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國際特赦組織香港分會有限公司
Hong Kong Section Limited

To the Panel on Information Technology and Broadcasting

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Concern on the judgment of the Broadcasting Authority over an appeal against the decision of the Commissioner for Television and Entertainment Licensing on the complaints regarding the RTHK program “Hong Kong Connection” on the topic of homosexuality

On Fairness to Christians

Amnesty International Hong Kong Section (AIHK) welcomes the Broadcasting Authority's decision upholding the previous CTEL decision that the complaints of the program being unfair to Christians are unjustified; that it was rightly pointed out that the major cause of AIDS was unprotected sex and not homosexual sex; and a warning caption was provided for the program.

However, AIHK disagrees that the program was found partial and biased, and was judged to be unsuitable for family viewing.

On Impartiality

AIHK found that the program was presented with the “personal views” of the interviewees, and has complied with paragraph 4 of Chapter 9 of the Generic Code of Practice on Television Program Standards:

“In achieving due impartiality, the term “due” is to be interpreted as meaning adequate or appropriate to the nature of the subject and the type of program or program segment. Due impartiality does not mean that “balance” is required in the sense of equal time or an equal number of lines in the script being devoted to each view, nor does it require absolute neutrality on every controversial issue. Judgment will always be called for by the licensees.” (Paragraph 4 Chapter 9 of “the Code”)

The effects of such a verdict is limiting the major sources of information on sexual orientation to the general public, which is part of the Hong Kong government response to the UN Committee on Economic, Social and Cultural Rights, and to the UN Commission on Human Rights:

“Sexual orientation: this is a sensitive issue that impinges on deeply ingrained values and notions of morality. Our considered view is that, at this stage, self-regulation and education, rather than legislation, are the most appropriate means of addressing discrimination in this area. For this reason, we have sought to address discriminatory attitudes through public education and administrative means, with a view to fostering in the community a culture of greater objectivity, tolerance and mutual respect. Inevitably, these measures will need time to take effect as we cannot expect public attitudes to change overnight.”(Paragraph 354 (b) on Hong Kong SAR government on Article 2 of the Covenant, 4 March 2004)

AIHK is concerned that this decision will inhibit and result in self-censorship amongst the media when talking about the homosexual community in the future.

This would be in contradiction to the government's objective of fulfilling its obligation to Article 2 of the ICESCR, especially on addressing discriminatory attitudes toward homosexuals by public education and administrative means, with a view to fostering within the community a culture of greater objectivity, tolerance and mutual respect.

On Whether the Program is Suitable for Family Viewing

AIHK is concerned that a program with subject matter on homosexuals and homosexual relationships would be judged to be unsuitable for the viewing of children when the HKSAR government has presented to the UN Committee on Rights of the Child on educating the public (including children) on the issue on sexual orientation, and to present public education to the public (including children) on issues on equal opportunity on sexual orientation. The program in question contained no nudity or violence that would be considered unsuitable. The mere mention of the subject matter of homosexuality should not be considered unsuitable. In fact, it could be considered as part of public education that the government said is the “best way forward”:

The HKSAR government is committed to the promotion of equal opportunities for all, considering that all forms of discrimination - including racial discrimination - are wrong. At the same time, we believe that each form of discrimination has its own characteristics, including the particular ways in which they may be manifest in Hong Kong. Therefore, strategies for combating them must be appropriate to the particular form of discrimination that they are intended to address. Thus, in the case of discrimination on the grounds of sex, disability and family status, we have considered the legislative approach to be appropriate. In the case of discrimination on the grounds of race and sexual orientation, our considered view – following extensive research and public consultation - has been that, for the present, a combination of administrative measures and public education offers the best way forward. (Paragraph 90 of the HKSAR report to the UN Committee on the Rights of the Child “On Promotion of equal opportunities in respect of race and sexual orientation”, 24 September 2004)

One of the findings of the government study into public attitudes to homosexuality is that very few people said they knew or had LGBT friends or acquaintances. This program helps to redress this situation.

AIHK is concerned over the effects of this verdict, which may cause self-censorship of the media, and may limit sexual or other minorities from presenting views that may consider “controversial” to the Broadcasting Authority.

AIHK urges the Panel on Information Technology and Broadcasting to consider the negative impacts of the recent verdicts, and issue a clear statement to safeguard the media’s freedom to work on subject matters that may be considered controversial, but have a positive value on society by promoting tolerance and respect, and reducing discrimination.

Billy Hung
Campaign Manager