

EO Files (December 2017)

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

Putting human rights back in everyday life

Human rights are often thought of in theoretical terms, but they are in fact deeply embedded in our everyday life. Eleanor Roosevelt, former chair of the United Nations Human Rights Commission who steered the drafting of the Universal Declaration of Human Rights, said, “Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual persons; the neighbourhood he lives in; the school or college he attends; the factory, farm or office he works.”

The former First Lady of the United States emphasised the importance of human rights for all people. In her view, the Declaration might well become the international Magna Carta for people everywhere. Indeed, after its adoption in 1948, the Declaration became one of most influential documents in modern world, and has served as the foundation for international laws and treaties protecting and promoting human rights. As the Declaration celebrates its 70th anniversary next year, the United Nations kicked off a year-long celebratory campaign on International Human Rights Day on 10 December.

It probably came as no surprise that the said campaign stirred little fanfare in Hong Kong. Here in this city, where the property and stock markets are dominating social policies, where people are tired and dulled by long working hours, human rights are seldom the talk of the town. To many of the city’s denizens, human rights crises refer to something as serious as the ethnic cleansing of the Rohingya in Myanmar or the civil war in Syria and only happen elsewhere. It begs the question of what place human rights have in a society like ours, and the relevance of the Declaration to us.

But like Mrs Roosevelt said, human rights are more closely related to our everyday life than we imagine. Take education. Article 26 of the Declaration states that access to education should be a fundamental human right. Yet there are still children, particular those from ethnic minority communities and those with disabilities, who face systemic barriers in finding a school place in

Hong Kong. As the number of children with special learning needs increases, more and more of us will be affected by the issue of education rights.

Another human right that is highly relevant to us is work-life balance. Article 24 of the Declaration reads, "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay." A 2016 poll done in 71 cities by Swiss investment bank UBS found that Hong Kong had the longest working hours in the world, averaging over 50 hours per week. Long working hours not only deprive people of their right to spend time with and take care of their families, but also impair their physical and mental health.

The sad reality is that many employees in Hong Kong accept long working hours as a matter of fact. The millennials, who some studies including one by Community Business found to care more about work-life balance than their older counterparts, are thus perceived as unambitious by Generations X and Y.

Despite Hong Kong being a developed economy and an international city, it has yet to fulfil many of the human rights obligations laid down in the Declaration. Though not binding, the Declaration has served as the foundation of other international treaties and human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which Hong Kong is a party.

In fact, the two covenants are localised in Hong Kong in the form of the Bill of Rights Ordinance and the anti-discrimination ordinances, and the Government has to make submissions regarding the implementation of these to the United Nations regularly. It has just recently launched a public consultation which will run until mid-January 2018 to invite views from the public on the implementation of the International Covenant on Civil and Political Rights.

For more than two decades, these ordinances governing human rights have provided the legal framework for people facing discrimination to seek redress. But as time changes, they are no longer adequate in protecting people's right to non-discrimination, as shown in the Discrimination Law Review by the Equal Opportunities Commission. Following the Review, the Commission came up with 73 recommendations in 2016 which are expected to modernise and enhance the anti-discrimination legislation if adopted.

In another context, the Commission recommended the introduction of legislation to prohibit discrimination on the grounds of sexual orientation, gender identity and intersex status. We also urged the Government to introduce comprehensive legislation on gender recognition for addressing the rights of transgender people.

In the latest Policy Address – Policy Agenda, the Government has indeed agreed to take forward 10 recommendations under the Discrimination Law Review. It also launched a public consultation on gender recognition. While we appreciate these moves, there is still no timetable on the introduction of legislation against discrimination on the grounds of sexual orientation, gender identity and intersex status, and no commitment to a gender recognition scheme.

The truth is that we should not rely on the Government solely to drive positive changes in our equality landscape. Education, work-life balance, freedom from harassment and the rights to equality, among others, are all human rights under the Universal Declaration that are closely related to us all. We have the responsibility to know these human rights principles, and more importantly, to act upon the knowledge and implement these rights, and to speak up when they are jeopardised.

As Eleanor Roosevelt said in the same speech, “Unless [human] rights have meaning [in everyday contexts], they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.” As the Equal Opportunities Commission continues to push for policy and legislative progress, we call for businesses, schools, NGOs, the media and in fact everyone to promote the importance of human rights with every opportunity they have, and to put in place policies and practices for upholding these rights.

Human rights are not abstract, out-of-reach concepts but something that impacts us all. The last thing we want is to talk about them when it is too late.

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