



Mr. Jens Modvig, Chairperson
Committee against Torture (CAT)
Human Rights Treaties Division (HRTD)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson - 52, rue des Pâquis
CH-1201 Geneva
Switzerland

Via electronic mail
cat@ohchr.org

Hong Kong, December 9, 2016

Dear Mr. Modvig:

**Re: Follow-up submission to the fifty-sixth session of the
UN Committee against Torture on the implementation of
Convention against Torture in Hong Kong**

In advance of the follow-up review by the Committee Against Torture following the adoption of the concluding observations (CAT/C/CHN-HKG/CO/5) on the fifth periodic report of Hong Kong, Pink Alliance would like to this provide the information below in relations to paragraphs 15(d) and 29(a) of the concluding observations.

The Committee welcomed the setup of the Interdepartmental Working Group on Gender Identity (IWG) (paragraph 5(e)), which pledged to publish an interim report two years following the Group's setup in January 2014. As of today, the Government has yet to give any indication when the said interim report will be made available.

Contrary to the Committee's recommendation (paragraph 29(a)), de facto sterilization continues to be a precondition for full legal gender recognition. Transgender individuals who wish to have

their gender marker updated on their identification must still satisfy the following conditions as stipulated by the Hong Kong Immigration Department:

1. for sex change from female to male removal of the uterus and ovaries; and construction of a penis or some form of a penis;
2. for sex change from male to female removal of the penis and testes; and construction of a vagina.

No policy has been made available to the public on how law enforcement agents care for transgender individuals under detention other than the Police Force despite renewed calls since the Concluding Observations were issued. The Police Force continues to act in accordance only with the gender identity shown on official identification documents regardless of the gender identity of the individual, which is not in compliance with international standards (thus contrary to the Committee's recommendation at paragraph 15(d)). This effectively means that those Hong Kong residents who have not undergone full gender reassignment surgeries or foreign visitors whose countries do not provide for the change of gender marker in their identification will continue to be treated based on their sex registered at birth.

Despite attempts to connect with the health authorities to relay the concluding observations as well as to request for updated practice on handling children born with ambiguous genitalia, there has not been any feedback.

In conclusion, the present situation changed very little, if at all, concerning transgender and intersex individuals in Hong Kong since the review took place.

We invite the Committee to renew its calls to the Government of Hong Kong to implement the recommendations laid out in the Concluding Observations without further delay.

We also thank you for your continued commitment to human rights and stand ready to provide additional information at your disposal.

Sincerely yours



Billy R. Leung
Vice-chair and Head of UN Advocacy Subcommittee