

Refugee Union supports withdrawal from UN Torture Convention

Following an unscripted [response to a journalist by the Hong Kong Chief Executive](#) at the 2016 policy address, asylum issues were widely debated in the mainstream press for two weeks. This comes as no surprise, as CY Leung ruffled many feathers stating that his administration would consider withdrawing Hong Kong from the United Nations Convention against Torture (Torture Convention). Several media articles then reported citizen concerns about ‘fake refugees’ and soaring criminal offense, including illegal work committed by claimants denied adequate welfare.

Ironically, a month earlier in Switzerland, [the Permanent Secretary for Security had assured the UN Committee against Torture](#) that the Hong Kong Government had fulfilled, and indeed exceeded, its obligations towards victims of tortures who sought sanctuary in Asia’s World City. In a doubtful self-appraising style, and overlooking widespread criticism and concerns, it was proclaimed that human rights and refugee rights are deeply respected. Can this be reconciled with hints at withdrawing from the very convention that underpins such rights?

Sidestepping the legal arguments raised by others commentators, the refugee community believes that the moral debate is of greatest interest. In spite of self-proclaimed refugee advocates agitating their arms and arguing that Hong Kong must not withdraw from the Torture Convention, for the Refugee Union this incident was an overblown storm in a very small teacup.

Let’s be honest. Who is surprised that Hong Kong is unwilling to protect refugees? Since its inception, the Refugee Union has claimed it loud and clear. In fact, this is the principle reason why we formed our society, because only 37 refugees out of more than 18,000 claimants have been recognized by Hong Kong Government since it joined the Torture Convention in 1992 – 24 years ago!

A mathematical “Zero Percent Acceptance Rate” speaks louder than any biased and hyperbolic statement by the Security Bureau. A refusal rate of 99.8% demonstrates that Hong Kong Government believes, or wishes to have citizens believe, that most refugees in Hong Kong do not have a genuine fear of harm or persecution in their countries of origin.

However, acceptance rates in developed countries disprove this. The Refugee Union fails to see how Hong Kong exceeds convention requirements. Rather, with a distortedly cunning logic the Government supports a zero acceptance rate trumpeted as the primary reason for rejecting 99.8% of claims.

Unfazed by government rhetoric, [the UN Committee against Torture sharply criticized Hong Kong](#) and urged a series of improvements, including: unhindered access to asylum; enhanced fairness and transparency; early identification mechanisms; immediate access to redress; alternative immigration status; access to legal work and, crucially, the adoption of the 1951 Refugee Convention.

As change is not expected, the Refugee Union strongly supports CY Leung’s call for Hong Kong to withdraw from the Torture Convention whose local implementation is downright harmful to refugees. Our drastic position is supported by an abhorrence of the suffering of our community in this city.

First, the Refugee Union protests that the Unified Screening Mechanism (USM) is a **fake**, biased and unfair charade that fails to identify refugees who require international protection. Second, despite knowing we have little to no chance of succeeding, the majority of refugees are stuck in Hong Kong because we are unable to safely reach developed countries where our claims might be accepted.

Third, we are marginalized for years in legal limbo. We are humiliated by an immigration status and insufficient welfare that condemn us to severe destitution. We are denied economic rights to survive. Fourth, a prejudicial illegal status – profiled by A4-size Recognizance Forms – singles us out as pariahs who may be widely discriminated, offended, detested, abused and exploited without consequence.

Therefore the Refugee Union encourages Hong Kong Government to hastily withdraw from the Torture Convention that is only, and poorly, respected on paper and does nothing to protect 11,000 refugees who have sought refuge here. It is plain hypocrisy to present Hong Kong as respecting refugee rights.

The way forward post-Convention

After withdrawing from the Torture Convention, Hong Kong Government ought to speed up the assessment of refugees present, while slamming the door shut on new arrivals to avoid unnecessary suffering. It could then offer an amnesty that might be followed by a 3-5 year ‘special visa’ allowing those without or whose passports have expired to work without being criminalized. After this period, recipients would agree to voluntarily depart Hong Kong.

The Social Welfare Department would cease offering partial welfare to refugees, except in special cases, as we would be free to seek employment. The Government could then divert the lamented 600 million HK dollars (that anyway refugees do not enjoy as they pay landlords, Wellcome, and salaries of social workers, lawyers, interpreters and officers) to alleviating poverty among the 1.5 million destitute residents said to scrape a living in this affluent and indifferent city.

The Refugee Union estimates that an amnesty and visa regime might clear 70% of refugees, as we face diverse and complex problems that might recede with time. The remainder might be dealt with pragmatically on a case by case basis – for example by easing work sponsorship requirements – with a progressive view towards facilitating and encouraging local integration.

Candidates who wish to be considered for integration would have to demonstrate a capacity to support themselves and their families. After stopping the welfare assistance, the government might only retain medical assistance for a limited amount of time, as that remains very expensive.

Except for residents who benefit monetarily from the present arrangement, few will argue that Hong Kong’s withdrawal from the Torture Convention would be an honest solution offering a triple win for the Government, tax-payers and principally for we refugees languishing without hope and justice.

As for Hong Kong’s subsequent diminished status as a respectable player on the international stage, that is another matter, but honestly who are we kidding?

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