

**Submission to the Legislative Council of Hong Kong Special Administrative Region
Regarding the Third Report of the Hong Kong Special Administrative Region for the
United Nations Human Rights Council Universal Periodic Review (UPR)**

1. This submission highlights human rights issues in relation to the conduct and practice of Hong Kong Police that should be addressed in the UPR. The Civil Rights Observer emphasizes that the issues stated in this submission have repeatedly aroused the concern of the Human Rights Committee and the Committee Against Torture of the United Nations, who urge for improvement in the respective practices. Therefore, the Hong Kong government should respond in the UPR report on how the Hong Kong government has been making effort in improving the concerned human rights issues.

2. Use of arbitrary force by the Hong Kong Police

The use of arbitrary force by the Hong Kong Police in recent public assemblies, such as the excessive use of pepper spray, tear gas and batons during the Umbrella Movement in 2014 attributes to the rapid decline of freedom of assembly in the past few years. While at least 8 officers have been prosecuted for unlawfully assaulting peaceful protestors since the Umbrella Movement, the existing mechanism to monitor the use of various non-lethal weapons during public assemblies has been ineffective. The Civil Rights Observer demands that the Police should publicize the Police General Orders (PGOs) and the Force Procedures Manual, especially Chapter 29 of the PGOs concerning the use of force and firearms as well as other related guidelines and manuals on using non-lethal weapons. Alleged assaults by the police have also resulted in different forms of injuries suffered by protestors, therefore we also urge the Police to disclose the various impacts that non-lethal weapons such as tear gas and pepper spray may have on the human body.

3. Safeguarding the safety of arrestees and detainees with CCTV

The right to due process has been under threat in recent years with regard to the alleged infliction of both physical and verbal violence against arrested persons in police vehicles. The Civil Rights Observer urges the police to follow the UK's example in installing video and audio recording devices on all police vehicles in Hong Kong. The police should also adopt the recommendation of the Coroner's

Court and install CCTV within the detention facilities in all police stations, following an incident of a detainee allegedly committed suicide by hanging himself in a detention cell of a police station.

4. **Extending legal support service to arrestees at the police station**

There have been allegations that arrested persons were coerced to provide evidence and make statements during interrogation at the police station. The Hong Kong Government should establish free legal advice services that are immediately available for all arrested persons upon arrival at the police station to ensure that suspects are protected from providing evidence or making statements under duress.

5. **Ineffective mechanism in handling police misconduct**

The Hong Kong Government should conduct an independent investigation into the allegations of the excessive use of force by the police and counter-demonstrators during the Umbrella Movement in 2014. The Civil Rights Observer demands that the government duly prosecute alleged perpetrators, including those officers who were complicit in those acts or allowed them to occur, and ensure that those found guilty are convicted and adequate penalties are applied.

6. Appointment of membership to the Independent Police Complaints Council is under the sole control of the Chief Executive, which has repeatedly led to the allegation of biased investigation over police misconduct. The Civil Rights Observer emphasizes that the composition of the Independent Police Complaints Council should be in accordance with the Paris Principles, to ensure the participation of stakeholders from different positions on the political spectrum. The Hong Kong Government should also establish a fully independent mechanism mandated to receive and investigate complaints against all officials in the police force. In 2017, the IPCC endorsed 936 cases that required full investigation but found 399 cases to be unsubstantiated or not fully substantiated. The figures indicate the ineffectiveness of existing investigation mechanism, and the difficulties encountered by a victim to provide sufficient evidence against a police officer.