

EO Files (September 2009)

“THINGS WE DO, PEOPLE WE MEET - Reflections in Brief”

Advancing Racial Equality— Doing the Right Thing at the Right Time

The task of advancing human rights rests with everyone in the community. Everyone has a role and each of us plays a part. In playing its part, it is appropriate for the Equal Opportunities Commission (EOC) to explain its role.

Some people have expressed concern over the EOC’s absence from the meetings of the United Nations’ Committee on the Elimination of Racial Discrimination (CERD) held in Geneva in August 2009. Our absence from the meetings has been interpreted by a few people as indifference towards racial equality.

We are saddened and perplexed by such misconceptions. The EOC, as the implementer of the Race Discrimination Ordinance (RDO) and other anti-discrimination laws, is fully committed to promoting racial equality in Hong Kong.

We believe in doing the right thing, at the right time, at the right place. When the RDO was being formulated, we put our views before the Legislative Council and publicized our position¹. The RDO may not have satisfied the demands from all quarters, but it was extensively debated, examined and finally passed by LegCo Members who represent the general public. The RDO offers an opportunity for our community to come together to establish a multicultural society where our citizenry are protected from racial discrimination.

¹ See our previous submissions on the Race Discrimination Bill in January 2008 <http://www.eoc.org.hk/eoc/upload/2008314123930428811.pdf> and June 2008 <http://www.eoc.org.hk/eoc/upload/2009527113025297405.pdf> and our submission on Equality Plan in May 2008 : <http://www.eoc.org.hk/eoc/upload/2009527112829266986.pdf>

The EOC is first and foremost a statutory body which should act within its remit to combat discrimination. As we have been entrusted to implement the RDO, it is our responsibility to make the ordinance work for the benefit of the ethnic minority communities in Hong Kong and the society as a whole. It would not be helpful to damage the credibility of the law by focusing on its inadequacies at the commencement of its implementation.

There are many positive features in the RDO that protect people from being racially discriminated, harassed and vilified. We will be working on utilizing these to safeguard everyone's access to basic rights such as education, employment and accommodation and to ensure proper redress for the aggrieved parties as we have done with the other ordinances under our purview. We are also using various channels to educate and sensitize people about racial equality and the serious repercussions of race discrimination.

The RDO has just become effective in July 2009 and now is not the time to challenge provisions of the law. After we accumulate significant implementation experience, the time will come when we can revisit and review the law critically as we have done in the past in respect of the other anti-discrimination ordinances. We can raise issues of our concern during the next CERD meeting or in an alternative report. Till then, it is only fair that we give the RDO a chance to take its course. Our journey to a racially inclusive society underpinned by law has been long delayed. Now is the time for the community to come together to make the law work. Being mindful of its limitation is important but the remedial task is for another day.

The EOC sees it as its mission to protect members of the public from unlawful discrimination, but it also recognizes that we are not going to get there overnight. We will devote necessary resources and work with our community partners to ensure the RDO's successful implementation.