

Outline of the Fourth Report of the Hong Kong Special Administrative Region for the United Nations Human Rights Council Universal Periodic Review

Introduction

The Government is drafting a section on the human rights situation in the Hong Kong Special Administrative Region (“HKSAR”) for inclusion in the fourth national report under the Universal Periodic Review (“UPR”) mechanism of the United Nations (“UN”) Human Rights Council.

2. We have prepared an outline of the report which sets out the main headings. Members of the public are invited to submit their views on it.

3. Any persons or organisations wishing to offer views are invited to send them to the Constitutional and Mainland Affairs Bureau (“CMAB”) on or before 21 June 2023 through the following means:

by post: Team 5
Constitutional and Mainland Affairs Bureau
Central Government Offices
12/F, East Wing
2 Tim Mei Avenue, Tamar, Hong Kong

by fax: 2840 0657

by e-mail: upr_consultation@cmab.gov.hk

4. It is voluntary for members of the public to supply their personal data when submitting their views. The submissions and personal data collected may be transferred to other policy bureaux and departments for purposes directly related to the preparation of the report and subsequent follow-up actions relevant to the report.

5. The names and views of individuals and organisations who/which put forth submissions (“respondents”) may be published for public viewing or otherwise made available for public inspection, including being uploaded to the Internet. We may, either in discussion with others, whether privately or publicly, or in any subsequent report, cite the comments collected.

6. To safeguard respondents' data privacy, we will remove respondents' relevant data (other than names), such as residential/return addresses, email addresses, identity card numbers, telephone numbers, facsimile numbers and signatures, where provided, when publishing their submissions.

7. At the same time, we will respect the wish of respondents to remain anonymous and/or keep the views confidential. If the respondents request anonymity in the submissions, their names will be removed when publishing their views. Besides, if the respondents request confidentiality, their submissions will not be published. If the respondents do not request anonymity or confidentiality in their submissions, it will be assumed that the respondents can be named and the views can be published in their entirety.

8. Any respondent providing personal data in the submission to this Bureau will have rights of access and correction with respect to such personal data. Any requests for data access or correction of personal data should be made in writing through the channels mentioned in paragraph 3 above to the Assistant Secretary for Constitutional and Mainland Affairs (5A).

9. A copy of the previous report in 2018 is available on the CMAB website, at the link below:

https://www.cmab.gov.hk/doc/en/documents/policy_responsibilities/the_rights_of_the_individuals/human/upr_3rd/UPR_3rd_report_full_e.pdf

Background Information

10. The UN Human Rights Council ("HRC") was created by the UN General Assembly by its Resolution 60/251 of 15 March 2006 to replace the UN Commission on Human Rights. Among its primary responsibilities, it was charged with the responsibility to –

“undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies ...”.

11. In pursuance of this mission, the HRC has decided to conduct UPR on the human rights situation of the UN Member States since 2008. The specific objectives of the review are –

- (a) the improvement of the human rights situation on the ground;
- (b) the fulfillment of the State’s human rights obligations and commitments and assessment of positive developments and challenges faced by the State;
- (c) the enhancement of the State’s capacity and the provision of technical assistance, in consultation with, and with the consent of, the State concerned;
- (d) the sharing of best practice among States and other stakeholders;
- (e) support for cooperation in the promotion and protection of human rights; and
- (f) the encouragement of full cooperation and engagement with the HRC, other human rights bodies and the Office of the UN High Commissioner for Human Rights.

Details about the UPR can be accessed at the following website:

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx>.

12. Each Member State under review is required to provide relevant information setting out, among other things, the background of the country and the framework for promotion and protection of human rights, as well as its achievement and challenges in this regard. Such information may be presented through a written report which should not exceed 20 pages.

13. The fourth UPR on our country is scheduled to take place between January and February 2024 (actual date to be confirmed). The Central People’s Government (“CPG”) will submit a written report to the HRC and has requested the HKSAR Government to provide relevant information for inclusion in the CPG’s report. The section on the HKSAR will not exceed 2 000 words in Chinese. The Government will also submit the English version of the same.

Outline of the section on the HKSAR

14. The HKSAR section of the report will consist mainly of the following –

(a) Background / Framework and measures for the promotion and protection of human rights

This section will describe the methodology and the broad consultation process followed for the preparation of the report, as well as the framework and measures for the promotion and protection of human rights in Hong Kong, including the Basic Law, local legislation and policy measures, etc.;

(b) Implementation of the recommendations accepted by the HKSAR in the third cycle of UPR

This section will introduce the implementation of the recommendations that have been accepted by the HKSAR Government in the previous cycle of UPR. The HRC adopted the outcome report of the UPR Working Group on PRC (including the HKSAR) on 15 March 2019. The report covered a total of 346 recommendations made by Member States to the PRC. Of the recommendations, six were related to the HKSAR, and five of them¹ were accepted by the HKSAR Government; and

(c) Achievements, challenges and initiatives

This section will identify the results achieved on promotion and protection of human rights as well as the challenges and constraints faced. It will also outline the initiatives and commitments to enhance the protection of human rights.

15. For respondents who wish to suggest additional topics, please provide specific reasons and indicate why they are considered to be relevant to the UPR.

Constitutional and Mainland Affairs Bureau June 2023

¹ Please refer to Annex F of LC Paper No. CB(2)1179/18-19(03) for details
(Link: <https://www.legco.gov.hk/yr18-19/english/panels/ca/papers/ca20190415cb2-1179-3-e.pdf>).