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新聞稿

由：香港人權資訊中心

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**聯合國完成審議香港人權狀況  
委員關注參與之公民團體安危 中國拒絕保證不作報復  
港府以片面資料為《國安法》及打壓工會辯護**

聯合國經濟、社會及文化權利委員會（委員會）一連兩日對香港、澳門及中國大陸人權狀況的審議，已於香港時間昨晚 8 時完成。委員會將於本年 3 月 6 日發表審議結論，詳述對三地人權的關注和改善建議。

由 26 名大陸官員、10 名香港官員及 3 名澳門官員組成的中國代表團，在兩天的會議上回應了委員提出的多條問題，但大多只是讀稿重申既有立場及全面否認指控，沒有承認侵犯人權或承諾改善。其中，大陸及香港官員拒絕明確承諾不會向參與審議的公民團體作出報復，而香港官員亦以片面資料為《國安法》辯護，詳情如下：

拒絕保證不追究公民團體

委員會副主席 Michael Windfuhr 在開首發言時特別提到，歡迎公民社會在是次審議中的貢獻，但根據其獲得的資料，中港澳的人權捍衛者因為擔憂會遭受報復，所以在參與審議或提交報告時可能面對困難，他對此感到遺憾。他續指，委員會亦關注許多向委員會或其他條約組織提交報告的非政府機構，都被迫以流亡方式工作。因此，Windfuhr 要求中國代表團確保相關人士和團體不會在審議結束後遭到報復<sup>1</sup>。

不過，中國外交部國際司副司長孫磊以普通話回應時，只是含糊地表示相關的公民團體「不應該有這方面的擔心」，並無正面承諾政府不會作出報復<sup>2</sup>。至於保安局首席助理秘書長黃添培以英語發言時，亦拒絕明確保證不會追究相關團體，僅表示與國際組織進行的「正常交流和接觸（“normal interaction and contacts”）」都是受到《基本法》及香港法律保障<sup>3</sup>。

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<sup>1</sup> 相關發言全文：“I also regret to learn that within China, Hong Kong, and Macau human rights defenders, NGOs, and CSOs, according to information we have received, might face difficulties in attending this meeting in person or report because of their fear of reprisals. So that the Committee is also concerned about the fact that many of the NGOs reported to the Committee or to other treaty bodies are forced to work from exile. So, we want to ask you to make sure... carefully make sure that no persons and institutions that sent us information, observations should face retaliation at the end of the dialogue.”  
(見首日會議錄影約 30:23)

<sup>2</sup> 相關發言全文：“關於這個...確保...參會的...參加審議的 NGO 不受任何...擔心會報復的問題，可以向你確認提交...提交這個任何...提交這個信息和參與公約審議工作的 NGO 都不會有...不應該有這方面的擔心。”（見首日會議錄影約 51:05）

<sup>3</sup> 相關發言全文：“Normal interaction and contacts with other countries, regions, and relevant international organisations, will continued to be protected pursuant to the Basic Law and the law of HKSAR.”（見首日會議錄影約 54:00）

就此，香港人權資訊中心（本中心）發言人表示：

「對於中國及香港政府拒絕保證不報復公民團體，本中心表示非常失望及憂慮。本中心強調，公民團體的貢獻非常重要，可以協助委員會及其他國際組織全面了解締約國的真實人權狀況。若公民團體在報復的威脅下減少或拒絕參與審議，將會大大削弱委員會及其他國際組織監察締約國人權狀況的能力。」

### 香港政府拒絕承認《國安法》侵犯人權

會上，多名委員都點名提及港版《國安法》及相關法例對香港人權帶來的影響。有委員關注法律對「國家安全」的定義不清晰，似乎所有範圍都可被視為涉及國安，加上《國安法》下政府有權決定甚麼行為是涉及國家安全，因此他質詢港府如何避免法律引致隨意的決定。有委員則關注國安法律對學術自由的限制，以及對文化、藝術、圖書、課程等的審查控制。

不過，香港官員一概否認《國安法》侵害人權，反而強調條文已保障各項權利。對於廢除《國安法》的訴求，保安局首席助理秘書長黃添培表示，香港現時仍然面對不同的國安威脅，因此持續實行《國安法》及其他國安法律對於維持香港繁榮穩定是不可或缺的。他又重申，《國安法》是根據法律及證據執法，與涉事者的政治背景無關。至於壹傳媒創辦人黎智英的案件，黃添培以案件已進入司法程序為由拒絕回應。

對此，本中心發言人表示：

「事實上，《國安法》生效以來，香港的公民社會空間嚴重收窄，言論自由、集會自由及學術自由都受到侵害。大量公民團體在壓力下解散，餘下的公民團體亦被迫減少發言或行動。委員的憂慮及關注都是建基於事實，本中心亦已在早前提交的報告中詳細列出相關事例及證據（見[報告](#)第 20 至 37 段）。」

### 港府以片面資料否認打壓工會

香港政府亦在會上否認打壓及政治審查工會。勞工處助理處長（政策支援）張凱珊表示，香港工會數目由 2019 年的 917 個增加至 2020 年的 1454 個；又指在 2021 至 2022 年取消註冊的 176 個工會中，只有 1 個是由政府撤銷註冊，另外 175 個都是自願解散或取消註冊。

不過，本中心發言人表示：

「根據[勞工處數據](#)，香港工會的申報會員總人數連續兩年下跌，合共大幅下降 34,539 人，反映整體工會活動的發展不進反退。本中心亦已在早前提交給委員會的[報告](#)反映此項事實，但勞工處仍然選擇性提供資料以圖誤導委員會。」

「另外，『自願解散』的說法並非真相，事實上多個工會（例如職工盟和教協）都是在政府官員及親中媒體點名威嚇的巨大壓力下，以安全為由被迫解散。此外，政府又透過行政措施及法例阻撓和滋擾工會的活動及運作，損害《基本法》及《經濟、社會及文化權利國際公約》保障的工會權利（見本中心報告第 71 至 94 段）。勞工處無視工會承受的威脅而聲稱它們是自願解散，令人遺憾。」

本中心促請委員會對香港惡化的人權狀況表達關注，以及要求香港政府停止一切侵害人權的行為及作出即時改善。

— 完 —

## 關於我們

香港人權資訊中心於 2022 年成立，是由一班擅長法律及政策研究的香港人所組成，目標是要向外界提供有關香港的人權、法治及政治發展的最新和可靠的資訊，以支持香港的公民社會，並以國際人權法和標準，捍衛香港的人權和自由。

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## 背景

為督促《經濟、社會及文化權利國際公約》（《公約》）的締約國履行《公約》下的責任，以及持續地改善人權，委員會定期審議各締約國實施《公約》的狀況，並按觀察所得發表審議結論，詳述委員會的關注及對締約國政府提出改善建議。香港政府已根據《公約》的要求及機制，於 2019 年 12 月向委員會提交第四次定期報告。根據程序，委員會將於 2023 年 2 月 15 及 16 日與中國、香港及澳門政府舉行會議，就人權問題向香港政府提出質詢。委員會並會在 3 月 6 日發表審議結論，詳述委員會的關注和改善建議。

## 參考資料：

香港根據《公約》第十六條和第十七條於 2019 年提交的第四次定期報告

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHN-HKG%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHN-HKG%2F4&Lang=en)

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香港對與第四次定期報告有關的問題清單的回應

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## Press Release

From: Hong Kong Centre for Human Rights

Date: 17 February 2023

### **UN finished its review on Hong Kong human rights Beijing refused to guarantee no retaliation against participating civil groups Hong Kong officials defended NSL by cherry-picking data**

The United Nations Committee on Economic, Social and Cultural Rights (“Committee”) finished its review sessions of human rights situations of Hong Kong, Macau and mainland China yesterday in Hong Kong time. The Committee will issue the concluding observations on 6 March 2023 to elaborate the Committee’s concerns and recommendations for the three governments.

The Chinese delegation, comprised of 26 mainland Chinese officials, 10 Hong Kong officials and 3 Macau officials, have answered a number of questions raised by the Committee. However, the answers were mostly reiterating the official stances and denying all accusations, without admission of any violations of human rights or promises to improve.

In particular, the Chinese and Hong Kong officials refused to guarantee that no reprisals would be carried out against the civil society organizations (“CSOs”). The Hong Kong officials also defended the National Security Law (“NSL”) and denied the suppression of trade unions by cherry-picking the information. The details are as follows:

#### *Refusing to guarantee no reprisals*

As stated in the first day meeting by Michael Windfuhr, the vice-chairperson of the Committee, while the Committee welcomed the contributions of civil societies, he regretted to learn that human rights defenders, NGOs and CSOs within China, Hong Kong and Macau might face difficulties in attending the meetings in person or submitting reports because of their fear of reprisals. He said the Committee was also concerned about the fact that many of the NGOs reported to the Committee or to other treaty bodies are forced to work from exile. Therefore, he asked the Chinese delegation to make sure that no persons and institutions that participating in the review would face retaliation.

However, the Chinese Ministry of Foreign Affairs official SUN Lei refused to make such promise expressly. Instead, in his Mandarin speech, he only claimed that the relevant NGOs “should not have the worries in this aspect” (Please refer to the [video of the meeting](#) at around 51:05). Similarly, Simon Wong, the Principal Assistant Secretary of the Hong Kong Security Bureau, has only pointed out that “normal interaction and contacts with other countries, regions, and relevant international organizations will continued to be protected pursuant to the Basic Law and the law of HKSAR”, without defining the words “normal interaction and contacts”.

In response to it, the spokesperson of Hong Kong Centre for Human Rights (“HKCHR”) says:

“We are very concerned of and disappointed with the fact that the Chinese and Hong Kong governments refused to promise that they would not retaliate against the CSOs participating in this review. We must emphasize that the contributions of CSOs are essential in assisting the Committee and other treaty bodies to thoroughly understand the real situations of a State Party.

The effectiveness of the human rights review will be rigorously diminished if CSOs refrain from providing information to the Committee and other treaty bodies due to threats of reprisals.”

Denying the fact that NSL infringes on human rights

The Committee was very concerned of the impact of the NSL and other national security legislation on the human rights situation of Hong Kong. One member mentioned that the relevant law did not clearly define “national security” and they had the feeling that everything could become some national security issues. Furthermore, given that the government has the power to conclusively decide what matter involves national security, he was concerned of how the government could avoid arbitrary decisions. Another member raised questions of the limitation and censorship imposed by the law on academic freedom, art, culture, books and school curriculums.

However, the Hong Kong officials claimed that the NSL would not infringe on the rights, and the articles therein did expressly protect human rights. Although the UN Human Rights Committee has urged Hong Kong to repeal the NSL last year, Simon Wong stressed that Hong Kong was still facing different national security threats, and thus “[t]he continued implementation of the Hong Kong National Security Law and other laws safeguarding national security, is essential in enabling and to ensure the continued stability and prosperity of Hong Kong.” He also refused to comment on the NSL case of the pro-democracy media tycoon Jimmy Lai, saying that “as the legal proceedings are still ongoing, no one should, and it is inappropriate for any person to comment on or even interfere with such cases, as it is a matter of sub judice”.

The spokesperson of HKCHR says in response to it:

“The fact is that, since the NSL was enacted, the civic space of Hong Kong has been significantly shrunk. Academic freedom, free speech and freedom of assembly are all infringed upon. A huge number of civil groups disbanded in light of the pressure, while the remaining groups can no longer be as active and outspoken as before. The concerns of the members are all validly based on facts, and HKCHR has already submitted a [report](#) listing the relevant incidents and evidence in detail. (Please refer to our report, para 20 to 37)”

Denying suppressing trade unions

The Hong Kong officials also rejected the accusations of suppressing and politically censoring the trade unions. Hoi Sha Cheung, the Assistant Commissioner of the Labour Department, stated that the number of registered unions has rose from 917 in 2019 to 1454 in 2020. Also, she said that among the 176 trade unions that were deregistered in 2021 and 2022, only 1 was deregistered by the government while the rest of them “were deregistered following voluntary dissolutions or cancellation initiated by the trade unions concerned.”

Nonetheless, the spokesperson of HKCHR says:

“According to [the data of the Labour Department](#), the number of declared membership of all trade unions did fall for two consecutive years (2020-2021) with a decrease of 34,539 members, suggesting a significant setback in the right to freely join a trade union of one’s choice. The figure was included in our report to the Committee.”

“We also reject the claim of ‘voluntary dissolution’ because of the fact that many trade unions decided to disband under the pressure given by the government and pro-Beijing media outlets. Also, the government did harass the operation of trade unions by utilizing administrative measures and legislation, which violated the rights enshrined in the Basic Law and the International Covenant on Economic, Social and Cultural Rights (Please refer to [our report](#), para. 71 to 94)” It is regretful to see that the Labour Department claimed that the dissolution was voluntary despite the tremendous political pressure faced by the trade unions.”

We urge the Committee to express concerns over the deteriorating human rights situations in Hong Kong, and demand the Hong Kong government to cease violating human rights and take remedial actions immediately.

- End -

### **About us**

HKCHR is established in 2022 by a group of human rights defenders from Hong Kong with strong background in policy and legal research. The mission of HKCHR is to provide credible information on the latest situation in Hong Kong, with reference to its legal, political, and human rights development, in order to support the resilient civil society in Hong Kong and defend the city’s rights and freedoms in accordance with international human rights law and standards.

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### **Background**

The Committee regularly reviews each State party’s implementation of the ICESCR in order to monitor their fulfilment of their obligations under the treaty and to improve human rights. The Committee would issue concluding observations after each review to detail the Committee’s concerns and recommendations for the State party to better discharge their obligations under the treaty.

The ICESCR applies to Hong Kong. Hong Kong government submitted the 4<sup>th</sup> report to the Committee in December 2019 pursuant to the mechanism and Committee’s request. According to the Committee’s programme of work, it held meetings with the Chinese, Hong Kong and Macau governments from 15 to 16 February 2023 to raise questions about human rights issues. The Committee will issue concluding observations to elaborate its concerns and recommendations on 6 March 2023.

### **Reference:**

Fourth periodic report submitted by Hong Kong, China under articles 16 and 17 of the Covenant, due in 2019 (received by UN in December 2019)

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Committee on Economic, Social and Cultural Rights' List of issues in relation to the fourth periodic report of Hong Kong, China (released in April 2021)

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Replies of Hong Kong, China to the list of issues in relation to its fourth periodic report (received by UN in March 2022)

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