

**The second report of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China in the light of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Report of the HKSAR under the Convention on the Rights of the Child (CRC), the second report to be prepared by the HKSAR under the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT), and the Implementation of International Human Rights Treaties**

**Meeting of Legislative Council  
Panel on Home Affairs on 11 June 2004**

**- Submission from the Equal Opportunities Commission -**

**General comments**

***Public consultation***

The issuance of draft outlines only for public consultation is the standard practice currently adopted by the HKSAR Government in preparing its reports under the various international human rights treaties to the United Nations (UN). The Commission considers this practice presents difficulties for the public to: (a) gauge whether the Government has addressed the concerns raised by the relevant UN committees; and (b) gain an overview of the overall progress with implementing the rights under respective treaties.

2. The Equal Opportunities Commission (EOC) proposes that the Government releases its draft reports under the various international human rights treaties for consultation before they are finalised.

***NGOs' participation***

3. NGOs are social partners of the Government and represent an important voice from the community. The Government should actively encourage and facilitate

NGOs' participation in the monitoring and implementation of the various international human rights treaties in Hong Kong. Currently, representatives of NGOs are invited to attend Human Rights Forum organised by the Home Affairs Bureau (HAB) on a half-yearly basis to express their views on the implementation of international human rights treaties. The EOC considers it a good practice and suggests that the Forum should be opened to more NGOs which are interested in human rights issues. Moreover the forum could be held more frequently. This will facilitate timely collection of opinions for improvement of human rights situation in Hong Kong.

### **Comments on second report under the ICESCR**

#### ***Anti-discrimination laws to cover race, age and sexual orientation***

4. In paragraphs 15(b) and 15(c) of the 2001 concluding observations, the Committee on Economic, Social and Cultural Rights (the Committee) of the UN expressed particular concern about the failure of the HKSAR to prohibit discrimination on the basis of race in the private sector and discrimination on the basis of sexual orientation and age.

5. To date, there is still no law in Hong Kong that deals with discrimination on the ground of race, age or sexual orientation. Although the Government is taking steps to legislate against racial discrimination, it was revealed in mid May this year that the public consultation would be further postponed until after September 2004. The Commission is of the view that the public consultation should be carried out as soon as possible. The Commission is ready to provide input and comments in the consultation exercise. In the event of entrusting the implementation of the new piece of legislation to the Equal Opportunities Commission, the Government should allow sufficient time for preparation and provide sufficient resources to implement the race law.

6. It is noted that the Government's contention that public attitudes in relation to age and sexual orientation could best be changed through public education. The EOC reiterates its proposal to the Government to introduce anti-discrimination legislation to cover discrimination on the grounds of age and sexual orientation in order to meet its international obligations. Public consultation on the issue should be initiated as soon as practicable.

### ***Establishment of a human rights commission***

7. In paragraph 15(d) of the 2001 concluding observations, the Committee expressed concern about -"the failure of the HKSAR to establish a national human rights institution with a broad mandate and its failure to establish adequate alternative arrangements for the promotion of economic, social and cultural rights". Although currently there are a number of specialized bodies in Hong Kong such as the Office of the Privacy Commissioner for Personal Data, the Office of the Ombudsman and the Equal Opportunities Commission dealing with different aspects of human rights, the Commission suggests the Government to consider setting up a single independent human rights commission in Hong Kong through careful planning and wide public consultation so that the various aspects of human rights can be properly catered for in a more cost-effective manner.

### **Review of the Equal Opportunities Commission**

8. In paragraph 2.19 of the Government's second report under the ICESCR, the review on the remuneration packages of the senior executives of 22 Government-funded bodies, including the EOC, was presented. The Commission would like to inform Members that the Commission is reviewing its current vision and mission, roles and functions, work efficiency and effectiveness. The review, which commenced in late

2003, will be completed by mid-2004. The review is designed to map out future directions, with enhanced corporate governance to deliver the Commission's mission.

### ***Review of the Sex Discrimination Ordinance (SDO)***

9. In paragraph 3.7 of the Government's second report under the ICESCR, it mentioned that the EOC had completed its review of the SDO in 1999 and had submitted a report to the Government. The Government has accepted many of the 14 amendments proposed by the EOC. The Commission urges the Government to introduce the proposed amendments as soon as possible as five years have lapsed since the proposed amendments were accepted by the Government.

### ***Domestic violence***

10. In paragraph 10.42 of the Government's second report under the ICESCR, it mentioned the multi-disciplinary approach and the well-established mechanisms in dealing with domestic violence. The Commission is concerned about the recent significant increase in terms of number and seriousness of reported domestic violence incidents, battered spouse incidents in particular. The situation indicates the need for more public education on gender equality to address the issue of power imbalance among spouses, and for an integrated and holistic approach to preventing domestic violence and handling domestic violence cases.

### **Comments on report under the CRC**

#### ***Integrated education for children with disability***

11. While appreciating the Government's effort in integrating more students with disability to study in mainstream primary and secondary schools, the Commission would like to reflect concerns raised by some parents and educational establishments

that most teachers in mainstream schools need further special trainings and skills to teach these students.

12. To ensure that students with disability can benefit from education in the mainstream, the EOC and the Education and Manpower Bureau (EMB) have recently launched a new web based programme "Equal Opportunities Begin at School" (<http://equaled.hkedcity.net>) for teachers at the primary and secondary levels. It aims to familiarize teachers with the Disability Discrimination Ordinance and the impact the law has on the educational environment. The programme also aims to provide practical advice on integrating students with disabilities into the classroom. The Commission urges the Government to continue to facilitate teachers to acquire the necessary skills to teach students with disability in primary and secondary schools.

### ***Equal opportunities curriculum***

13. Textbooks and teaching materials play an important role in forming and reinforcing the attitudes and perceptions of children. Investigations and studies conducted by the EOC to date show that more needs to be done to mainstream equal opportunities values in schools in Hong Kong.

14. Currently, the EOC is exploring with the Curriculum Development Institute of the EMB on how to develop curriculum to enable primary and secondary teachers to include equal opportunities principles and concepts in their teaching schedules.

### **Comments on second report to be prepared under the CAT**

#### ***Electro-convulsive therapy (ECT)***

15. The Commission notes from paragraph 84 of the HKSAR's first report under

the CAT that the average number of ECT treatments per mental patient had increased from 5.65 in 1995-96 to 6.00 in 1997-98. It is also noted from paragraph 21 of the HKSAR's supplementary report submitted in April 2000 that the average number of treatments per patient had increased to 6.8 and 7.2 in 1998-99 and 1999-2000 (up to Feb 2000) respectively. It would be useful to know the reasons and the significance of such trend.

**Comments on the report on Implementation of International Human Rights Treaties**

***Regular reporting to the LegCo***

16. The commission welcomes the first report on Implementation of Human Rights Treaties submitted by the Government which highlighted significant developments during the period.

**Equal Opportunities Commission**

**June 2004**