



## Women's Rights

There were no recommendations made on the Hong Kong Special Administrative Region, China (HKSAR) in the Second UPR Cycle.

### Framework in HKSAR

*The HKSAR Government has a Women's Commission, which is tasked to promote the well-being and interests of women. However, it has a weak mandate and lacks the resources to undertake gender mainstreaming and other activities.*

*The Sex Discrimination Ordinance, makes discrimination unlawful on the grounds of sex, marital status or pregnancy, and sexual harassment. However, policy and legislation in several areas is lacking or has not been updated in decades to align with international human rights law, as well as HKSAR's social and economic environment. For example, sexual assault laws, temporary special measures, trafficking, employment, participation in public life and marriage.*

*The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) apply to HKSAR. Article 39 of the Basic Law provides that they shall be implemented through HKSAR laws. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) apply to HKSAR. HKSAR engages with the International Labour Organization (ILO) through the Labour and Welfare Bureau.*

### Challenges

- Current legislation around violence against women is outdated and does not appropriately address sexual assault. The HKSAR government is failing to uphold its commitments.

- Maternity leave is not up to ILO standards, limiting the ability of women to fully participate in the workforce in accordance with Article 11 of CEDAW, ILO Maternity Protection Convention,

### Cases, facts and comments

- The current definition of rape (s118, Cap 200) is defined only as a man having sexual intercourse with a non-consenting woman. The definition does not allow for rape convictions in circumstances involving sex reassignment surgery, penetration not involving a vagina, other genders, or penetration involving objects among other things.
- HKSAR law on sexual offenses is gendered, resulting in unequal outcomes. Current laws include "buggery" and "gross indecency" which differ depending on the gender of the victim and perpetrator. HKSAR law also lacks a definition for "consent".
- In 2012, the Hong Kong Law Reform Commission (HKLRC) called for substantial reform to sexual assault laws. Additionally, the CEDAW Committee in its 2014 concluding observations called on the government to expedite reform proposals by the HKLRC. However, the HKSAR government has not acted.

- Women are only entitled to 10 weeks of maternity leave, while the ILO recommends at least 18.
- Currently paternity leave is limited to 3 days, but the HKSAR Government is proposing to increase that to 5 days. While an improvement, it is still behind many



2000 (No. 183), its accompanying Recommendation (No. 191).	developed economies as well as many economies in Asia, such as Singapore and the Philippines.
<ul style="list-style-type: none"><li>Women face a significant pay gap in the workforce and certain professions and positions are heavily male-dominated including in politics. The HKSAR Government is failing to take adequate measures to counter discrimination and improve public participation under articles 7 and 11 of CEDAW.</li></ul>	<ul style="list-style-type: none"><li>There are significant pay gaps in HKSAR. Women in the education sector earn HK\$9,800 less per month, in the finance sector women earn HK\$8,800 less, and in the health and social work field women are paid HK\$8,000 less. Overall, women earn 11 cents less per dollar than men in HKSAR.</li><li>Less than 14% of the 585 directors of companies listed on the Hang Seng Index are women.</li><li>Women are under-represented in the legislature, with the number of women hovering around 10 out of 70 members, and 0 out of 35 members of functional constituencies. Only 17% of local district councillors are women.</li></ul>

### Recommendations

- **HKSAR should adopt proposals by the Law Reform Commission revising sexual offenses legislation, including those against transgender persons, children and persons with disabilities, in line with international best practices and standards within two years.**
- **HKSAR should increase maternity leave periods in line with International Labour Organization standards within one year. HKSAR should increase paternity leave to 7 days or more within one year.**
- **Consistent with CEDAW concluding observations, HKSAR should introduce temporary special measures, with numerical goals and timetables, to accelerate the representation of women in decision-making positions at all levels.**

### Questions to ask in advance

- *Noting that HKSAR's current rape law does not adequately cover the modern conception of rape and sexual assault, what steps will HKSAR take to update current legislation within the next 5 years? What new policy and administrative measures will HKSAR introduce to provide seamless support to victims of sexual violence within the next five years, particularly within and between courts, hospital facilities and in their engagement with police?*
- *Will the HKSAR Government amend maternity leave standards so that they are in line with ILO recommendations within the next two years? If not, what are the reasons?*
- *Noting that HKSAR currently has a significant pay gap between men and women in the workforce, and a significant gender gap in certain professions, what measures will the HKSAR Government take to remedy the inequity within the next 5 years? Will the HKSAR Government introduce temporary special measures? If not, what are the reasons?*

### Contact

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