

Third Report of the Hong Kong SAR on the
International Covenant on Civil and Political Rights
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Submission of the International Social Service Hong Kong Branch (ISSHK)
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Introduction

The International Social Service Hong Kong Branch (ISSHK) was established in 1958 as a non-profit organization to serve children, families, individuals and migrants in need. Over the last 55 years of its comprehensive service to the Hong Kong community, it has worked in partnership with various government departments and bureaus, charitable organizations and good hearted individuals and sponsors for its services. The interest of ISSHK in the HKSAR report on the ICCPR rests on the basic premise that all the provisions of the convention are relevant to the needs and concerns of its most vulnerable clients. ISSHK would like to draw the attention of the HK Government and this panel to the following vulnerable groups and critical considerations:

Article 7: Asylum-seekers, Torture Claimants and Refugees

The current casework approach , community living model for asylum-seekers, torture claimants and refugees has been well applauded as an alternative to detention. The Hong Kong Government has gone a long way in defining the services and allowing the service users to live freely in the community.

The current scenario where more people are getting rejection notices and deportations are carried out regularly, the service users are more depressed, there is an increase in suicidal tendencies and completed suicides, the domestic violence has increased and for cohabiting singles who have raised their own children, the grim reality of being separated and giving up the baby to one parent or for adoption looms.

Accommodation, food, travel, clothing, medical and counseling assistance have been provided as each service users' assigned social worker/counselor finds the increasing need to provide counseling services and specialized psychiatric assessment for many cases.

<p>ISSHK strongly urges the government to review its position on allowing the service users to engage in some form of employment, short term skills training and voluntary work as part of its humanitarian assistance package.</p>
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This would engage the service users in productive activities, boost morale and prevent the total disintegration of the person. ISSHK would be able to develop these strategies and guarantee results.

Active voluntary repatriation counseling can be initiated for rejected cases to provide the psychological preparation for return and if need be, an inter-country casework approach with the countries of origin to ensure a safety net for returning vulnerable cases. This would include repatriation assistance.

Article 8: Protection of Foreign Domestic Helpers

Recruitment Agencies

There is very limited action by the Labor Department against the exploitation and extortion of the recruitment agencies on domestic helpers. The government efforts have to be intensified in tracing the closure of erring agencies only to reopen under a different name.

Banks and Loan Institutions

FDHs are being victimized by erroneous practices such as using passports as collaterals for loans, using debt collectors who pose threats and unlawful responsibilities for payment on guarantors.

ISSHK proposes that the government publish hand-outs and posters for mass distribution on how to report and identify malpractices of recruitment agencies directly to the labor department.

In the same manner, all rules pertaining to obtaining loans and what conditions are considered unlawful including how to report and to which office should be conveyed to the FDH population.

Article 8: Protection Against Trafficking of Women and Children

The Government contends in items 8.8, 8.9 and 8.10 that it does not see the need to extend the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime in Hong Kong. The statistics cited is that there are rare cases numbering three, three, four and one from 2005 to 2008. The efforts cited is maintaining close cooperation with overseas enforcement agencies in tackling the problem and continuing the pro-active enforcement actions in combating human trafficking and protecting victims.

International Social Service Hong Kong Branch chairs the Coalition of Service Providers for Ethnic Minorities (CSPEM) composed of NGOs and faith based organizations including the Diocesan Pastoral Centre for Filipinos, the Mission for Migrants Workers, St. John's HIV/AIDS Centre, Jesus Is Lord Ministry, El Shaddai Ministry, Faith Believers, Bethune House that dedicated its efforts to providing shelter, counseling and practical assistance to non-Chinese, vulnerable clients who in the absence of government services and policies are otherwise left to fend for themselves. This includes the human trafficking victims in Hong Kong.

ISSHK and CSPEM contend that the low reported cases to the Police is an under reporting of the reality of human trafficking in Hong Kong. The low reports only heightens the need to make services available including the pro-active and aggressive information drive on how to seek assistance and who provides support.

Our records as agencies reveal several types of modus operandi where the initial entry to Hong Kong would be by valid entertainment or even migrants worker visas. The girls are forced to take drugs and engage in sex with at least 4 to 8 men a day. This is not in their contracts but they are subjected to debt bondage, emotional blackmail, continuous threats with some deliberately asked by recruiters to overstay until they have paid off their debts with their employers.

Many approach the NGOs and friends after they have been victimized and only in desperation for a way out of Hong Kong. The fact that women and girls are repeatedly brought into the territory and used in similar manners by various recruitment agencies over time indicates an organized crime activity benefitting from their operations .

The victims could have asked help earlier but there was no visible and alternative option but the Police. They are hindered by fear that somehow they are engaged in illegal activities by using drugs and having illegal stays. When they are imprisoned, they are punished mainly for breach of conditions of stay, soliciting for prostitution and illegally working while their traffickers and exploiters continue with their operations luring more into their trade without an ounce of accountability.

The absence of a human trafficking law in Hong Kong leaves major loopholes on how the problem is addressed. Hong Kong is a transit and destination country judging by the victims we have assisted yet these victims would rather be silent and seek assistance to return home as it is futile to do otherwise.

Victims need psycho-social support, intensive counseling in dealing with the trauma and the future, HIV/AIDS and other health tests, a safe and protected home during the investigation and hearing stage as they become witnesses and a repatriation package.

From the government's report, it appears that the government is content with keeping its current low-key approach to human trafficking. This complacency cannot continue.

The government should acknowledge that the human trafficking problem exists in Hong Kong and there are many victims who are unwilling to come forward as there is no transparent policy, procedure, system or positive outcome to expect should they risk life and limb to do so.

We strongly urge the Hong Kong government to define specific publicity and promotion strategies to raise public awareness of the problem and when and how to get services starting with a hotline where victims can access support.

We, NGOs, are acting on our best effort as agencies but the impetus, committed action and initiative should start with the government's recognition of the problem and the need to act on the issue soonest.

Article 26: Discrimination on the ground of Sexual Orientation

The Constitutional and Mainland Affairs Bureau initiated and continues to supervise the Sexual Minorities Forum which functions as a consultative body on issues of sexual minorities similar in function and purpose the Ethnic Minorities Forum for ethnic minorities' issues.

The Sex and Gender Identity Unit, a dedicated Unit to assist in the awareness raising of the plight of sexual minorities has operated for a long time now under CMAB. Annually this unit calls for proposals on small scale projects aimed at raising public awareness on the sexual minorities' plight and rights.

It is within the same process that the groundwork was laid down on the Race Discrimination Law. It is quite alarming that after years of these efforts, the government now takes the position of continuing to listen to views but without a formal consultation exercise due to the sensitivity of the issue.

ISSHK strongly encourages the government to acknowledge the truth that sexual minorities are discriminated in Hong Kong and that public awareness raising strategies will not replace the much needed provision for a law against

Discrimination on the basis of Sexual orientation. There is no venue to seek redress other than using the media which can backfire.

This is a serious regression of government position and attitude and should be publicly accounted for and clarified. A clear and definite timeline and action plan on how the government plans to proceed should be laid out to the public.

Article 27: Rights of Ethnic Minorities

The Need for a Standardized Interpretation Training and Services

While efforts have been made by all government departments to indicate that interpretation services and support will be made available as required, to date, the Court Interpreters seem to be very busy with assisting the Immigration Department, Police , UNHCR and other NGOs in need. Given that there is no standardized training provided to these interpreters including an absence of protocol and Code of Ethics in the performance of their duties, they have done a disservice in many occasions when they inject their personal views and advices or provide inaccurate translations.

While NGOs have made their own attempts to conduct interpreter training courses, there is a disparity in the types of trainings and levels of proficiency required or obtained. Interpretation

Providing professional interpretation services has to be supported and monitored by the Government. This is central to the ability of the ethnic minorities to get access to services, guaranteed protection of their rights and engagement in due process.

The government has to set up an interpreters training Institute with professional trainers and a standard code of ethics and accountability system that will be binding to ensure the service users are provided, quality service and an opportunity to seek redress for misrepresentation or inefficiency.

Programmes and Services for Ethnic Minorities

In Item 27.5, the government states clearly that public education and support services are important for integration of ethnic minorities in the community. Items 27.6 and 27.7 lists current initiatives of the government to provide services from information dissemination, offering of course and creation of support service centres. It also cites the role of the Committee on the Promotion of Racial Harmony and the Ethnic Minorities Forum and the setting up of a

dedicated team led by the Permanent Secretary for Home Affairs who will step up and coordinate efforts for ethnic minorities and new arrivals.

The Mobile Information Service at the Hong Kong International Airport has been in operation for the last 11 years. It has been proven to be an essential service for newly arrived non-Chinese residents and workers to Hong Kong. The Support Service Centres for Ethnic Minorities have been essential sources of information, language and skills training and cross-cultural integration activities preparing ethnic minorities for integration since 2009.

These projects serving ethnic minorities are tendered yearly or every two years without any certainty for continuity each time. As NGO partners give their best efforts and even solicit additional funds for the project there is a lack of clarity and affirmation on the government's position as to whether the services provided are to continue or not.

The government has the ability to define a comprehensive service and integration plan for ethnic minorities and commensurate funding resources each fiscal year as it does with services for new arrivals and other vulnerable groups.

In consultation with the CPRH, Ethnic Minorities Forum, NGO partners and service users, the government should define essential, continuing and regular programme with allocated regular funds as separate from pilot and small scale test run projects that require annual or two years tendering process. This service and programme classification has to be reviewed as essential services for ethnic minorities should be guaranteed on a continuing basis.

Education for non-Chinese Speaking students

It has taken years and tons of discussions and proposals to make the government aware of the non-Chinese children's language and language testing dilemma.

ISSHK concurs with other NGOs to urge the government to modify instruction and learning models for teaching Chinese as a Second language. Timelines and processes are needed but first an official position from the government acknowledging the problem and defining solutions once and for all. The longer the decision stalls, the more ethnic minority children are being churned by a non-viable system.