

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
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REFERENCE: NP/JF

7 March 2008

Excellency,

I wish to acknowledge receipt of your letter dated 15 October 2007, in which you informed the Committee on the Elimination of Racial Discrimination that your Government anticipates submitting soon its four overdue reports in a single document (combined tenth and eleventh periodic reports due on 28 January 2003, twelfth and thirteenth reports due respectively on 28 January 2005 and 2007). The Committee regrets, however, that the State party has not indicated the date on which these overdue reports will be submitted.

The Committee notes with interest that the report will include a detailed section on the Race Discrimination Bill introduced into the Hong Kong Special Administrative Region Legislative Council in December 2006 and in particular on the issues raised in its letter of 24 August 2007. These issues include the narrow definition of indirect discrimination in the Bill and its limited applicability to actions of the public authorities and institutions, including immigration services and detention facilities.

According to additional information made available to it at its seventy-second session, the Committee is also concerned about the omission from the Bill of provisions on discrimination on the basis of nationality and residency status, which rules out the recognition of discrimination against immigrants newly arrived from the Chinese mainland, and the omission of provisions on indirect discrimination on the basis of language.

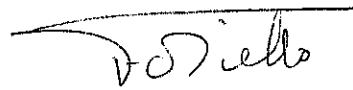
Pending receipt and examination of the overdue periodic reports to be submitted, the Committee respectfully requests that due consideration be paid to the issues raised in this letter as well as in its letter dated 24 August 2007, and that a revision of the provisions that are not in line with the requirements of the Convention be initiated before 19 July 2008.

H.E. Mr. LI Baodong
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The Committee requests that the State party submit its overdue reports in a single document **by 1 July 2008**. In case of non-receipt of the overdue reports by the set deadline, the Committee will examine the situation in China under its review procedure, that is to say in the absence of a report, at its **seventy-fourth session, to be held in spring 2009**, and will adopt concluding observations on the basis of information made available to it, including reports from non-governmental sources.

Allow me, Excellency, to reiterate that the Committee's observations and request for information are made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'F. Dah', written over a horizontal line.

Fatimata-Binta Victoire Dah
Chairperson of the Committee for the
Elimination of Racial Discrimination