



April 15, 2019

Submission to the Panel on Constitutional Affairs

As the Third Cycle of the Universal Periodic Review (UPR) on China, including Hong Kong, has been concluded and the outcome has been published recently, Lab in Hong Kong concerns the willingness of the administration to implement the recommendations which officials have been accepted in Geneva and the openness of the authorities to allow Hong Kongers to access to human rights related reports and information in a friendly manner.

Specifically, the institute would urge the Hong Kong authorities to conduct concrete follow-ups to the recommendations from the UPR as the following

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Rights of the Child

While the government delegation accepts the recommendations on improving the rights of the child in the cycle, a concrete legislation should be made on actualising the United Nations Convention on the Rights of the Child (UNCRC).

Lab in Hong Kong recommends Bill of Rights of the Child Ordinance to be enacted. The recommended Ordinance, which draws in parallel to the UNCRC, would become a tool for different branches of the government to assess children's rights in an objective manner. On top of the proposed legislation, the Hong Kong authorities should then enhance the role of Commission on Children so that the body could operate independently as a human rights institutions, with functions capable to handle complaints, mediations and prosecutions.

Rights of Migrant Domestic Workers (MDWs)

It is surprising that the Hong Kong authorities have rejected the recommendations on improving the rights of MDWs in Hong Kong. The absence of ratifications on International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families makes MDWs in Hong Kong are not entitling the same level of protection as their counterparts elsewhere.

The current system to rights related issues of MDWs is unsatisfactory. It overwhelms the Labour Department and Labour Tribunal as they were not supposed to handle rights matters in the first place and the lengthy process of both the Department and the Tribunal, plus the "two-week rule", made MDWs with no rooms to strike for justice in de-facto manner.

A thorough legislation would empower a new human rights institution to rectify the matter. It also eases the workload of current labour related mechanisms.

Openness and ease of access to human rights related information

Lab in Hong Kong urges the Hong Kong authorities to improve the friendliness on ways to access reports and information on human rights in Hong Kong. The current arrangement as to get the document uploaded in different websites in various branches of government plus UN website is unsatisfactory. A one-stop-shop web portal is recommended to gather all related documents and reports in relation to UPR and treaty body mechanisms. Such a website would also enable Hong Kongers to access to state of Hong Kong's human rights in a more friendly manner.