

For information

Legislative Council Panel on Home Affairs

Forthcoming United Nations hearings of reports submitted by the Hong Kong Special Administrative Region under the international human rights treaties

Introduction

In 2005, two United Nations (UN) treaty monitoring bodies will hear reports on China's performance under the treaties for which they are responsible. This paper informs the Panel of the timing and arrangements for the hearings.

The International Covenant on Economic, Social and Cultural Rights (ICESCR)

2. In 1999, the Central People's Government (CPG) submitted our initial report under the ICESCR to the UN. The Committee on Economic, Social and Cultural Rights (CESCR) heard the report in April 2001. On that occasion, the Hong Kong delegation attended the hearing on its own - under the formal leadership of China's Permanent Representative to the UN - as China had only recently ratified the Covenant and its report was not yet due. China's initial report fell due in 2003 and our second report forms part of that report as does Macau's. The report describes developments relevant to ICESCR rights since the 2001 hearing and responds to the concerns and recommendations in the CESCR's concluding observations of May 2001.

3. The CESCR will hear China's report in Geneva on 27 to 29 April this year. A Hong Kong team will attend the hearing as members of the Chinese delegation, which will be led by China's Permanent Representative to the UN. A team from Macau will also attend. Our team will endeavour to respond fully and openly to the questions that the CESCR puts to it. Where we are not in a

position to respond fully on the spot, we will undertake to respond in writing on our return to Hong Kong.

4. As is the custom, we invited the CESCR to visit Hong Kong before the hearing in order to obtain first-hand experience of the situation here. Accordingly the Chairperson (Professor Virginia BONOAN-DANDAN) and the Country Rapporteur (Ms Maria Virginia BRAGAS GOMES) visited Hong Kong in the working week, 28 February to 4 March. They met the Chief Executive, key policy secretaries, representatives of political parties, NGOs, and representatives of the ethnic and sexual minorities.

The Convention on the Rights of the Child (CRC)

5. The Committee on the Rights of the Child, treaty body for the Convention, last heard a report on Hong Kong's performance under the CRC in October 1996¹. In June 2003, the CPG submitted its third report under the Convention. Our initial report *as the HKSAR* formed part of that report, as did a report on Macau. In 2004, the Committee informed us that the related hearing would take place in May/June 2005 but the hearing was subsequently postponed to the Committee's 40th session, which will take place in Geneva at a date to be advised between 12 and 30 September this year.

6. As usual, a Hong Kong team will attend the hearing as part of the Chinese delegation, together with a team from Macau. The composition of the team has yet to be decided but they will comprise representatives of the most relevant bureaux/departments. We will issue a press release announcing the date(s) of the hearing once we know the precise timing.

7. We have invited the Committee to visit Hong Kong before the hearing. They have accepted in principle but have not yet nominated their representatives or told us when they wish to come. We will make an announcement when the position becomes

¹ At the behest of the Committee, the UK Government submitted an updating report in June 1997. But the Committee did not hear that report or issue any concluding observations on it.

clear.

The International Covenant on Civil and Political Rights (ICCPR)

8. In November 1999, the UN Human Rights Committee (HRC), treaty body for the ICCPR, heard the HKSAR's initial report in the light of the Covenant. In January 2005, the CPG submitted our second report in the light of the ICCPR to the HRC secretariat². The secretariat has indicated that the hearing is tentatively scheduled for the Committee's 86th session, in March 2006.

7. We have not yet determined the composition of the delegation, though – as with the other hearings – it will comprise representatives of the most relevant bureaux/departments. We will make an announcement nearer the time of the hearing. We also plan to invite the Committee to Hong Kong and will announce the timing and so forth when arrangements are firm.

Home Affairs Bureau

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² Copies were submitted to the Panel on 21 February and the report was released to the general public on 22 February.