

- Encourage businesses to set and monitor targets for the percentage of women in executive and non-executive roles
- Show the way by offering retaining programmes and opportunities for women who are trying to re-enter the workforce after a career break
- Encourage the private sector to introduce and expand the applicability of flexible working arrangements and paternity or parental leave
- Review the application of the Minimum Wage and its impact on alleviating poverty, particularly among marginalised women groups

- Raise awareness among employers and employees that pay discrimination on the grounds of gender is unlawful and distribute appropriate information and guidance

For women business owners:

- Encourage lenders to provide tailored, holistic financing solutions for women business owners
- Facilitate the access of women entrepreneurs to technology, IT-related expertise, and other qualified human resources to help scale their businesses