

THE HUMAN RIGHTS COMMITTEE

A SUMMARY FOR CIVIL SOCIETY GROUPS



The Human Rights Committee is the UN's expert committee dedicated to civil and political rights, and one of the **ten so-called UN 'Treaty Bodies'** – the guardians of the nine main international human rights treaties.



It is composed of 18 **independent experts** in charge of supervising the implementation the civil and political rights guaranteed in the **International Covenant on Civil and Political Rights** (or ICCPR) by the countries that ratified it (called the States Parties).

The Committee meets three times a year for four to five weeks sessions in Geneva, and is considered – alongside other Treaty Bodies – as a **'quasi-judicial' body**, as it emanates from a legally-binding treaty.



WHAT IS THE ICCPR? WHAT ARE THE MAIN RIGHTS IT PROTECTS?

Adopted in 1966, the **International Covenant on Civil and Political Rights** (or 'ICCPR') is the main treaty protecting the civil and political rights of individuals. This includes:



Right to self-determination



Gender equality



Non-discrimination



Right to life



Prohibition of torture



Prohibition of slavery



Freedom of religion or belief



Freedom of peaceful assembly



Fair trial, and due process guarantees



Right to privacy



Prohibition of arbitrary detention



Rights of individuals belonging to minorities



Freedom of movement



Freedom of association



Right to a family



Electoral rights



Freedom of expression



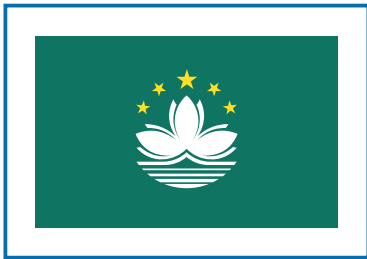
The ICCPR is a cornerstone of the international human rights architecture: it forms part of the International Bill of Human Rights, along with the [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#) and the [Universal Declaration of Human Rights \(UDHR\)](#).

The ICCPR has been ratified by 173 States as of April 2022, while some have only signed it, such as China.

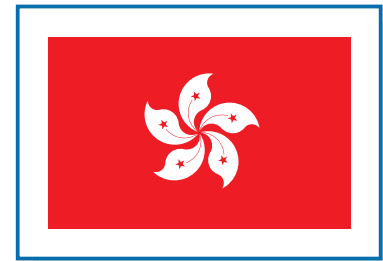


What about Hong Kong and Macau?

Ratified by the United Kingdom in 1976, the ICCPR remained in force in Hong Kong after its handover to China in 1997, as stipulated in the Sino-British Joint Declaration.



In 1999, China also notified the UN that the ICCPR will also apply to Macao upon handover from Portugal, which had extended the territorial application of the ICCPR to Macao in 1993.



HOW CAN THE COMMITTEE REVIEW A COUNTRY?

The Committee reviews the implementation of the ICCPR by countries on a regular basis. This [review process](#) follows different steps:



1. Presentation of a State report

All States Parties are obliged to submit regular reports to the Committee on how civil and political rights under the ICCPR are being respected, protected and fulfilled. States must report upon the Committee's requests, usually every four to eight years.



2. Adoption of a List of Issues (or 'LOI')

Once the State report is presented, the Committee prepares the 'List of Issues' at least two sessions before the formal review: this document highlights issues of concern to the Committee, which the government must provide more details on.



3. Formal review

The Committee meets with the country's delegation representatives for around six hours during which the government responds to the Committee's questions, based on its response to the List of Issues, and on civil society reports.



4. Adoption of the Concluding Observations

This is the outcome of the review: the Committee issues its findings and recommendations – including priority ones – to improve the country's implementation of the ICCPR, while noting positive developments.



5. Follow-up procedure

Two years after the review, the State is requested to provide information on the implementation of the recommendations identified as priority ones in the Concluding Observations. Based on information provided by the State, and civil society, the Committee then looks at the implementation of those recommendations and gives grades according to the level of implementation (from A to E), in a letter it sends to the government. If the State does not send information, reminder letters are sent.

Hong Kong and Macao's **Lists of Issues** were adopted in August 2020: both regions are now set for formal review during the Committee's upcoming session in **July 2022**.

HOW CAN CIVIL SOCIETY ENGAGE?

Civil society plays a **fundamental role** in ensuring the Committee is well-informed when reviewing States Parties, and that its recommendations address civil society's main concerns.

Are you a civil society organisation or representative? This is how you can take part in a review:



Phase 1: Reporting

NGOs can provide **written submissions** to the Committee, both ahead of the adoption of the List of Issues (deadline: usually 8 weeks prior to the session), and the formal review (deadline: 4 weeks prior to the session).

- For Hong Kong and Macao, this means civil society can send information **until 30 May 2022**.

- Information should look at new developments, including laws, and gaps in implementation, since the List of Issues (adopted in August 2020 for Hong Kong and Macao). It should also take into consideration gaps in the **government's response**, and Concluding Observations from its **last review**.
- Ideally, the structure follows the order of articles (or clusters of articles) in the ICCPR, or the structure of the List of Issues (LOI). You should explicitly and clearly identify specific recommendations you think the Committee should make to the government: make sure they stand out!
- Submissions must be made in English, Spanish or French. There is no formal limit on the length, but concise submissions are encouraged (as well as executive summaries!). The Committee recommends a maximum of 10,000 words per report.
- **If you can submit jointly with other NGOs even better!** The Committee will be more receptive to it.
- Make sure you clearly identify the sources of your information and data (including hyperlinks, or full details of sources if possible!).
- Submissions can be made to ohchr-ccpr@un.org.

CAUTION!

If you think you are at risk of reprisals for seeking to cooperate with the UN, you can:

- Partner with an international NGO to submit on your behalf.
- Use safe channels, including encrypted email to communicate with the UN or other partners.
- Ask the Committee not to make your report public on its **dedicated page** (note that if the government finds out about your report, it can still ask for a copy).

- You can reach out to ISHR at accreditations.ishr@protonmail.com (note: when using Protonmail, the body of text and attachment of emails are only encrypted if sent from another Protonmail account; email addresses and subject lines are not encrypted).
- If you mention individual cases, you need to obtain consent from the person, or their representative (unless it's a public case).



Phase 2: Joining the review

NGOs can take part in two types of briefings with the Committee:

- **Formal:** NGOs that have submitted written reports can contact in advance the Human Rights Committee's Secretariat, to join a formal briefing with Committee members where they can address their key topics of concern.
- **Informal:** An NGO, the **CCPR-Centre** also organises informal meetings during lunch breaks between interested NGOs and the Committee members, before the start of the review.



Phase 3: Following up

Disseminating the Concluding Observations

- Make them available in national languages, and share them on social media.
- Share them with your civil society peers, NGOs, diplomats, journalists, and affected communities – and **explain why they are important!**

Engaging with the authorities

- Share the Concluding Observations with relevant authorities:
 - Relevant ministries (foreign affairs, justice, specialized topics).
 - National human rights institutions or Ombudsmans.
 - Parliament – including your local representative.
- Provide them with guidance, and lobby them, to implement the recommendations – starting with the priority ones!
- Encourage them to adopt Action Plans for the implementation of recommendations.

Continuing to engage with Committee members

- Inviting them for follow-up visits.
- Report back to the Committee on the authorities' level of implementation.
- Repurposing your reports for reviews by **other Treaty Bodies**.

WHAT HAS THE HUMAN RIGHTS COMMITTEE ALREADY SAID ABOUT HONG KONG AND MACAO?

In its [last review](#) of both regions in 2013, the Committee:

shed light on the discriminatory exploitation of a large number of domestic workers in Hong Kong, and shortcomings in anti-discrimination laws.



called on the authorities to take 'all necessary measures' to implement 'universal and equal suffrage' in Hong Kong as a matter of priority.



urged Hong Kong to ensure that proposed 'anti-subversion' legislation under Article 23 of the Basic Law is fully consistent with the ICCPR.



In the last 2016 follow-up evaluation, the Committee regretted that **Hong Kong had not made arrangements for elections by universal suffrage in 2017**, and had taken **no steps to ensure that all workers enjoy basic rights regardless of migrant status**, including repealing the 'two-weeks rule' and to hold abusive employers accountable.

The List of Issues adopted in August 2020 addressed long-standing concerns around forced labour and human trafficking, weak anti-discrimination laws. The Committee **posed hard questions** on:

- the imposition of the National Security Law.
- its ill-defined, broad provisions on 'secession', 'subversion' and 'terrorist activities', the scope of its extraterritorial application, and the powers and immunities it grants to new law-enforcement bodies.
- laws regulating use of force by policy, their use in occasions such as the siege of Hong Kong City University, and accountability for excessive use of force.
- the protection of freedom of expression, including threats to human rights defenders and journalists, and to academic freedom.
- the protection of freedom of peaceful assembly, including protracted legal proceedings against Umbrella Movement leaders, and the arrest of pro-democracy figures in April 2020.

In February 2022, an independent UN expert wrote a **letter to the authorities**, determining that the 'ICCPR applies to the implementation of the National Security Law', including on cases 'transferred to mainland China for interrogations, prosecutions, and judicial proceeding.'

