



# SUBMISSIONS TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

## THE ROLE OF THE HONG KONG LEGISLATIVE COUNCIL IN THE HUMAN RIGHTS COUNCIL AND ITS UNIVERSAL PERIODIC REVIEW

January 2018

### Introduction

This submission sets out the response of the Hong Kong UPR Coalition Steering Committee to the questionnaire of the Office of the High Commissioner for Human Rights (OHCHR) on the role of parliaments in the Human Rights Council and its Universal Periodic Review (UPR). The questionnaire is set by OHCHR for a study on the matter that it will present to the Human Rights Council at its thirty-eighth session, in June 2018, pursuant to Human Rights Council resolution 35/29 of 23 June 2017.<sup>1</sup>

Responses of the Hong Kong UPR Coalition Steering Committee to the questionnaire are as follows:

**Question 1 – Does your Parliament have a specialised committee that deals solely with human rights? Is the committee human rights-specific or does it also cover other related questions (gender, legal, constitutional affairs, etc)?**

No, the Hong Kong Legislative Council does not have a specialised committee that deals solely with human rights.

According to Rule 77(1) of the Rule of Procedures, the Hong Kong Legislative Council could establish a specialised Panel/Committee that deals solely with human rights. However, such a specialised committee does not exist.

The terms of reference for the Panel on Constitutional Affairs cover a wide range of issues, one of which is human rights. The terms of reference include:

*“To monitor and examine Government policies and issues of public concern relating to implementation of the Joint Declaration and the Basic Law, relations between the Hong Kong Special Administrative Region Government and the Central People’s Government and other Mainland authorities, electoral matters, district organizations, **human rights**, personal data protection and press freedom.” [emphasis added]<sup>2</sup>*

The Subcommittee on Children’s Rights<sup>3</sup> and the Subcommittee on Rights of Ethnic Minorities<sup>4</sup> under the House Committee deal with the rights of children and ethnic minorities respectively. However,

<sup>1</sup> Available at: <https://drive.google.com/file/d/1Mg3KzQWa5f2n-oYqD7kJIbSojNELysyL/view>, accessed on 12 January 2018.

<sup>2</sup> See Legislative Council, “Panel on Constitutional Affairs”, available at: <http://www.legco.gov.hk/general/english/panels/yr16-20/ca.htm>, accessed on 12 January 2018.

<sup>3</sup> The terms of reference of the Subcommittee on Children’s Rights is as follows: “To study and review the existing child policy, including the respective services and policies for children with different disadvantages, encourage children to participate and express for themselves, analyze and study international policies, discuss relevant policies with the Administration and make timely recommendations.” See Legislative Council, “Subcommittee on Children’s Rights”, available at: [https://www.legco.gov.hk/yr16-17/english/hc/sub\\_com/hs101/general/hs101.htm](https://www.legco.gov.hk/yr16-17/english/hc/sub_com/hs101/general/hs101.htm), accessed on 12 January 2018.

<sup>4</sup> The terms of reference of the Subcommittee on Rights of Ethnic Minorities is as follows: “To study and follow up policies and measures relating to ethnic minority issues in Hong Kong and make timely recommendations.”



they only operate for 12 months with the possibility of extension for another 12 months. They are not standing committees that operate on a continuous basis to monitor and examine Government policy relating to human rights.<sup>5</sup>

### **Questions 2 – 6**

No, see response to question 1.

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Hong Kong UPR Coalition Steering Committee  
15 January 2018

### **About the Hong Kong UPR Coalition Steering Committee**

The Hong Kong UPR Coalition Steering Committee guides civil society engagement in the Third Cycle UPR on Hong Kong. It consists of eight civil society organisations, namely Civil Human Rights Front, Disabilities CV, Justice Centre Hong Kong, Les Corner, PEN Hong Kong, Pink Alliance, Planet Ally and The Hong Kong Society for Asylum-Seekers and Refugees.

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See Legislative Council, “Subcommittee on Rights of Ethnic Minorities”, available at: [https://www.legco.gov.hk/yr16-17/english/hc/sub\\_com/hs52/general/hs52.htm](https://www.legco.gov.hk/yr16-17/english/hc/sub_com/hs52/general/hs52.htm), accessed on 12 January 2018.

<sup>5</sup> Rule 26(c) of the House Rules, available at: [http://www.legco.gov.hk/general/english/hc/yr16-20/hc\\_rules.htm](http://www.legco.gov.hk/general/english/hc/yr16-20/hc_rules.htm), accessed on 12 January 2018.