

**For discussion
on 30 April 2018**

Legislative Council Panel on Constitutional Affairs

**Outline of the Third Report of
the Hong Kong Special Administrative Region for
the United Nations Human Rights Council Universal Periodic Review**

Purpose

The People's Republic of China will submit its third report to the United Nations (UN) Human Rights Council (HRC) under the Universal Periodic Review (UPR) mechanism. The report will include a section on the Hong Kong Special Administrative Region (HKSAR). This paper seeks Members' comments on the outline of the section on the HKSAR to be included in the report.

Background

2. The second cycle of the UPR on the human rights situation of Member States of the UN has been completed. The third cycle of the UPR has started in 2017 and the UPR on China is scheduled to take place in November 2018 (actual date to be confirmed). In accordance with the relevant requirement, the Central People's Government (CPG) will submit a written report to the HRC. According to the document on the institution-building of the HRC adopted by the Council in 2007, the length of a national human rights report for UPR should not exceed 20 pages. The CPG has requested the HKSAR Government to provide three pages of information for inclusion in the CPG's report.

Public Consultation

3. In line with the established practice, we have prepared for public consultation an outline of the HKSAR section of the report at **Annex**. The purpose of the consultation is to invite members of the public to submit views on the areas and content to be covered in the section on HKSAR.

4. The public consultation on the report outline has started on 3 April 2018. We have issued the outline to relevant non-governmental organisations and other concerned groups to invite their views. The outline is also available at Home Affairs Enquiry Centres of District Offices, and in electronic form on the website of the Constitutional and Mainland Affairs Bureau at <http://www.cmab.gov.hk>.

5. The public consultation will close on 7 May 2018. We will consider the comments received in drafting the HKSAR section of the report. The comments will be made available to members of the public, unless the respondents have asked us specifically to keep their views confidential.

Comments Sought

6. Members are invited to comment on the outline. We will carefully consider the views and suggestions received, including those of Members, in drafting the HKSAR section of the report. The report will be disseminated to the public and copies will be sent to Members.

Constitutional and Mainland Affairs Bureau
April 2018

**Outline of the Third Report of
the Hong Kong Special Administrative Region for
the United Nations Human Rights Council Universal Periodic Review**

Introduction

The Government is preparing a section on the human rights situation in the Hong Kong Special Administrative Region (HKSAR) for inclusion in the third report of the People's Republic of China (PRC) to the United Nations (UN) Human Rights Council under the Universal Periodic Review (UPR) mechanism.

2. In accordance with the established practice, we have prepared an outline of the HKSAR section of the report. The outline sets out the broad subject headings that we plan to cover in the section on the HKSAR. We invite members of the public to submit their views on the areas and content that should be covered.

3. We will carefully consider all the comments and suggestions received. Any persons or organisations wishing to offer views are invited to send them to the Constitutional and Mainland Affairs Bureau (CMAB) on or before 7 May 2018:

by post: Team 5
Constitutional and Mainland Affairs Bureau
Central Government Offices
12/F, East Wing
2 Tim Mei Avenue, Tamar, Hong Kong

by fax: 2840 0657

by e-mail: upr_consultation@cmab.gov.hk

4. It is voluntary for members of the public to supply their personal data upon providing views on this outline. The submissions and personal data collected may be transferred to the relevant Government bureaux and departments for purposes directly related to the preparation of the report and subsequent follow-up actions relevant to the report. The Government bureaux and departments receiving the data may only use the data for such purposes.

5. The names and views of individuals and organisations who/which put forth submissions in response to this outline (“respondents”) may be published for public viewing or otherwise made available for public inspection, including being uploaded to the Internet. We may, either in discussion with others, whether privately or publicly, or in any subsequent report, cite the comments submitted in response to this outline.

6. To safeguard respondents’ data privacy, we will remove respondents’ relevant personal data (other than names), such as residential/return addresses, email addresses, identity card numbers, telephone numbers, facsimile numbers and signatures, where provided, when publishing their submissions.

7. We will respect the wish of respondents to remain anonymous and/or keep the views confidential in part or in whole. If the respondents request anonymity in the submissions, their names will be removed when publishing their views. If the respondents request confidentiality, their submissions will not be published. If the respondents do not request anonymity or confidentiality in their submissions, it will be assumed that the respondents can be named and the views can be published in their entirety.

8. Any respondent providing personal data in the submission to this Bureau will have rights of access and correction with respect to such personal data. Any requests for data access or correction of personal data should be made in writing through the channels mentioned in paragraph 3 above to Assistant Secretary for Constitutional and Mainland Affairs (5A).

9. A copy of the previous report in 2013 is available on the CMAB website:

http://www.cmab.gov.hk/doc/en/documents/policy_responsibilities/the_rights_of_the_individuals/human/UPR_e_to%20print.pdf.

Background

10. The UN Human Rights Council (HRC) was created by the UN General Assembly Resolution 60/251 of 15 March 2006 to replace the UN Commission on Human Rights. Among its primary responsibilities, it was charged with the responsibility to –

“undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with

respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies ... ”.

11. In pursuance of this mission, the HRC has decided to conduct Universal Periodic Review on the human rights situation of the Member States of the United Nations since 2008. The specific objectives of the review are –

- (a) the improvement of the human rights situation on the ground;
- (b) the fulfillment of the State’s human rights obligations and commitments and assessment of positive developments and challenges faced by the State;
- (c) the enhancement of the State’s capacity and of technical assistance, in consultation with, and with the consent of, the State concerned;
- (d) the sharing of best practice among States and other stakeholders;
- (e) support for cooperation in the promotion and protection of human rights; and
- (f) the encouragement of full cooperation and engagement with the HRC, other human rights bodies and the Office of the UN High Commissioner for Human Rights.

Details about the UPR can be accessed at the following website: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx>.

12. Each Member State under review is required to provide relevant information setting out, among other things, the background of the country and the framework for promotion and protection of human rights, as well as its achievement and challenges in promotion and protection of human rights. Such information may be presented through a written presentation which should not exceed 20 pages.

13. The third UPR on the PRC is scheduled to take place in November 2018 (actual date to be confirmed). The Central People’s Government (CPG) will submit a written report to the HRC and has requested the HKSAR Government to provide relevant information for inclusion in the CPG’s report. In view of the constraint on the length of the report, the section on the HKSAR

will be around three pages.

Outline of the section on the HKSAR

14. The HKSAR section of the report will consist mainly of the following –

(a) Methodology and process of consultations

This section will describe the methodology and the broad consultation process followed for the preparation of information provided under the universal periodic review;

(b) Background / Framework and measures for the promotion and protection of human rights

This section will describe the framework and measures for the promotion and protection of human rights in Hong Kong, including the Basic Law of the HKSAR, local legislation, policy measures, human rights institutions, and international human rights obligations; and

(c) Achievements, challenges and initiatives

This section will identify the results achieved on promotion and protection of human rights as well as the challenges and constraints faced. It will also outline the initiatives and commitments to enhance the protection of human rights.

15. In suggesting additional topics to be included in the HKSAR section, please indicate why those issues are significant and relevant under the UPR. Respondents may also set out their views on the Government's handling of such issues.

Constitutional and Mainland Affairs Bureau
April 2018