

Summary Report

2020 Online Series: Racism in East Asia



10 December, 2020

Introduction

The webinar series of “Racism in East Asia” was led by the Organising Committee for East Asia regional consultation comprising human rights NGOs and networks in Hong Kong, Japan and the Republic of Korea. The webinars were facilitated to provide a safe space for human rights defenders, civil society representatives, and the interested public in East Asia to exchange challenges and good practices in the fight against racial discrimination in each of their own country/ territory in times of the COVID-19 crisis and beyond. It also served as an opportunity to strengthen the network of civil society in the region.

Organising Committee for East Asia regional consultation

- Hong Kong: Justice Centre Hong Kong
- Japan: International Movement Against All Forms of Discrimination and Racism (IMADR)
Japan NGO Network for the Elimination of Racial Discrimination (ERD-Net)
- Republic Korea: South Korean NGOs Coalition for Monitoring the Implementation of the CERD

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Glossary

- CERD United Nations Committee on the Elimination of Racial Discrimination
- CSO Civil society organisation
- EOC Equal Opportunities Commission of Hong Kong
- ICERD International Convention on the Elimination of All Forms of Racial Discrimination
- ILO International Labour Organization
- MDWs Migrant domestic workers
- NGO Non-governmental organisation
- NHRCK National Human Rights Commission of Korea
- RDO Race Discrimination Ordinance of Hong Kong
- SMJ Solidarity Network with Migrants in Japan
- UN United Nations
- WHO World Health Organization

Executive summary

The COVID-19 pandemic has deteriorated the situation of racialised communities in Hong Kong, Japan and the Republic of Korea. Among them, migrants including refugees and asylum-seekers have faced greater challenges in each country/territory due to various contributing factors to their particular vulnerability such as the limited access to health care and other social protection measures, language barriers, job insecurity, visa status and the restriction on the freedom of movement. Nevertheless, each government's response to their needs has differed from one another. While migrants with residential status in Japan were eligible for the government's emergency cash handout, similar relief measures excluded most of the migrant population in South Korea and Hong Kong. Specific rules and conditions for migrant domestic workers in Hong Kong have exposed them to a significant risk of exploitation and other human rights violations. At the same time, the exclusion of undocumented migrants from protection measures has been common in the three places. Civil society organisations in each country/ territory have mobilised themselves to improve the situation of migrants under the pandemic through human rights advocacy and direct interventions, including the provision of COVID-19-related information in multiple languages, and the distribution of emergency goods and financial reliefs.

The COVID-19 pandemic has exposed institutional discrimination against migrants and other racialised groups in the region which is supported by the exclusive mindset in society. Civil society organisations have continuously advocated for legal reforms to effectively combat racial discrimination that led to a number of improvements such as the enactment of the Hong Kong's Race Discrimination Ordinance and the adoption of the "Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan". Yet, none of the countries/ territory has a comprehensive anti-discrimination law in place. Moreover, existing legislations that include the provisions against racial discrimination have not been effectively enforced against discriminatory acts such as hate speech. Domestic institutions and courts have not been able to ensure the full implementation of such provisions.

The gap between domestic laws and the international human rights standards, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), continues to exist in each jurisdiction. Civil society in Hong Kong, Japan and South Korea has been campaigning for a comprehensive anti-discrimination law through national and international platforms including at the country reviews by the UN Committee on the Elimination of Racial Discrimination (CERD) and the UN Human Rights Committee. The South Korean civil society has formed a coalition for a comprehensive anti-discrimination law. A draft comprehensive anti-discrimination bill was tabled at the South Korea's National Assembly in 2020, which is a breakthrough in the fight against racism and discrimination in East Asia.

Background information

| | Hong Kong | Japan | Republic of Korea |
|---|----------------|-----------------|-------------------|
| No. of ratifications of the core international human rights treaties and related optional protocols | 7 ¹ | 10 ² | 9 ³ |
| Individual communications | × | × | △ |
| National human rights institution | C status | × | A status |

Hong Kong

According to the latest population by-census conducted in 2016, 584,383 non-ethnic Chinese were residing in Hong Kong, which makes up 8% of Hong Kong’s total population⁴. A significant portion of these individuals are migrant domestic workers: as of 2019, 399,320 migrant domestic workers were working in Hong Kong, among them approximately 54.8% are Filipinos, 42.7% are Indonesians and 2.3% are people of other descent⁵. The other main minority ethnic groups include Caucasian, Indian, Nepalese and Pakistani⁶.

Hong Kong’s Race Discrimination Ordinance (RDO) was introduced in 2009. However, it does not fully comply with Hong Kong’s obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), as it does not prohibit discrimination on the grounds of nationality, citizenship, language and immigration status. The RDO is also the only anti-discrimination ordinance that does not cover discrimination during the performance of the government’s functions or the exercise of its powers. Crucially, a 2016 court case ruled that police actions, including the pursuit, arrest and investigation of a person, do not fall within the ambit of the RDO⁷. Over the years, no criminal prosecution has ever been brought under the RDO.

Hong Kong is a party to most of the core international human rights treaties except the Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It has ratified the two Optional Protocols to the Convention on the Rights of the Child. It has not recognised the competence of any UN human rights treaties bodies to consider individual complaints. Its Equal Opportunities Commission is considered to not be in compliance with the Paris Principles.

1 https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=HKG&Lang=e
 2 https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=87&Lang=EN
 3 https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=141&Lang=EN
 4 Hong Kong Race Relations Unit https://www.had.gov.hk/r ru/english/info/info_dem.html
 5 Data.Gov.HK <https://data.gov.hk/en-data/dataset/hk-imm-d-set4-statistics-fdh/resource/063e1929-107b-47ae-a6ac-b4b1ed460ac3>
 6 2016 Population By-Census Thematic Report: Ethnic Minorities (December 2017) <https://www.statistics.gov.hk/pub/B11201002016XXXXB0100.pdf>
 7 Singh Arjun (by his next friend Singh Anita Guruprit) v Secretary for Justice & Hung Kai Kam (DCEO 9/2011)

Japan

There are indigenous, minority and migrant communities in the country. 13,118 indigenous Ainu people were documented in Hokkaido, the northernmost region, in 2019,⁸ while the number of those living outside the region is unknown. The number of Buraku people, the community discriminated against on the basis of descent, is considered to be over 3 million people. The population of ethnic Korean residents (*Zainichi Koreans*) exceeds 800,000 people. Over 3 million foreign nationals were living in the country by December 2019. Among them, over 410,972 people were technical intern trainees.⁹

While there is no comprehensive anti-discrimination law in Japan, the “Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons Originating from Outside Japan” (Hate Speech Elimination Act, 2016), the “Act on the Promotion of the Elimination of Buraku Discrimination” (2016) and the “Act Promoting Measures to Achieve a Society in which the Pride of Ainu People is Respected” (2019) are in place concerning some of the abovementioned communities.

Japan has ratified most of the core international human rights treaties except the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It has ratified the two Optional Protocols to the Convention on the Rights of the Child. It has not recognised the competence of any UN human rights treaties bodies to consider individual complaints. It has not established an independent national human rights institution in line with the Paris Principles.

Republic of Korea

As of December 2019, according to government immigration statistics, 2,524,656 foreigners are residing in the Republic of Korea, which constitutes approx. 5% of the total population and continues the trend of steady increase of migrant population, approx. 7% annually in the past 5 years.¹⁰ Chinese nationals, including those of Korean ethnicity, make up almost half of the total foreigner population, followed by nationalities of Vietnam, Thailand, United States, and Japan.¹¹ As of December 2019, approx. 863,000 migrants were in employment.¹²

There does not exist any comprehensive anti-discrimination law in Korea despite several legislative attempts, including the current ongoing efforts by the civil society and the National Human Rights Commission. Several laws include declaratory provisions of non-discrimination, but only the National Human Rights Commission Act provides for remedy for the victims, albeit only with recommendatory effect. There does not exist any provisions to determine hate crimes based on racially discriminatory intent, and such crimes are not subject to aggravated punishment.

⁸ http://www.pref.hokkaido.lg.jp/ks/ass/H29_ainu_living_conditions_survey_digest.pdf

⁹ *ibid*

¹⁰ Ministry of Justice (December 2019), Monthly Statistics on Immigration and Foreigner Policies (출입국외국인정책 통계월보 2019년 12월호) http://viewer.moj.go.kr/skin/doc.html?rs=/result/bbs/227&fn=temp_1581918117248100

¹¹ *Ibid*

¹² Statistics Korea (December 2019), Survey on Residence and Employment of Migrants (2019년 이민자 체류실태 및 고용조사 결과) http://kostat.go.kr/portal/korea/kor_nw/1/3/4/index.board?bmode=read&bSeq=&aSeq=379451&pageNo=1&rowNum=10&navCount=10&currPg=&searchInfo=&sTarget=title&sTxt=

The Republic of Korea has ratified most of the core international human rights treaties except the Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It has ratified the two Optional Protocols to the Convention on the Rights of the Child. It has recognised the competence of the Committee on the Elimination of Racial Discrimination (CERD), Human Rights Committee, the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee against Torture (CAT) to consider individual complaints. Its National Human Rights Commission is accredited with A status for its full compliance with the Paris Principles.

Institutional racism in East Asia's COVID-19 responses

The first webinar was held on 25 August, 2020. In the opening, Megumi Komori from the International Movement Against All Forms of Discrimination and Racism (IMADR) highlighted the COVID-19 pandemic and its disproportionate impact on marginalised populations, and the global outcry for racial justice inspired by the Black Lives Matter movement as the context the webinar was being held. She shared with participants that the webinar series aimed to identify common issues and challenges in the region, and to learn how we can address them as civil society organisations (CSOs) in order to eliminate racial discrimination.

Republic of Korea

Chulhyo Kim from the Jeonbuk National University began his presentation by outlining the demographics of migrant communities in South Korea. Out of 51.64 million inhabitants, 2.176 million (4.2%) were foreign nationals in South Korea, according to the recent government data. In 2018, the UN Committee on the Elimination of Racial Discrimination (CERD) identified five groups of concerns among them in its concluding observations (CERD/C/KOR/CO/17-19), namely: migrant workers, refugees and asylum seekers; undocumented migrants; foreign women; “marriage migrants”; and “multicultural families”. He noted the trend of increasing numbers of refugees and asylum seekers, as well as undocumented migrants.

There was no evidence that migrant populations were particularly more affected by the COVID-19 pandemic. He suggested that relatively better conditions in comparison with other major receiving countries in Asia and segregated working and living conditions of migrant workers in South Korea could be the explanation. Nevertheless, the government's responses displayed institutional discrimination against migrant populations. Firstly, migrants were denied access to healthcare goods when the outbreak of COVID-19 started. For example, at the early stage of the pandemic, the government excluded migrants from public distribution of face-masks.

Secondly, migrants were excluded from emergency relief benefits. Between May and August 2020, the government provided emergency reliefs to South Korean nationals affected by the COVID-19 crisis. However, among 1.7 million long-term residents of foreign nationals, only 288,000 individuals (16.8%) were eligible for the support. The emergency reliefs provided by the two biggest local governments, the Seoul Metropolitan government and Gyeonggi province, also excluded most migrants.

In all cases, the spouse of a Korean national was eligible to receive the aid. In his analysis, it reflects the government's perception of migrants which considers the connection with South Korean nationals as a condition for inclusion and assistance.

In response to complaints filed by migrant communities, the National Human Rights Commission of Korea (NHRCK) concluded in May that the exclusion of foreign residents from the benefits was the violation of the right to equality under the Constitution and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The Seoul Metropolitan government announced its acceptance of the recommendation, but Gyeonggi Provincial government had refused to accept the recommendation.

Thirdly, migrant workers faced a significantly unfair treatment regarding visas. Those whose employment contracts were terminated during the pandemic and had stayed in the country for 4 years and 10 months were given 50 additional days of stay, since they could not return to home countries due to the travel restrictions. As they remained in South Korea after the extended period, the government then proposed a seasonal work visa to the workers instead of extending the employment visa. If a period of 60 days had been given instead of 50 days, migrants could have applied for permanent residence in accordance with the Immigration Control Act. The government seemingly intended to prevent 'low-skilled' migrant workers from acquiring permanent residence.

South Korean CSOs responded to the situation of migrants in mainly three ways. They disseminated essential information in multiple languages which the government failed to do so at the beginning of the pandemic. They provided masks to ensure that migrants excluded from the government's public supply system, namely short-term visitors, undocumented migrants, asylum seekers and international students, received them. They also organised a non-governmental fund to provide emergency reliefs to migrants which assisted 2,000 families. In parallel, advocacy and campaigning for migrant rights and anti-discrimination were undertaken by CSOs.

In South Korea, there had been very few cases of COVID-19-related hate crimes. However, hate speech incidents against migrants were prevalent on the internet and social media, which were often triggered by anecdotal or unsubstantiated reports of the major press. Discrimination against Chinese migrants was particularly widespread. In an emblematic case, a bowling club refused foreigners on the pretext of "prevention of COVID-19", which the NHRCK considered as a human rights violation by law.

Japan

At the outset, Makiko Ando from the Solidarity Network with Migrants in Japan (SMJ) described the steady increase of migrant populations in the country which recently recorded 2.933 million as regular migrants. Other than them, undocumented migrants and refugees, who accounted approximately 83,000, had been most affected by the pandemic, since they are not allowed to work nor to receive public welfare and have no medical insurance. The pandemic drastically reduced their income, job opportunities in the communities, and support from religious organisations.

Migrant workers working on a part-time basis had also been impacted due to the loss of employment or the reduction of working hours. They were given a temporary visa to extend their stay, because under the pandemic there was no available flight to return home.

The Japanese government launched some remedial measures for former technical intern trainees and former international students by allowing them to change to another visa to temporarily recover their residential status. This made them eligible to receive 100,000 yen (approx. 1000 USD) from the government's special cash handout. Yet, the information did not

seem to have reached all of those in need. Also, this additional measure was not for all migrants in difficulty.

For undocumented migrants, no remedy or assistance was provided. Only measure made for them was the extension of the period of provisional release until the next extension. Against this backdrop, SMJ established an emergency support fund for migrants and refugees. The fund had provided 30,000 yen (approx. 290 USD) of cash assistance for those in need without any conditions. Migrants with residential status were also eligible. As of 19th August 2020, they had supported 1,263 people which was equivalent to 285,912 USD.

SMJ urged the Japanese government to take measures to address the challenges faced by migrants and refugees which they identified through the distribution of cash handouts. Necessary measures range from special cash handouts to those who were not previously eligible, granting them a permission to work, to providing free or low-cost medical treatment and accommodation. SMJ intended to request amnesty for undocumented migrants that would make them eligible to receive public services and to legally work. She announced the SMJ's plan to launch a campaign against the revision of the Immigration Control Act, as the proposed revision would increase the pressure against undocumented migrants for repatriation, especially against those refuse to be deported.

She shared her observation that the public did not seem to be much concerned over the situation of undocumented migrants, because they viewed that undocumented migrants did not have an impact on the labour market. There seemed to be a concerning perception in the public to link the migrant's status with human rights.

Hong Kong

Phyllis Cheung from the Hong Kong Unison described that racism in Hong Kong is not only based on skin colour as seen against South Asians who have settled for a long time, but also on the basis of ethnic or national origin and their class that is prevalent against migrant domestic workers (MDWs) mostly from Southeast Asia. Yet, the meaning of race under the Hong Kong's Race Discrimination Ordinance (RDO) does not include nationality, citizenship or resident status. CSOs like the Hong Kong Unison have advocated for such an amendment since the RDO's enactment. The CERD recommended to include indirect discrimination based on immigration status and nationality in the prohibited grounds of discrimination in the RDO.

According to the 2016 By-Census, 584,383 non-ethnic Chinese made up for 8% of the total population of Hong Kong, who can be divided into four groups. MDWs accounted for about 56% of them and were mostly from the Philippines and Indonesia. Since they are not entitled to the working hour regulation, many MDWs have to work 16 hours a day and live with their employers who are not obliged to provide them with a separate space. Other three groups are: local ethnic minority residents; asylum seekers and refugees; and expatriates.

Although there was no race-related data on the infection rate in Hong Kong, it was clear that racialised communities were affected disproportionately. One of the major issues was the language issue, since public service announcements and information were mostly available

only in Chinese and English which many non-ethnic Chinese populations are not fluent. As a result, their access to information was delayed which made it difficult for them to purchase masks, disinfectants and food. Minority children had additional difficulties in education, because no one at home could assist them in their homework in Chinese. In addition, compulsory quarantine in government facilities had been applied only to returnees from Bangladesh, India, Nepal, Pakistan and South Africa, even though they were tested negative.

The situation of MDWs particularly deteriorated. Those who lived with their employers faced the risk of infection, because employers did not give them masks while forcing them to continue working. At the same time, employers did not allow them to go out on their rest days. As a result, MDWs stayed with their employers 24/7 without a private space. While those arriving in Hong Kong had to go under quarantine, some employers refused to pay for their accommodation. Some MDWs were disproportionately fined in public spaces without warnings, despite their attempts to explain that they were not aware of the new regulations.

Yet, not only did the government not effectively disseminate information to local ethnic minority residents and MDWs, they also suspended the government-subsidised translation services during the peak of the outbreak, which many minorities depended on to access regular public services including social security. Although the government later started the provision of free testing for COVID-19, most ethnic minority residents were not aware of it. It required community leaders to disseminate the information by themselves. Moreover, there was a significant lack of cultural sensitivity in the government camps regarding Muslim returnees arriving during Ramadan.

In response to these concerns, the Hong Kong Unison pressed the government to improve the distribution of information related to COVID-19 in minority languages. Also, in February 2020 they produced videos dubbed in Urdu, Nepalese and English on precautionary measures and quarantine policies. They met with senior government officials to rectify the “ignorance” about the Muslim culture, such as the importance of early breakfast before dawn and breaking fasting after sunset during Ramadan, as well as no pork products.

At the onset of the COVID-19 pandemic, there were strong anti-Chinese sentiments because of the belief that the virus originated in China and was spread around by Chinese. For example, they were refused entry from certain restaurants. Racist insults were also made towards people of colour who were not wearing a mask or were not respecting “social distancing”. It reinforced negative stereotypes against South Asians and migrant domestic workers.

Q&A session

Each panellist supplemented their presentations in response to questions from participants. Asked about the South Korea’s law, Kim noted that since the first proposal in 14 years ago there has been a challenge in South Korea in enacting a comprehensive anti-discrimination law due to strong opposition by certain religious groups to include the grounds of sexual orientation and gender identity. However, he shared his optimism that the new National Assembly formed in April 2020 will adopt a comprehensive anti-discrimination legislation, encouraged by the hard work by civil society.

He reported that there was a strong negative sentiment towards Chinese migrants in South Korea at the early stage of the outbreak of COVID-19. The public attitude including the media improved after the WHO's announcement of the pandemic, though discriminatory behaviours were still noticeable, especially by some extremely conservative people.

In response to follow-up questions from the audience, Ando clarified that undocumented migrants in Japan cannot benefit from the child benefit, since it is only available to registered residents. With regard to the cash handout, it was distributed regardless of nationality as long as migrants had residential status. She shared that there had not been many negative reactions from the general public towards migrants for receiving the money.

Kim pointed to the difference from South Korea where the government took nationalistic approaches in the financial support to migrants which required them to have some blood tie with nationals or to provide care for them. Cheung explained that the cash handout was only available to permanent residents in Hong Kong which excluded migrant workers, asylum seekers and refugees.

Cheung shared that Hong Kong saw outbreaks in MDWs' boarding houses in poor living conditions which had been overlooked by the government, despite the need to contain the spread of COVID-19. She noted the government's negligence to learn from the experience in Singapore where the biggest outbreaks were recorded in migrant workers' quarters. At the same time, the general public in Hong Kong blamed MDWs for the spread of the virus. She stressed that the government should improve the situations of marginalised groups including their living conditions that would also help containing the spread.

All the panellists agreed that institutional racism was evident in the governments' approaches to migrants in their responses to COVID-19. They encouraged participants to learn from each other and join action to tackle racism in East Asia.

Recommendation from the Organising Committee

The Organising Committee expresses its concern that the South Korean, Japanese and Hong Kong governments' response to the COVID-19 pandemic reflects institutional racism and fails to adequately protect marginalised communities, including migrants, refugees, asylum seekers and racialised communities.

The Organising Committee recommends that the general crisis response policy must be inclusive of all people, including migrants, to combat and recover from the situation, and ensure their enjoyment of human rights without discrimination.

The impact on COVID-19 on migrant workers

The second webinar was held on 28 September, 2020. In the opening, Melanie McLaren from Justice Centre Hong Kong shed light on the vulnerability of migrants in the region due to the fact that most of them are concentrated in informal and unprotected work with limited access to social protection. The existing vulnerabilities have been exacerbated by the pandemic which led to the loss of employment, the exclusion from national protections and the restrictions on the freedom of movement.

She shared a study conducted by her organisation in 2016 which revealed 17% of domestic workers experienced forced labour and 66% of them were subject to serious labour exploitation. She pointed to the policy concerning domestic workers as a factor to allow the exploitation such as the living-in rule with their employers. Many domestic workers were prevented from leaving their employers' home when the pandemic hit, which led to longer working hours and greater difficulties in seeking assistance.

Republic of Korea

Youngsup Jung from the Korean Confederation of Trade Unions first gave a brief overview of the migrant population in South Korea. Most of them came from other Asian countries such as China, Vietnam and Thailand. Their number has significantly increased by more than 1 million in the last 10 years.

More explicit forms of racism surfaced during the COVID-19 pandemic, orchestrated by systematic discrimination in Korean society through discriminatory laws and institutions. Information provided by the government, news media and safety text messages was mostly in Korean, therefore limited migrants' access to information. The government's provision of masks from 6 March to 11 July effectively excluded migrants, since it was done through the national health insurance system which they were not enrolled in. He added that many migrant workers with health insurance were also not able to apply to receive those masks, because they had to work long hours and were not allowed by employers to go out. The exclusion from the emergency relief fund continued even after the NHRCK issued the recommendation. Later, the National Assembly passed the budget plan for second relief funds which continued to exclude migrants from various funds such as for small business owners, emergency employment stability, low-income households, child care and communication expenses.

Furthermore, unemployment insurance is not compulsory for migrant workers, which allows employers to not enrol migrant employees in the insurance. Consequently, only about 2% of migrant workers are covered by the unemployment insurance. Moreover, some employers force migrant workers to take "no paid leave" for one to three months. This lack of social security, combined with the limited extension of stay period and increased hostility against them, made migrant workers more vulnerable in the pandemic.

Against this backdrop, Jung shared a series of lessons from the COVID-19 pandemic: need to expand the coverage of social welfares; adequate extension of migrant workers' stay period;

freedom of choice in employment; compulsory enrolment in unemployment insurance; equal access to COVID-19 remedies; enactment of a comprehensive anti-discrimination act; regularisation of undocumented migrants; constant monitoring of the situation of migrant workers; strengthen advocacy for the rights to an adequate standard of living and stay; solidarity among migrant workers communities, civil and labour organisations; and more involvement of migrant workers with labour unions and migrant communities.

Japan

David McIntosh from the Center for Minority Issues and Mission started his presentation by highlighting that the migrant population in Japan has been continuously increasing since 2012. In Japan, the term “migrant workers” generally refers to technical intern trainees, who often work as low-skilled labourers, and international students, who can work up to 28 hours per week.

To help the audience understand the immigration policy in Japan, McIntosh provided the history of the Korean immigration in the country. Among the 800,000+ ethnic Koreans who reside in Japan today, 38% have South Korean or “Chosen” nationality and “special permanent resident” status, 46% have gained Japanese citizenship, and 16% are children of international marriage between Korean and Japanese parents. The number of Koreans in Japan at the end of WWII was about 2.1 million, who came in search of employment or were brought as conscripted labour in the 1920-45 period. One third of them remained in Japan after the war and, after being stripped of their Japanese citizenship in 1952, received “special permanent resident” status. As 3rd- and 4th-generation Koreans in Japan grew up in an all-Japanese language environment, growing numbers intermarried with Japanese partners and/or took Japanese citizenship. Systemic and day-to-day discrimination towards Koreans gradually improved over several decades, but their initial position was similar in many ways to the status of undocumented migrant workers today, such as discrimination in housing and employment, and the exclusion from social security.

The COVID-19 pandemic has hit undocumented migrant workers hardest. Many of them lost jobs, or had work hours reduced, but could not receive the government’s financial handouts, and were especially vulnerable because they had limited access to health care. Migrants and students with residential status also found themselves without income or access to government assistance if their visa expired during the pandemic period, while there was no way to return home. The government’s remedial measures were not sufficient to address their situations. Ethnic Korean residents did not suffer under the pandemic to the extent of these migrant workers. However, Korean ethnic schools identified by the Japanese government as having links to the Democratic People's Republic of Korea, who have been fighting for 10 years to receive the same government subsidies for high school tuition as all other schools, were excluded again from government assistance to schools during the pandemic.

As lessons to be learnt from the COVID-19 pandemic, McIntosh highlighted the existence of persistent patterns of discrimination affecting all foreigners in Japan. He analysed that racial discrimination in Japan appears to be rooted in a persistent inside-outside perspective that can be traced to a long history of classist society, reinforced by a more recent “mono-ethnic

nation” myth. Prejudicial statements by public figures, most notably politicians and public opinion leaders, also signals permission to discriminate. The “Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan” was enacted in 2016, ostensibly to address hate speech, but this law carries no penalty and only serves to obscure exclusionary/discriminatory systems and attitudes. Speakers of hate speech have flouted this law by organising themselves as a political party, so they can use election laws to protect thinly veiled racism as “free speech”. McIntosh stressed the importance of continued education, advocacy and legal reform by civil society to address remaining problems of discrimination.

Hong Kong

Karen NG from HELP for Domestic Workers first presented the demographics of MDWs in Hong Kong. According to the statistics in 2019, there were almost 400,000 MDWs. 55% of them were from the Philippines and 43% were from Indonesia. Most MDWs do not have a full understanding of English and Chinese.

MDWs are not “treated as ordinary residents” under the Immigration Ordinance who are governed by a set of laws and rules specific to MDWs such as the Minimum Allowable Wage, the live-in requirement and the two-week rule to find a new employer. They have great difficulties in accessing information or assistance, since government departments and institutions are closed on Sundays which are rest days for most MDWs. Moreover, they face language barriers as most government services are offered in English and/or Chinese.

In the COVID-19 pandemic, the workplace power imbalance and unequal treatment of MDWs have been exacerbated in many ways. Considering their familial obligations as breadwinners, many MDWs chose to endure abusive or exploitative work environments to financially support their family back home. Another difficulty was to continue wiring money to their family, because their employers did not allow them to go out on rest days. Furthermore, many MDWs suffered increased workloads and work hours, since most employers did not allow them to leave on rest days for the fear of infection. Those who went out on rest days were terminated their contracts. Also, some employers lost their jobs, moved out from Hong Kong or were stuck abroad due to the pandemic, which meant the termination of contract for MDWs.

There were various difficulties for MDWs once their contracts were terminated in Hong Kong. As free shelters and boarding houses had been running at maximum capacity for many months, their access to safe accommodations was highly limited. There were also clusters of infection in these accommodations due to the inadequate hygiene conditions, which contributed to the growing discrimination against them. At the same time, the travel restrictions under the pandemic prevented them from going home. Therefore, they had to face significant financial difficulties to pay their daily expenses in Hong Kong. Many of them had to rely on organisations and/or to take risky loans.

MDWs also faced legal barriers. As the government department was closed during the pandemic, those wanting to file a case against their employers had their claims delayed.

Hearings for ongoing claims were also adjourned. In either case, MDWs had to prolong their stay in Hong Kong without any salary.

The government's response to the situation of MDWs was limited. In January 2020, the Labour Department issued a statement to encourage MDWs to stay home on rest days. In March, the same department issued a new statement asking employers and agencies to make home quarantine arrangements for MDWs. They made another statement to urge MDWs to stay at home on rest days. A gathering ban was put into place at the end of March, and Hong Kong completely closed borders against non-residents. In April, the Secretary for Labour and Welfare finally clarified that MDWs have a right to rest days. The Secretary appealed to employers to discuss rest day arrangements with MDWs. In July, the government imposed mandatory quarantine on travellers from countries where almost all MDWs come from. It was followed with a requirement for employers to bear the financial responsibility of accommodation and food during the quarantine period. Yet, the new rules lacked clarity on enforcement. In August, the government made free COVID-19 testing available only for MDWs staying in boarding houses of registered agencies. It later expanded the availability for all MDWs starting work for new employers.

Shortfalls in laws and policies on MDWs deteriorated their vulnerability under the pandemic. Live-in requirement allowed employers to restrict MDWs' movement on their rest days and to increase their workloads and work hours. Two-week rule led to exploitative situations for many MDWs. They tolerated exploitation, as they were concerned by the decrease in job availability and potential difficulties if they leave the current employers. Conditions of stay tied to visa forced them to choose between violating the law to take part-time work or run out of money for food and accommodation. Since medical insurance and the eligibility for governmental financial assistance for public medical services are tied to employment, the risk of having to pay an exponentially higher fee for medical services after losing employment was a large factor in the decision of many of them on whether to remain in problematic work situations, especially in times of the pandemic. MDWs were also excluded from the government cash handout to non-permanent residents.

As lessons to be learnt from the COVID-19 pandemic, it is necessary for the government to be concerned about the health and welfare of MDWs, as they are connected to all others living in Hong Kong. Moreover, policymakers and the government should consult with civil society in order to understand realities on the ground and to create policies that work for the people.

Q&A session

The audience expressed keen interests in each situation and asked follow-up questions to the panellists. One participant asked McIntosh about the rationale behind the Japanese government's inclusion of documented migrants in their cash handouts and the public perception. McIntosh explained that the inclusion of documented migrants reflected the government's recognition that they were in the country legally, and that they are contributing members of the economy and society. He added that civil society actors advocated for inclusion of migrants from a very early stage, when the government was considering some sort of financial assistance.

While he did not recall any public debate about the distribution of cash handouts to documented migrants, McIntosh shared that many voiced concerns about the great vulnerability of undocumented migrants. Undocumented migrants could not advocate on their own behalf due to their status, and another concern was that the government might use the situation to identify and target undocumented migrants. Ultimately, the government failed to offer aid to undocumented migrants, and it was left in the hands of civil society to devise a response. The emergency fund created by the SMJ was a shining example of this.

A participant from South Korea asked McIntosh to elaborate on how Japanese bar associations are actively participating in the law reform movement. He explained that national and regional bar associations in Japan have been engaging with legal reforms for a long time. Lawyers defending the rights of minorities are at the forefront in learning about proposed legislations, assessing the text and suggesting amendments. Bar associations often raise concerns when proposed laws are not in line with international human rights standards. He also shared that a number of lawyers cooperate with NGOs including his own, and they play a critical role in civil society in Japan.

A follow-up question was asked to McIntosh regarding discrimination in housing against Korean migrant workers. McIntosh explained that housing discrimination against Koreans used to be common in the past, but other nationals still face such discrimination. Some landlords argue that foreigners might leave without paying the rent, or there would be problems with neighbours because of language or cultural barriers. He clarified that these issues are not so prevalent among foreign technical intern trainees, because host organisations are responsible for providing housing for them under the Technical Intern Training Programme regulations.

He was also asked if the Japanese government took action concerning a cluster of infection in migrants' accommodation, as seen in Singapore. He shared that clusters of COVID-19 infection had not been a significant problem among technical intern trainees, likely due to the fact that they were isolated in the early stage by their host organisations.

A number of questions on Hong Kong was raised during the interactive discussion. On the question on the impact of COVID-19 on the recruitment of MDWs including those who were already in Hong Kong seeking new employment, NG answered that it was highly perceptible. Job availability had been low, because employers lost their jobs or left Hong Kong. She witnessed recruitment practices on Facebook which exploited MDWs' vulnerability in employment. Some posts advertised jobs at factories or restaurants, even though their visa only allows them to work as a domestic worker.

The audience asked her if technologies will help closing the information gap in accessing services provided by NGOs for MDWs. She agreed by highlighting the existence of multiple platforms for MDWs that have complicated their access to information. A technological need is to aggregate those platforms to make information consolidated and accessible for MDWs.

She was further asked about initiatives taken by MDWs organisation to respond to the current situation. She stressed safety and welfare of MDWs as major concerns from the start of the

pandemic, and CSOs had provided them safe accommodations, face-masks, hand sanitizer and food. They also addressed the government's policies and regulations concerning MDWs. For example, statements from the labour department created confusions among employers of MDWs including about rest days. In response to the concerns raised by CSOs, the Secretary for Labour clarified in April 2020 that domestic workers were allowed to go out on rest days. While the civil society participation in policy-making processes is limited, CSOs voice out concerns to reform policies.

On South Korea, Jung was asked if there are any laws and policies in place to address this issue of serious labour exploitation of migrant workers. He explained that it used to be compulsory for migrant workers including those with the Employment Permit System (EPS) to enrol for unemployment insurance. Later, the government changed the law to make it optional which reduced the current enrolment rate to 2%. The government failed to provide a reasonable answer when NGOs inquired about the change. In the pandemic, the government has strengthened the social safety net including by introducing a universal unemployment insurance system for all workers. Jung and other NGOs have been demanding the inclusion of migrant workers in the system.

Migrant worker unions and other organisations in South Korea work to eliminate labour exploitation of migrant workers. He informed the audience that a national assembly audit will be organised in October 2020 to which some assembly members seek to have migrant workers as witnesses. NGOs also intend to address the Ministry of Employment and Labor and other ministries concerning their situation.

Recommendation from the Organising Committee

The Organising Committee is concerned that South Korea, Japan and Hong Kong lacks comprehensive laws and policies to protect migrant workers, whose vulnerability has been heightened due to the COVID-19 pandemic.

The Organising Committee recommends the governments to strengthen laws and policies to protect migrant workers from both direct and indirect discrimination against them, including strengthening social security protection such as extending health insurance and unemployment insurance to migrant workers, ensuring their freedom to change workplace, as well as ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and relevant ILO Conventions.

Racism and domestic law

The third and last webinar was held on 27 October, 2020. Wan Lee from the South Korean NGO Coalition for Monitoring the Domestic Implementation of the CERD opened the webinar by sharing challenges in South Korea. The country lacks a legal definition of racism and proper means to sanction racial discrimination. Some politicians are constantly trying to treat migrants less favourably. At the same time, some racists claim that they can protect the rights and interests of Koreans by discriminating against migrants. Racial discrimination has been justified in South Korea. However, he stressed that wealth accumulated by exploiting and discriminating against someone is not justifiable and also an unsustainable fantasy. He stressed that there is no world where only immigrants are discriminated against while other people live equally. Therefore, anti-discrimination laws must be comprehensive, and a comprehensive domestic anti-discrimination law is a necessary first step in eliminating all kinds of discrimination.

Republic of Korea

Jihye Kim from the Gangneung-Wonju National University started her presentation with the historical and societal backgrounds in South Korea. Historically, there was a “near-total exclusion” of non-Koreans in the country. Though a discourse of ‘multiculturalism’ emerged recently, it has a very limited meaning. For instance, the 2008 Multicultural Families Support Act restricts ‘multicultural families’ to families that include Koreans and marriage migrants. At the same time, hate propaganda against migrants is prevalent in South Korea. An ‘anti-multiculturalism’ movement promoting Korean ‘purity’ and superiority appeared online and offline. The Christian Liberal Party was established in 2016 with a pledge to “Stop Homosexuality, Islam, and the Anti-Discrimination Law.”

In 2019, the NHRCK conducted a survey on racial discrimination in South Korea which 310 migrants, 174 public officials and 150 teachers participated. About half of the migrants responded that they experienced discrimination. Korean language skill (62.3%), being non-Korean (59.7%) and accent (56.6%) were the three most common grounds of discrimination they faced. Interviews with them revealed that discriminatory attitudes towards migrants came from the sense of superiority of Koreans. 88.3% of migrants and 86.8% of public officials and teachers agreed to the enactment of anti-discrimination law.

With regard to the current legal framework, the Constitution provides prohibited grounds of discrimination in Article 11 (1) which states, “[a]ll citizens shall be equal before the law, and there shall be no discrimination in political, economic, social, or cultural life on account of sex, religion, or social status”. However, it does not explicitly mention “race”. The rights holders are described as “citizens” which can be interpreted to exclude foreigners. Although the Constitutional Court interpreted that this right can be applied to foreigners, it added that it “may be limited by the nature of the rights such as political right and by the principle of reciprocity”.

The 2001 National Human Rights Commission of Korea Act includes the definition of “discrimination acts violating equal rights” which race, skin colour, national origin, ethnic

origin, and religion are included as prohibited grounds of discrimination. The NHRCK can investigate complaints, but their power is limited to declaring a rights violation and issuing non-binding recommendations. Moreover, despite the steady number of complaints on racial discrimination every year, only a handful of them had been accepted by the NHRCK. There is a variety of laws that ban racial discrimination, but they do not have teeth to enforce them. For example, the Marriage Brokers Business Management Act and the Management of Outdoor Advertisements do not have a power to stop hate speech.

Civil society has for a long time demanded the enactment of anti-discrimination law. Since the first attempt in 2008, there have been organised attacks by conservative Protestant groups against a comprehensive anti-discrimination bill, particularly against the inclusion of sexual orientation. They grew into organised forces to oppose anti-discrimination or any human rights related legislations, triggering hostility against LGBT people and Muslims by falsely arguing it would disadvantage Christians. As a consequence, the legislative attempts repeatedly failed in the last 13 years. The UN treaty bodies repeatedly recommended the adoption of a comprehensive anti-discrimination legislation.

In June 2020, a group of National Assembly members tabled a comprehensive anti-discrimination bill. The bill prohibits discrimination based on twenty-three grounds including on language, nationality, gender identity, employment type and health status which are new additions to the grounds in the NHRCK Act. It is applied to the areas of employment, education and training, goods and services, and governmental services. Types of discrimination cover indirect discrimination, bias-based harassment, discriminatory advertisement and multiple discrimination. It requires the government to establish national plans to combat discrimination, and empower the NHRCK and the courts to provide reliefs. The NHRCK also issued a recommendation to the National Assembly with a model bill.

According to the survey of public opinion in April 2020, 88.5% of respondents agreed to anti-discrimination legislation and 82% agreed that discrimination is a severe problem in South Korea. The survey results showed the increased public awareness on discrimination as well as the demand for anti-discrimination law. The Coalition for Enactment of Anti-discrimination Law was formed by 138 CSOs including migrant rights groups, women's groups, organisations for people with disabilities and LGBT groups, as a collective movement for "equality for all" and to address intersectional and structural discrimination.

Japan

Yasuko Morooka, a lawyer from Japan, described that the country has failed to fulfil its obligations under the ICERD through laws and policies, in spite of its ratification in 1995. The "Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan (Hate Speech Elimination Act)" came into force in June 2016, which was the first law to address racial discrimination. The Act was adopted based on the recognition of legislative facts that the hate speech issue is grave and causes enormous suffering for victims while dividing society, which was a welcome move from the government. Yet, it is limited to hate speech against foreign residents and people with foreign origin. Moreover, while it provides the definition of hate speech, there is no clause on

prohibition and sanction. Measures under the Act are limited to consultation, education and awareness-raising, lacking duties to develop a basic policy, programme or mechanism. In December 2016, the “Act on the Promotion of the Elimination of Buraku Discrimination”, the first anti-Buraku discrimination law, went into force. Similarly, this Act has no sanction clause. Consequently, the Acts’ effectiveness remains weak.

A number of local governments enacted ordinances to address racial discrimination in their jurisdictions such as Osaka city and metropolitan Tokyo. Among them, the Ordinance of Kawasaki city enacted in December 2019 made a breakthrough by bringing the clause on the prohibition of discrimination and the clause to impose a criminal fine up to 500,000 yen (approx. 4500 USD) on a violator who repeated hate speech more than three times in spite of a recommendation from the city mayor.

The Hate Speech Elimination Act has been used by civil society as a guide for interpretation of the civil code that led to court decisions of temporary injunction to abort hate demonstrations directed to the Korean residential areas in Kawasaki City and Osaka City. However, with no direct provision to prohibit discrimination with concrete definition in the present law, it is difficult to specify what is illegal. Moreover, civil cases in Japan generally take several years and are very expensive for plaintiffs. The court process also exposes victims of hate speech to the risk of reprisals on the internet and offline. Currently, hate speech against a group of unspecified persons cannot be brought to the court.

In September 2016, the Network towards Human Rights Legislation for Non-Japanese Nationals and Ethnic Minorities published a guidebook on the Hate Speech Elimination Act in order to provide civil society a basis of legal interpretation in the preparation for ordinance by local authorities. The Network also drew its action plan for the elimination of racial discrimination based on the Act which ranged from demanding the government to develop concrete measures, local public bodies to enact an ordinance, and the enactment of a basic law for the elimination of racial discrimination in conformity with the international human rights standards.

Japanese civil society was successful in campaigns for the ratification of international human rights treaties including the ICERD. Through its concentrated and coordinated efforts, the CERD and the UN Human Rights Committee issued helpful recommendations to the Japanese government to take measures to prohibit hate speech after the periodic reviews in 2014.

She concluded the presentation by emphasising that Japan must enact a law to prohibit racial discrimination and set up an independent national human rights institution to protect victims of discrimination and to fulfil its international obligations, as repeatedly recommended by the UN treaty bodies.

Hong Kong

Kelley Loper from the University of Hong Kong explained that the Race Discrimination Ordinance (RDO) enacted in 2008 was the cornerstone of the legal framework against racial discrimination in Hong Kong. It prohibits both direct and indirect discrimination based on the

definition of the 1976 Race Relations Act in the United Kingdom. It also prohibits victimisation, racial harassment and serious vilification (hate speech). The prohibited grounds of discrimination are race, colour, descent, national or ethnic origin as in Article 1 of the ICERD. Race of an associate is also covered which was limited to “near relatives” until 2020. Its scope includes employment, education, provision of goods, facilities and services.

There are also constitutional guarantees. Articles 1(1) and 22 of the Bill of Rights copy Articles 2(1) and 26 of the ICCPR. The Basic Law states that all Hong Kong residents shall be equal before the law, which is effectively extended to non-residents by another provision of the law. However, those provisions have a limited impact in the area of racial discrimination, they are only applied to court reviews, legislations and acts by public authorities. The Equal Opportunities Commission (EOC) does not have the power to assist in enforcement or investigate possible constitutional violations. Actual remedies for the breach are more limited than the provisions of the RDO.

The Hong Kong government has for many years resisted the introduction of a law prohibiting racial discrimination in the private sector. In 1996, a public consultation done by the British colonial government showed that more than 80% of respondents opposed such legislation. Based on this outcome, the government announced that education and awareness-raising are more preferable than legal measures against racial discrimination. Yet, comments of those opposed the legislation actually expressed racist and xenophobic views. She considered that the consultation exercise would rather provide the evidence of urgent need to legislate to protect people from racial discrimination.

Hong Kong CSOs began to actively mobilise around the issue in the late 1990s which led to several achievements. The UN treaty bodies, in particular the CERD, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights (CESCR), repeatedly voiced their concerns about the lack of legal protection from racial discrimination in the private sphere. At the same time, individuals began publicly sharing their experiences of discrimination in housing, services, employment and day-to-day life. Particularly, the death of a Malaysian woman of Indian descent in a local hospital sparked the public debate about the prevalence of racial discrimination in the Hong Kong society.

She shared an interesting example of one NGO that has focused their advocacy on business groups, as many companies were concerned that the lack of legal protection from discrimination could discourage talents from abroad. In a government survey of businesses and NGOs, the majority of businesses responded in favour of anti-discrimination legislation. Later, the government tabled the Race Discrimination Bill in 2006. Notably, the government explained that the international human rights law mandated the introduction of anti-discrimination legislation. Nevertheless, the RDO fails to fully comply with Hong Kong’s international obligations. The RDO does not apply to all government functions and powers. It also uses the “old” definition of indirect discrimination which was proved to be ineffective in the UK. Moreover, it excludes discrimination on the grounds of nationality, citizenship and residence status that also seems to exclude discrimination against new immigrants, especially those from mainland China. Intersectionality of discrimination is significantly difficult to address within the current legal framework, due to a “piecemeal approach” to a specific form of discrimination. The extremely slow pace of law reform is also an issue. Despite many calls

to prohibit discrimination based on gender identity, sexual orientation and age, there has been no anti-discrimination legislation since the RDO.

Enforcement of the RDO remains a challenge. The EOC's broad powers to investigate, conciliate and fund litigations have been underutilised. Their independence has been questioned due to the government's controversial appointments of commissioners in recent years. There has been only one court ruling under the RDO (Singh Arjun v Secretary for Justice & Hung Kai Kam), deciding that the RDO could not apply because of the exclusion of most government functions including police activities. The government has continuously ignored the recommendations from the UN treaty bodies to initiate law reforms.

Q&A session

The audience actively engaged with the panellists in the interactive discussion. Follow-up questions on the ongoing developments for a comprehensive anti-discrimination law in South Korea were raised. In response to the question about the current status of the text proposed by the NHRCK, Kim clarified that it was a model for National Assembly members to submit a draft legislation to the Assembly.

The audience asked Kim to elaborate on the strategy of the Korean civil society for anti-discrimination law and whether an intersectional approach has been considered. Kim shared that there is a great consensus among CSOs to have a comprehensive anti-discrimination law, though some argue in favour of individual laws. Moreover, there is a shared understanding that strong solidarity and intersectionality are key, since new forms of discrimination will always come up.

A question was raised whether there is any initiative in the private sector in South Korea and Japan on diversity and anti-discrimination. Kim shared that the business sector's involvement with the current legal reform initiative has been limited. It shows the interesting contrast to the discussion about anti-discrimination in 2007 when they had a clear position. Morooka analysed that the link between civil society and the business sector has not been strong, though CSOs have responded to discriminatory treatments by companies. As one of the examples for the lack of awareness in the business sector, she shared that Japanese sponsors of the tennis player Naomi Osaka failed to back her support for the Black Lives Matter movement, unlike their counterparts abroad.

There was a question about the extent of the pandemic's impact on the movement for anti-discrimination legislation in Japan. Morooka regretted that there has been no positive development on anti-discrimination legislation under the pandemic, despite the fact that people who were already in vulnerable situations, especial migrants, had suffered more severe consequences of the pandemic.

A number of questions were raised for Hong Kong. Asked about potential lessons from advocacy in South Korea and Japan, Loper noted the scale of the civil society network in Hong Kong has not been the same as in the two countries. At the same time, the Hong Kong civil society has been effective in advocacy at the UN human rights bodies and sharing their

experiences. In particular, their strategy to target the business community has proven to be very efficient which made the government change its position on discrimination against migrants due to the pressure from the foreign chambers.

Question was raised about the impact of the national security law on the RDO. Loper shared that the law has closed a space for human rights advocacy and dissent to the greater extent. Yet, the area of equality and anti-discrimination law is deemed to be less politically sensitive which allows civil society to continue their human rights activities.

In response to the question on the pandemic's impact on racial discrimination in Hong Kong, Loper stressed the need to carefully monitor the situation of racial discrimination after the pandemic, while marginalised communities have already been disproportionately affected.

One participant asked why court cases on racial discrimination have been limited in Hong Kong, as well as the role of the EOC in such cases. Loper explained that the EOC has a statutory obligation to attempt to conciliate a case prior to providing legal assistance in bringing it to the court. She stressed the significant difficulty for individuals to go to the court without legal aid. However, the EOC does not financially support every case that did not succeed through conciliation. Since most cases are conciliated, dismissed or not provided with legal assistance by the EOC, only very few cases are taken to the court.

Recommendation from the Organising Committee

The Organising Committee is concerned that South Korea, Japan and Hong Kong lack comprehensive anti-discrimination legislations to address racism, despite the long-standing racial discrimination in society. While the RDO exists in Hong Kong, it is not in full conformity with the ICERD and importantly does not prohibit discrimination in the exercise of government powers.

The Organising Committee recommends that a comprehensive anti-discrimination legislation to be adopted in South Korea, Japan and Hong Kong which also prohibits intersectional and multiple forms of discrimination, accompanied with an effective national human rights institution, to progress towards an equal society.