
AMNESTY INTERNATIONAL NEWS SERVICE 54/94

TO: PRESS OFFICERS
FROM: IS PRESS OFFICE
DATE: 18 MARCH 1994

AI INDEX: NWS 11/54/94
DISTR: SC/PO

NO OF WORDS:1400

NEWS SERVICE ITEMS: EXTERNAL - HONG KONG, UNITED NATIONS

PLEASE NOTE: The enclosed item on Hong Kong currently has an embargo of
... HRS GMT, 21 APRIL 1994. The actual hour of the embargo has yet to be fixed, we will let you know when it is properly finalised.

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

Burundi - 16 May - SEE NEWS SERVICES 53/94 and 36/94

Hong Kong - 21 April - SEE NEWS SERVICE 36/94

TARGETED AND LIMITED NEWS RELEASES

Jordan - 22 March - SEE NEWS SERVICES 53/94, 49/94 AND 37/94

****China**** - 29 March - A news service item is being prepared to accompany a report on the persecution of Protestants and Catholics in China. The report is entitled China: Protestants and Catholics Detained Since 1983, AI INDEX: ASA 17/06/94 and it will be going out in the weekly mailing of 23 March.

Turkey - 30 March - SEE NEWS SERVICES 46/94 AND 26/94

Switzerland CAT - 19 April - SEE NEWS SERVICE 53/94

Israel & OT CAT - 25 April - SEE NEWS SERVICE 53/94

FORTHCOMING NEWS INITIATIVES

Saudi Arabia - 10 May - More details to follow

Annual Report - 7 July - SEE NEWS SERVICE 51/94

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AI INDEX: ASA 19/WU 01/94

EMBARGOED FOR ... HRS GMT, THURSDAY 21 APRIL 1994

HONG KONG: AMNESTY INTERNATIONAL CRITICIZES FLAWS IN PROTECTION OF HUMAN RIGHTS: CALLS FOR ESTABLISHMENT OF A HUMAN RIGHTS COMMISSION

Amnesty International is today calling on the Hong Kong authorities to establish an independent human rights commission and to take other necessary steps to safeguard human rights for the people of Hong Kong.

"Until the authorities improve the implementation of human rights in Hong Kong, neither the Hong Kong Government nor the United Kingdom Government will be living up to their minimum obligations under international law," said Amnesty International.

In a report issued today, Amnesty International examines current shortcomings in the system for human rights protection in Hong Kong, following a fact-finding mission in October 1993.

"In Hong Kong there is not a sufficiently accessible, affordable, speedy and effective remedy for people whose rights may be violated," said Amnesty International.

"People wishing to complain that the government has violated their rights have been deterred from bringing a civil case against the government by the huge costs of the Hong Kong court system - and by the fear that, should they lose the case, they would be ordered to pay the costs of the government."

In one instance, a group of students wanted to challenge a law which prevented them from holding a demonstration outside the Chinese Government's official news agency in Hong Kong. They believed this law violated their rights to freedom of assembly and expression, but they reportedly found they did not have enough money to bring a civil court case to challenge that law. They held a demonstration in the restricted area on 5 June 1992 and several of them were arrested.

The government Legal Aid Department has refused legal aid to over 92 per cent of applicants in Bill of Rights civil cases (excluding immigration cases) between June 1991 and November 1993. Amnesty International is calling on the Hong Kong authorities to make the legal aid agency fully independent of the government.

Amnesty International's report presents 32 arguments for the establishment of an independent human rights commission to complement the judicial system. The commission could develop an affordable, effective complaints system for victims of human rights violations. It could help to review and reform laws, policies and institutions before, rather than after, human rights are violated. And it could develop effective human rights awareness, education and training programs, on which government spending is currently low.

At the 1993 United Nations (UN) World Conference on Human Rights in Vienna, 171 governments (including the UK and China) adopted a declaration emphasizing "the important and constructive role" which can be played by institutions such as human rights commissions in the promotion and protection of human rights. Despite a Hong Kong Legislative Council vote, without dissent, to establish an independent human rights commission, the UK-appointed Governor of Hong Kong, Christopher Patten, has so far not agreed to its establishment, although he has stated he is keeping an "open mind" and is "open to persuasion".

Hong Kong's Bill of Rights incorporates most of the International Covenant on Civil and Political Rights (ICCPR) and the Basic Law enacted by China's National People's Congress pledges that the ICCPR shall remain in force after the territory reverts to Chinese sovereignty in 1997. "But laws are not enough," said Amnesty International, "the test is how human rights are implemented in practice."

Amnesty International's report calls on the Hong Kong Government to commission an independent review aimed at identifying any further measures which may be needed to guarantee the future independence of the judiciary. It urges the British Government to extend a number of international human rights conventions to Hong Kong. It calls on the British Government to seek agreement - with the governments of Hong Kong and China, and with the UN committees which monitor implementation of the International Covenants on Human Rights - on an effective method for Hong Kong to report after July 1997 to those UN committees. The report also emphasizes the need for the proposed human rights commission to be genuinely independent, and to meet the standards for such bodies set forth by the United Nations and by Amnesty International.

EMBARGOED FOR . HRS GMT, THURSDAY 21 APRIL 1994

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**AI INDEX: IOR 41/WU 04/1994
18 March 1994**

UNITED NATIONS:

At the close of the 50th session of the United Nations Commission on Human Rights, Amnesty International expressed extreme disappointment with the apparent inability of the Commission to send a clear message to those governments responsible for major human rights violations that their actions were in breach of international human rights standards formulated by the UN.

Notable among the failures of this session was the Commission's consensus statement on East Timor, which gives a misleading impression about the human rights situation there. It also failed to mention a resolution adopted at the Commission's 1993 session that asked the Indonesian Government to take a number of practical steps aimed at investigating and curbing persistent human rights violations in East Timor. By March 1994 the government had done virtually nothing to comply with those recommendations. Just as seriously, the Commission's consensus statement made no reference to a long-standing pattern of grave human rights violations in Indonesia itself, including unlawful killings, arbitrary arrest, torture, "disappearances" and imprisonment after unfair trials.

For the third year running, the Commission also failed to take action on a draft resolution on China with the adoption -- by a vote of 20 votes in favour, 16 against and 17 abstentions -- of a procedural motion to take no action on the resolution. Yet serious human rights violations continue unabated, more than four years after the suppression of the 1989 pro-democracy protests in Beijing. Thousands of political prisoners, many detained solely for the peaceful expression of their political or religious views, remain in jail. Arbitrary arrests, unfair trials and torture are commonplace and the death penalty continues to be widely used.

In addition, the Commission failed to take any action at all on reported human rights violations in Turkey, Algeria and Peru, all situations that Amnesty International had sought to bring to the attention of the Commission because of the severe and persistent nature of human rights violations.

Amnesty International welcomes the Commission's decision to appoint a Special Rapporteur on the independence and impartiality of the judiciary as well as a Special Rapporteur on violence against women that will address an important gap in the Commission's mechanisms and facilitate coordination across all UN bodies dealing with the human rights of women. However, it remains concerned that thematic rapporteurs established by the 1993 session of the Commission have hardly been able to function during the last year because of the scarcity of resources in the UN Centre for Human Rights in Geneva.

Amnesty International also welcomed the Commission's decision to renew the mandates of all country special rapporteurs and independent experts. The human rights organization also applauded the resolution that decided to appoint a Special Rapporteur on the situation of human rights in Zaire, where such an investigator may encourage the government to take immediate steps to prevent the continuing occurrence of serious human rights violations such as arbitrary detention, torture, extrajudicial executions and "disappearances".

In the case of Sudan, however, the resolution adopted by the Commission failed to reflect the full severity of the human rights situation there or, indeed, the breadth of the recommendations of the Special Rapporteur in his report. In particular, despite reports of thousands of extrajudicial executions and "disappearances" in the Nuba mountains, Juba and other areas affected by the war, as described by Amnesty International, other human rights organizations and the Special Rapporteur himself, the Commission's resolution failed to call on the government to investigate such incidents.

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