
INFORMATION NOTE

Supplementary Information: Monitoring Mechanisms for the Implementation of International Human Rights Treaties

1. Background

1.1 The Panel on Home Affairs, at its meeting on 22 March 2004, requested the Research and Library Services Division to provide supplementary information regarding the research report of "Monitoring Mechanisms for the Implementation of International Human Rights Treaties in the United Kingdom, New Zealand and Canada" (Research Report).

2. Monitoring mechanisms in Hong Kong's neighbouring places

2.1 Among countries in the Asia-Pacific, Australia, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, New Zealand, the Philippines, Sri Lanka, the Republic of Korea and Thailand have established national human rights commissions.

3. Monitoring mechanisms in the Mainland

3.1 The Chinese government has acceded to 21 international human rights conventions, including *the International Covenant on Economic, Social and Cultural Right*, *the Convention on the Rights of the Child* and *the Convention on the Elimination of All Forms of Discrimination Against Women*. The Chinese government signed *the International Covenant on Civil and Political Rights* in October 1998 but the Standing Committee of the National People's Congress has not ratified it. In March 2004, *the Constitution of the People's Republic of China* was amended by adding an expression of "*respect for and protection of human rights*".

3.2 The Ministry of Foreign Affairs of the People's Republic of China is responsible for submitting relevant reports on compliance with international human rights treaties to the United Nations treaty-monitoring bodies. In the preparation of the reports, the Ministry gathers materials and information from the domestic news media, public associations and government departments. What goes into a report is not normally a subject for public discussion, but the report is made available to the public once it has been finalized.¹

¹ See "Core document forming part of the reports of states parties- China," HRI/CORE/1/Add.21/Rev.2, paragraph 67, available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/07ef3cb37fd80460c1256aa20037ab8d?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/07ef3cb37fd80460c1256aa20037ab8d?Opendocument).

4. Supplementary information on the statement "a distrust of the court system in handling human rights issues" in paragraph 5.1.17 of the Research Report.

4.1 In the 1950s and 1960s, there were criticisms of the court system in Canada. The courts were criticized for being slow, expensive, too formal and insensitive to the human rights reform. Advocates of the commission model stressed that in contrast to the courts, human rights commissions could offer an informal, practical and sensitive approach to resolving human rights disputes.²

4.2 By virtue of the administrative orientation of the commission model, human rights commissions would be responsible for assessing and investigating cases and bringing them to conclusion. The commissions would bear all the legal costs concerning the cases. In addition, with adjudication in the hands of administrative boards of inquiry rather than the courts, the adjudicative procedure would be faster, simpler, and far less expensive.

Prepared by CHAU Pak-kwan
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Tel: 2869 9593

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² For details, see R. Brian Howe & David Johnson. (2000) *Restraining Equality: Human Rights Commissions in Canada*, Toronto, University of Toronto Press, chapter 2.