

Speech by Victoria Wisniewski Otero, Advocacy and Campaigns Manager, at the Panel on Security of the Legislative Council, 3 November 2015:

The Sixth Report of the People's Republic of China under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - Part Two: Hong Kong Special Administrative Region

Esteemed Members of the Panel on Security

I speak on behalf of Justice Centre Hong Kong. In the past year, our NGO has received people from more than 40 countries of origin, including 156 victims of torture.

I am here to talk about the Unified Screening Mechanism, which the United Nations Committee against Torture will be reviewing later this month.

Since 2013, we have repeatedly asked the Panel on Security for a meeting open to deputations to discuss the USM, but these requests have never been met.

This is the first time that we are able to speak to you all on this matter.

Let me give you a progress report on the USM, as best I can, as there are no public statistics available, no database, despite many calls to establish this as a basic element of transparency.

From our own access to information requests, we know that in its first year, the USM had 4 substantiated claims out of 1,280 claims that were processed – a rejection rate of 99.7%.

This gives Hong Kong the dubious distinction of having one of the lowest acceptance rates in the world. This rate begs scrutiny of the reasonableness of decision-making, how claims are being prioritised and whether the Immigration Department is applying too high of a threshold of risk of torture; CIDTP and persecution.

I want to tell you about some of the rejections that we are seeing that we find extremely troubling. Among our beneficiaries, we have seen negative decisions at first instance from countries like Central African Republic, Somalia and Yemen, for example.

Many of these rejections are not based so much on the grounds of credibility, but on the grounds that the decision-maker believed that there is no risk in those countries of origin.

These are countries that have experienced widespread violence and are currently considered by a number of governments and the UNHCR as countries of concern for asylum purposes. We worry about how country of origin information is being used and applied by decision-makers.

As you know, the world is facing an unprecedented refugee crisis. The global community has shown incredible support and solidarity to help these people fleeing from conflict and persecution.

By contrast, in the past couple of months, the Immigration Department has made several negative press comments towards USM claimants and has also started to sweepingly label claimants as "illegal immigrants". This is an unacceptable and disingenuous label.

We raise concern about the impact that this negative rhetoric by the government has on fuelling hostile attitudes and negative stereotyping in the public eye.

We have seen an increase in hate speech and racial vilification on social media, not just towards refugees but ethnic minorities more generally. We have raised these concerns with the Equal Opportunities Commission.

We urge for more transparency of the Unified Screening Mechanism and more humanity in these kinds of forums. We call for a system that has protection, not rejection, at its core.