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**人權**  
**HUMAN RIGHTS**

**ITY-20TH**  
**WEDNESDAY**

**ITY-20TH**  
**WEDNESDAY**

**GENDER  
EQUALITY - 20TH  
ANNIVERSARY  
OF GENDER  
EQUALITY IN  
HONGKONG**

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# WORDS FROM THE EDITOR- IN-CHIEF

## GENDER EQUALITY - 20TH ANNIVERSARY OF GENDER EQUALITY IN HONG KONG

Despite the fact that the women's rights movement started in the early 1900s, the slogan of "Women's Rights are Human Rights" was still being heard in the 1990s. I watched the Chinese film "Three Modern Ladies"(1933). The main actress was a trade union leader fighting for childcare service and equal pay for men and women. Unfortunately the aforementioned demands are still valid today.

The issues of the women's rights and gender equality movement encompass political participation, access to education particularly for girls, employment and equal pay for equal work, combating domestic and sexual violence as well as sex autonomy for females and more. These are protected by the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

The difficult situation of women has been improving gradually in the past hundred years. Some places regard women as powerful causing men to lose their superiority and thus men suggest putting an end to the gender equality movement. This is due to the failure of embracing gender equality and incorporating it as an important agenda for social reforms in the larger society. We feature gender equality in this issue so as to perpetuate the "Women's Rights are Human Rights" movement.

An Mei Po

# IN FOCUS

## GENDER AND HUMAN RIGHTS

Equality and non-discrimination are the core principles of the international human rights instruments. This is stipulated in the International Bill of Human Rights comprising the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Their article 2 guarantees that the rights protected by the covenants shall be respected and ensured without distinction of any kind including sex. Article 3 of the ICCPR and the ICESCR also stipulate that the States Parties shall ensure the equal rights of men and women to the enjoyment of the rights set forth in the covenants.

### CEDAW AIMS AT PROTECTING WOMEN SPECIFICALLY

Nevertheless, women from different places are still being exploited, discriminated against and treated unfairly. Thus, the United Nations (UN) General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979. The CEDAW Committee monitors its implementation by the States Parties by reviewing their reports regularly and issuing concluding observations which list the issues of concern and specific recommendations. CEDAW has been applicable in Hong Kong since 1996.

### PROHIBITING DISCRIMINATION AGAINST WOMEN

CEDAW aims at eliminating discrimination against women in the political, economic, social, cultural and other fields including the right to election, participation in public life, law, education, work, marriage and the family. Not only does it protect women's legal equality, it also requires the government to take appropriate measures including temporary special measures to advance substantive

equality as well as to modify discriminatory practice and customs.

### DISCRIMINATION AGAINST WOMEN: DIFFERENTIAL TREATMENT DUE TO SEX WHICH HARMS EQUAL RIGHTS

What is discrimination? Article 1 of CEDAW provides the definition of discrimination against women. That is "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field". In other words, differential treatment based on sex, which "intentionally or unintentionally disadvantages women", "prevents society as a whole from recognizing women's rights in both the domestic and public spheres" or "prevents women from exercising the human rights and fundamental freedoms to which they are entitled". These constitute discrimination against women.

### THE GOVERNMENT IS OBLIGED TO ELIMINATE DISCRIMINATION

It is necessary to have an enforcement mechanism for implementing the measures to combat discrimination. Article 2 of CEDAW stipulates that the government has to shoulder the responsibility to eliminate discrimination against women, including "to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women", "to establish legal protection of the rights of women on an equal basis with men" and "to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation".

Apart from the public sphere, the government must eliminate discrimination against women in the private sphere. This includes "to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise" and "to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women".

#### ADOPT APPROPRIATE MEASURES TO PROMOTE WOMEN'S RIGHTS

Even if women enjoy equal rights under the law, it is still insufficient to ensure they are being treated equally in daily life. Therefore, the government shall adopt proactive measures to promote women's development and rights protection. For example, article 3 of CEDAW states that the government shall adopt appropriate measures "to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men".

#### TEMPORARY SPECIAL MEASURES TO ACCELERATE SUBSTANTIVE GENDER EQUALITY

When gender inequality persists, the government can adopt "temporary special measures" in order to accelerate the substantive equality between men and women and to ensure women enjoy equal opportunities and outcomes. Article 4(1) of CEDAW states that "temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination". However, the measures "shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved". "Measures aimed at protecting maternity shall not be considered discriminatory".

#### MODIFYING CUSTOMS AND TRADITIONS TO ELIMINATE DISCRIMINATION

Human rights are universal and apply to everyone and everywhere. Culture or traditional customs cannot be used as the justification to harm women's rights. The UN has repeatedly criticized female circumcision and domestic violence for jeopardizing women's right to health and personal security. CEDAW also stipulates that the government is obliged to modify customs and traditions and shall endeavour to eliminate the perpetuated gender stereotypes in society, culture and traditions so as to realize substantive gender equality. Article 5(1) of CEDAW stipulates that the government "shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women".

#### GENDER EQUALITY IS ADDRESSED BY OTHER HUMAN RIGHTS INSTRUMENTS

Several core international human rights instruments safeguard gender equality. For instance, article 2 of the Convention on the Rights of the Child prohibits sex discrimination. Article 6 of the Convention on the Rights of Persons with Disabilities recognizes that "women and girls with disabilities are subject to multiple discrimination" and urges the government to ensure they have equal rights. The Committee against Torture is also concerned about violence against women.

#### Reference

1. The United Nations Office of the High Commissioner for Human Rights (OHCHR). Fact Sheet No. 22: Discrimination against Women: The Convention and the Committee. February 1995.
2. The United Nations. Women's Rights are Human Rights. New York and Geneva. 2014.

## INFOGRAPHIC: GENDER EQUALITY IN HONG KONG



The Marriage Reform Ordinance was enacted to establish monogamous marriage in Hong Kong.



Female and male civil servants enjoyed same terms and conditions of service regardless of marital status.



The Domestic Violence Ordinance was enacted to provide civil remedies for the victims of domestic violence.



LegCo passed the Sex Discrimination Ordinance (SDO).



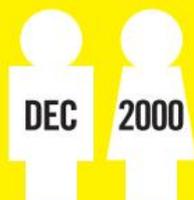
The Equal Opportunities Commission (EOC) was established for the implementation of the anti-discrimination laws.



The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has been made applicable to Hong Kong.



The CEDAW Committee conducted a hearing on the implementation of CEDAW in Hong Kong.



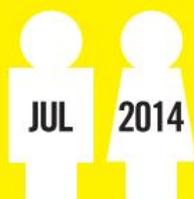
In *Secretary for Justice v Chan Wah* (FACV11/2000), the Court of Final Appeal first dealt with a case on SDO and clarified the threshold of discrimination.



In *Equal Opportunities Commission v Director of Education* (HICAL1555/2000), the High Court held that the gender-based system for the allocation of secondary school places was discriminatory and contrary to SDO. SDO is construed as "intended to carry out the obligations contained in CEDAW".



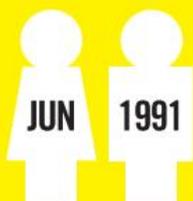
The Domestic Violence Ordinance was amended and its title was changed to the Domestic and Cohabitation Relationships Violence Ordinance. It protects same-sex cohabitants, former same-sex cohabitants and their children.



EOC launched a public consultation on the Discrimination Law Review.



Leung Kwok Hung (Long Hair) filed a judicial review on the differential treatment on hair length for male and female prisoners. The trial was conducted in 2015 while the judgment is yet to be published. (as of 9 Sep 2016)



The Hong Kong Bill of Rights Ordinance (HKBORO) was enacted to incorporate the International Covenant on Civil and Political Rights (ICCPR) into domestic law. Article 1 of the Bill of Rights (BOR) states that everyone shall be entitled to the rights set forth in the BOR without distinction including on the ground of sex.



Anna Wu Hung-yuk, a Legislative Councillor, put forward the Equal Opportunities Bill. It sought to prohibit discrimination based on race, sex, disability, age and sexual orientation but was rejected. / Women's groups fought for equal inheritance rights for female indigenous residents.



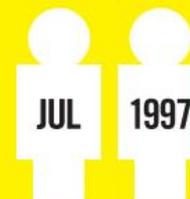
The Legislative Council (LegCo) passed the New Territories Land (Exemption) Ordinance, so that female indigenous residents can enjoy equal land inheritance rights.



SDO came into full operation.



The Family Status Discrimination Ordinance was enacted.



The Chinese Government resumed exercise of sovereignty over Hong Kong. The Basic Law came into force. The international human rights treaties applicable to Hong Kong remain in force.



The Crimes Ordinance was amended by LegCo, clarifying that "unlawful sexual intercourse" does not exclude marital rape.



The CEDAW Committee conducted a hearing on the implementation of CEDAW in Hong Kong.



SDO was amended by LegCo, prohibiting the creation of a sexually hostile or intimidating environment in educational and service provision settings.



The CEDAW Committee conducted a hearing on the implementation of CEDAW in Hong Kong.



The amendment of SDO was passed by LegCo to protect service providers from sexual harassment by their customers.



EOC released the report on the Discrimination Law Review.

## INTERVIEW WITH LEUNG LAI CHING ON GENDER EQUALITY IN HONG KONG

Q / Amnesty International Hong Kong

A / Dr. Leung Lai Ching (Associate Professor,  
City University of Hong Kong)

**Q** Referring to "Women and Men in Hong Kong – Key Statistics" (2016) by the Census and Statistics Department of Hong Kong, What is your analysis of the gender data below on employment?

	Men	Women
Labour force participation rate	69%	55%
Median monthly income	\$16,700	\$11,600
Monthly income less than \$5,000 (excluding migrant domestic workers)	67,000	141,000

**A** The labour force participation rate for women has been increasing in recent years. The gap in the labour force participation rate between women and men has narrowed too. However, even if women enjoy more employment opportunities, is it tantamount to gender equality in employment? The statistics show that the gender pay gap still exists, which can be seen by the number of women receiving monthly income less than \$5,000 being twice than of men. This is because women need to take care of their families, and thus they have fewer employment options and work part-time or casual jobs with less stable income. It shows that the traditional gender division of labour in the family persists and effects women's employment opportunities as well as income.

**Q** According to the report by the Census and Statistics Department, more than 60% of "managers and administrators" and "professionals" are men while over 70% of "clerical support workers" are women. What is your comment?

	Men	Women
Managers and administrators	67%	33%
Professionals	63%	37%
Associate professionals	54%	46%
Clerical support workers	27%	73%
Service and sales workers	41%	59%
Plant and machine operators and assemblers	97%	3%
Elementary occupations	33%	67%

**A** Although there is an increase in the number of women working as managers and professionals, men still take up more than 60% of the total. The figures show that there is occupational gender segregation including vertical segregation (job position), in which men dominate higher positions and thus higher income; horizontal segregation (occupation), which divides "male occupations" and "female occupations". For instance, women dominate clerical, services, sales and elementary occupations while men dominate operational work including engineering and site construction. Despite gender difference shown in the above statistics, it only reflects one side of the story. Other factors such as the details of the industry, the impact of traditional gender concepts on specific occupations as well as gender hegemony shall be further studied.

Recently, the press reported that a few young women started their jobs as butchers, a male-dominated industry. It is apparently an encouraging breakthrough. Any gender can join as long as he or she is trained and acquires relevant knowledge.

**Q** According to the report by the Census and Statistics Department, how would you comment about the following gender data on education?

2015	Men	Women
Population aged 15 and over having attended secondary school or above	84%	78 %
Ratio of persons aged 15 with post-secondary education level	1,040	1,000
Students enrolled in undergraduate programmes funded by University Grants Committee (UGC)	45%	55%

**A** Due to the implementation of universal basic education in Hong Kong, men and women enjoy similar opportunities for receiving education. For instance, the sex ratio of the population aged 15 and over with a post-secondary degree education level is very close. Similar to the situation in employment, there is gender segregation shown in the field of undergraduate education. For example, engineering and architecture is male-dominated while social work is female-dominated in my school as social work is regarded as a caring profession. As for the sex ratio at the postgraduate level, nearly 60% of the research postgraduate students are men while 60% of the taught postgraduate students are women. In addition, all the vice-chancellors at the 8 UGC-funded universities are men. Men also dominate university management positions.

**Q** What should the Government do in response to the above situation?

**A**

#### **LEGAL PROTECTION**

The Government should fully implement the Sex Discrimination Ordinance (SDO) to provide legal protection. There is a landmark judicial review sought by the Equal Opportunities Commission (EOC) on the gender-based Secondary School Places Allocation (SSPA) system. The court found the SSPA system as discriminatory and contrary to SDO. Subsequently the gender-based features in the SSPA system were removed. Education policy should uphold the principle of fairness, rather than using gender as a basis.

#### **DISPEL PREJUDICES IN EDUCATION**

Education on equality should be implemented in schools, particularly gender education should be provided for students when they are young. Apart from formal curriculum, schools should also pay attention to whether there is gender division of labour, gender stereotypes and prejudice in extracurricular and other learning activities. For example, schools should not demand that only boys lug heavy objects and forbid girls to join strenuous exercises.

#### **GENDER MAINSTREAMING CHECKLIST: BETTER THAN NOTHING**

Bureaux and departments should refer to the "Gender Mainstreaming Checklist" while formulating policies. However, the effectiveness of the checklist is limited and no more than a slogan. For example, it lacks supervision and effective monitoring. It is also not a mandatory practice. The well-known case is to change the ratio of toilets for men and women and hence increase the number of female toilets.

Nevertheless, at least the Government acknowledges the importance of "gender mainstreaming". Even if this is merely window dressing, the Government still does something like public education. It also provides a monitoring framework for the civil society groups.

**Q** The Sex Discrimination Ordinance has been enforced for 20 years. Do you think it helps promote gender equality in Hong Kong?

**A** Yes, SDO does help promote gender equality in Hong Kong. To improve gender inequality in a society, it is indispensable to do it by legal protection, deploying resources as well as public education at the same time. If we only rely on education, it takes a long time and people may not listen. If discriminatory policies or acts are outlawed, it shows that society places a high value on it. Thus, legal protection is vital. As society is changing, SDO has to be reviewed and improved. The Family Status Discrimination Ordinance has to be reviewed too. It is also necessary to have a new anti-discrimination law on the basis of sexual orientation.

**Q** Do you think the Sex Discrimination Ordinance provides sufficient protection for transgender persons?

**A** SDO does not provide protection specifically for transgender persons. In the long process of changing sex and identity, the boundaries of sex are unclear. How to define male and female? Are there any legal protections? We should consider their needs and provide relevant legal protection.



## DOCUMENTARIES ON GENDER AND HUMAN RIGHTS

### Black and White(2014)

#### Director

Susan Koenen

#### Language

Dutch with Chinese and English subtitles

#### Duration

20 minutes

12-year-old Jason was in his last year of primary school. He was a freak in his class and being boycotted for he liked singing and acting but not playing football as his male classmates did. As the graduation performance was approaching, what did Jason's teacher advise him to do for mending the broken relationship with classmates while at the same time being himself?

#gender temperament #school bullying  
#respect #non-discrimination

#### USEFUL INFORMATION

#### Best for

Primary pupils and junior secondary students

#### Relevant subjects

General Studies, Integrated Humanities, Moral and Civic Education, Human Rights Education

#### Enquiry

Please email us at [hre@amnesty.org.hk](mailto:hre@amnesty.org.hk)



### Upcoming: A Girl in the River: The Price of Forgiveness (2015)

#### Director

Sharmeen Obaid-Chinoy

#### Language

Panjabi with Chinese and English subtitles, accessible captions (in Chinese) available

#### Duration

40 minutes

18-year-old Saba was shot and thrown into a river by her father and uncle just because she fell in love and eloped with a man from a poor family. The Director interviewed various concerned persons and discovered the ridiculous grounds of honour killings, a common practice of gender-based violence. In Pakistan, more than 1,000 women are being killed every year for having compromised the honour of their families.

This film is the 2016 Oscar Winner for the Documentary award (Short Subject). It will be shown during the community screenings of our upcoming Human Rights Documentary Film Festival 2016. Keep an eye on our website and stay tuned for more details.

#equality #gender-based violence #honour killing

#### USEFUL INFORMATION

#### Best for

Senior secondary students

#### Relevant subjects

Liberal Studies, Integrated Humanities, Moral and Civic Education, Human Rights Education



# AI GLOBAL CAMPAIGNS

## 1/ AI Belgium

Give panda a high five! The activists from AI Belgium submitted 10,425 signatures to a panda in front of the Chinese Embassy in Brussels on 8 July. They called for an end to the relentless repression against human rights lawyers in China. Despite several requests prior to the event, the Chinese Embassy refused to receive the petitions.

## 2/ AI Luxembourg

Gaymat 2016 was both a festival and protest. On 9 July, AI Luxembourg attended the Gaymat protest and called for equality for LGBTI people, especially those in Tunisia as a same sex relationship can put people in jail there.

## 3/ AI Slovakia

As Slovakia geared up to assume the 6-monthly rotating presidency of the Council of the European Union (EU) on 1 July, for the first time in the state's history, Amnesty International published its recommendations to the Slovak presidency. The recommendations were for strengthening human rights inside the EU and globally, especially for the rights of refugees and migrants, end discrimination against the Roma and anti-terrorism and human rights.

## 4/ AI Thailand

The Thai Government amended the Computer-related Crime Act, which criminalizes online speech and allows the authorities to circumvent encrypted communication. In view of this, AI Thailand launched the #SingleGateway Law campaign and called for the protection of online freedom of expression and the right to privacy. It collected 40,000 online petitions. Activists from AI Thailand also protested against the law by putting an exhibit of "locked up computers" on the street.



## PRISONER OF CONSCIENCE U GAMBIRA RELEASED



U Gambira, a Prisoner of Conscience, was released on 1 July 2016 after all charges against him were dropped by courts in Myanmar.

U Gambira was arrested on 19 January, several days after entering Myanmar from Thailand, where he had been living. As a Myanmar citizen, he had travelled to Myanmar to apply for a passport but was sentenced in April to 6 months in prison with hard labour for entering the country illegally.

On 28 June U Gambira received additional charges in Yangon for activities dating back to 2012 when he was released after having been imprisoned since 2007 for his leading role in mass anti-government protests, known as the Saffron Revolution. Upon his release he tried to reopen monasteries which the authorities had closed down because of the Saffron Revolution.

Amnesty International believed these charges to be politically motivated. U Gambira should have never been imprisoned in the first place.

A big thanks to students of AI Clubs at international schools who took actions to support U Gambira earlier this year.

*Photo Credit: Htoo Tay Zar, Wikipedia Commons, Shared under CC BY-SA 3.0*

## SYRIAN REFUGEE FADI MANSOUR REUNITED WITH HIS FAMILY IN AUSTRALIA

Fadi Mansour, a Syrian refugee, finally reunited with his family in Australia on 11 June 2016.

Fadi Mansour had spent more than a year of arbitrary detention in inhumane conditions in the "Problematic Passengers' Room" of Istanbul's Atatürk Airport. Amnesty International first called for his release from the airport in December 2015 and campaigned extensively on his case around the anniversary of his detention in the airport. It attracted media attention on his situation. He was then transferred to the Adana Removal Centre in south-eastern Turkey on 19 March 2016. His lawyer challenged his continued administrative detention at the court. A decision was still pending when he was issued with a global special humanitarian visa.

During a phone conversation with Amnesty International, Fadi Mansour spoke of his happiness at finally being free and his gratitude to all those who appealed to the Turkish authorities to achieve his release from detention.

# LOCAL HAPPENINGS

THIS IS YOUR PAGE:  
ELIZ WONG



NAME

ELIZ WONG

OCCUPATION

POSTGRADUATE,  
DEPARTMENT OF  
SOCIOLOGY, THE CHINESE  
UNIVERSITY OF HONG KONG

YEARS WITH US

6 YEARS

## Why do you support Amnesty International?

Amnesty International provides me with a platform to learn more about global affairs. In my freshman year, I wanted to know more about different social issues. Hence I participated in various activities organized by Amnesty International Hong Kong including film screenings, IDAHOT, the University AI Club and the AIHK Speakers' Team Training.

## Why did you take Gender Studies?

Attending a girls' school, the traditional view of women in society was instilled upon us for years. Sex had always been a taboo as well. Sex education only focused on "sex is forbidden before marriage". Since no boys were around to help, there was neither gender division of labour nor gender stereotypes in my school.

Entering a co-educational university was a cultural shock for me, especially when I realized that the organization for social movement I participated in was dominated by men. It occurred to me that my entire life would be effected by society's perception and expectation towards women.

## How would you raise your friends' awareness about human rights issues?

I will try to add some human rights-related elements in daily life. Let me take LGBTI rights as an example. It is often assumed that everyone is heterosexual. It is not unusual that people unconsciously ask their female friends "Do you have a boyfriend?" But this would make people with different sexual orientations feel uneasy. Thus, I will be more sensitive about my words. Through this I strive to create a LGBTI friendly environment.

## Are there any human rights maxims that impress you?

My motto is "I disapprove of what you say, but I will defend to the death your right to say it". This is the core meaning of freedom of expression, as well as a cornerstone of a plural society. I am also very cautious not to impede others' rights to express their opinions during discussions.

Moreover, I have always liked Emma Watson, who portrayed Hermione in the Harry Potter books. Emma is committed to feminism. She once said "The saddest thing for a girl to do is to dumb herself down for a guy". I could not agree more with her views on feminism. Women and men should enjoy equal opportunities in political, social and cultural spheres. The same regards should be given to women's voice as to men's.

## UPCOMING EVENT: STOP VIOLENCE AGAINST WOMEN

Millions of women and girls worldwide still continue to live in an environment of violence against women. For 16 days starting from 25 November, the International Day for the Elimination of Violence against Women to 10 December, Human Rights Day, AIHK will conduct a series of activities for the general public such as film screenings, community talks and a charity run. We hope that through different activities, the public will understand how women around the world defend their human rights in the face of difficulties, and also make an effort to support those female victims.

Event details about the activities over 16 days will be announced later on

[www.facebook.com/AmnestyHK](http://www.facebook.com/AmnestyHK)

### Human Rights Friday

We have been hosting Human Rights Friday community education events since last year. Through various talks and screenings, we hope to elevate the level of human rights understanding among the general public. In May, we invited Phyllis Tsang, President of the Ming Pao Staff Association, and Jason Chao, Director of Macau Concealers to speak on the situation of press freedom in Hong Kong and Macau. Participants were concerned about the shrinking space of press freedom in the twin cities, especially when most Macau press outlets are leaning towards the Government. As the only independent press, Macau Concealers is burdened with enormous pressure from the pro-government side.

If you would like to know more about our Human Rights Friday events, do read our Human Rights Friday articles on our website.

### The 4 June vigil and 1 July march

As per previous years, we participated in the 4 June candlelight vigil and the 1 July march by setting up street stations for community human rights education. At the street booth for the 4 June vigil, we collected petitions for labour rights activist Liu Shaoming in China, who participated in the 1989 Tiananmen Square protests. We demanded his immediate and unconditional release by the Chinese Government.

As for the street station for the 1 July march, our presence brought citizens' attention to police use of force. We demanded that the Hong Kong Police Force publicize its guidelines on the use of force. In addition, we collected petitions for Lin Zuluán, a village chief in Wukan village in Guangdong, calling for his right to a fair trial to be guaranteed by the Chinese authority. Over 2,000 petitions were collected in just 4 hours.



## TO FIGHT AGAINST INJUSTICE BY SINGING

*"I have always tried to use my voice -  
singing and spoken - to fight injustice and inequality."*

- Angélique Kidjo



Benin-born, Grammy-winning artist Angélique Kidjo is one of the winners of the Ambassador of Conscience Award 2016.

In a 30-year career spanning 12 albums, she has been a prominent campaigner for freedom of expression and for the education of girls in Africa, as well as against female genital mutilation.

Amnesty International's Ambassador of Conscience Award celebrates individuals and groups who have shown exceptional courage standing up to injustice, who have used their talents to inspire others and who have furthered the cause of human rights. The award also aims to create debate, encourage public action and raise awareness of inspirational stories and human rights issues.



## 歌聲撼高牆

「我一直運用自己的聲音，為公義及平等歌唱和發聲。」  
- Angélique Kidjo



在貝南 (Benin) 出生的 Angélique Kidjo，除了是格林美獎得主，亦是二〇一六年良心大使獎得主之一。

在三十年歌唱生涯中，她總共發表了十二張唱片。她亦致力推動表達自由、倡議非洲女性接受教育的權利及反對女性割禮。

為了表揚她勇於向不公義發聲、運用才藝鼓勵他人及推動人權發展，國際特赦組織向 Angélique Kidjo 頒發良心大使獎。良心大使獎旨在引起社會討論、鼓勵公民行動及令公眾關注人權問題。

活動預告：  
停止暴力對待女性

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facebook.com/  
AmnestyHK

全球很多婦女及女童仍然活在針對女性的暴力環境之中。因此，本會將於今年十一月二十五日「消除對婦女的暴力行為國際日」至十二月十日「人權日」，舉辦一系列為期十六日的公眾活動，包括電影放映會、社區講座及慈善跑等，希望透過多項活動，讓公眾了解世界各地女性如何在困境中捍衛自身權利，一同聲援受害女性。

活動詳情稍後於 Facebook 專頁公布，請密切留意！

#### 人權星期五

自去年起，本會定期舉辦「人權星期五」社區教育活動，旨在透過講座及放映會，加深公眾認識各項人權議題。五月份的「人權星期五」講座，我們邀請了明報職工協會主席曾錦雯及《愛矚日報》社長周庭希擔任講者，細訴香港及澳門的新聞自由狀況。席間，參加者皆對港澳新聞自由空間收窄憂心忡忡，周庭希尤其指近年大部分澳門傳媒已向政府靠攏，而《愛矚日報》作為唯一的異見聲音，承受巨大壓力。

請瀏覽本會網站「人權星期五」文章，以重溫講座內容。

#### 六四燭光晚會及七一遊行街站

一如以往，我們於六四燭光晚會及七一遊行設立街站，以推廣公眾人權教育。我們的六四街站，為曾參與八九民運及致力爭取工人權益的維權人士劉少明收集簽名，要求中國政府立即無條件釋放他。

至於七一街站，我們關注香港警隊使用過分武力的問題，並要求警方公開武力使用守則。同時，我們亦邀請市民聯署，要求中國當局確保烏坎村維權領袖林祖戀獲得公平審訊的權利。在短短四小時內，收集到逾二千名市民聯署。



## 本地迴響

你的二頁 · ELIZ WONG

## 你會如何令身邊朋友關注人權？

我會嘗試在日常生活中加入人權元素，藉此營造對「LGBT」友善的環境。以「LGBT」為例，大家常會假設所有人都是異性戀，閒聊時不自覺地問女性朋友「你有男朋友嗎？」可是，這種說法會令擁有不同性傾向的朋友感到不舒服。因此，我會更加慎言，譬如問她們喜歡甚麼類型的人。

## 有沒有令你印象深刻的人權格言？

我的座右銘是「我不同意你的觀點，但我誓死捍衛你說話的權利」。這句話道出表達自由的精髓，亦是多元社會中重要一環。當我參與討論時，也會提醒自己不要阻礙別人表達意見。

我亦很喜歡在《哈利波特》電影中飾演妙麗的 Emma Watson。她致力為女權發聲，曾說「對女生而言，為了取悅男生而輕看自己，是最悲哀的事」。我亦非常認同她對女性主義的看法：不論男女，皆應在政治、社會與文化得到同等機會，女性聲音應同樣受到重視。

## 你為何成為國際特赦組織的支持者？

國際特赦組織為我提供放眼世界的平台。大學一年班時，我想更加了解社會議題，於是參加了很多國際特赦組織香港分會的活動，例如電影分享、「世界不再恐同日」、University AI Club 及「人權講者訓練計劃」等。

## 為何你會選修性別研究？

我在女校長大，一直被灌輸社會對女性的傳統看法，性是禁忌，不可多談；接觸到的性教育，主要是禁止婚前性行為。校內沒有男生，沒有兩性性別分工及性別定型。直至進入大學，性別氛圍截然不同，加上我所參與的社會運動組織皆由男性主導，這些經驗對我來說簡直是文化衝擊，我才發現原來人生受社會對女性的看法和期望所影響。

姓名  
Eliz Wong

職業

香港中文大學  
社會學系研究生

與國際特赦組織同行

六年

## 好消息

## 緬甸良心犯 U Gambia 獲釋

U Gambia 是緬甸良心犯。今年七月一日，緬甸法院撤銷其控罪，他終於重獲自由。

U Gambia 曾於二〇〇七年，因帶領「番紅花革命」而被判入獄，至二〇一二年方獲釋。今年一月，本是緬甸公民的他，從泰國返回緬甸申請護照，卻遭緬甸當局以非法入境罪拘捕，並判入獄及勞改六個月。後來，當局指他四年前企圖重開於「番紅花革命」期間被勒令關閉的佛教寺廟，因而加控其他罪行。

國際特赦組織相信，緬甸政府政治檢控 U Gambia，他不該受牢獄之苦。

我們感謝國際學校 AI Club 同學，於今年初寫信支持 U Gambia。

照片來源：Htoo Tay Zar - Wikipedia Commons - Shared under CC BY-SA 3.0



## 敘利亞難民 Fadi Mansour 於澳洲家庭團聚

今年六月，敘利亞難民 Fadi Mansour 到達澳洲與家人團聚。

二〇一四年，土耳其當局將 Fadi Mansour 拘留於伊斯坦堡機場「問題乘客室」超過一年，環境惡劣，且不人道。國際特赦組織要求土耳其政府立即釋放他，並於拘留一周年之際組織廣泛行動，成功爭取傳媒關注。今年三月，當局將他移送到拘留中心繼續拘留。他的代表律師遂向法院挑戰當局行政拘留的決定。期間，他獲發全球人道特別簽證。

Fadi Mansour 與國際特赦組織通電話，談及重獲自由的喜悅，並感謝曾經聲援他的人。

# 全球人權運動

## 1 / 比利時分會

與熊貓擊掌吧！今年七月八日，比利時分會數名行動者在當地中國大使館門前，將逾萬個簽名交給熊貓，要求中國政府停止侵犯維權律師的人權。事前他們曾多次要求中國大使館接收聯署，但大使館拒絕。

## 2 / 盧森堡分會

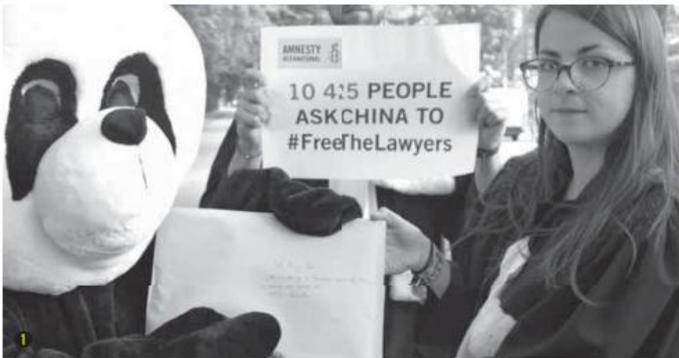
Gaymat 2016 是一場嘉年華，遊行是其中一個活動。七月九日，盧森堡分會參與 Gaymat 同志遊行，以爭取平等權利，尤其是突尼斯同性戀、跨性別及雙性人的平等權利。在突尼斯，同性戀屬刑事罪，可判處監禁。

## 3 / 斯洛伐克分會

七月一日，斯洛伐克首次擔任歐洲聯盟（歐盟）輪值主席國。國際特赦組織趁機提出一系列建議，要求斯洛伐克政府推動歐盟以至全球保護人權，尤其難民及移民的權利，針對羅姆人的歧視及關注反恐與人權。

## 4 / 泰國分會

泰國當局修改與電腦相關罪行的法例，以限制網絡言論及監控加密通訊等。有見及此，泰國分會倡議反對 #Single Gateway Law，並收集逾四萬人網上聯署，以爭取網絡言論自由及私隱權。他們於街頭擺放「重重深鎖的電腦」，以示抗議。



## 教學資源 / 性別與人權紀錄短片

### 《班上有位怪同學》

導演

Susan Koenen

語言

荷蘭語對白，中英文字幕

片長

二十分鐘

年份

二〇一四年

小六的 Jason 與典型男孩不同。他只愛唱歌，不愛踢足球，因而受到同學排擠。畢業表演在即，老師有何妙計，讓 Jason 忠於自己之餘，亦能和同學重拾友誼？

#性別氣質 #校園欺凌 #尊重 #不歧視

#### 實用資訊

建議對象

小學生、初中學生

相關科目

常識科、綜合人文科、德育及公民教育、人權教育

聯絡電郵

hrc@amnesty.org.hk



### 新片預告：《名譽殺戮》

導演

Sharmeen Obaid-Chinoy

語言

旁遮普語，中英文字幕，附設中文通達字幕

片長

四十分鐘

年份

二〇一五年

Saba 受害時年僅十八歲。爸爸及叔叔反對她與窮家子私定終身，因而向她開槍，並將她拋入河。導演追訪多位涉案人士，重組案情，戳破「名譽殺人」背後性別不平等的荒誕理由。在巴基斯坦，每年有近千名婦女遭家人以「名譽殺人」之名殺害。本會將於今年《人權紀錄片電影節》社區放映中，播放這部榮獲二〇一六奧斯卡最佳紀錄短片的作品，請密切留意最新消息。

#平等 #性別暴力 #名譽殺人

#### 實用資訊

建議對象

高中學生

相關科目

常識科、綜合人文科、德育及公民教育、人權教育



**問** 《性別歧視條例》生效二十周年。你認為條例有助推動本地性別平等嗎？

**答** 《性別歧視條例》有助推動本地性別平等。誠然，要改變社會的性別情況，有賴法律保障、資源投放（譬如提供社會服務）及公眾教育，三者缺一不可。若說依靠教育改變意識，但教育很長遠，且有些人總是冥頑不靈。若有法例禁止歧視政策或行為，歧視會招致法律責任，可反映社會重視，所以法律保障不能少。但隨著社會改變，條例需要持續檢討及改善，堵塞漏洞，減少例外情況。此外，還要檢討《家庭崗位歧視條例》及立法禁止性傾向歧視。

**問** 你認為《性別歧視條例》足以保障跨性別人士嗎？

**答** 《性別歧視條例》並不特別保障跨性別人士。在漫長的身分轉變過程中，跨性別人士的性別界線模糊。到底如何界定男女？有何法律保障？我們應考慮其需要，提供相應法律保障。



答

**問** 你對下列統計處報告中有關教育的性別數字有何評論？

2015年	男	女
具中學及以上教育程度	84%	78%
具大專程度以上比率	1,040	1,000
修讀大學教資會資助學士課程	45%	55%

由於香港實行普及教育，男女接受教育的機會拉近，譬如具大專程度的性別比例很接近。不過，大學學科與就業情況一樣，出現性別分隔的情況，譬如工程科和建築科以男性為主，我校社工系以女性為主，皆因社工被視為講求關懷的專業。至於研究院的性別比例，具發展性的研究課程有較多男性（按：近六成），修課課程則女性居多（按：逾六成）。再者，八大院校也只有男校長，管理層也以男性為主。

答 問

針對上述情況，政府可以做甚麼？

法律保障

當局應貫徹執行《性別歧視條例》，提供法律保障。以往，平等機會委員會就升中派位男女分隊司法覆核，並獲勝訴，從而改變性別歧視的升中派位機制，這種做法值得堅持。教育政策應秉持公平原則，而非以性別為判斷基礎。

教育：撇除性別偏見

此外，學校應推行平等教育，讓學生自小接受性別教育，並留意學科有否基於性別刻板印象，側重某一性別的發展。除了正規課程，學校亦應留意其他學習活動有否性別分工，並撇除性別偏見，譬如不應只要求男生搬重物及不准女生參與劇烈運動。

性別主流化清單：聊勝於無

政策局及部門制定政策時，需參考「性別主流化檢視清單」。不過，清單作用有限，儼如口號，而當局實施與否，欠缺監察，且非強制執行。最廣為人知，就是成功爭取更改男女廁所比例，增加女廁。

不過，政府有「性別主流化」的說法，仍有些作用，至少政府確認其重要性，就算是門面裝飾，也起碼會做些事，譬如公眾宣傳，並為公民團體提供評論的根據。

## 專訪 / 梁麗清談香港性別平等

問 / 國際特赦組織香港分會  
答 / 梁麗清博士、香港城市大學應用社會科學系副教授

**問** 你對下列根據二〇一六年香港統計處《香港的女性及男性——主要統計數字》有關男女收入狀況的數據有何分析？

答

	男	女
勞動人口參與率	69%	55%
入息中位數	\$16,700	\$11,600
月入少於\$5,000	6.7萬	14.1萬 (不包括外傭)

比對過往勞動人口的數據，女性參與率上升，與男性差距已經收窄。不過，女性享有較多就業機會，是否等同就業平等？從上述數字可見，兩性收入仍有差距，月入少於港幣五千元的女性，更比男性多一倍。這是由於女性需要照顧家庭，因而就業選擇較少，較多從事兼職或零散工，收入較不穩定。此反映傳統性別分工的家庭觀念，仍然持續影響女性的就業機會以至收入。

**問** 根據統計處報告，擔任「經理及行政級人員」及「專業人員」的男性逾六成，而擔任「文書支援人員」的女性逾七成。你有何評論？

答

	男	女
經理及行政級人員	67%	33%
專業人員	63%	37%
輔助專業人員	54%	46%
文書支援人員	27%	73%
服務工作及銷售人員	41%	59%
機台及機器操作員	97%	3%
非技術工人	33%	67%

雖然擔任經理及專業人士的「女強人」數目增加，但男性仍穩佔逾六成。數字反映性別職業分隔：垂直分隔，即職位和收入分隔，男性通常集中於高職位及高收入；而橫向分隔，就是工種分隔，分開「男性行業」和「女性行業」，譬如女性主導文職、服務業及非技術工作，男性主導如地盤工程等操作性質的工作。行業固有的性別觀念亦會影響僱主選擇。雖然上述就業數字呈現男女差別，不過它只反映故事的其中一面，行業細節、有關傳統性別觀念對特定行業的影響及性別壟斷的原因，有待研究。

近來，傳媒報道有年輕女刀手加入男性主導的切豬肉行業，實屬突破發展，值得鼓勵。只要經過訓練，掌握相關知識，任何性別也可入行。



香港主權移交，《基本法》生效，原本適用於香港的人權公約繼續有效



立法會修訂《刑事罪行條例》，釐清「非法性交」涵蓋婚內強姦



平機會展開《歧視條例檢討》公眾諮詢



聯合國消除對婦女歧視委員會審議香港實施公約的情況



聯合國消除對婦女歧視委員會審議香港實施公約的情況



梁國雄（長毛）入稟覆核男女囚犯剪髮有別，二〇一五年聆訊，正等待判決（截至今年九月九日）



在律政司司長訴陳華案（FACV11/2000），終審法院首次處理《性別歧視條例》案件，澄清歧視門檻



立法會修訂《性別歧視條例》，禁止於教育和提供服務的環境中出現「在性方面有敵意環境」



聯合國消除對婦女歧視委員會審議香港實施公約的情況



在平等機會委員會訴教育署署長案（HCAL1555/2000），高等法院裁定升中派位男女分隊屬歧視，並以《消除對婦女一切形式歧視公約》解釋《性別歧視條例》



立法會修訂《家庭暴力條例》，並改稱《家庭及同居關係暴力條例》，保障範圍擴大至同性同居者、前同性同居者及其子女



立法會修訂《性別歧視條例》，將性騷擾涵蓋範圍擴闊至保障服務提供者免受顧客性騷擾



平機會公布《歧視條例檢討》報告



## 香港性別平權大事表



香港實施《婚姻制度改革條例》，  
確立一夫一妻婚姻制度



不論婚姻狀況，男女公務員享有  
相同服務條件



立法局制訂《家庭暴力條例》，  
為家暴受害人提供民事補救



立法局制訂《香港人權法案條例》，  
將《公民權利和政治權利國際公約》  
納入本地法例。《香港人權法案》  
第一條訂明人人享受權利，無分  
區別，包括不論性別



立法局議員胡紅玉提出《平等機會條  
例草案》，旨在禁止種族、性別、殘  
疾、年齡及性傾向歧視，但遭否決



婦女團體在立法局外集會，爭取女  
原居民平等繼承權



立法局通過《新界土地（豁免）  
條例》，女原居民始享有平等  
土地繼承權



立法局通過《性別歧視條例》



平等機會委員會（平機會）  
成立，負責執行反歧視條例



聯合國《消除對婦女一切形式  
歧視公約》適用於香港



《性別歧視條例》全面生效



立法局通過《家庭崗位歧視  
條例》

#### 採取適當措施，促進婦女權利

即使婦女享有平等的法律權利，仍不足以確保她們於日常生活中享有平等待遇。因此，政府須採取積極措施，促進婦女發展及權利保障。譬如公約第三條訂明，政府應採取適當措施「保證婦女得到充分發展和進步，其目的為確保她們在與男子平等的基礎上，行使和享有人權和基本自由」。

#### 採取暫時特別措施，加快實現男女平等

如性別不平等情況已持續多時而未見改善，政府甚至可推行「暫時特別措施」，以加快實現男女實質平等，確保婦女享有平等機會和結果。公約第四（一）條指「暫時特別措施」不屬歧視，不過這些措施「不得導致維持不平等或分別的標準」，並應在達到男女平等機會和待遇後中止。而出於「保護母性」的特別措施屬必要，不應廢除。

#### 移風易俗，消除歧視

普世人權適用於任何人和地方，文化或傳統習俗並非侵犯婦女權利的擋箭牌。聯合國曾屢次批評女性割禮及家庭暴力等損害婦女健康及人身安全。公約亦訂明政府有責任移風易俗，致力消除延續性別角色定型的社會、文化及傳統，以實現性別真正平等。公約第五（一）條訂明，政府應採取適當措施「改變男女的社會和文化行為模式，以消除基於性別而分尊卑的觀念或基於男女定型任務的偏見、習俗和一切做法」。

#### 多個公約關注性別平等

此外，其他核心國際人權公約亦保障性別平等。譬如《兒童權利公約》第二條禁止性別歧視，《殘疾人權利公約》第六條確認殘疾婦女和女童受到多重歧視，並要求政府確保其平等權利。禁止酷刑委員會亦關注針對女性的暴力情況。

#### 參考資料

- The United Nations Office of the High Commissioner for Human Rights (OHCHR). *Fact Sheet No. 22: Discrimination against Women: The Convention and the Committee*. February 1995.
- The United Nations. *Women's Rights are Human Rights*. New York and Geneva. 2014.

「人人平等，無所歧視」是國際人權公約的基本原則，見諸國際人權憲章——《世界人權宣言》、《公民權利和政治權利國際公約》和《經濟、社會與文化權利的國際公約》第二條，當中包括人人免受性別歧視。上述兩份公約第三條更訂明男女一律平等享有公約所載的權利。

#### 專門公約，保障婦女

雖然如此，各地婦女仍受各種剝削、歧視及不公平對待。因此，聯合國大會於一九七九年通過專門保障婦女權利的《消除對婦女一切形式歧視公約》，並由消除對婦女歧視委員會監察締約國實施公約的情況，包括定期審議締約國呈交的報告，提出關注議題和改善建議。公約自一九九六年起適用於香港。

#### 禁止歧視婦女，促進平等權利

公約旨在消除婦女於政治、經濟、社會與文化範疇受到的歧視，譬如選舉、參與公共生活、法律、教育、工作、婚姻及家庭等。它既保障婦女享有平等的法律權利，亦要求政府採取特別措施促進實質平等，更著眼於改變歧視做法和風俗。

#### 歧視婦女：基於性別且損害平權的差別待遇

何謂歧視？公約第一條闡明歧視婦女的定義，即「基於性別而作出的任何區別、排斥或限制，其影響或其目的均足以妨礙或否認已婚或未婚婦女在男女平等的基礎上認識、享有或行使在政治、經濟、社會、文化、公民或任何方面的人權和基本自由」。換句話說，任何基於性別的差別待遇，一旦「有意或無意不利婦女」、「阻礙社會確認婦女於公私領域的權利」或「阻礙婦女行使人權和基本自由」，皆屬歧視婦女。

#### 消除歧視，政府有責

要消除歧視，須有相應的執行部門。公約第二條訂明，政府肩負消除歧視婦女的重任，包括「立法禁止歧視婦女，並採取適當懲罰」、「確保法律保障男女平等權利」及「政府與公共機構不得作出歧視婦女的行為或舉措」。

除了公領域，政府必須消除私領域中歧視婦女的行為，包括「採取適當措施保障婦女免受個人、組織或企業歧視」，並「修訂或廢除現行歧視婦女的法例、規則、習俗和慣例」。

## 主編的話

性別平等 I  
香港性別平權二十周年

「婦女權利是人權」是九十年代經常聽到的口號，但爭取女性權益運動早於二十世紀初已出現。筆者看過一齣一九三三年中國舊電影，名為《三位摩登女性》，女主角是工會領袖，呼籲爭取託兒服務及男女同工同酬，但時至今日，我們仍在爭取上述權利。

捍衛女性權益及爭取性別平等運動的議題包括政治參與、教育（尤其女童）、就業與同工同酬、打擊家庭暴力或性暴力及女性性自主等，上述權利皆受聯合國《消除對婦女一切形式歧視公約》保障。

百年來女性困境改善緩慢，居然在某些地方有人認為女性已經太強，男性失去優勢，平權運動應予以遏止。這往往是由於整體社會未能擁抱性別平等觀念，未將其納入社會改革重要議程所致。所以今期雜誌特地以性別平等為專題，繼續呼籲「婦女權利是人權」，竭力爭取平權。

區美寶

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