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Media Statement

Justice Centre Hong Kong supports U.S. government's recommendations for legislation to fill gap in combatting human trafficking

Justice Centre Hong Kong calls on Hong Kong to adopt comprehensive legislation to combat human trafficking. The call comes following the release of the U.S. Trafficking in Persons (TIP) Report 2018. This year, Hong Kong is graded Tier 2 Watch List for a third consecutive year.

While the TIP Report notes that improvements have been made, it repeats concerns made in previous years that Hong Kong's laws do not criminalise all forms of trafficking. The report recommends that Hong Kong enact such a law in line with definitions set forth in the United Nations Palermo Protocol on human trafficking.

By not adopting comprehensive legislation to combat human trafficking, Hong Kong has failed to fulfil its duty under international human rights law as well as the Hong Kong Bill of Rights. The United Nations Human Rights Committee, the Committee against Torture and the Committee on the Elimination of All Forms of Discrimination against Women, have made recommendations for Hong Kong about human trafficking since 2013, calling upon Hong Kong to:

- a) Consider the extension of the Palermo Protocol to the city; and
- b) Adopt the Palermo Protocol definition of human trafficking into legislation.

Piya Muqit, Executive Director, Justice Centre Hong Kong said, "According to the Chief Executive, respect for human rights are a core value for the Hong Kong Government. The long standing failure to enact comprehensive legislation to combat human trafficking continues to be a gap in the protection of human rights in Hong Kong."

Ms Muqit added that, "The TIP Report and United Nations treaty body recommendations on human trafficking will draw international attention again in November 2018, when States review the human rights situation of Hong Kong in the United Nations Universal Periodic Review (UPR). The Government should take action now, developing laws that show its commitment to protecting human rights." The Hong Kong UPR Coalition, which Justice Centre is facilitating, have proposed comprehensive trafficking legislation in its submission to the United Nations, raising recommendations with the Hong Kong Government and foreign governments.

While Justice Centre welcomes the recently released Action Plan to Tackle Trafficking in Persons and Enhance Protection of Foreign Domestic Helpers, there remain several areas of concern. Notably, the Action Plan will not establish an offence of human trafficking to prosecute traffickers for or provide for legislation that provides for the protection of victims and prevention of human trafficking. There are no time frames for most activities in the Action Plan or an accountability mechanism.

PROTECTING FORCED MIGRANTS' RIGHTS

The Hong Kong Government claims in the Action Plan that migrant domestic workers in Hong Kong enjoy full protection. However, Justice Centre's primary research *Coming Clean* found that 17% of migrant domestic workers in Hong Kong were in conditions of forced labour. 14% of those, or 8,000 people, were trafficked for the purpose of forced labour.

"The TIP Report makes it clear that comprehensive anti-trafficking legislation should be introduced in Hong Kong. Comprehensive trafficking legislation would show that the Government is serious in upholding its human rights obligations and adheres to its core values. We urge the Government to work with stakeholders, including civil society, to develop laws to fill this gap," **Ms Muqit said.**

Notes to Editor

- The Universal Periodic Review is a peer review mechanism under the auspices of the United Nations Human Rights Council. The Third Cycle review of China, including Hong Kong and Macau, will take place in on 6 November 2018. The Hong Kong UPR Coalition is facilitated by Justice Centre Hong Kong and guided by a Steering Committee. See the joint civil society UPR submission of the Hong Kong UPR Coalition and other submissions at: <http://www.justicecentre.org.hk/policy-advocacy/universal-periodic-review>
- *Coming Clean* was cited in the 2016 TIP report, the year Hong Kong was downgraded from Tier 2 to Tier 2 Watch List. Read the *Coming Clean* report at: <http://www.justicecentre.org.hk/comingclean>

About Justice Centre Hong Kong

Justice Centre Hong Kong is a non-profit human rights organisation working to protect the rights of Hong Kong's most vulnerable forced migrants: refugees, other people seeking protection, and survivors of torture, human trafficking and forced labour. Justice Centre is a member of the Civil Society Anti-Human Trafficking Task Force. For more information please visit: www.justicecentre.org.hk

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