

CIVIL HUMAN RIGHTS FRONT
HUMAN RIGHTS COMMISSION TASK FORCE

13 JUNE 2005

RESPONSE TO THE UN COMMITTEE ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS CONCLUDING OBSERVATIONS

The UN Committee on Economic, Social and Cultural Rights (hereafter refers to 'the Committee') has issued its concluding observations on Hong Kong SAR's second report under the International Covenant of the Economic, Social and Cultural Rights on 13 May 2005. With reference to the speech given by the Government officials during the hearing and concluding observations, we welcomed the Government's effort in improving Hong Kong's attainment towards reaching the world's standards on economic, social and cultural rights; however, with regret, there are still impediments that prevent the Covenant from implementing in Hong Kong fully.

Even though the Government planned to have legislation against racial discrimination, and finished its consultation on legislating against racial discrimination recently, the Committee regretted that the proposed racial discrimination law does not protect the new arrivals from the Mainland which blocks the new arrivals from the protection against racial discrimination. Also, not only the results of the consultation has not been released yet, the legislation process has been delayed and the Government still did not announced the exact time schedule for the legislation process. We strongly request the Government to include new arrivals from the Mainland in the scope of protection, release the results of the consultation and announce the time table for the schedule of the legislation process.

The Committee further questioned about the protection of foreign domestic helpers in Hong Kong and the discriminatory aspect of the Immigration Ordinance. The Committee requested the Government to review the existing "two-week rule" and to eliminate its discriminatory practices and abuse arising from it. Furthermore, it is necessary to improving the legal protection and benefits for foreign domestic workers so that they were in line with those afforded to local workers, particularly with regard to wages and retirement benefits. We, in line with the request from the Committee, appeal for the strengthening the protection for foreign domestic helpers

Besides racial discrimination, the Committee also regretted that the

anti-discrimination laws at present do not cover sexual orientation and age. According to international standards, people in Hong Kong should be protected against sexual orientation and age discriminations. Thus we urge the Government immediately move forward with the legislation against these two discriminations.

The Committee has expressed its concern about HKSAR lack of a clear asylum policy. In particular, the Committee regrets the position of the HKSAR that it does not foresee any necessity to have the Convention and the Protocol extended to its territorial jurisdiction. Corresponding to the Committee's suggestions, it is recommended that HKSAR reconsider its position regarding the extension of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol to its territorial jurisdiction, in particular, in the formulation of a clear and coherent asylum policy based on the principle of non-discrimination.

With repeated request from the Committee, we strongly urge the Government to setup a human rights institution which safeguards the human rights of Hong Kong people through implementing various international treaties in Hong Kong.

We sincerely hoped the legislative councilors could make appropriate follow-up actions with the concluding observations, so as to maintain the universal standards of economic, social and cultural rights in Hong Kong. Once again, the Civil Human Rights Front urges the Government to answer the requests listed above and to implement the suggestions recommended by the Committee.