

**For discussion
on 18 February 2013**

Legislative Council Panel on Constitutional Affairs

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

Purpose

The People's Republic of China (China) will submit its second report to the United Nations (UN) Human Rights Council (HRC) under the Universal Periodic Review (UPR) mechanism. The relevant report will include a section on the Hong Kong Special Administrative Region (HKSAR). This paper seeks Members' comments on the outline of the section on the HKSAR to be included in the report.

Background

2. The HRC's first Universal Period Review (UPR) on the human rights situation of the Members States of the UN has been completed. The second UPR has started since 2012. China's second UPR is scheduled to take place in October 2013. In accordance with the relevant requirement, the Central People's Government (CPG) will submit a written report to the HRC. According to a document on the "Institution-building" of the HRC adopted by the Council in 2007, the length of a national human rights report should not exceed 20 pages. In line with the standing practice, the CPG has requested the Government of the HKSAR to provide three pages of information for inclusion in the CPG's report.

Public Consultation

3. In line with the established practice, we have prepared an outline of the HKSAR section of the report for inviting members of the

public to submit views on the areas and content to be covered in the relevant section.

4. We have started the public consultation on the outline on 1 February 2013, and issued the consultation paper (at **Annex**) to relevant non-governmental organisations and other concerned groups to invite their views. The consultation paper is also available at all Public Enquiry Service Centres under the Home Affairs Department and the website of the Constitutional and Mainland Affairs Bureau at <http://www.cmab.gov.hk/en/issues/human.htm>.

5. The public consultation will close on 8 March 2013. We will consider the comments received in drafting the HKSAR section of the report. The comments will be made available to members of the public on request, unless the contributors have asked us specifically to keep their views confidential.

Comments Sought

6. Members are invited to comment on the outline. We will take into consideration carefully the views and suggestions received, including those of Members, in drafting the HKSAR section of the report. The report will be disseminated to the public and copies will be sent to Members.

Constitutional and Mainland Affairs Bureau
February 2013

Invitation of views from the public

United Nations Human Rights Council Universal Periodic Review Section of the Hong Kong Special Administrative Region

Background

The United Nations (UN) Human Rights Council (HRC) was created by the UN General Assembly Resolution 60/251 of 15 March 2006 to replace the UN Commission on Human Right. 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 ...”.

2. In pursuance of this mission, the HRC has decided to conduct Universal Periodic Review (UPR) on the human rights situation of the Member States of the UN since 2008. The specific objectives of the UPR 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 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 (OHCHR).

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

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

3. 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 promotion and protection of human rights. Such information may be presented through a written presentation which should not exceed 20 pages.

4. The second UPR on the People's Republic of China is scheduled to take place in October 2013. The Central People's Government (CPG) will submit a written report to the HRC and has requested the Government of the Hong Kong Special Administrative Region (HKSAR) to provide relevant information for inclusion in the CPG's report. In view of the constraint on the length of the report, the section of the HKSAR would be around three pages.

Invitation of views from the public

5. This paper contains, at Annex, an outline of the section on the HKSAR for inclusion in the report of the People's Republic of China. It is issued to invite views from the public on the topics and contents to be covered in the section on the HKSAR. We will consider carefully views and suggestions received.

6. This paper is distributed to the public through the Public Enquiry Service Centers under the Home Affairs Department and on the internet at the Constitutional and Mainland Affairs Bureau's web-site (<http://www.cmab.gov.hk/en/issues/human.htm>). Copies are also sent to relevant organisations.

7. Any person or organisation wishing to offer views is invited to send them to the Constitutional and Mainland Affairs Bureau on or before 8 March 2013:

by post : Constitutional and Mainland Affairs Bureau
(Attn: Team 5)
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

8. It is voluntary for members of the public to supply their personal data upon providing views on this outline. The submissions and personal data collected may be transferred to relevant Government bureaux and departments for purposes directly related to the preparation of the report and subsequent follow-up actions relevant to the report. The Government bureaux and departments receiving the data may only use the data for such purposes.

9. The names and views of individuals and organisations who/which put forth submissions in response to this outline (“senders”) 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 comments submitted in response to this outline.

10. To safeguard senders’ data privacy, we will remove senders’ 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.

11. We will respect the wish of senders to remain anonymous and/or keep the views confidential in part or in whole. If a sender requests anonymity in the submission, his name will be removed when publishing his views. If a sender requests confidentiality, his submission will not be published. If a sender does not request anonymity or confidentiality in his submission, it will be assumed that the sender can be named and his views can be published in their entirety.

12. A sender providing personal data to this Bureau in the submission will have rights of access and correction with respect to such personal data. Requests for data access or correction of personal data should be made in writing through the abovementioned channels to Assistant Secretary for Constitutional and Mainland Affairs (5C).

Constitution and Mainland Affairs Bureau
February 2013

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

Methodology and process of consultations

This section will describe the methodology and the broad consultation process followed for the preparation of information provided under the universal periodic review.

Background on Hong Kong and framework for the promotion and protection of human rights

2. This section will provide a general profile of Hong Kong. It will also describe the framework for the promotion and protection of human rights in Hong Kong, including constitution, legislation, policy measures, human rights infrastructure and scope of international obligations. This will include, among other things, the protection of human rights by the Basic Law and the Hong Kong Bill of Rights Ordinance, the anti-discrimination ordinances and the various institutions for the promotion and protection of human rights.

Measures for the promotion and protection of human rights

3. This section will outline the promotion and protection of human rights on the ground. This includes the implementation of relevant international conventions, activities of the human rights institutions, promotion of public awareness of human rights and work of relevant mechanisms. It will cover the human rights obligations under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights treaties that are applicable to Hong Kong.

Achievements, challenges and initiatives

4. 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.