

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: +1-212-290-4700  
Fax: +1-212-736-1300; 917-591-3452

Kenneth Roth, *Executive Director*

**DEPUTY EXECUTIVE DIRECTORS**

Michele Alexander, *Development and Global Initiatives*  
Nicholas Dawes, *Media*  
Iain Levine, *Program*  
Chuck Lustig, *Operations*  
Bruno Stagno Ugarte, *Advocacy*

Emma Daly, *Communications Director*  
Dinah PoKempner, *General Counsel*  
James Ross, *Legal and Policy Director*

**DIVISION AND PROGRAM DIRECTORS**

Brad Adams, *Asia*  
Daniel Bekele, *Africa*  
Maria McFarland Sánchez-Moreno, *United States*  
Alison Parker, *United States*  
José Miguel Vivanco, *Americas*  
Sarah Leah Whitson, *Middle East and North Africa*  
Hugh Williamson, *Europe and Central Asia*

Shantha Rau Barriga, *Disability Rights*  
Peter Bouckaert, *Emergencies*  
Zama Coursen-Neff, *Children's Rights*  
Richard Dicker, *International Justice*  
Bill Frelick, *Refugees' Rights*  
Arvind Ganesan, *Business and Human Rights*  
Liesl Gerntholtz, *Women's Rights*  
Steve Goose, *Arms*  
Diederik Lohman, *acting, Health and Human Rights*  
Graeme Reid, *Lesbian, Gay, Bisexual, and Transgender Rights*

**ADVOCACY DIRECTORS**

Maria Laura Canineu, *Brazil*  
Kanae Doi, *Japan*  
John Fisher, *United Nations, Geneva*  
Meenakshi Ganguly, *South Asia*  
Bénédicte Jeannerod, *France*  
Lotte Leicht, *European Union*  
Sarah Margon, *Washington, DC*  
David Mepham, *United Kingdom*  
Wenzel Michalski, *Germany*  
Elaine Pearson, *Australia*

**BOARD OF DIRECTORS**

Hassan Elmasy, *Co-Chair*  
Joel Motley, *Co-Chair*  
Wendy Keys, *Vice-Chair*  
Jean-Louis Servan-Schreiber, *Vice-Chair*  
Sid Sheinberg, *Vice-Chair*  
John J. Studzinski, *Vice-Chair*  
Michael Fisch, *Treasurer*  
Bruce Rabb, *Secretary*  
Karen Herskovitz Ackman  
Akwas Aidoo  
Jorge Castañeda  
Michael E. Gellert  
Betsy Karel  
Robert Kissane  
David Lakhdir  
Kimberly Marteau Emerson  
Oki Matsumoto  
Joan R. Platt  
Amy Rao  
Neil Rimer  
Graham Robeson  
Shelley Frost Rubin  
Kevin P. Ryan  
Ambassador Robin Sanders  
Bruce Simpson  
Donna Slaughter  
Siri Stolt-Nielsen  
Darian W. Swig  
Makoto Takano  
John R. Taylor  
Amy Towers  
Peter Visser  
Marie Warburg  
Catherine Zennström

July 6, 2018

Michelle Li Mei-sheung, Director, Leisure and Cultural Services Department  
Dr. Louis Ng Chi-wa, Deputy Director (Culture)  
Rochelle Lau Shuk-fan, Assistant Director (Libraries and Development)

Home Affairs Bureau, Government of Hong Kong SAR  
12/F, West Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar,  
Hong Kong SAR  
Fax: +852 2591 6002  
Email: [hab@hab.gov.hk](mailto:hab@hab.gov.hk)

**RE: Moving children's books to "closed stacks" in public libraries**

Dear Ms. Li, Dr. Ng and Ms. Lau:

Human Rights Watch is an international nongovernmental organization that monitors human rights around the world, including in the Hong Kong Special Administrative Region (SAR). We work on a range of human rights issues, including the rights of children and the rights of lesbian, gay, bisexual, and transgender (LGBT) people in 90 countries.

We write to express concern over the recent announcement that the government of Hong Kong SAR has decided to move a selection of 10 children's books to the "closed stacks" in public libraries. Human Rights Watch believes that this new policy discriminates against LGBT youth and violates their right to education, information, and health. We believe that it also violates Hong Kong's obligations under international human rights law, and could be harmful to LGBT people in Hong Kong by signaling the government's support of discrimination against this population. We have reviewed correspondence dated June 15, 2018, in which the Home Affairs Department responded to a citizens' group's complaint regarding 10 children's books that feature diverse families and gender expressions. The Home Affairs Department noted that "the contents of seven of these books are neutral, and do not promote or advocate



**HRW.org**

homosexuality and same-sex marriage.” Nonetheless, authorities within the Home Affairs Department proceeded to order that all 10 books be placed in the “closed stacks,” which will significantly limit access to these materials and send a disturbing discriminatory message about the government’s position regarding information about gender, sexuality, and the lives of LGBT people.

Discriminatory placement of LGBT content in libraries not only sends a stigmatizing message that LGBT content is inherently inappropriate, but deprives people of their right to access information that could be important to their development, health, and safety. The right to information includes information about sexual orientation and gender identity. It can be particularly important for children and youth to have access to accurate and affirmative information about LGBT lives. All children need information about diverse identities to develop empathy and to foster acceptance of their peers. LGBT adolescents are subject to disproportionate rates of bullying. As a result, they often experience feelings of isolation and alienation. For these individuals, affirmative messages about LGBT people and accurate information about sexual orientation and gender identity are vital to a healthy sense of self, the promotion of understanding among peers, and access to other information such as health-related information.

The 1984 Sino-British Joint Declaration spells out the terms for transfer of Hong Kong from British to Chinese control. That document stipulates that Hong Kong shall have “a high degree of autonomy” in matters other than national defense and foreign policy, while the Basic Law, Hong Kong’s functional constitution, provides that the International Covenant on Civil and Political Rights (ICCPR) applies to Hong Kong.<sup>1</sup>

ICCPR article 2 states that the government “undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

ICCPR article 26 states that: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

---

<sup>1</sup> Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong, December 19, 1984.

In its landmark 1994 decision in the case of *Toonen v. Australia*, the United Nations Human Rights Committee held that “sexual orientation” should be understood to be a status protected against discrimination under articles 2 and 26 of the ICCPR.<sup>2</sup>

Human Rights Watch notes that the decision not to include these books on the same shelves as other books discriminates on the basis of sexual orientation and gender identity. It is contrary to Hong Kong’s international human rights obligations and the spirit of the UNESCO public library manifesto, which states that public libraries should provide services “on the basis of equality of access for all, regardless of age, race, sex, religion, nationality, language or social status.”<sup>3</sup> Accordingly, we strongly urge the government of the Hong Kong to immediately reverse this policy decision.

Sincerely,



Boris Dittrich  
Advocacy Director  
LGBT Rights Program  
Human Rights Watch

CC:

Janice Tse, Director of Home Affairs  
Anna Chor, Assistant Director of Home Affairs

---

<sup>2</sup> International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976, articles 2 and 26 (affirming the equality of all people before the law and the right to freedom from discrimination). See UN Human Rights Committee, *Toonen v. Australia*, 50th Sess., Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992, April 14, 1994, sec. 8.7.

<sup>3</sup> UNESCO Public Libraries Manifesto, 1994, <https://www.degruyter.com/downloadpdf/books/9783110232271/9783110232271.bm/9783110232271.bm.pdf>.

## Appendix I: Home Affairs email regarding “closed stacks” decision

From: culture@hab.gov.hk [mailto:culture@hab.gov.hk]  
Sent: Friday, June 15, 2018 8:32 AM  
To: fsconcernsodo@gmail.com  
Subject: 關注兒童圖書館藏有及推介同性戀意識書籍

「性傾向條例家校關注組」召集人  
黃偉明先生:

有關 貴組 4 月 21 日的電郵，繼早前的簡覆，本局現回覆如下。

香港公共圖書館(圖書館)一向歡迎公眾人士或團體對圖書館的館藏提出意見，並會根據館藏發展方向和原則考慮這些意見，交由圖書館專業人員組成的「館藏發展會議」審議。電郵中所關注的三本兒童書籍，包括《Daddy, Papa, and me》、《Mommy, Mama, and me》以及《一家三口》，「館藏發展會議」已重新審視書籍的內容，並進行詳細討論及議決將這三本兒童圖書以閉架形式在圖書館流通。各分館已將有關書籍存放於閉架，讀者需向職員索閱。

至於電郵提及的其餘七本兒童書籍，包括：(1) Molly's Family、(2) The Family Book、(3) Introducing Teddy、(4) The Boy in the Dress、(5) Milly, Molly and Different Dads、(6) Annie on My Mind 及(7) Good Moon Rising，圖書館亦已按機制將有關書籍交由「館藏發展會議」檢視。「館藏發展會議」認為此七本書籍內容中性，並沒有渲染或宣揚同性戀與同性婚姻。基於圖書館致力維護資訊自由的原則，不會利用館藏宣揚特定的信念或觀點，「館藏發展會議」決定繼續將此七本書籍維持為圖書館館藏。然而，「館藏發展會議」理解不同讀者對有關書籍的關注，為了確保兒童在閱讀時得到適當引導，故參考之前處理《Mommy, Mama, and me》等三本書籍的做法，議決將此七本書籍存放於閉架，而各分館亦剛完成存放閉架的安排，即個別讀者需向職員索閱。家長為孩子挑選合適讀物及共讀時，可自由選擇是否讓小孩閱覽有關書籍，並對孩子作出適當引導或解說。再次謝謝 貴組對圖書館服務的支持和關注。

民政事務局局長  
(梁婉嫻 代行)

## Appendix II: List of books that have been placed in the “closed stacks”

1. **一家三口** (Chinese edition of *And Tango Makes Three*) / by Justin Richardson and Peter Parnell; illustrated by Henry Cole; translated by Pei-Yu Chen (Call Number: JJ 7420)
2. **Daddy, Papa, and Me** / by Leslea Newman; illustrated by Carol Thompson (Call Number: JJ NEW)
3. **Mommy, Mama, and Me** / by Leslea Newman; illustrated by Carol Thompson (Call Number: JJ NEW)
4. **Molly’s Family** / by Nancy Garden; illustrated by Sharon Wooding (Call Number: JJ GAR)
5. **The Family Book** / by Todd Parr. (Call Number: JJ PAR)
6. **Introducing Teddy: a gentle story about gender and friendship** / by Jessica Walton; illustrated by Dougal MacPherson (Call Number: JJ WAL)
7. **The Boy In The Dress** / by David Walliams; illustrated by Quentin Blake (Call Number: YF WAL)
8. **Milly, Molly and Different Dads** / by Gill Pittar; illustrated by Cris Morrell (Call Number: JJ PIT)
9. **Annie on My Mind** / by Nancy Garden (Call Number: JF GAR)
10. **Good Moon Rising** / by Nancy Garden (Call Number: JF GAR)