

## **Letterhead of HONG KONG HUMAN RIGHTS MONITOR**

CB(2)1229/99-00

Human Rights Monitor submission on Dangerous Drugs, ICAC and Police Force (Amendment) Bill.

Human Rights Monitor considers that the provisions of this bill are sweeping and a serious erosion of liberty which has not been properly justified by the Government.

Under this Bill anyone suspected of a serious arrestable offence will be liable to have a finger forcibly inserted into their mouth to take a DNA sample, which will be held in a database to be used for general police purposes, either until they are acquitted, which may be years later in the case of appeals, or for ever if they are convicted.

DNA profiling is undoubtedly a useful weapon against certain sorts of crime particularly homicide and sexual offences. However the Legco Brief on this bill does not spell out the types of situation in which the powers sought in the Bill will be useful. It appears to envisage the taking of samples as a routine or very frequent process - it opposes the Working Group's recommendation that judicial authorisation on the basis that the courts could be burdened with thousands of cases. However it does not explain why there will be thousands of cases where circumstances will justify the taking of such samples. The argument raised by the Government could be applied equally to search warrants. There could easily be situations when the total number of search warrants required over a period is very high. However warrants are required because of the intrusion into personal privacy involved in a search of some-one's home. The same should apply to forcible taking of swabs from inside some-one's mouth. Indeed to describe such an operation as non-intimate is misleading.

Human Rights Monitor urges members of Legco to oppose this draconian measure unless the Government provides a much more explicit and clear explanation of the types of situation for which these powers are sought, and accepts the Working Group recommendation that judicial permission should be required for all forcible taking of samples.