

Urgent Calls for International Oversight on Torture and Ill-Treatment in Hong Kong

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Hong Kong Centre for Human Rights is established in 2022 by human rights defenders from Hong Kong with background in human rights, policy, and legal research. We aim to provide credible information on Hong Kong's legal, political, and human rights development with the goal of supporting the resilient civil society of Hong Kong and upholding international human rights standards.

Executive Summary

This report, ***Urgent Calls for International Oversight on Torture and Ill Treatment*** in Hong Kong, prepared by the Hong Kong Centre for Human Rights, brings to light a grave human rights crisis that demands immediate international intervention. Since the imposition of the National Security Law in 2020 and the subsequent election overhaul in 2021, essential safeguards against torture have been systematically dismantled, leaving vulnerable populations exposed to unchecked abuses.

China's ongoing delay in submitting its state report to the UN Committee against Torture represents not just a procedural lapse, but a significant barrier to the Committee's vital role in holding China and Hong Kong accountable to their human rights treaty obligations. This inaction has allowed Hong Kong authorities to continue their oppressive tactics without fear of accountability. If this trend persists, the erosion of rights risks becoming institutionalized, threatening the very fabric of civil society.

The legacy of UN treaty discussions in Hong Kong has fostered a resilient civil society, active media engagement, and grassroots activism—cornerstones for promoting human rights and accountability. However, as these foundations erode, the path to restoring rights becomes increasingly perilous.

This report meticulously analyzes the systemic issues that facilitate torture and CIDTP in Hong Kong, focusing on three critical areas: the deterioration of domestic protections, the unchecked expansion of law enforcement powers under national security, and the inadequacy of complaint mechanisms. By highlighting documented cases of abuse, the report underscores the urgent need for the international community to reject China's attempts to evade its treaty obligations and take decisive action.

We call upon the Committee Against Torture to immediately enforce Rule 67(3) of its Rules of Procedure, initiating the review process without delay in light of China's failure to submit its state report. This action is vital for ensuring accountability and oversight during this critical period.

The report also presents actionable recommendations directed at UN human rights mechanisms, UN member states, and the Hong Kong and Chinese governments. Central to these recommendations is the empowerment of civil society in Hong Kong, including its diaspora, to uphold human rights. The international community must actively counter China's discrediting tactics against NGOs and address the serious threats posed by reprisals and transnational repression. Collaboration with Hong Kong civil society is essential to sustaining their visibility and influence.

The UN must remain vigilant and proactive in its oversight to ensure that human rights standards are not only maintained but strengthened in Hong Kong. It is essential for the international community to take a firm stance against the erosion of rights and to hold the Chinese and Hong Kong governments accountable for their obligations under international law. Only through concerted and unwavering efforts can we hope to restore the fundamental rights of individuals in Hong Kong and prevent further deterioration of the human rights landscape.

Key Recommendations

To UN Human Rights Mechanisms

Recognize that Hong Kong is at a critical juncture and proceed urgently with a CAT review of China by invoking Rule 67(3). Empower civil society to participate in this process to the greatest extent possible, acknowledging the severe restrictions on civic space.

To UN Member States

Actively resist China's attempts to undermine UN human rights mechanisms and discredit NGOs that criticize its human rights record. Take seriously the issues of reprisal, intimidation, and transnational repression against human rights defenders, and support the visibility and influence of Hong Kong's civil society. Enforce human rights due diligence and stop any supply of goods or services to Hong Kong to avoid complicity in violating human rights.

To the Chinese and Hong Kong Governments

Fulfill reporting obligations and cease harassment and intimidation of civil society, including human rights NGOs, journalists, activists, and INGOs. Extend an open and standing invitation to Special Procedures to visit Hong Kong without obstruction, and stop denying entry to human rights advocates and journalists.

List of Abbreviation

CAPO	Complaints Against Police Office
CAT	United Nations Committee against Torture
CIC	Castle Peak Bay Immigration Centre
CIDTP	Cruel, Inhuman or Degrading Treatment or Punishment
CSD	Hong Kong's Correctional Services Department
CSOs	Civil Society Organisations
INGOs	International non-governmental organisations
IPCC	Independent Police Complaints Council
LegCo	Legislative Council
NSL	National Security Law
OHCHR	Office of the High Commissioner for Human Rights
SNSO	Safeguarding National Security Ordinance
Torture Convention	Convention against Torture and Other Cruel, Inhuman or Cruel, Inhuman or Degrading Treatment or Punishment
UPR	Universal Periodic Review

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Also to note, the use of AI-generated imagery in no way diminishes the gravity or authenticity of the human rights concerns addressed in this report. The factual content, data, and testimonies presented remain accurate and have been rigorously verified through our standard research and documentation processes.

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Introduction



1. The increasing severity and normalisation of torture and CIDTP in Hong Kong signal an urgent human rights crisis. The delay in China's report to the UN Committee against Torture (CAT) for 5 years has emboldened Hong Kong's authorities, allowing abuses to continue unchecked. Without immediate international intervention, these practices risk becoming deeply entrenched.
2. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Torture Convention) is an important human rights treaty in Hong Kong, effective since 1992. Hong Kong civil society has consistently applied the Torture Convention to peacefully address human rights violations in issues from police use of force in handling mass protests, prison conditions, treatment of asylum seekers, to the rights of LGBT+ people, through domestic and international mechanisms.
3. Regrettably, the domestic institutional safeguard against torture, including a vibrant and free civil society in Hong Kong, have been significantly weakened since the imposition of the National Security Law (NSL) in 2020 and election overhaul in 2021. UN human rights mechanisms based on China and Hong Kong's treaty obligations are therefore more important than ever.

Severe Delay and Urgent Need for UN Intervention

4. The last CAT review of China, including Hong Kong, was in 2015. China's report is overdue for 5 years by December 2024, with no guarantee from China that a report would be submitted soon. The significant and indefinite delay is endangering the human rights situation in Hong Kong.
5. Many of the human rights violations committed by the Hong Kong Government since the last review, including torture and CIDTP by the police and in detention facilities, excessive solitary confinement, pro-longed pre-trial detention, etc, are continuation of denounced practices and failed safeguards highlighted by various UN human rights bodies. Without immediate international intervention, these practices risk becoming deeply entrenched.
6. Article 19 of the Torture Convention obligates member states to submit periodic reports to the Committee. At the last review, the Committee explicitly requested China to submit its next report by 9 December 2019. However, China has failed to do so to date, all while remaining active in UN discussions and processes. The blatant disregard to its obligations reflects a troubling hypocrisy in its commitment to international human rights obligations. Condoning any attempts by member states to violate treaty obligations endangers the integrity, credibility and moral authority of Human Rights Council and UN systems for human rights enforcement globally.
7. Therefore, we urge the Committee to hold China fully accountable for upholding all aspects of its treaty obligations. In light of China's significant delay in submitting a report, we call on the Committee to enforce Rule 67(3) of its Rules of Procedure to commence the review process in the absence of China's state's report without delay, ensuring timely accountability and oversight during this critical period.
8. We have pinpointed to report on three overarching risk factors for the occurrence of torture, the rising concern of pro-longed pre-trial detention, and torture and CIDTP cases in the contexts of police, prison, and immigration detention to highlight the prevalence and risks of torture and CIDTP in Hong Kong since 2015, and the urgent need for intervention by the international human rights mechanism.



Three Overarching Threats & a Rising Concern

9. The spirit of the Torture Convention values prevention of torture and CIDTP. This section reports on, first, how the crackdown on civil society since the imposition of the NSL in 2020 has weakened domestic protection against torture; second, empowered law enforcement in the name of national security poses risk of abuse of powers and torture; and thirdly the exposed shortcomings of the complaint mechanisms against the police and detention facilities.
10. This section then addresses the rising concern of the increasing use and prolong period of pre-trial detention in Hong Kong.

Weakened Domestic Protection

11. A report by the Georgetown Center for Asian Law finds that the NGO crackdown since the imposition of the NSL in 2020 has severely undermined the rule of law, Basic Law rights protections, and good governance in Hong Kong. “Rights protections only exist if there are individuals and groups in place to insist on their enforcement, day in and day out. Many of those key voices have gone quiet, and others have left Hong Kong altogether.”^[1] It is further worsened with the election overhaul, which removed all democratically returned representatives who were more responsive to human rights advocacy and government accountability.
12. This erosion of civil society is directly linked to violations of the Torture Convention. Under Article 2, state parties are required to take effective measures to prevent acts of torture within their jurisdictions. Civil society organisations (CSOs) are integral to the prevention and reporting of torture, playing a crucial role in monitoring state abuses, documenting cases, and providing legal and social support to victims. The crackdown on CSOs has removed these critical checks and balances, severely weakening Hong Kong’s domestic protections against torture and CIDTP.

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- 13.** In areas related to the monitoring and prevention of police brutality and maltreatment in detention facilities, opposition parties and civil society groups played pivotal roles. The dissolution or severe restriction of these organisations, such as prisoner rights advocacy groups supporting those incarcerated for the 2019 protest movement, means that detainees are left without external oversight. These groups were accused of destabilising prison environments. After public warnings from the Secretary for Security, several disbanded.[2] One remaining group, "Waiting Bird," continues to operate under immense pressure.[3] The crackdown isolates detainees, strips them of support, and increases their vulnerability to maltreatment, particularly discriminatory treatment for their political involvement.[4]
- 14.** The restrictions on freedom of association, combined with the suppression of legal and political opposition, undermine the safeguards established by CAT. By removing the ability of CSOs to report and address abuses, the Hong Kong Government is effectively violating its obligations under CAT, which requires the establishment and maintenance of independent mechanisms to prevent torture. Without these mechanisms, Hong Kong's compliance with the convention is gravely compromised, as the state no longer meets the preventive measures mandated under Article 2.
- 15.** Therefore, it is paramount for the UN and the CAT to proactively engage with Hong Kong to address the severity of these violations. Beyond regular review procedures, international efforts must support CSO participation in human rights monitoring and ensure the implementation of recommendations domestically. If these protections are not restored, the risk of torture and CIDTP becoming widespread and institutionalised will continue to grow.



Unchecked Expansion of Police and Prison Authority Under National Security Laws



- 16.** The enactment of the NSL and its implementation rules in 2020, and “Article 23” legislation, namely the Safeguarding National Security Ordinance (SNSO) in 2024 in Hong Kong have granted disproportionate powers to law enforcement, compromising legal safeguards and potentially violating human rights standards.
- 17.** Amongst the strong observations by UN human rights bodies and experts, the UN Working Group on Arbitrary Detention has concluded that the enhanced authority granted to the police under the NSL, as evidenced in the arbitrary arrest and detention of individuals such as Chow Hang-Tung, contravenes the principle of legality.[5]
- 18.** Under SNSO, with Magistrate approval, police can detain an arrestee for up to 16 days without filing charges and prohibit arrestees from consulting lawyers for the first 48 hours or a chosen lawyer while in detention. It also forbids anyone from disclosing about a case, preventing transparency and scrutiny.

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19. The Government also made an amendment to Prison Rules when passing the SNSO that persons incarcerated for national security-related offences could be denied early release on good behaviour, which was applicable to all prisoners.
20. These legislative changes have provided police with unchecked authority, potentially leading to arbitrary detention and restricted legal rights for detainees.
21. Judicial oversight such as by ways of *habeas corpus* or judicial review would offer little to no protection because the National Security Committee can intervene in the decision-making process, and the Court of Final Appeal confirmed that under NSL Article 14, the HKSAR courts had no jurisdiction over the work of the National Security Committee, and whose decisions are not amenable to judicial review.[6]
22. To date, the Hong Kong Government has not made any effort to suspend or amend the laws to comply with the recommendations.

Ineffective Complaint Mechanisms

23. The Committee requested the Hong Kong Government to submit follow-up report regarding the recommendations on ensuring the independence and effectiveness of the complaint mechanisms of the police and the detention facilities under the immigration department or the Correctional Services Department (CSD). The Government has not introduced any reform, and the problems with the complaint mechanisms persist, resulting in the inability to stop or prevent violations that occurred during the report period.

Police Complaint Mechanism

Hong Kong judiciary finds current police complaint system unconstitutional

24. In Hong Kong, complaints against police officers or general procedure and practices of the police are dealt with in a 'two-tier' system, where investigation into complaints is done by the Police's Complaints Against Police Office (CAPO) under the monitoring or oversight of the Independent Police Complaints Council (IPCC). This system has been persistently criticised by UN treaty bodies for the lack of independence and effectiveness; Hong Kong courts have, in recent judicial reviews, echoed and validated these criticisms.

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- 25.** The Court of First Instance found the existing mechanism unconstitutional for failing to meet the legal standards against torture and CIDTP, and that the police's practice of obscuring identification during the 2019 Anti-ELAB protests hindered accountability and was unlawful.[7]
- 26.** In another case unrelated to the protests, the Court ruled against the handling of a complaint by CAPO and IPCC.[8] The case demonstrated that CAPO's discretionary classification of "reportable complaints" undermines IPCC's oversight, underscored the systemic barriers to addressing police misconduct, reinforced by persistent inaction towards court and international calls for reform.
- 27.** For perspective, out of 1,949 complaints filed against police during the 2019 anti-extradition bill protests, only 618 were considered "reportable". 193 out of 228 discontinued complaints were due to lack of assistance from complainants, which suggests a possible discouragement or inability of complainants to pursue their cases, which could indicate fear of reprisal or mistrust in the system's efficacy. Additionally, 35 complaints being discontinued because CAPO could not identify the officer involved underscores significant accountability issues within the police force.[9]
- 28.** In the review in 2022, the Human Rights Committee expressed concern about the absence of information regarding the outcome of investigations into complaints lodged against the police and the extent and nature of disciplinary action, if any, faced by individual police officers held liable in this regard.
- 29.** Despite these consistent criticisms by the judiciary and international human rights bodies, substantial changes to enhance accountability and transparency have not been implemented, contributing to a chronic low rate of substantiated complaints and undermining trust in the system.

Recommendations for Reform

- 30.** Establish an Independent Oversight Body: To restore trust and ensure accountability, an independent body with full investigative powers should be established, separate from the police force.
- 31.** Introduce External Audits: Regular audits by an external agency could help ensure the police force adheres to both local and international human rights standards.

Correctional Services Department: Inadequate Complaint Mechanisms Increasing Risks of CIDTP

- 32.** The internal grievance procedures of Hong Kong's CSD present significant challenges in terms of independence, confidentiality, and transparency. Despite formal channels like appeals to the Ombudsman, Legislative Council (LegCo) members,[10] Justices of the Peace,[11] and the Complaints Investigation Unit, prisoners often fear retaliation and doubt the efficacy of these processes, which seldom lead to meaningful outcomes.
- 33.** Similar issues are evident within the complaint mechanisms at detention facilities managed by the Immigration Department, which are not reiterated here for the sake of brevity. These shared challenges underscore a broader systemic failure in safeguarding the rights and well-being of detainees across various institutions in Hong Kong.

Weak Oversight by Justices of the Peace

- 34.** Justices of the Peace have the statutory duty to visit custodial institutions to ensure inmates' rights are safeguarded and receive complaint. However, Justices of the Peace appointed may not have expertise in human rights; their visits are mostly pre-arranged, not unannounced, and any complaint received are then referred to the CSD's commissioner for follow up and investigation. Historically, complaints referred were largely dismissed as unsubstantiated, curtailed, false or withdrawn. Local human rights organisation had advocated for reform to ensure independence of the monitoring mechanism.[12] Worse still, according to annual reports on Justices of Peace visits, the number of complaints received by Justices of the Peace at institutions of the CSD decreased drastically from 187 in 2018 to 33 in 2023, [13] indicating a possible further drop in confidence among inmates to file complaints to Justices of the Peace, and deterioration of the effectiveness of this oversight mechanism.

Distrust and Desperation

- 35.** Distrust in the system has led to desperate measures by inmates, such as a political activist who was further penalised for trying to submit a complaint to the Ombudsman bypass the official channel, which would involve the complaint letter being inspected and transmitted by prison officers.[14] The activist claimed his previous complaints through official channels were not delivered, consistent to obstruction to filing complaints testified by other detainees.[15] Furthermore, there is a fear of reprisal among prisoners and that the complaint system fails to protect the identity and rights of complainants.

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Systemic Obstacles and Lack of Transparency

- 36.** The limited CCTV coverage within the prison, lacking audio capabilities and inadequate data retention, further undermines the accountability mechanisms.[16] The failure to monitor certain areas and retain CCTV footage for the full duration of the 24-month complaint period, an unreasonable limitation in itself, creates barriers to substantiating claims.

Evidence of Systemic Failure

- 37.** In 2023, not a single case out of the 72 complaints referred to the Complaints Investigation Unit of the CSD was substantiated, pointing to a systemic failure in addressing the concerns of inmates, which could potentially escalate the risk of torture and CIDTP due to unchecked abuses within the system.[17]

A Rising Concern: Pre-trial Detention

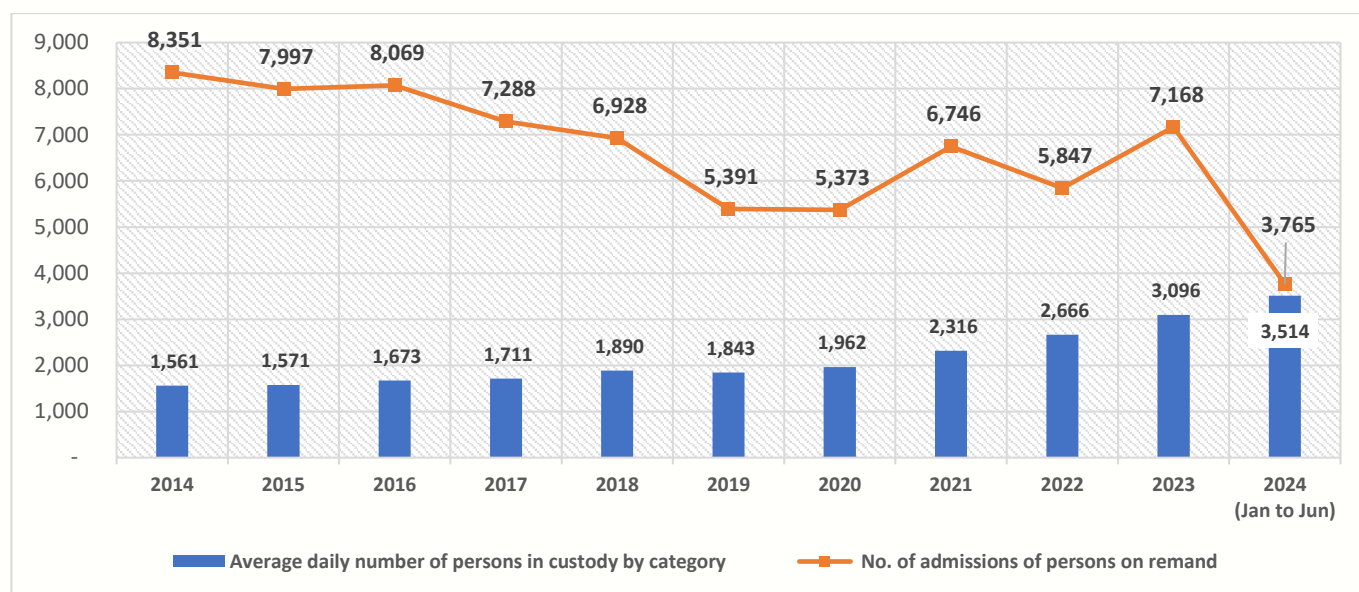


Figure 1. Number of people remanded in prison since 2014

	2014		2015		2016		2017		2018		2019	
Sentenced persons	7,236	82%	6,842	81%	6,873	80%	6,818	80%	6,412	77%	5,894	76%
Persons on remand	1,561	18%	1,571	19%	1,673	20%	1,711	20%	1,890	23%	1,843	24%
Overall*	8,797		8,413		8,546		8,529		8,303		7,737	

	2020		2021		2022		2023		2024 (Jan to Jun)	
Sentenced persons	4,939	72%	5,259	69%	4,830	63%	5,217	61%	5,451	59%
Persons on remand	1,962	28%	2,316	30%	2,666	35%	3,096	36%	3,514	38%
Overall*	6,902		7,616		7,613		8,498		9,280	

* The overall figures include detainees.

Table 2. Average daily number of persons in custody by category since 2014

NOTES: According to CSD, there may be a slight discrepancy between the sum of individual items and the respective totals as shown in the above due to rounding.

38. The rising incidence and prolonged duration of pre-trial detention in Hong Kong have emerged as alarming trends that pose significant threats to personal liberty and the integrity of the judicial system.

39. There is no official statistics on the duration of pre-trial detention. From the CSD's data (Figure 1 & Table 2), the average daily number of persons in custody for remand rose from 1,561 in 2014 to 3,514 in June 2024, with a persistent increase across the years.[18] The percentage of persons on remand to the overall total average daily number of persons in custody rose from 18% in 2014 to 38% in 2024 (up to June). These data suggest pre-trial detention has become more prevalent in recent years. The LegCo Secretariat's analysis of the data further concluded that the durations of pre-trial custody has been extended.[19]

Prolonged Detention and Its Implications

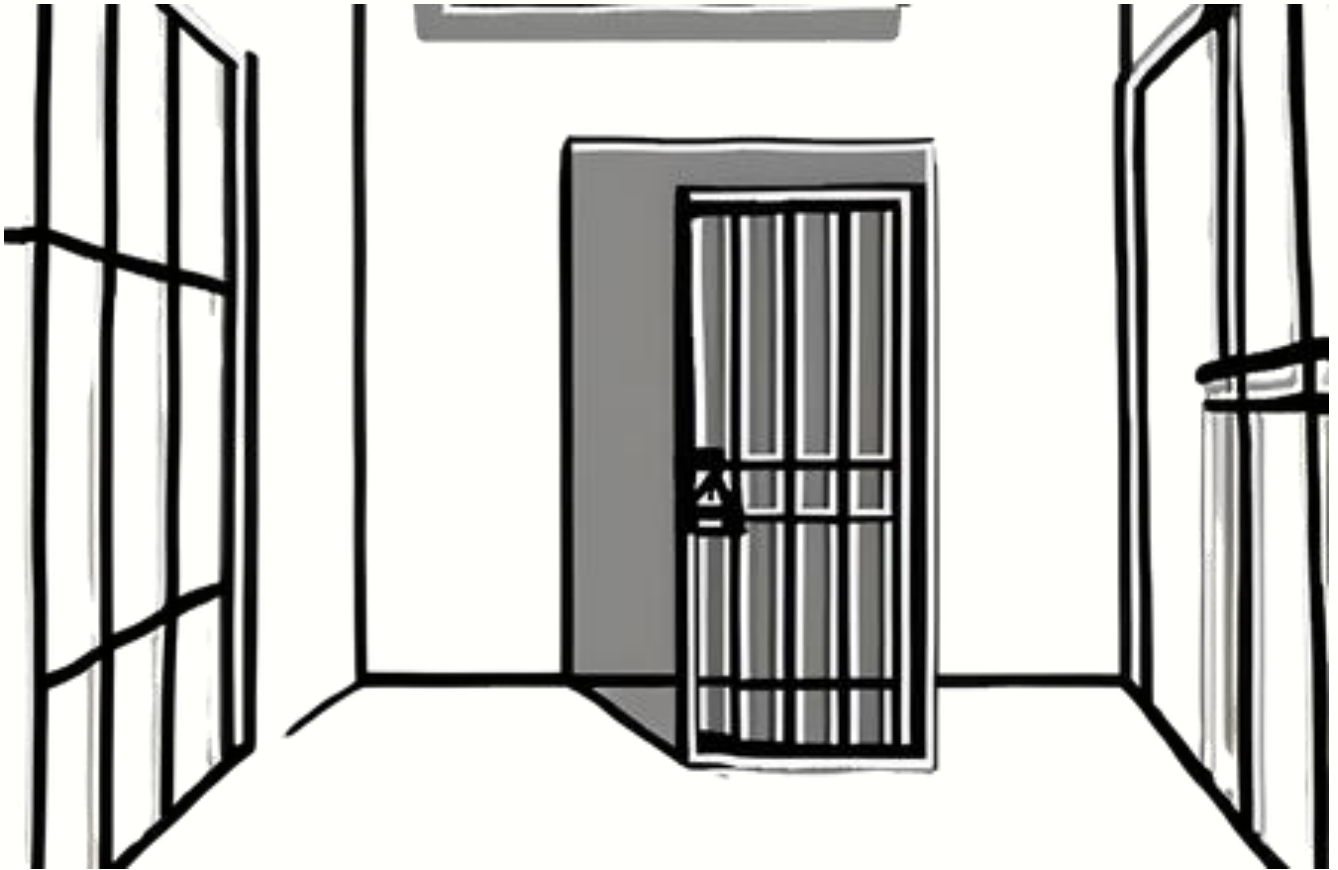
- 40.** Prolonged pre-trial detention constitutes a significant infringement on personal liberty and raises concerns regarding the judicial system's capacity to function effectively. According to the UN Subcommittee on Prevention of Torture, long periods of pre-trial custody exacerbate overcrowding in prisons, which deteriorates the conditions of confinement and strains relations between detainees and staff. These circumstances can foster an environment conducive to ill-treatment, increasing the risk of psychological and physical abuse.[20]
- 41.** In some cases, the prolonged nature of detention may compel defendants to plead guilty simply to escape the difficulties of an extended pre-trial period, undermining the fairness of the judicial process.
- 42.** The implications of this trend extend beyond individual cases; they also reflect pressures on the judicial system that may arise from arbitrary and large-scale arrests, such as those seen in the "Hong Kong 47" case and various protest-related roundups. These actions can lead to significant backlogs in the court system, leaving many detainees waiting for trial for extended periods.

National Security Cases: A Disturbing Reality

- 43.** In the context of national security cases, the situation is particularly alarming. As of 17 September 2024, 69% of individuals arrested in connection with national security-related offenses were denied bail.[21] Reports indicate that 34 individuals linked to these cases had been held in pre-trial detention for over 1,000 days as of December 2023, including defendants involved in the "Hong Kong 47" case. Notably, six former senior executives from the now-disbanded Apple Daily have remained in detention for approximately 900 days since their initial hearings, with Jimmy Lai facing over 1,100 days in custody, excluding a brief nine-day bail period. [22]
- 44.** The prolonged pre-trial detention under the NSL has faced significant criticism from the international community and the United Nations. The legal framework enabling such extended detention has been further reinforced through the SNSO, which authorises pre-charge detention for up to 16 days following an initial 48-hour detention period.[23] Concerns have been raised by UN High Commissioner for Human Rights Volker Türk regarding the accelerated process of this legislation, particularly the apprehensions about its compatibility with international human rights law.[24]

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- 45.**Despite requests for data, the authority claimed that it does not maintain relevant statistics such as the average and maximum length of time on remand, and that it has no plan to compile additional statistics on such breakdown of figures.[25]
- 46.**In light of these alarming trends, it is imperative for international human rights bodies to intervene and advocate for immediate reforms. The Hong Kong Government must be urged to establish clear guidelines and time limits on pre-trial detention to align with international human rights standards. Additionally, increasing transparency and accountability within the judicial system is essential to restore public confidence and safeguard the rights of individuals. Failure to address these systemic issues could lead to the further entrenchment of practices that violate fundamental human rights and the principles of justice.



Three Key Torture and CIDTP Hotspots: Police, Prisons, and Immigration Detention

47. This section reports on patterns and individual cases of suspected torture and CIDTP that took place in police custody and in places of detention to show that the risk factors have resulted in actual violations.

Police

48. This section covers police brutality related to the widespread protest movements in Hong Kong in 2014 and 2019, as well as non-protest-related violations. It is regrettable to report that much of the recent problems are continuation or extension of the violations of the Torture Convention in Hong Kong during the Umbrella Movement in 2014, for which CAT made strong recommendations and requested the Hong Kong Government to follow up within a year. Therefore, even though Special Procedures and the Human Rights Committee have made strong comments on this topic, we submit these issues warrant attention by the CAT from its remit.

New data showing injuries sustained during arrest and custody related to protests

- 49.** During the Anti-ELAB movement in 2019–2020, human rights observers and journalists documented widespread excessive use of force by police against protesters and bystanders, including first-aiders, journalists, and social workers. In the absence of an independent investigation into the police handling of the protests, it remains challenging to quantify the full scale of police brutality reported by civil society. Data collected could provide crucial insights into the extent and severity of these abuses, which have so far remained unaddressed and without accountability.
- 50.** Between June 2019 and March 2020, an independent online media outlet recorded about 1200 persons arrested, charged and brought to court for protest-related offences. At least 100 of them could not attend in person due to injuries. The media outlet believed more defendants were badly injured but did not make complaint to the court through their legal representatives. For defendants that attended, many manifested injuries.[26]
- 51.** It also reported that more than 30 defendants complained to the court of police brutality; they sustained head injuries, bone fractures, temporary visual and hearing loss, etc.
- 52.** In addition to physical violence, defendants complained of sexual violence, threats of physical violence from police, delayed or denied medical treatment during the arrest and custody, and sleep deprivation during interrogation.[27] The media report noted that three young men and women were threatened with rape by police officers in separate occasions; a defendant arrested alongside with his girlfriend was coerced into giving a statement without legal representation after police threatened to harass his girlfriend and to beat him up.[28]
- 53.** A local human rights organisation documented verified testimonies from 45 individuals who claimed to have experienced police mistreatment during protests. Allegations included being blinded by flashlight beams during interrogations and being physically restrained in police vehicles for extended periods. One individual reported being assaulted by multiple officers, while another described being forced to ingest foreign objects while in custody.[29]
- 54.** It is worth noting that both the independent online media and human rights organisation cited above have disbanded – the editors-in-chief of the prior have been convicted of sedition for their reporting during the movement.

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55. It is crucial to highlight that the excessive use and misuse of force and authority were not limited to protesters; healthcare workers were also affected. On 19 February 2020, four Special Rapporteurs issued a communication concerning the ill-treatment of healthcare workers by the police. According to the Special Rapporteurs, it was reported that healthcare professionals—including doctors, nurses, and first-aiders—were harassed, intimidated, or arrested for providing impartial medical care during the protests. Moreover, law enforcement officers were accused of misusing healthcare transport and privileges, such as using ambulances to transport personnel and equipment, including weapons and ammunition, and deploying undercover police officers who impersonated first-aiders to arrest injured protesters[30].

Prosecutorial underreach for police committing torture or CIDTP

56. Despite the Torture Convention being applicable to Hong Kong since 1992, the establishment of the Crimes (Torture) Ordinance,[31] and strong evidence suggesting cases of torture, not a single prosecution on the torture offence has been brought. When a case concerning police alleged torture or CIDTP is prosecuted, which is rare, we are concerned about the prosecution pursuing lesser charges that do not reflect the severity of the violence directly committed by police officers during duty.

57. In 2019, an elderly man was brutalised by two police officers while restrained in a hospital. The attack was clearly recorded by CCTV in the hospital. According to the judgment of the case, the victim was badly assaulted and humiliated by two police officers for a substantial period while he was lying defenceless on a bed with his 4 limbs restrained. Leg hair was plucked. They used their police batons to attack the victim on his bottom and genitals, and made threats to him that his wife would be messed up and he would soon be taught another lesson. The third police officer looked on and took no action to stop the unlawful attack.[32] In the judgment, the judge described thrice the action as “torture”. Although the three police officers were charged, the charge was however misconduct in public office, which carries a maximum penalty of 7 years’ imprisonment, instead of the offence of torture under the Crimes (Torture) Ordinance. The judge set the sentence to 4 years, which was then reduced for guilty plea.

58. In another case during the 2014 Umbrella Movement, 7 police officers were involved in assaulting a handcuffed protestor. As the judge described in the judgment, the victim “was badly assaulted by several police officers who kicked, stamped on and beat him for a sustained period while he was lying defenceless on the ground with

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his hands tied behind his back”.[33] The attack was filmed by various TV broadcaster. Although eventually prosecuted and convicted, the charge was assault occasioning actual bodily harm, which carries a maximum penalty of 3 years’ imprisonment. Upon successful appeal against the sentences, they were eventually sentenced to 15–18 months.

- 59.** The adequacy of the penalties in these two convicted cases is questionable. Nevertheless, these are rare cases where the prosecution acted, possibly because of the overwhelming video evidence and publicity to the cases. Assaults that occurred without witnesses or hard evidence, as most cases are in the previous section, would easily go unpunished. Moreover, the presence of bystanding police officer, even senior officer, who saw the happening but did not interfere in both cases suggests a chilling fact that unlawful violence is condoned in the police force, thereby fostering a climate of impunity.

Prison



- 60.** Hong Kong’s correctional facilities, managed by the CSD, suffer from a lack of transparency that exacerbates conditions conducive to torture and CIDTP. Political prisoners may face harsher treatments, such as prolonged solitary confinement.

Solitary confinement

- 61.** According to data released by the CSD, 2023 saw the highest number of solitary confinements as punishment since 2019, with 4,395 instances recorded for

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disciplinary reasons, alongside 687 for various other justifications. Excluding voluntary requests, most of these confinements ranged from 72 hours to four months.

- 62.** In solitary confinement, a prisoner is isolated for 22 or 23 hours a day in a small cell, segregated from other prisoners.[34] Solitary confinement often serves as a mechanism for victimisation and reprisal within the prison system. It is frequently employed to silence inmates who dare to report abuses or challenge unjust practices. Notably, political prisoners are disproportionately subjected to these severe conditions. The absence of a strict time limit on solitary confinement in most cases directly contradicts the Mandela Rules' 15-day maximum, reflecting a disturbing departure from international standards. The Committee raised concern in the last review.[35]
- 63.** The lack of data on solitary confinement is a serious concern. Authorities do not proactively publish this information; accurate figures are only made available upon specific inquiry by legislators. The absence of individual reports for each instance of solitary confinement hinders public scrutiny, creating an environment where abuses can occur with impunity.

Abuse of powers and discriminatory treatment against political prisoners

- 64.** A pattern of discriminatory treatment against political prisoners is observed. Despite limited comprehensive data, reports suggest that these individuals face discrimination and are subjected to penal treatment and solitary confinement more frequently than regular inmates, potentially as a means of isolation and punishment.
- 65.** Political prisoners who raise reasonable complaints about prison conditions or human rights issues are often labelled as "troublemakers," consequently subjecting them to further solitary confinement.[36]
- 66.** Human rights lawyer Chow Hang-Tung has been subjected to repeated and prolonged solitary confinement for obnoxious acts. Chow has been detained since September 2021 for allegedly inciting subversion as the former vice-chair of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China. It is reported that she has been repeatedly subjected to solitary confinement for long periods— 7 to 14 days at a time—for reasons including the possession of items such as an extra pack of M&M's, extra notebook, and receiving too many letters.[37]

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67. Furthermore, the Facebook page that Chow had maintained to communicate her conditions in prison, including her situation in solitary confinement, and to share her writings such as posts commemorating the Tiananmen Square massacre, had been targeted. 8 individuals allegedly maintaining the page were arrested for sedition; the page has since been removed. These are viewed as highhanded measures to silence and isolate Chow Hang-Tung, a prisoner of conscience recognised by Amnesty International.[38].
68. Other instances of isolating political prisoners include former elected councillor Tiffany Yuen Ka-wai who was reportedly placed in solitary confinement for minor infractions,[39] and an activist punished with 12 days of solitary confinement, 12 days of welfare lock, and an additional day of imprisonment for "unauthorised possession of an egg tart" left over from his breakfast.[40]

Torture cases in Prison and a Lack of Preventive Mechanism



69. Documented cases of torture and CIDTP within these facilities underline the urgent need for reform.
70. In 2017, Hong Kong media investigated and exposed the situation of wide-spread systemic abuses of juvenile prisoners in juvenile correctional facilities by officers. In addition to physical abuse, mistreatment included cruel and degrading treatments such as being forced to eat faeces and lick urine.[41] Public outcry demanded reform to the system, including the complaints mechanism to

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eradicate such abuses, but no systematic investigation or reform were carried out. Serious cases of abuse continued to emerge.

71. In December 2023, an 18-year-old man was seriously injured at Pik Uk Correctional Institution from attacks by a prison guard and fellow prisoners. According to media reports, the attackers forcibly penetrated the victim in the anus with a wooden stick, resulting in anal laceration and rectal perforation, leading to permanent damage. The victim required hospitalisation, a colostomy and additional rectal surgery. The authority arrested and charged the attackers only after the family discovered the injuries and insisted complaints.[42] According to the charges, a prison officer is charged along with 4 inmates with wounding with intent to do grievous bodily harm; another officer was charged with misconduct in public office for failing to report the attack. The trial is pending.[43]
72. While the wounding charge is serious and is punishable by life imprisonment, the prosecution chose to try this case at District Court. The maximum term of imprisonment it can impose is 7 years. The authorities have not justified not prosecuting with the offence of torture under the Crimes (Torture) Ordinance.
73. Cases of torture and CIDTP in adult cells are also exposed from time to time. For instance, in 2019, an inmate at Lai Chi Kok Reception Centre was allegedly beaten by at least three correctional officers, resulting in severe bone fractures. Despite the severity of his injuries, the victim was only sent to the hospital four days after the incident.[44]
74. The obstacles of communicating with outside of prison, filing complaints, and the genuine fear for reprisal have inevitably resulted in under-reporting of torture and CIDTP.

The suspension of oversight visits during the pandemic

75. During the pandemic, the CSD suspended all visits, including family visits and official visits by LegCo members and Justices of the Peace, further reducing the transparency of prison operations. Over a hundred members of the LegCo and District Council signed a joint complaint letter against the department for disproportionately obstructing public duty visits.[45] The CSD later allowed some visits but with onerous restrictions.[46] The restrictions were lifted only in 2022.[47]
76. Moreover, the lack of readily available data on complaints and solitary confinement hampers public oversight, allowing potential abuses to go

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unchecked. The consistently low rate of substantiated complaints underscores the inefficacy of the existing grievance mechanisms.

77. The practices within Hong Kong's CSD starkly violate international human rights standards, undermining trust and safety within the correctional system. To address these serious concerns, urgent reforms are necessary. Enhancing transparency, instituting independent oversight, and aligning disciplinary practices with international norms are crucial steps. Specifically, solitary confinement should be strictly regulated to align with the Mandela Rules, ensuring that it is used only when absolutely necessary and always proportionately. These steps are crucial to align Hong Kong's correctional system with global human rights norms and to restore integrity to its operations.

Immigration Detention



78. Immigration detention in Hong Kong is a form of administrative detention against people who are suspected of violating immigration rules.[48] It is crucial to recognise that immigration detention should be administrative, not criminal in nature, and therefore should not involve punitive measures.[49] While immigration detention has long been a subject of concern (see CAT Concluding Observations in 2016), amendments to the Immigration Ordinance passed in April 2021 have drastically reduced scrutiny on the Government's immigration detention powers. According to the latest official figures, 3,819 individuals were in immigration detention in 2022.[50]
79. Immigration detainees are mostly foreigners with little to no local support network that could advocate on their behalf. Asylum seekers may also be committed to

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immigration detention. Many detainees receive no visitors, leading to a lack of external witnesses to their treatment.

80. This report highlights long or indefinite period of detention, poor conditions in facilities, cases of degrading and inhuman treatment, and the prison-like management and treatment; since majority of detainees are asylum seekers, these practices have constituted constructive refoulement.

Long period of detention

81. Amendments to the Immigration Ordinance passed in April 2021 expanded the circumstances under which the length of detention pending removal, deportation, or determination of a non-refoulement claim would be considered reasonable,[51] further enabling the imposition of long or indefinite detention with reduced recourse to judicial remedy such as *habeas corpus*. Many are held for weeks, months.[52] In extreme cases, detainees have been held for up to five years under deplorable conditions, ultimately deciding to abandon their applications for non-refoulement protection.[53] A concern group shared that a detainee committed suicide after 8-months of detention without knowing the release date.[54]
82. The media has reported about a number of hunger strikes by detainees, indicating severe dissatisfaction and desperation among detainees and strong demands that their voices be heard.[55]
83. The absence of publicly available data on detention periods has prevented effective scrutiny and in turn intensifies the isolation experienced by detainees.[56]

Abuse, Humiliating Treatment, and Lack of Mental Health Support for Detainees

84. The conditions faced by detainees in these facilities are largely inaccessible to the public, making civil society's role crucial in amplifying detainees' voices.[57] A concern group has reported multiple instances of detainees being beaten up by officers, including for not following instructions given in an unfamiliar language. A woman journalist who was detained pending deportation allegedly for political reprisal reported several instances of inhumane treatment, including being strip-searched by a male doctor and physically abused by staff. The concern group also noted that she developed depression as a result of the abuse.[58]

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- 85.**In 2019, a woman detained at Ma Tau Kok Detention Centre pending deportation committed suicide. She had been visibly distressed about her impending deportation and was placed in solitary confinement at the time of her death. In 2022, the Coroner's Court inquiry concluded that the Immigration Department should improve psychological support to detainees, ensuring staff can recognise their mental health needs, and establish an independent complaint mechanism. However, there have been no reported updates on the implementation of these recommendations.
- 86.**During visits, legislators discovered deplorable conditions in the detention facilities.[59] Detention centres are plagued by extreme unsanitary conditions and severely restricted living spaces that severely impact the physical and mental well-being of detainees.[60]

Extending Prison-Like Rules to Immigration Detention

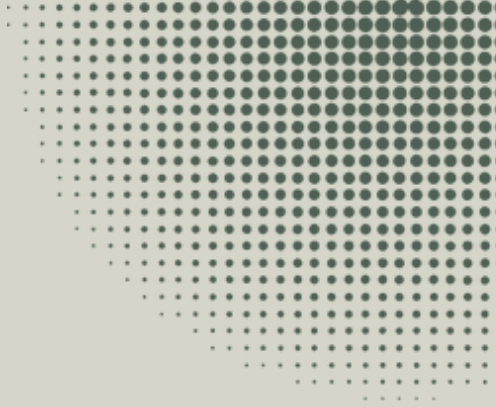
- 87.**In recent years, the Hong Kong Government has been introducing retrogressive measures to get-tough on migrants and non-refoulement claimants, even suggesting withdrawing Hong Kong from the Torture Convention to avoid the obligation to consider non-refoulement protection. One such measure was the increased use of incarceration, notably beginning in 2021 when the Government started placing immigration detainees in the Tai Tam Gap Correctional Institution, managed by the CSD. This was in addition to using facilities like the CIC, which is managed by the Immigration Department. The shift was rationalized by the alleged overcapacity at existing immigration facilities, but it has led to immigration detainees experiencing more prison-like conditions and harsher treatments.[61]
- 88.**Rather than improving these conditions, the Government enacted further legislative changes in 2023. These changes extended the stringent Prison Rules to the CIC, including provisions for intimate body searches and an extension of the maximum solitary confinement period from 7 to 28 days.
- 89.**Moreover, the Nei Kwu Correctional Institution was also repurposed to hold immigration detainees, intensifying the punitive nature of detention practices meant to be administrative rather than punitive. This expansion of more punitive measures in immigration detention has significant psychological impacts on detainees, affecting their mental health and their ability to participate effectively in their legal defence. Such conditions highlight a troubling shift towards treating administrative detainees akin to criminal prisoners, a move that raises serious human rights concerns.[62]

Constructive refoulement

90. Constructive refoulement refers to the indirect forced return of individuals to countries where they may face persecution or harm, often achieved through creating such harsh conditions in detention that detainees feel compelled to "voluntarily" return to their countries of origin. This combination of indefinite detention, harsh conditions, and information blackout creates an environment that undermines the principle of non-refoulement, compelling individuals to forfeit their right to seek protection, a severe violation of the Torture Convention.

Abuse of power to exercise political reprisal

91. Immigration decision, including detention and repatriation, are highly discretionary, therefore can be subject to abuse; it's been used to detain and then deport a migrant domestic worker who also worked as a citizen journalist, allegedly as political reprisal.[63]



Conclusion

- 92.** The state of human rights in Hong Kong, particularly regarding torture CIDTP, has reached a critical juncture. The combination of systemic issues, exacerbated by the imposition of the NSL, has led to significant erosions of civil liberties and protections. Torture and CIDTP have not only persisted but have become increasingly normalised within the fabric of law enforcement and correctional practices.
- 93.** This report has outlined the multifaceted nature of these challenges, identifying key risk factors and torture hotspots that require immediate attention. The weakened domestic protections due to the crackdown on civil society, the unchecked expansion of police authority, and the ineffective complaint mechanisms collectively contribute to a dire situation where human rights violations continue with impunity.
- 94.** Without swift and concerted international intervention, the risk of these practices becoming institutionalised remains high. The recommendations provided herein urge the global community, particularly the CAT, all relevant treaty bodies, special procedures, OHCHR, and UN Member States to take immediate and concrete actions to uphold human rights standards. Only through robust oversight and accountability can the cycle of abuse be broken and the fundamental rights of individuals in Hong Kong be safeguarded.

Recommendations

95. While our primary objective is to expedite the CAT's review of China, including Hong Kong, we have outlined additional important recommendations directed at the Committee and the broader UN human rights mechanisms, as well as the international community. Furthermore, we include essential recommendations for the Hong Kong and Chinese Governments that are critical to the effective implementation of these measures. We hope that these recommendations will encourage all parties to take immediate action to halt the deterioration of the human rights situation in Hong Kong.

Recommendations to the Committee against Torture and the UN human rights mechanisms

Proceed Urgently with a Review of China Regardless of State's report Submission

96. Article 19 of the Torture Convention obligates member states to submit periodic reports to the CAT. In its concluding observations (CAT/C/CHN/CO/5),^[64] the Committee explicitly requested China to submit its next report by 9 December 2019. China has failed to do so up to date. The Committee must not condone any attempts by member states to disregard treaty obligations.

97. The Committee should proactively publicise its efforts to remind China of the overdue deadline for submission. Once a State's report is received, the Committee must prioritise the review of China, in accordance with its Working Methods, which stipulate that priority is given to reports that are long overdue.^[65]

98. However, if China fails to guarantee submission of a report promptly, the Committee should enforce Rule 67(3) of its Rules of Procedure^[66] to conduct a review in the absence of a State's report, and adopt concluding observations based on available information, including input by civil society.

Facilitate Civil Society Engagement in the Review Process

99. In the context of the National Security Law, there exists a legitimate fear of reprisal among civil society actors in Hong Kong. The crackdown on civil society has fragmented networks and restricted access to resources necessary for producing shadow reports and meaningful participation in UN procedures. The Committee

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should proactively invite and encourage the involvement of Hong Kong civil society, including diaspora communities, in the review process. To achieve this, the Committee should consult with experienced Hong Kong human rights defenders who have engaged with UN mechanisms to devise a strategic plan that includes capacity-building initiatives prior to the review. Strong protections against reprisals must also be established to ensure that civil society representatives can engage safely.

Acknowledge the Unique Context of Human Rights Violations in Hong Kong

- 100.** While recognising the severe human rights violations occurring in mainland China, it is crucial for the CAT to recognise Hong Kong's needs for urgent attention. The erosion of rights in Hong Kong risks becoming institutionalised if not addressed at this critical juncture. The long history of UN treaty discussions and applications in Hong Kong has fostered a vibrant civil society, media engagement, and grassroots activism. These foundations have been essential in advocating for human rights and accountability.
- 101.** It is imperative that these established frameworks are cherished and protected; their degradation would not only lead to the loss of progress achieved over the years but also make it significantly more difficult to regain any semblance of rights in the future. The Committee should emphasise the importance of maintaining momentum in Hong Kong's human rights dialogue and advocate for measures that prevent the entrenchment of violations. This proactive approach is essential to safeguard the rights of individuals and uphold international human rights standards.

Provide Technical Assistance to Civil Society for Report Preparation

- 102.** The Committee should offer technical assistance and resources to Hong Kong CSOs to aid in the preparation of shadow reports. This could include workshops, training sessions, and access to expert advice on documenting human rights violations and effectively engaging with UN mechanisms. Such support will enhance the quality and impact of civil society's contributions to the review process.
- 103.** The Committee should also ensure Hong Kong CSOs, including those formed by human rights defenders in exile, have opportunities to engage with the Committee, including in the pre-session in designing the list of issues, and before and during the constructive dialogue.

Establish Clear Channels of Communication with Civil Society During the Review

- 104.** The Committee should ensure that there are accessible and secure channels of communication for CSOs to provide input during the review. This could involve establishing a dedicated platform for submitting evidence and testimonies that allow for anonymity and protection against reprisals.

Include Specific Provisions in Concluding Observations

- 105.** In the concluding observations following the review, the Committee should explicitly call for the establishment of an independent mechanism for investigating allegations of torture and CIDTP in Hong Kong. Recommendations should also include the need for reforms to ensure accountability within the police and prison systems, as well as the implementation of measures to protect civil society actors from reprisals.

Follow-Up Mechanism Post-Review

- 106.** The Committee should establish a robust follow-up mechanism to monitor the implementation of its recommendations. This could include periodic updates from civil society on the ground, as well as scheduled follow-up reviews to assess progress and ensure that the Hong Kong Government is taking meaningful steps to address the identified issues.

Highlight the Importance of International Monitoring

- 107.** The Committee should emphasise the necessity of international monitoring in its concluding observations, recommending that the Hong Kong Government allow for unimpeded access to international human rights monitors and NGOs to observe conditions in detention facilities and the treatment of individuals held under the National Security Law.

Initiate a Special Rapporteur Visit to Hong Kong

- 108.** Facilitate a visit by the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment to Hong Kong. Notably, the mandate's visit to China in 2005 did not include Hong Kong. This visit should focus on an assessment

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of detention facilities and the treatment of detainees, as well as engagement with civil society representatives from both Hong Kong and the diaspora. It is critical that measures are put in place to ensure the safety of individuals and groups involved to prevent reprisals.

Engagement with UN Special Procedures and Other Treaty Bodies

- 109.** The Committee should coordinate with other UN special procedures and treaty bodies to amplify concerns about human rights violations in Hong Kong. Collaborative efforts can help create a unified international response and bring greater attention to the situation, urging China to adhere to its international obligations.

Recommendations to UN Member States

Facilitate Engagement of Hong Kong Civil Society

- 110.** Support the participation of Hong Kong civil society, including members of the diasporic community, in UN procedures and mechanisms. This engagement is crucial for ensuring that local voices are heard and considered in the international human rights dialogue.

Follow Up on UPR Recommendations

- 111.** Actively monitor and follow up on the recommendations made to China during the Universal Periodic Review, particularly those urging China to engage and collaborate with the Office of the High Commissioner for Human Rights (OHCHR), special procedures, and treaty bodies.

Support Urgent Review of China's Implementation of the Convention

- 112.** Urge the CAT to proceed urgently with a review of China's implementation of the Torture Convention, including to enforce Rule 67(3) of its Rules of Procedure to conduct a review without a State's report.

Accountability for Reprisals and Transnational Repression

- 113.** Hold both the Chinese and Hong Kong Governments accountable for any reprisals against individuals engaging with the UN, as well as for instances of transnational repression targeting activists and human rights defenders.

Ensure Accountability for Human Rights Violations

- 114.** Hold China and the Hong Kong Governments accountable for human rights violations identified by UN treaty bodies and special procedures, as well as their failure to comply with treaty obligations regarding reporting.

Implement Human Rights Due Diligence

- 115.** In light of the allegations of torture and CIDTP committed by the Hong Kong Police Force, the Correctional Services Department, and the Immigration Department—documented in this report and by other credible civil society actors—ensure that

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your countries implement human rights due diligence. This includes taking steps to prevent businesses from becoming complicit in human rights violations by providing goods or services related to such conduct, including weaponry, technology or training services to Hong Kong law enforcement, until satisfactory reforms are conducted by the Hong Kong Government.

Visit Places of Potential Torture and CIDTP in Hong Kong

- 116.** Encourage diplomats to visit detention facilities in Hong Kong to inspect conditions firsthand and gain a comprehensive understanding of the systemic weaknesses that contribute to the occurrence of torture and CIDTP. Such visits would provide valuable insights into the realities faced by detainees, enabling diplomats to advocate more effectively for human rights improvements. These observations can also facilitate direct engagement with local CSOs and enhance international scrutiny of the situation in Hong Kong.

Recommendation to the Hong Kong and China Governments

Immediate Submission of the Report and Urging China to Comply

- 117.** The Hong Kong Government should immediately publicise its report to the CAT to facilitate public scrutiny and accountability and urge the Chinese authorities to submit the State's report immediately.

Extend an Open and Standing Invitation to Special Procedures

- 118.** The Chinese Government must not impede visits to Hong Kong by UN human rights experts and should facilitate their access without obstruction. It is essential to ensure that these visits occur without interference or reprisals against individuals or groups who engage with the experts. Moreover, the experts must be allowed to visit places of detention to conduct thorough assessments of conditions and treatment. By extending an open and standing invitation, the government demonstrates its commitment to transparency and accountability in addressing human rights concerns in the region.

Cease Discrediting and Intimidating Human Rights NGOs

- 119.** The Hong Kong Government should immediately cease its practice of labelling human rights NGOs and human rights defenders, including journalists, that are critical of its policies as "anti-China", "foreign agents" or seditious. Such tactics not only aim to discredit their important work but also serve to intimidate and silence dissent. The Government must recognise that constructive dialogue with civil society is essential for promoting human rights and accountability. It should welcome scrutiny from NGOs and international bodies as part of its duty to uphold democratic principles and ensure transparency in governance. Fostering an open and respectful environment for civil society will contribute to a healthier public discourse and enhance the government's legitimacy.

Lift Restrictions on Foreign Entry and Facilitate International Engagement

- 120.** The Hong Kong Government should immediately lift restrictions barring foreigners, including journalists and representatives from international non-governmental

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organisations (INGOs), from entering the territory on work or tourist visas. This practice, which involves creating a blacklist, aims to isolate Hong Kong and prevent international scrutiny of its human rights situation. Instead, the Government should facilitate the entry of foreign journalists and INGO representatives to promote transparency and foster constructive dialogue. Allowing international observers to report on and engage with the local civil society will enhance accountability and demonstrate the Government's commitment to upholding human rights standards.

Ratify Torture Convention Optional Protocol and Accede to Convention Article 20

- 121.** As recommended in the UPR, China should ratify the Optional Protocol to the Torture Convention and establish independent national preventive mechanisms as actual concrete steps to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction. It should also recognise the competence of the CAT provided for under article 20, thereby allowing the Committee to conduct confidential inquiries should it receive reliable information indicating that torture is being systematically practiced in China, including Hong Kong.

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Disclaimer: Many of the original sources cited in this document are in Traditional Chinese. For the convenience and readability for English-speaking audiences, these titles have been translated into English. While every effort has been made to ensure accuracy, these translations may not be 100% precise representations of the original titles. The translations are provided for reference purposes only and should not be considered official or definitive.

For any instance where exact wording is crucial, readers are strongly advised to refer to the original titles. The original language sources remain the authoritative versions, and any discrepancies between the translated titles and the original should defer to the Chinese-language originals.

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