

**Writing CEDAW Shadow Report:
using RainLily's experience to illustrate CEDAW lobbying process**

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Part 1

Introduction:

Background of Association Concerning Sexual Violence Against Women (ACSVAW)

- ✓ ACSVAW recognizes that violence against women is not only a human right issue relating to women's quality of life, self-determination and security, but also an important development issue.
- ✓ ACSVAW defines sexual violence from a feminist perspective in the analysis of social, economic and political structures and ideologies as they impact on women.
- ✓ ACSVAW concerns more on the legislative initiatives from a women's rights perspective and its gaps from various international standards.
- ✓ ACSVAW addresses both practical and strategic gender needs in the area of sexual violence.
- ✓ RainLily project: urge for setting up of a rape crisis centre (World Health Organization – protocol) and empower victims to speak up beyond offering crisis intervention and counseling services.
- ✓ Anti-480 project: preventive rather than remedial measures should be taken to address sexual violence; much can be done to rectify sexism in school curricula and the portrayal of women as sex objects in the media.
- ✓ Staff composition: counselors, social workers.

CEDAW reporting process

CEDAW as a tool for continuing legislative advocacy for women

- ✓ Legislative advocacy: address traditions and institutions that continue to determine or to reinforce gender biases or imbalances, women's participation in the political process is required.

- ✓ The convention will only become effective when it affects the legislative body of our country.
- ✓ In the 20th session of CEDAW in 1999, the committee expressed its concern in the Concluding Observation:
 - “about the absence of a governmental mechanism for the advancement of women in Hong Kong charged with the pro-active development of policy and long-term strategies on gender equality”¹
- ✓ The Concluding Observation also recommended the Hong Kong government to:
 - “establish a high-level central mechanism with appropriate powers and resources to develop and coordinate a women-focused policy and long-term strategy to ensure effective implementation of the Convention”²
- ✓ Existing monitoring mechanism for the implementation of CEDAW in HK through five channels.
 - UN reporting process – assessment reports and hearing
 - Legislative Council
 - Specialized bodies such as Women’s Commission
 - NGOs
 - Media
- ✓ HK do not have effective national machinery, at the high level of Government to advice on the impact on women of all government policies and monitor the situation of women comprehensively.
- ✓ The Women’s Commission falls short as a high-level central mechanism because:
 - It is under the purview of Labour and Welfare Bureau, limiting women’s concern in the area of practical needs and services, but not changing the attitudes and behavior arising from the patriarchal beliefs and never intends to move the unequal power structures between women and men in society.
 - It is an advisory body rather than an independent body of the Government and therefore lacking a monitoring role on the Government’s implementation of CEDAW.
 - Resource allocated to the Women’s Commission is inadequate for a central mechanism.

¹ Concluding Comments of the Committee on the Elimination of Discrimination against Women: China (1999) http://www2.ohchr.org/english/bodies/cedaw/docs/ChinaCO20th_en.pdf , paragraph 317, p.8 (as in Oct 2008)

² Ibid. Paragraph 318, p.8 (as in Oct 2008).

- The work of Women’s Commission work is not situated with the framework of CEDAW and thereby diverting from international standard.

Part 2

Two different perspectives

Rights-based Perspective	Need-based Perspective
1. See women as a human with various rights and these rights are interlocking. 2. Empower women and uphold women’s rights. 3. Recognize women’s subordination due to patriarchal system which produces and reproduces unequal power relation between men and women. 4. Advocate for a structural changes.	1. See women as help seekers with fragmented needs. 2. If she fulfills some of her needs (housing, financial, employment, etc), she is alright. 3. Emphasize on personal changes rather than structural changes. 4. A fragmented view towards women’s situation in a patriarchal society.

Example

- ✓ Sexual violence against women
- ✓ Impact of need-based perspective:
 - Maintains patriarchal values and ultimately further marginalizes women’s rights.
 - A false sense of women’s advancement – double burden on women.
- ✓ Implication for CEDAW report:
 - Analyze how gender inequality is manifested by using real cases and evidence-based observations.
 - Illustrate the positive aspects and inadequacy of current nationally mechanism to address gender inequality

Part 3

Background: CEDAW extension to HK

Time	Event
14 October 1996	CEDAW extended to HK
1 July 1997	CEDAW became effective in HK
August 31 1998	Submission of first report on the HKSAR
August 31, 2004	Submission of second report on the HKSAR
August 31, 2010	Submission of third report on the HKSAR+ full response of the concluding comments make by the CEDAW committee.

Strategies for change

- ✓ It makes the CEDAW visible; bring the concern to public and international community so as to force the Government to change.
- ✓ CEDAW provide a framework for gender mainstreaming
- ✓ The assessment of the position of women in our countries will tell us what needs to be done and what needs changing.
- ✓ A bad report give us the means to put pressure on our government to live up to their obligations
- ✓ The reporting is a monitoring function for the country. Thus it is necessary that NGOs be allowed comment on the report or participates in making out the report.

Time	Tasks	Lobbying process	Using mass media
Stage 1	Submission of the first Report by the Government	✓ A draft outline of the topics to be covered in the report on the HKSAR under CEDAW should be given to the NGO so we can reflect our views to the Government.	

		<ul style="list-style-type: none"> ✓ Hong Kong women's coalition (HKWC)³ meets & submits the alternative report to UN. 	
Stage 2	Pre-hearing preparation	<ul style="list-style-type: none"> ✓ HKWC compromise issues of concern ✓ HKWC liaise with political parties & lawyers who concern human rights issues. ✓ The NGO submit the alternative report to the UN to supplement information 	
Stage 3	During the hearing period	<ul style="list-style-type: none"> ✓ When the committee meets with the Government representatives, they are expected to respond to the written questions of the Committee and any additional questions posed by the Committee. ✓ HKWC form lobbying groups to go to New York; they have pre-hearing lobbying session with the CEDAW committee. Attend NGO oral intervention & submit 1-2 pages of their concern to the CEDAW 	HKWC sends out press release to the media and hold press conferences to bring matters of concern to the attention of the public after the hearing

³ Hong Kong women's coalition (HKWC): There is numerous grass-roots women's organization in Hong Kong fighting for women's rights. Each group in and of itself has a major focus. Together, these women's groups form a very strong coalition of women. Hong Kong Women's coalition (HKWC) is formed by 8-10 women's groups and has a long history of fighting for women's rights, rendering community services to women and conducting public education programs. HKWC had joined hands to prepare UN Fourth World Conference on Women to be held in Beijing, 1995 and prepared the alternative reports on women since CEDAW extended to Hong Kong. Besides, the HKWC also joint efforts in local women's movement to fight for the amendment of the New Territories Land Ordinance that grant equal inheritance rights to indigenous women in the New Territories of Hong Kong, the setting up of Equal Opportunities Bill and Commission in 1995 as well as the setting up of Women's Commission in 1997.

Stage 4	The adoption of concluding comments by the Committee	<ul style="list-style-type: none"> ✓ Following the meeting with the Government, the Committee will adopt its Concluding comments, a 3-5 pages document that sets out the Committee's assessment of the progress made in implementing the Convention, the major problem areas, & detailed recommendations of the steps it considers the government should take. ✓ HKWC use these concluding comments to influence the Government. ✓ Bringing the concern to the legislators by using Legco panel on Home Affairs - implementation of the CEDAW as monitoring functions. 	<p>HKWC has a press release on the UN comments to bring concern to international community</p> <p>Presses attend the Legco panel to report and expose those issues to the public.</p>

Violence against women as an example: Experience of submission of second report on the HKSAR

Time	Event	Content
4/2000	All Legco members voted unanimously support to set up a rape crisis centre for women.	With the help of the hospital authority & social welfare department, RainLily was set up in Kwong Wah hospital, with the multi-disciplinary cooperation of forensic doctors, doctors and police.
8/2004	In the second	In the Government's second report point 87:

	<p>CEDAW report, Government said that they would review the rape crisis centre in 2003 but they had not conducted the review.</p>	<p>Services offered to Victims of Sexual Violence: The first Rape Crisis Centre, RainLily, is a three-year pilot project funded by the HKJC since December 2000. It is operated by a non-governmental organization, the ACSVAW to serve women victims of sexual violence. It provides one-stop services including hotline, 24-hour outreaching, crisis intervention, therapeutic groups, counseling, arrangement of medical examination, legal services, etc. The need for the services will be reviewed by the end of the three-year period. (i.e 2003)</p>
12/2005	<p>RainLily ran out of funding but Government rejected the funding support. ACSVAW brought up the issue to the Legco and aroused public concern about the future of the rape crisis centre.</p>	<p>The Government rejected the set up of a rape crisis centre for women despite mass support from medical and social work professional. During meetings in Legco, victims of sexual violence spoke up and requested the Government to support the rape crisis centre. Under pressure of the Legco members, Government agreed to review the service model of the one-stop services in 2006.</p>
7/2006	<p>Government review of the RainLily service</p>	<p>The Government conducted review on the needs of rape crisis centre without any participation of women's groups nor rape victims. RainLily was not informed of the review process. The review report rejected the set up of rape crisis centre. Instead, an integrated family crisis centre was set up to accommodate victims of domestic and sexual violence, where both men and women would be served.</p>
8/2006	<p>In the CEDAW public meeting with</p>	<p>A press release was published to raise the concern to the public and the international</p>

	<p>the Government, the committee met with the Government representatives, RainLily joined hand with HKWC to form lobbying groups to go to New York, raised the RainLily crisis issue to the UN committee.</p>	<p>community about the Government's inconsistency in policy making process.</p>
7/8/2006	<p>The adoption of concluding comments by the Committee</p>	<p>In the 36th meeting, the CEDAW committee urged the Government to: "reopen the rape crisis centre, and victims should enjoy full privacy."</p>
1/9/2006	<p>Government's response to the CEDAW from the press release</p>	<p>The need for a crisis support centre for rape victims, following the review of the services for victims of sexual violence, the Government decided to introduce a new comprehensive, one-stop shop service model involving multi-disciplinary assistance for such victims. The new service was expected to be in place by early 2007.</p>
9/2/2007	<p>RainLily brought up the concern to the legislators by using Legco panel on Home Affairs - implementation of the CEDAW as monitoring functions.</p>	<p>Legco meeting minutes stated that: "the new comprehensive, one-stop shop service model involving multi-disciplinary assistance for such victims as an integrated approach does not fit the needs of rape victims"; and that "the government rejected the participation of victims and RainLily in the review process, and the NEW model is actually a family integrated approach putting women under the family category"</p>
25/3/2007	<p>The procedural</p>	<p>In the guideline, the Government suggested a</p>

	guidelines for handling adult sexual violence cases were reviewed. Using the guideline to marginalize RainLily.	“designated social worker” to handle all rape crisis but not allow RainLily social worker as designated social worker although it is well known to the public that RainLily social workers has been working in the fields of sexual violence for 5 years.
25/3/07	The new family integrated crisis centre was set up.	It provides 80 accommodations to victims of domestic and sexual violence including elderly, men and women.
25/7/07	RainLily brought up the concern to Legco about the privacy of the crisis centre and the marginalization of RainLily	Rape victims said that the houses shared by both men and women’s victims would not be safe for women. Medical professionals who referred rape cases to RainLily were prohibited by the Police. This limited the choice of rape victims. The procedural guidelines for handling adult sexual violence were a clear discrimination against RainLily social workers. It’s a suppression of a women’s NGO existence.
25/7/07	The HK Government denied all the facts.	In the Legco meeting, the SWD director said that he would not discriminate anyone.

Discussion:

- ✓ Why the Government does not support Rape crisis centre?
- ✓ How should we make use of CEDAW to bring changes in future?

Backlash of women’s movement:

- ✓ Gender mainstreaming vs gender neutralizing: a rape crisis centre for women vs a integrated family crisis centre for both men and women
- ✓ Women rights are less visible. The increasing service provision to women by the integrated family crisis centre does not mean that women’s rights have been improved,

- ✓ A milestone for women's movement as more rape victims are encouraged to speak up to express their needs. On the other hand, women's participation in the review process is discouraged by the Government.
- ✓ The near future: Women's Commission will be submerged under a Family Council. It positions women in the framework of family and therefore marginalizing women's rights.

Future strategies:

- ✓ Building up more solidarity through women's coalition
- ✓ Encouraging victims' voice to reflect their own needs for services
- ✓ Bringing issue of concern to the public and international community
- ✓ Strong professional co-operation and capacity in the service provision
- ✓ Legislative Council lobbying

Difficulties

- ✓ Lack of gender sensitive trained worker in HK
- ✓ Lack of advocacy trained worker in HK
- ✓ Sustainability of the rape crisis centre due to the marginalization by HK Government
- ✓ Lack of a democratic Government in Hong Kong

Useful Reference:

Committee on the Elimination of Discrimination against Women. *Reporting Guidelines of the Committee on the Elimination Discrimination against Women*: <http://www2.ohchr.org/english/bodies/cedaw/docs/AnnexI.pdf> (as in Oct 2008).