



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

20 August 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the fifth periodic report of Hong Kong, China in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 56th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/CHN-HKG/CO/5, para. 30) requested Hong Kong, China to provide within one year further information on the specific areas of concern identified in paragraphs 7(b), 9 and 13 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 24 January 2017 providing your Government's response on the above-mentioned paragraphs (CAT/C/CHN-HKG/CO/5/Add.1) and to make the following comments:

Review of the non-refoulement claim screening procedure (para. 7 (b))

While appreciating the information provided on these procedures, the Committee regrets that the screening procedure concerning non-refoulement claims has not been reviewed in order to enhance its fairness and transparency, as recommended by the Committee. In addition, it regrets the absence of information regarding steps taken to ensure the publication of redacted versions of the decisions of the Torture Claims Appeals Board. The Committee also remains concerned about the limited period during which claimants are entitled to complete their applications (2/C).

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Independent mechanism for receiving and investigating complaints (para. 9)

While taking note of the extensive information provided about the monitoring activities carried out by Justices of Peace, the Committee considers that their visits to detention centers can only be considered as complementary to the internal complaints mechanisms, but cannot replace them (2/C).

Detention and fundamental legal safeguards (para. 13)

The Committee appreciates the information provided on the legal framework and practice with regard to compliance with fundamental safeguards immediately upon deprivation of liberty. However, it notes with concern that the follow-up replies do not include information regarding the extent to which these rights are respected in practice (2/C).

Implementation plan (para. 30)

The Committee regrets that Hong Kong, China has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of Hong Kong, China is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by Hong Kong, China pursuant to the Committee's request in its concluding observations on the fifth periodic report of Hong Kong, China.

The Committee looks forward to a continued constructive dialogue with the authorities of Hong Kong, China on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture