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For immediate release

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Little Place for Human Rights & Public Opinion in Constitutional Review

(Hong Kong: 15 April 2004) The Hong Kong Human Rights Monitor today expressed its concerns that the opinions of Hong Kong people have been played down and that human rights have been kept out of the list of factors for constitutional development. The Monitor believes the Report prepared by the Government Constitutional Development Task Force shows that it lacks the will to defend the interests and rights of the majority of Hong Kong people.

“It is clear that human rights and public opinion in Hong Kong have a low priority in the mind of the Hong Kong authorities,” said Law Yuk-Kai, director of Human Rights Monitor. “By ignoring the criticisms and recommendations of UN human rights treaty monitoring bodies, the authorities have paved the way to retain the discriminatory features in Hong Kong’s undemocratic system. It appears that the views of the majority of Hong Kong people have to give way to Beijing’s wishes.”

The report by the Task Force has even failed to highlight the strong demand for universal suffrage that has been expressed by the majority of the Hong Kong public. The more than half a million strong demonstration demanding democratic reform has not even been mentioned in the Report.

The Report listed nine factors for constitutional review. Prominently listed as the first factor is, “the views of the Central Authorities.” In contrast, “public opinions” have been deeply buried with eight other items in factor number 6.

Significantly, international human rights standards have not been included as one of the relevant factors in the Report.

This omission is unlikely to be an oversight. In a meeting with the Task Force, the Human Rights Monitor unequivocally urged the Task Force to pay due regard to international human rights standards, the treaty obligations of the authorities under the International Covenant on Civil and Political Rights, and the UN’s relevant criticisms and recommendations in regard to the development of democracy in Hong Kong..

The UN Human Rights Committee has for many years concluded that Hong Kong’s electoral system fails to meet the standards laid down in the International Covenant. The Committee has criticized the system as being discriminatory and that it is not universal and does not offer equal suffrage. The Committee urged the authorities to take immediate steps to ensure that Hong Kong’s electoral system be put in conformity with the Covenant.