



International Covenant on Civil and Political Rights

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(Note: this document only contains extracts of paragraphs concerning the Hong Kong Special Administrative Region)

Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

1. The Committee, in accordance with article 40 (4) of the Covenant, may prepare follow-up reports based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations. The present report is prepared pursuant to that article.

2. The report sets out the information received by the Special Rapporteur for follow-up to concluding observations, the Committee's evaluations and related decisions adopted during its 117th session. All available information concerning the follow-up procedure used by the Committee since its eighty-seventh session, held in July 2006, is outlined in a table available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fUCS%2f117%2f25037&Lang=en.

Assessment of replies

Reply/action satisfactory

A Response largely satisfactory

Reply/action partially satisfactory

B1 Substantive action taken, but additional information required

B2 Initial action taken, but additional information and measures required

Reply/action not satisfactory

C1 Response received, but action taken does not implement the recommendation

C2 Response received, but is not relevant to the recommendation

No cooperation with the Committee

D1 No response received within the deadline or no reply provided to specific question(s)

D2 No response received after reminder(s)

The measures taken are contrary to the Committee's recommendations



Assessment of replies

E Response indicates that the measures taken are contrary to the Committee's recommendations

107th session (March 2013)

Hong Kong, China

Concluding observations:	CCPR/C/CHN-HKG/CO/3, 26 March 2013
Follow-up paragraphs:	6, 21 and 22
First reply:	CCPR/C/CHN-HKG/CO/3/Add.1, 25 March 2014
Committee's evaluation:	Additional information required on paragraphs 6 [C1], 21 [C1] and 22 [B2]
Second reply:	CCPR/C/CHN-HKG/CO/3/Add.2, 30 March 2015
Committee's evaluation:	Additional information required on paragraphs 6 [C1], 21 [C1][C2][C2] and 22 [B2]
Third reply:	CCPR/C/CHN-HKG/CO/3/Add.3, 11 January 2016
Committee's evaluation:	Additional information required on paragraphs 6 [C1], 21 [C2][C2] and 22 [C2]

Paragraph 6: Hong Kong, China, should take all necessary measures to implement universal and equal suffrage in conformity with the Covenant as a matter of priority for all future elections. It should outline clear and detailed plans on how universal and equal suffrage might be instituted and ensure enjoyment by all its citizens, under the new electoral system, of the right to vote and to stand for election in compliance with article 25 of the Covenant, taking due account of the Committee's general comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service. It is recommended to consider steps leading to withdrawing the reservation to article 25 (b) of the Covenant.

Follow-up question:

[C1]: The Committee notes that Hong Kong, China, has not provided information on the specific method for selecting the Legislative Council by universal suffrage, as it had requested. It requests additional information on the progress towards the adoption of an amendment allowing for election of the Chief Executive by universal suffrage. It regrets that no measures appear to have been taken to withdraw the reservation to article 25 (b) of the Covenant.

Summary of State party's reply:

After extensive public consultations, the Government of Hong Kong, China, presented the Legislative Council with a package of proposed methods (the 2017 proposals) for selecting the Chief Executive by universal suffrage by 2017. The Council vetoed the motion on 18 June 2015.

Committee's evaluation:

[C1]: The Committee regrets that Hong Kong, China, has not yet made arrangements for elections by universal suffrage in 2017. It reiterates its recommendation that Hong Kong, China, withdraw its reservation to article 25 (b) of the Covenant.

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Paragraph 21: Hong Kong, China, should adopt measures to ensure that all workers enjoy their basic rights, independently of their migrant status, and establish affordable and effective mechanisms to ensure that abusive employers are held accountable. It is also recommended to consider repealing the “two-week rule” (whereby domestic migrant workers must leave Hong Kong within two weeks upon termination of contract) as well as the live-in requirement.

Follow-up question:

[C1](a): The Committee notes the reports of cases of wounding and serious assault involving foreign domestic helpers. It regrets that Hong Kong, China, does not maintain data on the relevant sentencing outcomes. It reiterates its recommendation and requires updated data on the incidence of all forms of alleged abuse by employers, including statistics on prosecutions, convictions and sentencing outcomes.

[C2](b): Additional information is required on mechanisms in place that are specifically tailored to ensure accountability for abuse by employers, specifically abuse against foreign domestic workers, including mechanisms in place to facilitate the reporting of abuse and to protect employees from retribution for coming forward with complaints.

[C2](c): The Committee regrets that no steps have been taken to repeal the live-in requirement. It reiterates its recommendation.

Summary of State party’s reply:

(a)(b) Hong Kong, China, reiterated information provided in CCPR/C/CHN-HKG/Q/3/Add.1 (paras. 15.1-15.5).

(c) Hong Kong, China, reiterated information provided in CCPR/C/CHN-HKG/CO/3/Add.1 (para. 8): the Government will not propose repealing the live-in requirement.

Committee’s evaluation:

[C2](a)(b): The Committee notes that Hong Kong, China, has not provided information on the incidence of all forms of alleged abuse by employers, including statistics on prosecutions, convictions and sentencing outcomes. It reiterates its request for information on mechanisms in place that are specifically tailored to ensure accountability for abuse by employers, including mechanisms in place to facilitate the reporting of abuse and to protect employees from retribution for coming forward with complaints. It reiterates its recommendation.

[C2](c): The Committee regrets that no steps have been taken to repeal the live-in requirement. It reiterates its recommendation.

Paragraph 22: In the light of the recommendation made by the Committee on the Elimination of Racial Discrimination (CERD/C/CHN/CO/10-13, para. 31), Hong Kong, China, should intensify its efforts to improve the quality of Chinese language education for ethnic minorities and non-Chinese speaking students with an immigrant background, in collaboration with the Equal Opportunities Commission and other groups concerned. Hong Kong, China, should further intensify its efforts to encourage the integration of students of ethnic minorities in public school education.

Follow-up question:

[B2]: The Committee welcomes efforts by Hong Kong, China, to integrate ethnic minorities into public school education and requests further information on the progress made with the measures taken, in particular the Learning Framework, including:

(a) Statistical data on non-Chinese-speaking students involved in the programmes and their progress therein;

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(b) Evaluations conducted regarding the Learning Framework's effectiveness; and

(c) Reports and findings of the monitoring team within the Education Bureau on the use of funds for its implementation.

Summary of State party's reply:

Hong Kong, China, reiterated information provided in CCPR/C/CHN-HKG/CO/3/Add.1 (para. 12): the Government will continue to monitor progress and refine implementation. More details will be provided in the next periodic report of Hong Kong, China.

Committee's evaluation:

[C2]: The Committee regrets that Hong Kong, China, has not provided any new information. It reiterates its recommendations.

Recommended action: A letter should be sent informing Hong Kong, China, of the discontinuation of the follow-up procedure. The information requested should be included in the next periodic report of Hong Kong, China.

Next periodic report: 30 March 2018
