

MARCH FOR PROTECTION

30 OCTOBER 2012 @ 2PM

PETITION

Vision First and torture claimants call upon non-profit organizations, religious communities and persons concerned with the rights and wellbeing of Hong Kong refugees to participate in a 'March for Protection' on 30 October 2012. Together we voice our concern about the ZERO PER CENT recognition rate of torture claimants by Hong Kong immigration authorities; a subject that touches on broader issues of public concern.

Hong Kong is proud of its world city status, its rule of law and respect of human rights. The territory is a signatory of the 1984 UN "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (CAT) for which an administrative screening mechanism was established in June 2004 and enhanced in December 2009. For the past three years Vision First has closely monitored the screening results of the Immigration Department's Torture Claim Assessment Section.

We notice that despite several procedural improvements, such as the provision of legal representation, the screening mechanism is not free of flaws. Under the new system, the Immigration Department evaluated over 3,000 torture claims and rejected 2,224 cases as of 31 August. To date the Immigration Department has found no torture claim substantiated, compared with a 20% recognition rate in most democracies. Out of about 11,900 cases lodged since 2004, only one case was successful, and that was in May 2008 following court intervention. It is our understanding that the administrative procedures take about 2–3 months to conclude: that is, claimants are heard and rejected in about twelve weeks, and then detained for removal to the country where the claimant said torture is faced. These results appear statistically skewed to support Immigration's bias that ALL asylum seekers are effectively abusing the asylum system.

Rushed, summary administrative proceedings with 100% rejection rate speak for themselves. Can it be that out of almost 12,000 claims only one person had a credible claim to fearing torture? Vision First is gravely concerned about the mathematical impossibility of a ZERO RECOGNITION RATE, which might be

construed as a lack of government will to recognize torture victims. This situation clearly falls short of public expectations of fair torture screening.

Vision First stands with concerned CAT claimants to respectfully ask the Government the question, **“Can Hong Kong’s Government honestly assert that over a three year period, a statistical 0% of torture claims should be recognized?”**

Facts lead us to believe that the current CAT system does not reflect a *protection* policy, but rather a *rejection* mechanism. This mechanism heaps procedural violence on already vulnerable and suffering people. It also severely calls into question the Government’s capacity to properly handle human rights at a time when the voice of Hong Kong people often goes unheard by their leaders. We urge the Government to consider the plight of those who have been rejected or are doomed to be hastily refused legitimate protection.

We are at a critical time when this untenable situation must be addressed before refugees who have sought sanctuary in Hong Kong suffer irremediable harm. This is a matter of great and general public concern, first, to limit the aftermath of questionable rejections of torture and, second, because we must strive to create a just and more compassionate society — in the interest of all people living in Hong Kong.