



透過聯合國普遍定期審議機制於香港推動人權
Advancing human rights in Hong Kong through
the UN Universal Periodic Review process

香港普遍定期審議聯盟督導委員會
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NEWS RELEASE

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INTERNATIONAL COMMUNITY CONDEMNS HUMAN RIGHTS SITUATION IN HONG KONG IN MAJOR UN UPR REVIEW OF CHINA

HONG KONG – In a first and unprecedented step, 12 countries have used the United Nations Universal Periodic Review (UPR) hearing on China yesterday to highlight their concerns with the human rights environment in Hong Kong.

When China's last UPR hearing was held in 2013, not one recommendation was issued on Hong Kong. This time around there were seven, with five other references through questions in advance and statements, raising international attention on the deterioration of rights in Hong Kong.

Simon Henderson, spokesperson for the Hong Kong UPR Coalition and Senior Policy Advisor at Justice Centre, said the outcome of the UPR hearing, which is held every five years, marks a substantial shift in foreign policy towards Hong Kong.

“The declining human rights environment has clearly harmed Hong Kong's international reputation, despite persistent denials of senior government officials.”

“This sends a strong signal to the Hong Kong government that it needs to change course. Failure to do so will only further undermine the core values which have made Hong Kong successful and threaten future prosperity.”

The response from the international community also reflects the substantial efforts of the Hong Kong UPR Coalition in undertaking the most comprehensive civil society engagement ever on the UPR.

“The Coalition has been engaging with civil society, the international community, the United Nations and the Hong Kong government for over one year. This includes a comprehensive submission process, over 200 meetings, roundtable events, 24 thematic fact sheets and much more. The result is a testament to the incredible collective effort of the Coalition.”

“The Coalition urges the Hong Kong government to accept the recommendations. Government should work collaboratively with civil society, in a genuine and inclusive way, to implement these measures. In doing so, they will help restore Hong Kong's international standing,” said Mr Henderson.

Civil and political rights

The recommendations by Australia, Canada and France were strongly welcomed by Coalition members. Over the last five years, the government has failed to uphold its commitments towards universal suffrage in accordance with the Basic Law, the rule of law has been consistently undermined and fundamental freedoms have been eroded.

“China's plan to marginalise Hong Kong is in vain. Given Hong Kong's special status, the international community will not overlook the increasing encroachment on human rights in Hong Kong, even with the severe situation in the mainland. Unlike China, the ICCPR applies



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to Hong Kong and the government has more obligations to protect and improve the human rights environment here,” said Wong Yik Mo, Civil Human Rights Front.

“With these recommendations, the international community are saying it is time for the Hong Kong government to prove their commitment to 'core values' enshrined in the Sino-British Joint Declaration,” said Benedict Rogers, Hong Kong Watch.

“The recommendations are a sign that governments around the world recognises that Hong Kong has experienced unprecedented restrictions on fundamental rights and freedoms in the last five years. Draconian legislation has been used to prosecute political protestors, freedom of expression has been undermined, and the rule of law is under pressure,” Mr Rogers concluded.

Freedom of expression and press freedom

France issued a strong recommendation, calling for the guarantee of freedom of speech, assembly and association in Hong Kong. The Netherlands, USA, Germany and Switzerland also raised freedom of expression concerns through advance questions.

Given concerns expressed by the international community, the Coalition is disappointed that Chief Secretary Matthew Cheung failed to identify steps the government will take to counter growing restrictions on freedom of expression and the press in his speech to the United Nations.

“The Victor Mallet case has cleared any doubts among foreign government in Beijing's interference in our press and expression freedom. France’s recommendation is a warning against the introduction of national security law or any institutional control in the city,” said Shirley Yam of Hong Kong Journalists Association.

“The Hong Kong government should now listen to countries voicing their concerns about the state of freedom of expression in Hong Kong. Threats to free expression and a free flow of ideas directly harm Hong Kong’s image as an open, ‘world’ city that abides by the rule of law,” said Jason Ng, PEN Hong Kong.

Children’s rights

Isabella Ng from Hong Kong Society for Asylum Seekers and Refugees said that the recommendation by Croatia on legislating to implement the Convention on the Rights (CRC) of the Child is a substantial step, noting that it was specifically put forward by the Coalition.

“Croatia’s recommendation on protecting children’s rights, if implemented, would help many of the most marginalised in Hong Kong, including asylum seekers, refugees, persons with disabilities and ethnic minorities,”

“Domestic incorporation of the CRC has long been called for by civil society and would fill a critical human rights legislative gap in Hong Kong. The Coalition strongly urges the government to accept Croatia’s recommendation and live up to its commitments under the CRC,” Ms Ng concluded.

LGBTI rights

The promotion and protection of LGBTI rights in Hong Kong came under the spotlight, with Ireland making a recommendation for anti-discrimination legislation. Alongside longstanding calls from LGBTI persons, civil society organisations and support from the Hong Kong public, the government should now act.



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“Les Corner is delighted to see recommendations on LGBTI equality in Hong Kong raised for the first time in the UPR. We urge the Hong Kong government to adopt the Ireland recommendation and introduce anti-discrimination legislation to uphold equal rights for people of different sexual orientation and gender identity,” said Wai Wai Yeo, Les Corner Empowerment Association.

“The recommendation from Ireland not only reinforces the fact that LGBTI rights are human rights but also challenges the Hong Kong government to live up to its commitment to treating LGBTI persons without discrimination. It is time for the authorities to walk the talk,” said Jerome Yau, Pink Alliance

Migrant domestic workers

Annie Li, Justice Centre Hong Kong, noted the significance of two specific recommendations on migrant domestic workers in Hong Kong, the first time their treatment and welfare has been raised in the UPR.

“That the two major sending countries of migrant domestic workers in Hong Kong, the Philippines and Indonesia, make recommendations for Hong Kong is unprecedented. It shows Hong Kong has to strengthen the protection of migrant worker rights in the region’s competition for workers to care for the ageing population. We look forward to collective action from the sending countries of domestic workers to promote their rights,” said Ms Li.

Disability rights

While the Coalition is disappointed that no country mentioned disability rights in Hong Kong, several raised constructive recommendations on disability rights in China according to Sophie Cheung, Disabilities CV. There remains much to be done in Hong Kong.

“Legal capacity is a human right. The Hong Kong government still needs to remove restrictions on our legal capacity and abolish ‘mental incapacitated person’ from the mental health ordinance. Civil society have been asking for this change for over a decade,” Ms Cheung said.

Civil society engagement

Mr Henderson said that the UPR is an opportunity for the Hong Kong government to show that it is genuine about meaningful engagement with civil society. Unfortunately, the UPR consultation process was overshadowed by a lack of transparency and accountability.

“The UPR has been an opportunity to demonstrate the Chief Executive’s pledge to “connect”. To date, that pledge has not been upheld. The refusal by the Constitutional and Mainland Affairs Bureau to release its draft report for consultation and the failure to incorporate civil society comments into the final report, were of particular concern.”

“However, it is not too late for the Hong Kong government to turn around and show a genuine commitment to engage constructively with civil society and the international community.”

“We urge the Hong Kong government to accept these recommendations. Civil society looks forward to working collaboratively with government and the international community to implement these recommendations over the coming years,” Mr. Henderson concluded.

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Coalition members are also available for comment.

Hong Kong UPR Coalition materials are available at: www.justicecentre.org.hk/policy-advocacy/universal-periodic-review/.

About Hong Kong UPR Coalition

The Hong Kong UPR Coalition represents the collaborative efforts of different civil society groups to advance human rights in Hong Kong through the United Nations Universal Periodic Review (UPR) process. Founded in 2017 for the third cycle of the UPR process, the Coalition is facilitated by Justice Centre Hong Kong and comprises a wide variety of non-governmental organisations. It is directed by the Hong Kong UPR Coalition Steering Committee, which consists of nine members, namely Civil Human Rights Front, Disabilities CV, The Hong Kong Society for Asylum-Seekers and Refugees, Hong Kong Watch, Justice Centre Hong Kong, Les Corner Empowerment Association, PEN Hong Kong, Pink Alliance and Planet Ally.

About Universal Periodic Review

The Universal Periodic Review (UPR) is a unique mechanism of the United Nations Human Rights Council aimed at improving the human rights situation on the ground of each of the 193 United Nation member states. It is the first international human rights mechanism to address all countries and all human rights. The UPR is a peer review process, and it complements the work of various United Nations treaty bodies.



Attachment A: List of recommendations issued at the China UPR hearing focusing on Hong Kong

Australia 澳大利亞	Upholds the rule of law and rights embodied in the One Country, Two Systems framework for Hong Kong. 維護香港法治，以及「一國兩制」框架下的人權。
Canada 加拿大	Ensures the right of Hong Kong people to take part in government, without distinction of any kind. 確保香港人參與政府的權利不受差別待遇。
Croatia 克羅地亞	That Hong Kong internally legislates to implement the Convention on the Rights of the Child. 建議香港本地立法使《兒童權利公約》於本地實行。
France 法國	Guarantee freedom of speech, assembly and association, including in Hong Kong, and remove restrictions on freedom of information on the internet, in particular for human rights defenders. 確保包括在香港在內的言論、集會及結社自由，尤其是針對人權捍衛者，以及確保網上的資訊自由不受限制。
Indonesia 印度尼西亞	Encourage China, including Hong Kong and Macao Special Administrative Regions, to consider ratifying the International Covenant on the Protection of the Rights of All Migrant Workers and Members of Their Families in respect to Hong Kong and Macau. 鼓勵中國，包括香港及澳門特別行政區，考慮在香港及澳門批准 (ratify) 《保護所有移徙工人及其家庭成員權利國際公約》。
Ireland 愛爾蘭	That China, including Hong Kong and Macao, introduce anti-discrimination legislation to protect all marginalised groups, including LGBTI people. 中國，包括香港及澳門，就反歧視條例立法，來保護弱勢團體，包括性小眾。
Philippines 菲律賓	Enhance the monitoring of the Standard Employment Contract for migrant domestic workers in Hong Kong. 加強香港移民家務工的《標準僱傭合約》的監察。