

免費派發 FREE TO TAKE

ISSUE. 17

SPRING 2016 / [www.amnesty.org.hk](http://www.amnesty.org.hk)

AMNESTY  
INTERNATIONAL  
國際特赦組織香港分會



人權  
HUMAN RIGHTS

REFUGEES AND HUMAN RIGHTS

# CONTENT

## EDITORIAL

Editor-in-Chief: Mabel Au / Executive Editor: Debbie Tsui

Editor: Connie Chan / Joyce Chiang / Hugo Chow / Doriane Lau / Michael Mo / Angie Tse / Cherry Wong

## COLLATION

Hugh Farmer / Jude Hui

## INTERN

Stephen Keung

Yeung Ka Ying Grace

## VOLUNTEER

Lawrence Tse

## EDITORIAL ENQUIRIES

+852 2300 1250 / editorial@amnesty.org.hk

## DESIGN

TGIF / www.tgif.com.hk

## ILLUSTRATION

Chan Maydoy

## PUBLISHER

Amnesty International Hong Kong / www.amnesty.org.hk

## PUBLISHING DATE

April 2016

All Rights Reserved © This publication is copyrighted and not for resale, but it may be copied or adapted without fee, in whole or in part, provided that all such use is attributed to and registered with the copyright holders.

## DISCLAIMER

The views expressed or positions taken in the articles contained in this publication do not necessarily reflect the views or position of Amnesty International on a particular issue.

**PRINTED ON FSC CERTIFIED PAPER**

## 01/ WORDS FROM THE EDITOR-IN-CHIEF IN FOCUS

## 02/ OVERVIEW: REFUGEES AND HUMAN RIGHTS

## 04/ GLOBAL FIGURES ABOUT REFUGEES

## 05/ THE ROHINGYA, REFUGEES IN ASIA

## 06/ INTERVIEW : MAE SOT REFUGEES IN THE EYES OF A HONG KONG HIGH SCHOOL STUDENT

## 08/ INTERVIEW WITH ELIANA, A FORMER LGBTI REFUGEE

## 10/ DIGNITY, A LUXURY FOR REFUGEES? AN INTERVIEW WITH TARIQ MEHMOOD

## 11/ KIDS' DOCUMENTARY ON REFUGEES

## 12/ AI GLOBAL CAMPAIGNS

## 13/ GOOD NEWS

## LOCAL HAPPENINGS

## 14/ THIS IS YOUR PAGE: EDWARD TSOI

## 15/ UNIVERSITY AI CLUB

## 16/ LIFE OF A REFUGEE IN HONG KONG

# WORDS FROM THE EDITOR- IN-CHIEF

2015 was the year of the refugees crisis. Along the Mediterranean Sea, you can see an influx of Syrian refugees arriving in Europe after a perilous sea journey or dead bodies found washed ashore. You can also see the Syrian refugees arriving in Western Europe after going through multiple and hostile borders. In Asia, the Rohingya refugees flee persecution in Myanmar by boat. However, some South East Asian countries pushed their overcrowded vessels back from their shores and prevented them from disembarking. After sparking an international outcry, the South East Asian countries provided humanitarian shelter to the Rohingya refugees on a temporary basis.

Diversity of views are found regarding these refugee issues. Some may focus on its root causes and urge to stop wars and solve international political disputes. Some insist holding relevant countries to account and absolving poor countries or countries which have not been involved in disputes. Some think refugees are poor and we cannot neglect them.

Before 1997, Hong Kong still provided shelter for the Vietnamese refugees. I learnt about humanitarianism when I was a teenager at that time. Years later, I realized that I learnt a paramount human rights concept which must be firmly defended. How does the Hong Kong government deal with the refugee's issues today? We feature relevant international human rights treaties and examples in this issue so as to provide the public with more information and insights to this question.

An Mei Po

# IN FOCUS

## REFUGEES AND HUMAN RIGHTS

There are persons forced to leave their homes and seek protection elsewhere due to wars or persecution every day. How do international human rights treaties protect the rights of refugees?

### RIGHT TO SEEK ASYLUM

"Everyone has the right to seek and to enjoy in other countries asylum from persecution", stipulated by article 14(1) of the Universal Declaration of Human Rights.

### THE REFUGEE CONVENTION DEFINES REFUGEE

Asylum seekers can only obtain refugee status by recognition of the screening mechanism. According to the United Nations 1951 Convention Relating to the Status of Refugees ("the 1951 Refugee Convention") and the 1967 Protocol Relating to the Status of Refugees ("the 1967 Protocol"), refugees are persons "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country".

However, this definition does not apply to persons committing "a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments", "a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee" or "has been guilty of acts contrary to the purposes and principles of the United Nations".

### RIGHTS PROTECTED BY THE 1951 REFUGEE CONVENTION

The 1951 Refugee Convention requires the State Parties to protect the legal identity and rights of refugees including non-discrimination, non-refoulement, freedom from expulsion, right to property, freedom of association, access to courts, right to work, fair wages, housing, public education and social welfare etc. The State Parties shall cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR).

As this Refugee Convention was adopted in 1951, the scope of protection was relatively narrow. The core international human rights treaties have expanded the scope of protection along with the development of international human rights laws.

### NON-REFOULEMENT PRINCIPLE

If a country refuses to protect an asylum seeker and return him/her to their original country where there is risk of torture, this will breach the core international human rights treaties, because freedom from torture is an absolute right and cannot be derogated in all circumstances. Article 7 of the International Covenant on Civil and Political Rights (ICCPR) enshrines that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

Moreover, article 3(1) of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) stipulates that "no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture". To determine whether there are such grounds, article 3(2) of the UNCAT states that "the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights".

### PROTECTING CHILD REFUGEES

Besides, the UN Convention on the Rights of the Child (UNCRC) entitles child refugees to humanitarian aid and the right to family union. Its article 22(1) reads as follows: "States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable

international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties".

#### PROTECTING WOMEN REFUGEES

The Committee on the Elimination of Discrimination against Women oversees the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by State Parties. It explains in its General Recommendation 32 that the State Parties are obliged to protect women refugees, asylum seekers and stateless women from discrimination.

#### PROTECTING LGBT REFUGEES

Pursuant to the UNHCR's Guidance Note in 2008, it affirms that LGBT persons may be recognized as a "particular social group" and thus are entitled to protection under the 1951 Refugees Convention. <sup>[1]</sup>

#### INADEQUATE PROTECTION FOR ASYLUM SEEKERS IN HONG KONG

Although the UN has repeatedly called for the extension of the 1951 Refugees Convention and the 1967 Protocol to Hong Kong, the Hong Kong government rejects this recommendation. However, the core international human rights treaties mentioned beforehand are applicable in Hong Kong.

For instance, the Hong Kong government is obliged to protect so that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" as stipulated by the ICCPR and its domestic law Hong Kong Bill of Rights Ordinance.

The Hong Kong government has implemented a "Unified Screening Mechanism" to determine claims for non-refoulement protection. But it is criticized by the UN and local civil society and its implementation needs to be improved.

For instance, numerous UN committees are concerned about refugees and asylum seekers in Hong Kong. In its concluding observation in December 2015, the UN Committee against Torture

urged the Hong Kong government to "review the non-refoulement claim screening procedure in order to ensure that persons in need of international protection, including those fleeing indiscriminate violence, are fully protected against refoulement", particularly to "enhance the fairness and transparency of the screening process". (Para 7) <sup>[2]</sup> In addition, in its concluding observation in 2014, the UN Committee on Economic, Social and Cultural Rights urged the Hong Kong government to "adopt legislation on asylum seekers and refugees in order to improve their enjoyment of economic, social and cultural rights, granting them access to legal employment, including vocational training, and adequate housing". (Para 42) <sup>[3]</sup>

#### Footnote

[1] UN High Commissioner for Refugees (UNHCR). *UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity*. 21 November 2008.

[2] UN Committee against Torture. *Concluding observations on the fifth periodic report of China with respect to the Hong Kong Special Administrative Region*. 9 December 2015.

[3] UN Committee on Economic, Social and Cultural Rights. *Concluding observations on the second periodic report of China including Hong Kong and Macao*. 13 June 2014.

# GLOBAL FIGURES ABOUT REFUGEES

Number of World Refugees

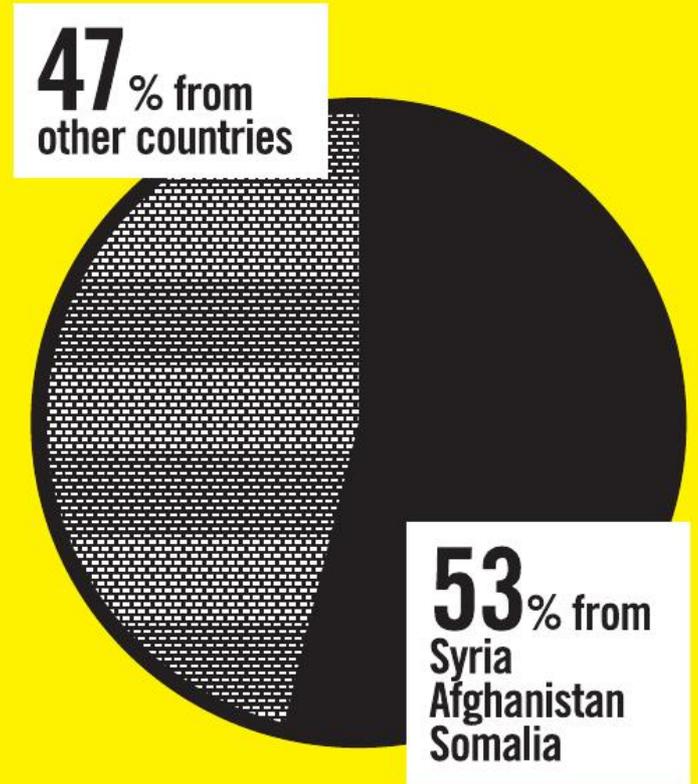
**19.5**  **Million**

**51%** of the Refugee Population are Children 

Developing regions hosted

**86%**  of the world's refugees

Refugees came from



Top hosts

- 1. **Turkey** (1.59 million)
- 2. **Pakistan** (1.51 million)
- 3. **Lebanon** (1.15 million)



UNHCR. Global Trends : Forced Displacement in 2014. 18 June 2015.

# THE ROHINGYA, REFUGEES IN ASIA

ILLUSTRATION BY CHAN MAYDOY

## WHO ARE THE ROHINGYA PEOPLE?

The Rohingya mostly live in Myanmar's Rakhine state, and account for approximately 2.5% of Myanmar's population. The Rohingya, who are Muslim, are a religious and ethnic minority in predominantly Buddhist Myanmar.

The Rohingya are deprived of nationality under the 1982 Citizenship Act by the Myanmar government. They are regarded as "Bengalis", implying that they are all migrants from Bangladesh. Hence most of the Rohingya are stateless persons and have lost their civil rights.



## THE ROHINGYA FACE WIDESPREAD PERSECUTION AND VIOLENCE

The Rohingya have been subject to violence by the Myanmar government and non-state actors including arbitrary arrest, being expelled, forced evictions, forced labour, rape and violence etc. For instance, there were attacks against the Rohingya and other Muslims largely by local Buddhist civilians in Rakhine state in 2012. Over 125,000 Rohingya and other Muslims were forced from their homes. The authorities have not conducted an adequate investigation into the violence, or brought those responsible to justice.

## ESCAPE FROM PERSECUTION BUT REMAIN IN DANGER

The Rohingya have no option but to escape from their homes. Yet, as they do not have passports, they can only get onto the boats of human traffickers, and try to be smuggled to Thailand, Malaysia, Indonesia, Bangladesh and Australia.

The sea journey is just the beginning of another nightmare. The Rohingya are subjected to horrific abuse at the hands of human traffickers including severe beatings, insufficient food and water, refused access to toilets and showers and even being killed.

In the past few years, countries including Indonesia, Malaysia and Thailand have avoided receiving the Rohingya refugees, pushed overcrowded vessels back from their shores and prevented thousands of desperate people from disembarking, or even sending them back to Myanmar. This has consequently sparked international concerns. The Indonesian and Malaysian governments have provided shelter to the Rohingya refugees on a temporary basis till May 2016. However the future of the Rohingya remains uncertain.



## INTERVIEW: MAE SOT REFUGEES IN THE EYES OF A HONG KONG HIGH SCHOOL STUDENT

**Q / Amnesty International Hong Kong**

**A / Wong Yuet Yee**

Looking back to the past, how did you spend your summer holidays during your secondary school life? Last year, in a team of 5, Wong Yuet Yee went to be a volunteer at Mae Sot (a city situated on the border of Thailand and Myanmar) and visited Burmese refugees together with her teacher and other high school students. What a special and different Form 4 summer vacation.

**Q Why did you join the volunteer tour to Mae Sot?**

**A** My teacher invited me to join the volunteer tour. In the very beginning, when I knew that I would have to leave my home for 30 days, I simply felt that being way too long. Nevertheless, I still decided to join it in the end, mainly based on 2 reasons. First, I was really interested in the programme of the tour - volunteer for school refurbishment, which includes oil painting, wood cutting and roof repairing. Second, I wished to broaden my vision and was eager to get some volunteering experience abroad. Through this I hoped to grasp the opportunity to know whether those backward places are in reality different from what I had contemplated.

**Q Why did the Burmese refugees whom you met leave Myanmar? How are their lives in Mae Sot? Are there any infringements of their human rights?**

**A** There is a refugee camp in Thailand which offers shelter to Burmese refugees. Yet, it is closed to outsiders so we could not get in. Those Burmese refugees who did not go to the refugee camp stayed in the Mae Sot District.

### **THE CHICKEN BREEDER WHO GOT SUPPRESSED**

Around 70% of people in Mae Sot are Burmese. The Burmese refugees whom I met escaped either from civil wars or government suppression. For example, there was a Burmese businessman who once had an excellent sale of his chickens in Myanmar and therefore attracted jealousy from his competitors. His chickens were then killed by his competitors collaborating with the government. The businessman could no longer run his business in Myanmar and therefore decided to escape to Mae Sot.

### **NO LEGAL IDENTITY AND SUBJECT TO POLICE ABUSE**

Most Mae Sot refugees work in convenience stores as well as department stores, and earn basic-level wages; some others run small businesses. They are able to enjoy basic living standards. However, the biggest problem is that they have no legal identity in Thailand since the Thai government rejects issuing identity cards to them. Normally, the refugees try their best to stay away from the police. If they are unfortunately stopped by the police, they have to pay to them to get relieved. Some Burmese told us that they brought whiskey when going out so as to bribe the police if needed.

### **POOR EQUIPMENT IN COMMUNITY OCCUPATIONAL TRAINING**

In Mae Sot, the most significant infringement of human rights would be the right to receive education. The businessman mentioned above now runs an occupational training school for teenagers in Mae Sot supported by charity donations. Students there are Burmese teenagers and only a small of portion of them know the Thai language. They learn knowledge about maintenance and cannot have a holiday throughout the entire year. The school has an iron sheet roof and has a severe lack of electricity. It lacks light during cloudy days. The only teaching equipment is the white board, but the board pens run out of ink!

### **CHARITY HOSPITALS PROVIDE FREE MEDICAL TREATMENT**

There are government hospitals in Mae Sot, but the charge there is too expensive and unaffordable to the refugees. However, the Mae Tao Clinic set up by charitable organizations provides free medical treatment to the refugees. As Mae Sot is located on the border of Thailand and Myanmar, sometimes Burmese ambulances even transport patients to the Mae Tao Clinic.

**Q Would you share your experience of visiting the orphanage and the girls' hostel?**

**A** The orphanage we visited has a Christian background and is run by foreign donations. The orphanage, a 2-storey house, is quite big. A couple is in charge of the orphanage's administration and responsible for taking care of the children. There are some children with disabilities in the orphanage, who sing carols, pray and play.

**SELLING DAUGHTERS FOR MONEY**

Although the local culture is quite male-dominant, the children there are mainly boys instead of girls. The reason behind is that girls are more "worthy". Some poor families sell their daughters and most of these girls then work in the sex industry. Therefore, the person-in-charge of the hostel said that it would be really lucky to meet girls abandoned on the street. If they meet one, they would immediately bring her to the orphanage or the girls' hostel.

The girls' hostel also relies on donations from foreign countries. A Filipino woman is responsible for its administration. The hostel, which looks pretty similar to a school, is clean and tidy, has a volleyball court and provides many musical instruments for the residents' use. The hostel provides shelter to girls from 5 years old to 20-something. Some residents only stay at the hostel during daytime and go back to their homes at night.

**LACKING FORMAL EDUCATION, DREAMS REMAIN UNREACHABLE**

Before visiting the girls' hostel, we originally planned to share with them sex knowledge such as physical characteristics during puberty, and play some games with them. However, just before going to there, we knew that some of those residents were in fact older than us so we were a bit worried that it might seem too naive of us if we were going to play games. Luckily, every girl, no matter how old she was, had a great time in the ball games during our visit. Since their English level was not that good, it made us hard to communicate with each other, we turned out to have chosen not to share about sex knowledge, but simply talk randomly about dreams. Some of the girls wish to become doctors or teachers in the future. Yet, it is disappointing that the hostel seems not to be providing formal education to the girls.

**THE GIRL MURDERED BY HER OWN MUM**

Before visiting the hostel, there was a girl whose mother just brought her to leave the place. We could not see her during the visit. However, we heard bad news a few days later - the person-in-charge of the hostel told us that the girl had a quarrel with her mother and was subsequently killed by her. The girl's dead body was even abandoned on the street. Despite the fact that we had never seen the girl in person, we still felt extremely astonished.

**Q What can we do for them?**

**A** We cannot donate a great amount of money or improve their production, nor can we provide any immediate assistance. This is why the volunteer tour mainly focused on psychological levels. We could only accompany them to play and chat, hoping to leave a good memory with them and letting them feel the care from the outside world.

**Q Do you have anything to add?**

**A** In fact, Mae Sot is not as backward as what I thought. There are high-class hotels, mass shopping malls, great restaurants, clean water and tidy utility shops. However, they are usually only visited by Thai people while the Burmese mainly buy cheap goods from tiny shops.

**THE "RUBBISH VILLAGE" NEXT TO THE "RUBBISH MOUNTAINS"**

There are a few "Rubbish Mountains" in Mae Sot, which are as tall as big shopping malls. Rubbish is everywhere in the muddy soil and black puddles are omnipresent. What came along with the nasty smell were crazily flying houseflies. We only stayed outside the Rubbish Mountains but there were already 6-7 houseflies chasing us as soon as we got off the car. Although the environment was so bad, there existed a "Rubbish Village" where nearly 100 people lived. Those people fed pigs, grew sweet corn for production of plastic bags. Children there picked rubbish in the "Rubbish Mountains" so as to sell it and earn money.

**Extended Reading**

Wong Yuet Yee. "Helping others? Or being helped?"

Lo Kit Ling. "Refugees are just beside you". Ming Pao. 25 October 2015. (Chinese only).



# INTERVIEW WITH ELIANA, A FORMER LGBTI REFUGEE

Q / Amnesty International Hong Kong

A / Eliana Rubashkyn

**Q** Why did you have to leave Columbia and go to Taiwan and Hong Kong?

**A** I was born in Columbia. In recent years, the country has become more open for diversity but the traditional violence which has been deeply rooted in its culture still makes LGBTI people highly vulnerable to various attacks and discrimination.

In my attempt of freely expressing my gender, I was always afraid of being kicked out of my home. So I kept my secret until it was simply impossible for me not to be myself freely outside my home.

Tragically, in one of my attempts of expressing my gender outside my home, I was attacked and stabbed on the streets of Bogota. Since then, my fears of being the person I always wanted to be gradually accumulated.

Something very unusual started to happen to me when I was 16 years old. My mother noticed that my breasts started to grow. A doctor later found that I had had a hormonal anomaly. Yet, the only thing done after the discovery of my hormonal anomaly was to find binders to hide my breasts so that I could look like a boy.

However, my desire to be myself and to be able to represent my gender took me to take a very extreme decision - to leave everything aside and go far away to start a new life, a place where I can be born again. Thanks to my outstanding academic results, I got a scholarship which allowed me to live and stay indefinitely in Taiwan. I also became able to leave my home country lawfully.

In Taiwan, a doctor found that I bore a medical condition called "Ovotestis", which means that I have both male as well as female chromosomes and one of my testes was a functioning ovary. Since then, my 6-month gender transition has been extremely smooth. Since the photo in my passport could no longer compute my identity, the Taiwan Immigration Authorities requested me to get a new passport in order to continue living in Taiwan. As Taiwan does not hold any diplomatic relations with my home country, I did not have another option but to travel to Hong Kong where the closest Columbian consulate was located.

My ordeal started on that day. That was the worst nightmare in my life.

On 16 September 2014, after landing in Hong Kong, due to a seemingly fraudulent documentation, I was detained and got placed in the male section of the detention facility in the airport. Even more horrible was that I was subsequently sexually abused by 2 male officers. After that, I faced deportation back to Columbia.

I sent a Facebook message to Amnesty International Hong Kong and Rainbow Action of Hong Kong, requesting them to protect me from being deported to Columbia.

After a series of negotiations, I was allowed to stay in Hong Kong. Yet, since my passport had been seized and I only stayed in Hong Kong with a limited visa, I was facing the risk of being deported back to Colombia when the visa deadline was reached.

Finding myself in a labyrinth, I was encouraged to apply as a refugee to avoid deportation to Columbia. My case was so strong in the eyes of the UNHCR that I was granted refugee status within a month. But I could see, it was very hard for other refugees to find countries which would allow them to be resettled in.

A year later, I was allowed to resettle in New Zealand. I have got married and I am now living my life as I have wished for so long - being able to "be" the true Eliana.

**Q** How do you think about the services provided by the Hong Kong government and the UNHCR? Did any discrimination occur?

**A** It is indeed very challenging to be a transgender and intersex refugee, since many refugees whom you have to live with actually come from countries with strong traditional and religious values.

Also, having an ambiguous gender often makes you very vulnerable, even more when you use facilities and other related

## DIGNITY, A LUXURY FOR REFUGEES ? — AN INTERVIEW WITH TARIQ MEHMOOD

services associated to refugees in refugee camps which tend to be segregated by gender, like the toilets.

Transphobia is deeply ingrained in the immigration service of the Hong Kong government. I was offensively addressed as a male, segregated in a male section in the airport prison and sexually abused. All of these stem from my gender identity.

The UNHCR, on the other hand, handled my case very sensibly and they fully respect my gender, experience and condition.

**Q** How can we support LGBTI asylum seekers and refugees?

**A** I believe that the most important thing that we need to do is to ensure LGBTI refugees receive proper treatment and get a positive outcome after they have claimed asylum. Training the staff who evaluate asylum claims, as well as those resettlement staff and programme officers, is of utmost importance.



"I used to run a business in Pakistan and owned over 4,000 km of farmland. God gave me everything I needed and wanted. In 2007, I was kidnapped by Taliban. They asked for a ransom of 5 million Pakistani Rupees. I was really lucky that I escaped and survived."

Tariq said he became the chairperson of The Hong Kong Society for Asylum-Seekers and Refugees (HKSASR) because he "had nothing to do".

"Here, I had no friends and family. [As an asylum seeker], I was not allowed to work. I could not even volunteer. I could not learn. I lost almost 10 years here. I also lost everything in Pakistan. I was not even allowed to leave Hong Kong. There was nothing refugees and asylum seekers could do. We did not have any rights and life. I just wanted to do something for the people who fled for their lives. I wanted to do something especially for the children."

HKSASR is an organization run by asylum seekers and refugees. Working along with lawyers, academics and students, the organization improves the rights of asylum seekers and refugees, promotes cooperation amongst them, and provides them with support.

Apart from handling non-refoulement claims for asylum seekers, HKSASR runs play groups, kindergarten classes and Chinese tutorial classes. Currently, the Hong Kong government provides very limited education for refugee children and teenagers.

Tariq showed us boxes of donated toys. They were given to refugee and asylum seeker's children at Christmas and New Year. He then scrolled through a photo album on his mobile, showing us pictures of the children.

"Look at them. How lovely they are! I love my kids."

Tariq personally also provides urgent assistance to people in the refugee and asylum seekers community. "I consider myself lucky. I still have support from my family but a lot of asylum seekers and refugees don't. I once helped a woman with nothing

but a blanket. She had 2 children. She called me in the middle of the night and said 'brother, you must help me. I am very hungry but I cannot move'. The humanitarian aid provided by the Hong Kong government often failed to cover childcare items and food".

"Every day, people in my organization and I solve problems for the refugees and asylum seekers. I would love to help everyone. However, with limited resources and manpower, we have only 400 members".

Currently, non-refoulement claimants receive HKD 1,200 worth of food coupons from the International Social Service Hong Kong. "We can only buy a very limited range of food items in Wellcome [1]. The food there is very pricey. Also, a lot of food there is not halal. Although the government lifted the restriction of buying over 1,000 food items, many people still lack the essentials. For example, our organization used to provide Pampers, a lot of Pampers, because as refugees and asylum seekers, we were not allowed to buy them at the supermarket".

Tariq was frustrated by the negative image of refugees and asylum seekers in Hong Kong, "I know some refugees and asylum seekers in Hong Kong are involved in criminal activities. Some of these people are tricked into committing crime by the gangs, while others have no choice. We have only a HKD 1,200 food coupon and 1,500 rent subsidy per month. All subsidies go directly to the landlords. We do not have cash. Some of them do not even have enough food to eat. They either die on the street or do something illegal to get money".

"It is almost like the government is asking us to commit crime. Don't get me wrong. I am not saying that it is right to break laws. I am saying that a lot of people simply have no way out. To survive, they are left with 2 choices: working illegally or getting involved in criminal activities".

So, what do Tariq and his community want from the government?

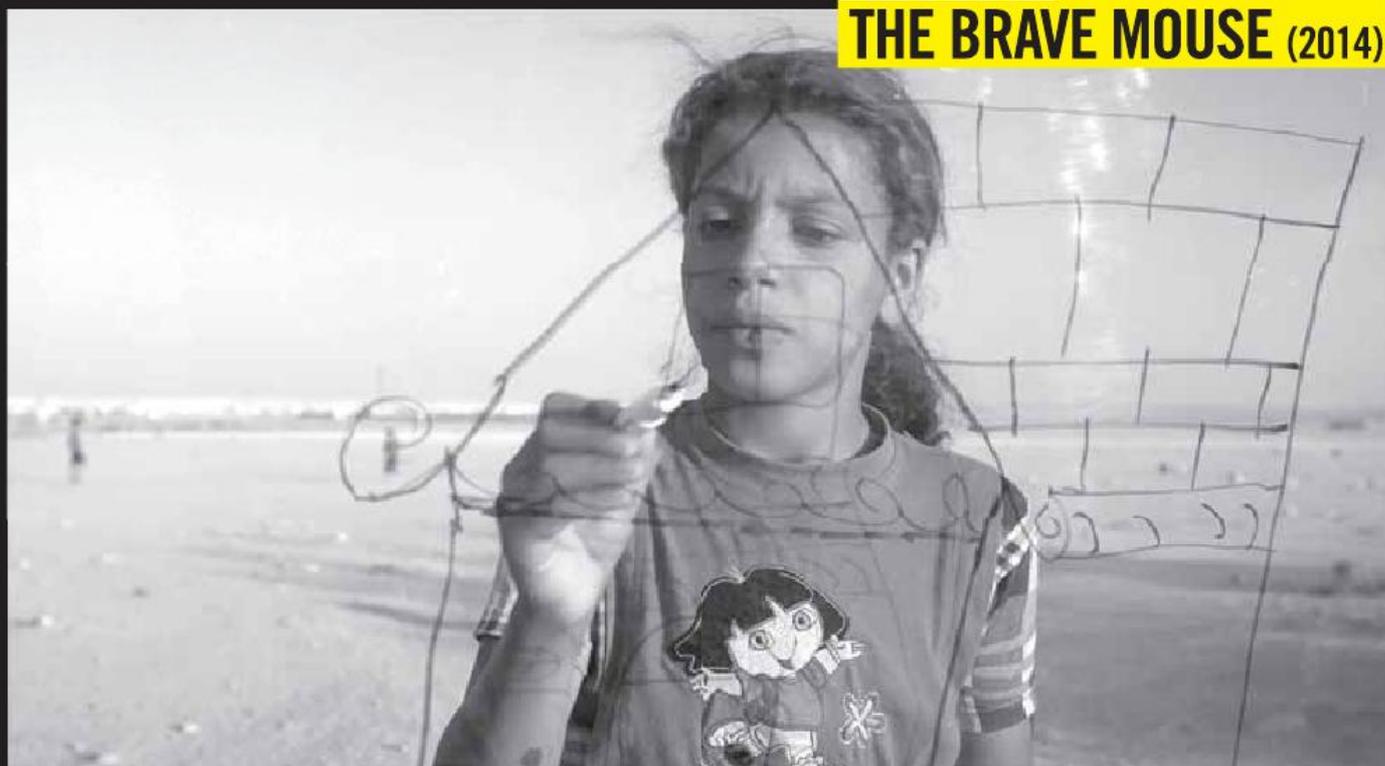
"It [the government] doesn't have to give us extra welfare! We came here because our lives were in serious danger. Just let us survive. Let us work. A lot of us want to do good in this society. We just want to have basic rights".

#### Footnote

[1] Refugees and asylum seekers can only use the non-refundable and non-transferable food coupons at supermarket Wellcome. The coupon is worth HKD 100 each and no change will be given when used.



**KIDS'**  
**DOCUMENTARY**  
**THE LION AND**  
**THE BRAVE MOUSE (2014)**

**DIRECTOR****ELS VAN DRIE****LANGUAGE****DUTCH/IN ARABIC WITH  
CHINESE AND ENGLISH SUBTITLES****DURATION****20 MINUTES****DESCRIPTION**

When Nora was 9 years old, a missile destroyed her house in Homs, Syria; prompting her family to evacuate and establish a new home in Jordan. The escape journey which lasted for 4 days 3 nights through the desert has traumatized Nora. Fortunately, after months of resettlement, Nora makes new friends and even finds a new kitten. She finds comfort in her drawings and dreams of one day opening an art academy for girls.

**USEFUL INFORMATION****Best for**

Senior primary pupils and secondary students

**Relevant values**

Empathy, caring, tolerance, non-discrimination, human rights

**Relevant subjects**

Liberal Studies, Integrated Humanities, Ethics &amp; Religious Studies, Moral and Civic Education, Human Rights Education, Life Education

If you would like to show the human rights documentaries at your school and community, please contact us at [hrfilm@amnesty.org.hk](mailto:hrfilm@amnesty.org.hk)

# AI GLOBAL CAMPAIGNS

## 1/ AI Peru: "Against their will" Campaign

The campaign aimed to bring justice for the indigenous and peasant women living in poverty who were subjected to forced sterilization. It urged the Peruvian President Ollanta Humala to track down scores of women who might have been forcibly sterilized by the government doctors in late 1990s.

*Photo credit: Amnesty International*

## 2/ AI Nepal: Silent vigil on Human Rights Day

A silent vigil was held by AI Nepal on "Human Rights Day" on 11 December 2015. This expressed solidarity and support for victims of rape, enforced disappearance and torture. Supporters and members attended the event.

## 3/ AI Brazil: Say no to executions

More than 61,000 signatures were delivered to the Rio de Janeiro State Governor Luiz Fernando Pezao on the petition "Say no to executions". Around 20 Amnesty activists demonstrated with banners in front of the state government head office featuring messages against police killings in Rio de Janeiro. This petition was launched in August 2015 along with the report "You killed my son: Homicides by military police in the city of Rio de Janeiro". Since then, the campaign conducted dozens of public engagement and advocacy activities, promoting the petition both online and offline.

## 4/ AI Japan: Solidarity with Burmese students

This photo action was AI Japan's Youth network-led to show solidarity with the students in Myanmar who were unlawfully detained including Phyo Phyo Aung. The youth members asked the people in the university campus to take pictures holding up the board. Over 180 students and 2 professors from 3 universities in Tokyo participated in this action over nearly 2 weeks.

*Photo Credit: Amnesty International Japan*





## PHYOE PHYOE AUNG RECEIVED YOUR SOLIDARITY MESSAGES

Phyo Phyo Aung, one of our Write for Rights cases, attended a court hearing in December 2015. She started to receive just some of the thousands of letters and cards sent to her by activists around the world. She also passed on the following message:

"Receiving letters gives me real inspiration for what we are doing. I have begun to notice that the world is watching and cheering us – we are not alone. I thank everyone very much for their support for me and our movement. Although we cannot see the results from the government yet, it can influence their mindset...Your letters are not just letters, they are also big presents and great strength not only for the students but also for Burma's future."

Thank you to our supporters and students of different AI Clubs who have sent your solidarity messages to Phyo Phyo Aung.

## NORTHERN IRELAND: LANDMARK COURT DECISION ON ABORTION LAW

The Belfast High Court decision in a judicial review case which found that laws governing abortion in Northern Ireland in cases of serious malformation of the foetus and sexual crime were in breach of Article 8 of the European Convention on Human Rights in November 2015.

It is illegal in Northern Ireland for an abortion to be carried out, except when the life or mental health of the mother is in danger. Anyone who performs an illegal abortion could be jailed for life. As a result, women in Northern Ireland who are pregnant with potentially fatal foetal abnormalities or who are pregnant as a result of sexual crime cannot undergo an abortion in the country legally.

The judicial review was taken by Northern Ireland Human Rights Commission and was joined by Amnesty International and local woman Sarah Ewart. Mrs. Ewart, whose first pregnancy was given a fatal foetal diagnosis, had to travel to England to terminate her pregnancy as the Northern Ireland laws did not permit her to receive medical treatment within the region.

She said, "I hope that today's ruling means that I, and other women like me, will no longer have to go through the pain I experienced, of having to travel to England, away from the care of the doctors and midwife who knew me, to access the healthcare I needed."



# LOCAL HAPPENINGS

THIS IS YOUR PAGE:  
EDWARD TSOI



**NAME**  
**EDWARD TSOI**

**OCCUPATION**  
**ART GALLERY MANAGER**

**YEARS WITH US**  
**SINCE 2013**

## Why do you support Amnesty International?

All the things done by Amnesty International are magical. Amnesty International has no power to back it up. What it relies on are only a pen as well as its supporters from different parts of the world. However, it always brings good news to us, ranging from the release of political prisoners to the abolition of the death penalty somewhere. Its achievement is extremely amazing.

Before working as an intern in Amnesty International Hong Kong, I was already particularly concerned about human rights issues in Myanmar and had set up a non-governmental organization named Connecting Myanmar. When I did online research about the human rights situation in Myanmar, there were numerous reports written by Amnesty International. It then provided me with an opportunity to know more about this Nobel Peace Prize-winning human rights organization.

## What was the most remarkable thing that happened during the internship?

Organizing the Human Rights Press Awards (HRPA) is the most unforgettable memory to me. Many journalists try very hard to write about human rights issues through different media platforms. Their efforts impress me so much.

Besides, I have become more enthusiastic about human rights issues and more eager to help with Amnesty International. I am now studying Master of Laws (LLM) in Human Rights at the University of Hong Kong. My intern experience helped me discover practical ways in conducting public education and raising public awareness of human rights issues in Myanmar.

## How would you encourage young people to pay more attention to refugee issues?

I would invite them to join our human rights activities. For instance, my organization holds a summer programme every year. Around 50 to 60 university students will stay in Myanmar or on the border of Thailand and Myanmar for 1 to 3 months. We also wrote a book to share our experience and which is distributed free. Recently, I organized a talk about travelling to Myanmar. We hope that when people travel to different places, they can try to understand local human rights issues as well.

## If you were granted the power to wish away one human rights issue, what would it be?

I hope nobody will be jailed because of exercising their freedom of expression. I know Amnesty International is supporting a Myanmar student leader called Phyo Phyo Aung. Many student activists in Myanmar demonstrated peacefully; however, they faced unfair trials and suffered from torture in prison. 5 years ago, I visited a non-governmental organization called Assistance Association for Political Prisoners. They made a simulated jail and showed many tools of torture. I was totally shocked. Throughout my past experience, I have met a lot of Myanmar students who endeavoured to improve the human rights situation in their home country. Yet, the cost of their fighting for human rights is much higher than what we think.

**AIHK x AI Club @ HKU Migrant Domestic Workers Photo Exhibition**

In mid October 2015, volunteers from HKU and the executive members of the HKU AI Club collaborated with AIHK to hold a week-long photo exhibition on migrant domestic workers as part of the series of events for the book *Strangers at Home* written by independent journalist So Mei Chi, with photos taken by Rob Godden.

The photos offered a glimpse into the authentic lives of the migrant domestic workers in Hong Kong and their family members in their homeland. Captured in moments of celebration, isolation, reunion, competition, and even setting up a library, the exhibition dispelled common stereotypes that locals have towards them, and portrayed what was usually left out by mainstream media. Volunteers also took the opportunity to raise concerns about the difficulties that migrant domestic workers face, including the mandatory live-in arrangement, 2-week rule after contract termination, and heavy agency fees.

A few migrant domestic workers came by and told HKU AI Club and student volunteers that they were touched by their efforts and for recognizing them as part of the Hong Kong community. Some HKU students showed their interest and empathy in these rarely portrayed moments and shared their thoughts on the situations of migrant domestic workers with HKU AI Club and student volunteers.

**HKU AI Club: Orientation Project**

Running from September to November 2015, HKU AI Club held a series of orientation activities concerning the Syrian refugee crisis. The participants were divided into 4 teams. In November, each team devised and implemented their campaigns on the Syrian refugee crisis to bring the issue to the attention of HKU students, to distinguish facts and fallacies regarding refugees. For instance, a team set up a tent on U-Street and displayed the items used by refugees in their daily lives, other teams prepared well-designed boards for photo campaigns, while another team invited HKU students to write down their thoughts on the Syrian refugee crisis. In 2016-17, HKU AI Club will continue with the issue of Hong Kong ethnic minorities' right to education. In January, it will organise its third campaign on the issue – Call for Change and another campaign focusing on McRefugees in Hong Kong.

**University AI Club Orientation Day**

Amnesty International Hong Kong held an Orientation Day for University AI Club participants in early January 2016. Over 30 students from various universities and tertiary education institutions joined the event. Participants learned more about our work, and acquired basic campaigning skills and human rights knowledge through a 2-hour training workshop. We also invited our Director Mabel Au and Associate Professor of the Faculty of Law at the University of Hong Kong Prof. Benny Tai to articulate the importance of youth activism in the whole human rights movement.



<p>90 終點 Goal 繼續生存 (Yet, life continues...)</p> 	<p>89</p> 	<p>87</p> <p>改為提出免遣返聲請，退至22 Turn to make a non-refoulement claim. Back to 22.</p>	<p>86</p>	
<p>71</p>	<p>72</p> <p>XYZ!@#</p>	<p>73</p> <p>無錢買校服，交了學費亦不能上課，退至68 Cannot afford a school uniform after paying the school fee, thus cannot go to school. Back to 68.</p>	<p>74</p>	<p>75</p> <p>WANTED HELP</p>
<p>70</p>	<p>69</p> <p>呆坐公園時被罵「假難民」，退至67 Accused of being a fake refugee while idling in a park. Back to 67.</p>	<p>68</p>	<p>67</p>	<p>66</p> <p>不准工作，無法維持生計，停一次 Not allowed to work to earn a living. Lose a turn.</p>
<p>51</p>	<p>52</p> <p>遇到超市即日到期生果大平賣，到57 Shop in the supermarket sale of soon expiring fruit. Go to 57.</p>	<p>53</p> <p>SUPERMARKET</p>	<p>54</p>	<p>55</p>
<p>50</p> <p>LOW-PRICED</p> 	<p>49</p> <p>只獲發放某超市現金券作為食物津貼，沒有現金不能去街市買平貨，停兩次 Receive cash coupons of a supermarket as the food subsidy, thus cannot buy low-priced goods in street markets. Lose 2 turns.</p>	<p>48</p> <p>租金Housing: \$1500 食物Food: \$1200 交通Transportation: \$300</p>	<p>47</p> <p>ROOM FOR RENT \$4500 - \$6500</p> <p>劏房月租</p>	<p>46</p>
<p>31</p>	<p>32</p> <p>獲政府人道救援津貼，前進一格 Receive humanitarian subsidies from the Hong Kong government. Go forward 1 space.</p>	<p>33</p>	<p>34</p> <p>每月只有千五元住宿津貼，連劏房也不能負擔，停一次 Cannot even afford a subdivided unit with the \$1500 housing subsidy. Lose a turn.</p>	<p>35</p>
<p>30</p>	<p>29</p>	<p>28</p>	<p>27</p>	<p>26</p>
<p>11</p>	<p>12</p>	<p>13</p> <p>IMMIGRATION 入境處</p>	<p>14</p>	<p>15</p>
<p>10</p>	<p>9</p>	<p>8</p>	<p>7</p> <p>好心人幫忙，識路去入境處，到13 Find the way to the Immigration Department with the help of a kind person. Go to 13.</p>	<p>6</p> 

LIFE OF A REFUGEE IN HONG KONG

玩法  
此棋可  
幾格。  
Instruc  
For 2 to  
the play  
the num

<p>85</p> <p>申請法律援助覆核被拒，停兩次 Your application for legal aid to judicial review is rejected. Lose 2 turns.</p> 	<p>84</p>	<p>83</p> <p>聲請被拒，退至23 Your torture claim is rejected. Back to 23.</p> 	<p>81</p>
<p>76</p>	<p>77</p>	<p>78</p> <p>鄰居慫恿做黑工，斷言拒絕，前進兩格 Refuse a neighbour's invitation of illegal work. Go forward 2 spaces.</p>	<p>79</p>
<p>65</p> 	<p>64</p>	<p>63</p> 	<p>61</p>
<p>56</p>	<p>57</p>	<p>58</p>	<p>59</p> <p>身體不適求診，醫院翻譯服務不足，未能得到適切治療，退至55 Do not receive proper treatment for stomach pain due to the inadequate translation service in the hospital. Back to 55.</p> 
<p>45</p> <p>三個成年人同住元朗百二呎劏房，過分擠迫，停一次 3 adults crowd into a 120' subdivided unit in Yuen Long. Lose a turn.</p> 	<p>44</p>	<p>43</p> 	<p>42</p>
<p>36</p>	<p>37</p> <p>團體協助，找到其他酷刑聲請者合租，前進三格 Co-rent a place with other torture claimants with the help of an organization. Go forward 3 spaces.</p>	<p>38</p>	<p>39</p> 
<p>25</p> 	<p>24</p>	<p>23</p> <p>終於逾期居留，提出酷刑聲請，到29 Finally overstay; make a torture claim. Go to 29.</p>	<p>22</p> 
<p>16</p> 	<p>17</p> <p>旅遊證件未過期，未能符合申請酷刑聲請資格，退回13 Not eligible to make a torture claim because your travel document is unexpired. Back to 13.</p>	<p>18</p>	<p>19</p>
<p>5</p>	<p>4</p>	<p>3</p>	<p>2</p>
<p>1</p> 	<p>遊戲開始 Start</p>		

供二至四人同玩。玩家在第一格開始，輪流擲骰決定前進格數，並按照格內圖文之指示進退。玩家必須擲到準確點數以到達終點，若多了幾點就要退回來，看誰先到達終點！

tion  
4 players. Each player chooses a token to represent himself or herself. Players take turns to roll the dice. The number shown on the dice decides the number of steps per should take. Players should follow the instructions shown on the spaces. Players can only reach the goal on an exact roll; if a player rolls a number greater than ber of steps required, he or she must move backwards by the extra number of steps. Let us see who will be the first to reach the goal!

**合辦外傭照片展**

去年十月中，HKU AI Club、香港大學學生義工與國際特赦組織香港分會合辦外傭家庭傭工照片展覽，假座香港大學，為期一星期。展出的照片及資料皆來自獨立作家蘇美智及攝影師 Rod Godden 的著作——《外傭——住在家中的陌生人》。

展覽呈現了外傭在香港及其家人在家鄉的真實生活，細緻捕捉他們慶祝節日、與家人團聚、參與領事館舉辦的比賽甚至自行設立「流動圖書館」等時光，主流傳媒和香港市民鮮有留意這些影像。學生義工把握機會向駐足展覽的人講解外傭在香港工作的困境，包括強制與僱主同住規定、兩星期離港規定及高昂中介費等。

另有途經展覽場地的外傭，表示欣賞HKU AI Club 的努力，對於被視為香港一份子而深受感動。不少港大學生亦對展出照片深感興趣，並和學生義工分享對外傭處境的想法。

**HKU AI Club 迎新活動**

在去年九月至十一月，HKU AI Club 舉辦了一系列以敘利亞難民危機為主題的迎新活動。其後在十一月，各小組舉辦了各式各樣的活動，包括於大學校園街道搭起模擬難民營及照片展覽，並邀請同學寫下對敘利亞難民危機的所思所想，透過一系列活動向港大學生講解難民議題及釐清謬論。在新年，HKU AI Club 將關注香港少數族裔的教育權利。今年一月，他們會舉辦名為「麥難民」(McRefugees) 的活動。

**University AI Club 與維多**

國際特赦組織香港分會於今年一月上旬舉辦了 University AI Club 迎新日，活動有超過三十名大學生參與。在迎新日活動中，參加者認識了本會各項工作，亦透過兩小時的工作坊，認識了基本人權知識及行動策劃技巧。本會總幹事區美寶及嘉賓講者香港大學法律系副教授戴耀廷，與同學細談青年運動與人權的重要性。



## 本地迴響

你的一頁：蔡萌軒

### 你為甚麼會支持國際特赦組織？

因為我覺得國際特赦組織所做的事都很神奇。明明背後沒有任何權力「撐腰」，就只靠一枝筆和世界各地支持者，本來就無權無勢，可是卻能為全球帶來很多好消息，無論是政治犯獲釋，還是某國廢除死刑，這些成果實在非常出色。

在成為實習生前，我已經非常關注緬甸的人權問題，成立了關注緬甸人權的非政府組織 Connecting Myanmar。當我在網絡查看有關緬甸的人權報告，發現很多都是由國際特赦組織撰寫，所以希望多了解國際特赦組織的工作。

### 實習期間有甚麼難忘的事？最大得著是甚麼？

最難忘的事，就是能夠參與籌辦人權新聞獎，令我有機會接觸不同參賽作品。看到不同報章或媒體平台的記者，盡力把人權議題寫出來，令我很感動。

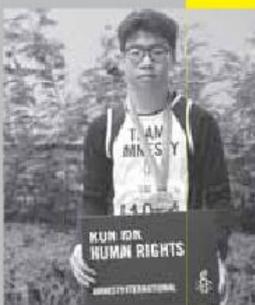
最大得著是令我更熱衷參與國際特赦組織和人權工作。我現在於香港大學進修人權法律碩士。實習經驗有助我了解如何透過教育把緬甸人權議題帶給香港市民，喚起更多關注。

### 你會如何遊說青年人更加關注難民議題？

我會邀請他們一起參與相關人權活動。我們每年都會舉辦暑期活動計劃，與五至六十名大學生探訪緬甸及泰國邊境一至三個月，與緬甸難民青年一起生活。我們把所見所聞出版成書，並舉辦了有關緬甸的旅行講座，由旅行角度看不同人權議題。

### 如果可以願望成真，而只能許一個願，你會選擇解決甚麼人權問題？

我希望不會再有人因言入罪。我知道最近國際特赦組織正在聲援緬甸學生領袖翁斐斐。在緬甸參與社會運動的學生，只是和平示威，卻遭警察毆打，收監後更受到酷刑對待。五年前，我曾在邊境參觀非政府組織 Assistance Association for Political Prisoners，他們有個模擬監獄，展示了很多刑具，令我印象非常深刻。我認識很多緬甸學生，選擇從不同渠道發聲，希望能改善緬甸人權狀況，但發聲的代價，遠比我們想像中大。



姓名

蔡萌軒

職業

畫室負責人

與國際特赦組織同行

自二〇一三年

## 好消息

## 翁斐斐收到你的鼓勵

緬甸學生領袖翁斐斐去年因進行和平示威，抗議當局修改法例限制學術自由，而遭當局檢控。二〇一五年十二月，在出席法庭聆訊前，她陸續收到由我們及各分會支持者寄出的聲援信件。她透過我們於當地的研究員向各位致謝，並告訴大家：

「你們的信，啟發我如何繼續走下去。我開始感到，全世界的人都在關注我們，為我們打氣，我們並不孤單。感謝每一位支持我及這個社會運動的人。即使現在我們仍未看到政府官員有所改變，但是我們可以影響他們的想法……你們的信不只是一封信，也是給我們學生及緬甸未來的厚禮和力量」。

我們感謝各位支持者及 AI Club 同學，為翁斐斐送上鼓勵。



## 北愛爾蘭法院裁定禁止墮胎法例違反《歐洲人權公約》

二〇一五年十一月，北愛爾蘭貝爾法斯特法院裁定，當地禁止因姦成孕或懷有嚴重畸形胎兒的婦女墮胎的法例，違反《歐洲人權公約》第八條。

北愛爾蘭婦女 Sarah Ewart 聯同國際特赦組織及北愛爾蘭人權委員會，入稟法院司法覆核禁止墮胎法例。根據當地法律，除非危害孕婦生命或精神健康，否則任何墮胎均屬違法，最高可判處終身監禁。換言之，若北愛爾蘭婦女因姦成孕或懷有致命畸形胎兒，也無法於當地合法墮胎。

Sarah 曾被確診懷有致命缺陷的胎兒，卻因北愛爾蘭嚴苛墮胎法例，被迫到英格蘭醫院終止懷孕。她認為，法庭判決令北愛爾蘭婦女，從此不用再經歷她曾受過的苦——離開熟悉的醫生和助產士，千里迢迢到英格蘭接受所需治療。



# 全球人權運動

## 1 / 秘魯分會 — 為遭強迫絕育婦女尋求公義運動

這項倡議運動致力為遭強迫絕育的秘魯婦女尋求公義。運動要求總統烏馬拉追查在一九九〇年代，逾兩千名貧困的原住民及農民婦女遭政府醫生強行絕育事件。

圖片來源 / 國際特赦組織

## 2 / 尼泊爾分會 — 國際人權日靜默晚會

尼泊爾分會在去年十二月「國際人權日」舉行靜默晚會，聲援性侵犯、孤兒、強迫失蹤及酷刑的倖存者。與會者包括國際特赦組織支持者及會員。

## 3 / 巴西分會 — 向威說不

「向威說不」運動收集到逾六萬個市民簽名，並交予巴西里約熱內盧州長Luiz Fernando Pezao。超過二十名國際特赦組織成員在州政府總部前拉起橫額，反對警察濫殺平民。運動始於二〇一五年八月，當時國際特赦組織出版了研究報告《你殺了我的兒子：里約熱內盧軍警殺人事件》，繼而舉行了數次示威行動，並於網上及街頭收集簽名。

## 4 / 日本分會 — 齊撐緬甸學生

日本分會青年網絡發起照相聲援行動。青年網絡成員在大學校園呼籲師生拿著展板拍照，聲援因和平示威而遭當局非法拘留的緬甸學生，當中包括翁斐斐。在短短兩星期內，東京三所大學逾一百八十名學生及兩位教授參與了行動。

圖片來源 / 國際特赦組織日本分會



## 兒童紀錄短片

### 《敘利亞的烽火小孩》



**導演**  
Els van Drie

**語言**  
荷蘭和阿拉伯語對白，中英文字幕

**年份**  
二〇一四年

**片長**  
二十分鐘

**簡介**

敘利亞戰爭自二〇一一年開始。九歲時的 Nora，和一百萬名兒童難民有相似經歷：四日三夜與家逃亡到約旦後，她仍然難忘戰火的可怕；幸好在漂泊異鄉的日子，她漸漸認識了新朋友，收留了一隻小貓，亦學會透過繪畫懷念家鄉。

**實用資訊**

**建議觀眾**

高小學生至中學生

**相關價值**

關愛、同理心、包容、不歧視、人權

**相關科目**

通識、綜合人文科、宗教及倫理科、德育及公民教育、人權教育、生命教育

本會設《人權紀錄片電影節》巡迴學校和社區放映會。詳情請聯絡  
hrfilm@amnesty.org.hk

## 專訪 / 尊嚴——難民的奢侈品？訪問 Tariq Mehmood

「我以前在巴基斯坦從商，擁有超過四公里的農地。主給了我一切所想所需。可是二零零七年，塔利班綁架了我，並要求五百萬盧比贖金。我能夠逃脫並活下來，真的很幸運。」

Tariq 說他之所以成為香港尋求庇護者及難民協會會長，是因為「沒事可做」。

「在這裡，我沒有家人朋友。因為尋求庇護，我不能工作，甚至不能做義工，也不能上學。我在這裡白費了近十年，又失去了家鄉的一切。我甚至不能離開香港。身為難民和尋求庇護者，我們根本甚麼都不能做。我們既無人權，也無生活。我只是想為那些為了求生而逃難的人，特別是小孩子，做一些事。」

香港尋求庇護者及難民協會由難民及尋求庇護者營運，與律師、學者和學生共同改善難民及尋求庇護者的人權，鼓勵他們互相合作及為他們提供支援。

除了處理免遣返保護申請，協會也舉辦學前班、幼兒班及中文輔導班。現時，香港政府只為難民兒童和青少年提供極有限教育。Tariq 向我們展示不同人士捐贈的玩具，將會當作難民兒童的聖誕和新年禮物。他接著翻開電話相簿，「你看他們，多可愛！我愛我的孩子。」

Tariq 也會為其他難民及尋求庇護者提供緊急協助。「我有家人支援，但並非每個難民和尋求庇護者都這麼幸運。有晚凌晨，我收到一位帶著兩個小女孩的女士的求助電話。她除了一張毛毯，就甚麼都沒有。她跟我說：『兄弟，你一定要幫我。我好餓，但我動不了。』政府提供的人道援助，通常並不足以應付照顧孩子的開支。」

現時，免遣返保護申請者每月獲香港國際社會服務社發放價值一千二百元港幣的食物券。「我們只能在惠康超級市場<sup>[1]</sup>買到有限的食物，因為價錢實在太昂貴，而且很多都不是清真食品。即使現在政府放寬購買食物的限制，很多人還是買不到必需品。譬如我們機構之前就提供很多紙尿片，因為難民及尋求庇護者根本不能在超市憑券購買尿片。」

Tariq 對香港難民及尋求庇護者的負面形象感到無奈。「我知道香港有些難民和尋求庇護者犯案。他們有些被黑幫欺騙而犯罪，有些則是沒有選擇。我們每月只有港幣一千二百元的食物券和一千五百元港幣住屋津貼，所有津貼都直接匯到業主戶口，我們完全沒有現金。有些難民和尋求庇護者根本吃不飽。他們要不餓死街頭，要不犯罪賺錢。」

「政府幾乎強迫我們去犯罪。不要誤會，我不是說犯法是正確。我是說很多難民和尋求庇護者根本無路可走。為了生存，他們只能在非法工作和犯案之間二選其一。」

那 Tariq 和他的社群對政府有何訴求？

「它（政府）不需要給我們額外福利！我們當初來這裡，是因為我們的生命受到嚴重威脅。讓我們生存吧！讓我們工作。我們當中很多人想為社會做些好事。我們只是想有基本人權。」

### 註釋

[1] 難民和尋求庇護者的食物券不能退款和轉讓，並只能在超級市場惠康使用。食物券面額為港幣一百元，使用時不設找續。



一年後，新西蘭收容了我。現在我已為人婦，過著我一直希望過的快樂生活——成為真正的 Elinora。

**問** 你對香港政府及聯合國難民署提供的服務有何意見？

**答** 身為跨性別及雙性人難民，實在極具挑戰。事實上，許多一起生活的難民來自不同國家，往往有強烈傳統文化和宗教價值。此外，模糊的性別身分也經常令人陷於困境，譬如廁所等，難民營設施往往按性別分隔，造成不便。

香港政府入境服務對跨性別充滿恐懼。入境人員視我為男性，令我很反感，亦將我扣留於機場拘留所的男倉，甚至性騷擾我，這全都源於我的性別身分。相比之下，聯合國難民署處理我的個案時，較通情達理，並尊重我的性別、經驗及狀況。

**問** 你認為我們應該如何支援性小眾難民及尋求庇護人士？

**答** 我相信最重要的是確保性小眾、跨性別及雙性人難民獲得恰當對待，讓其於提出聲請後獲得正面結果。當然，培訓評估酷刑聲請的職員及相關人員，也是非常重要。



## 專訪 / 前跨性別難民 ELIANA

問 / 國際特赦組織香港分會  
答 / Eliana Rubashkyn

## 問 為何你要離開哥倫比亞，前往台灣及香港？

**答** 我生於哥倫比亞。雖然哥倫比亞近年漸趨擁抱多元，不過在其根深柢固的傳統價值觀下，性小眾還是極易遭受攻擊及歧視。每當我嘗試自由表達自己的性別，總是害怕被家人趕走。因此，我一直保守這個秘密，直至我已再無可能在家門外否認自己的性別。很可悲的是，我曾在街上遭到襲擊。自此，我漸漸害怕做回自己。

十六歲那年，我的身體出現不尋常的改變，媽媽發現我的胸部漸漸隆起。醫生說我荷爾蒙分泌異常。我唯有以布帶紮胸，務求讓自己看來像個男生。

然而，我強烈渴望「做回自己」，並驅使我作出極端決定——我要放下一切，遠走高飛，在另一個地方重新生活。幸而憑著出色的學業成績，我成功拿到獎學金，可以合法居留台灣。

在台灣，醫生證實我有卵精巢 (Ovotestis)，意即我同時擁有男女染色體，而我其中一顆睪丸其實是正常運作的卵巢。因此，變性過程相當順利。六個月後，我的外表已經與護照上的照片判若兩人。台灣入境署因此要求我更換護照，否則不可以留在台灣。由於台灣與我的國家沒有邦交，所以我只能到設有哥倫比亞大使館的鄰近地方，亦即香港。而我一生中可怕的惡夢亦由此開始。

二〇一四年九月十六日，我到達香港。站在海關關員面前，因為我表面上看像是偽造證件，所以遭扣留於機場拘留所男倉。其後，我更被兩名男關員性騷擾。鑒於有機會遭到即時驅逐出境，我透過臉書發訊息給國際特赦組織香港分會及彩虹行動，請求他們保護我，以免被遣返哥倫比亞。及後，我獲准留在香港，但沒收護照，僅獲有限簽證，意味限期後我還是會被遞解回哥倫比亞。

當我以為自己走不出這迷宮之際，有人建議我申請難民身分，免遭遣返。由於我的個案理據充足，聯合國難民署在一個月內批准我的難民身分。然而，我發現其他難民很難找到收容國。

**欠缺正式教育，夢想遙不可及**

我們探訪女童宿舍，原定會分享性知識，譬如青春期生理狀況，並和她們玩遊戲。未出發前，知道有些宿生比我們年長，擔心她們會覺得玩遊戲太幼稚。不過探訪當日，大家不論歲數，玩球類活動也玩得很開心。她們英文水平不太好，彼此較難溝通，所以我們沒有分享性知識，只是聊聊天，談談夢想，有女生希望日後成為醫生，有些希望成為教師。不過，宿舍看來沒有提供正式教育。

**被媽媽殺死的女孩**

探訪宿舍前，有名女孩剛被媽媽接走，我們緣慳一面。可是幾日後傳來噩耗，宿舍負責人告訴我們，原來女孩和媽媽吵架，已被媽媽捏死，屍首更留在街頭。雖然素未謀面，我們還是很震驚。

**問 我們可做甚麼？**

**答** 我們既無法捐獻大量金錢和改善工業生產，也無法提供即時協助，所以是次義工之旅集中在精神層面，我們只能陪玩和聊天，希望為她們留下美好回憶，讓她們感受到外界關注。

**問 你有何補充？**

**答** 原來美素並不是想像中那麼落後。美素有高級酒店、大型商場、好餐廳、乾淨食水、整齊的五金舖及售賣日常用品的大貨倉。不過，主要是泰國人光顧，緬甸人幫襯廉價小店。

**「垃圾山旁的「垃圾村」**

美素有幾座垃圾山，如大型商場般高。泥地盡是垃圾，四處是黑水氾，臭氣冲天，蒼蠅狂舞。我們只留在垃圾山外圍，甫下車，已有六七隻蒼蠅撲到背部。雖然環境如此惡劣，但是那裡有條「垃圾村」，住了數十人。他們養豬，也種粟米，以製作粟米膠袋。小朋友會在垃圾山「執垃圾」變賣，賺取薄利。

**延伸閱讀**

黃悅兒同學〈助人？還是受助？〉及羅潔玲老師〈難民，就在不遠的身旁〉。  
明報。二〇一五年十月二十五日。



## 專訪 / 香港中學生眼中的美索難民

問 / 國際特赦組織香港分會  
答 / 黃悅兒同學

回望中學暑假，你如何度過？去年，黃悅兒同學隨老師和其他高中生，一行五人往位於泰國和緬甸邊境的美索當義工，探望緬甸難民，過了個不一樣的「中四暑假」。

**問** 你為何參加泰緬邊境美索義工之旅？

**答** 老師邀請我參與美索義工之旅。起初知道要離家三十日，覺得時間太長，後來還是參加了。一來對工作內容很感興趣；義務協助維修民間學校，包括鬆油、鋸木和修葺屋頂。二來是較有興趣出國做義工，希望擴闊眼界，也想看看我所想像的落後地方和真實情況有何分別。

**問** 你知道你遇到的緬甸難民為何要離開緬甸嗎？他們在美索生活如何？人權有沒有受到侵犯？

**答** 泰國有難民營收留緬甸難民，不過屬禁閉式，我們不能進去。沒有到難民營的緬甸難民，則留在美索城鎮。

**賣雞狀元竟遭打壓**

美索有約七成緬甸人。我所遇到的緬甸難民，不是逃離內戰，就是逃避政府壓迫。譬如有名緬甸賣雞的小商人，因為生意太好，招同行眼紅，聯同政府撲殺他的雞隻，趕絕他的生意，後來他出走來到美索。

**沒有身分，若遇警察，付錢放行**

美索難民會在便利店和百貨公司打工，都是基層工作。有些難民會經營小店維生。他們享有基本生活水平。但最大的問題是，他們在泰國沒有合法身分，泰國政府不會向他們發出身分證。平日，他們會盡力避開警察。一旦遇警察

截查，要付「過路費」才獲放行。有緬甸人告訴我們，出街會帶「威士忌」傍身，當作過路費。

**民間職訓設備簡陋**

在美索，主要的人權侵犯事件，應是接受教育的權利。剛才提到的賣雞商人，現於美索管理青年職業訓練學校。那是由慈善團體開辦的學校。學生都是緬甸青年，只有小部分懂泰文。他們學習維修知識，年中無休。學校是鐵皮屋，電力不足，陰天就光線不足。教具只得白板，白板筆墨水也乾了！

**慈善團體醫院提供免費醫療**

美索有政府醫院，可是收費昂貴，難民負擔不了。由慈善團體開辦的梅道醫院，為難民提供免費醫療。由於美索位於泰緬邊境，有時甚至有緬甸救護車把病人送到梅道醫院。

**問** 可以分享到訪孤兒院和女童宿舍的經歷嗎？

**答** 我們到訪的孤兒院，有基督教背景，依靠外國捐款營運。孤兒院地方很大，是樓高兩層的大屋，由一對夫婦負責院務，並照顧孤兒起居飲食。院童之中有殘疾兒童，平日會唱聖詩、祈禱和玩耍。

**賣女換錢**

雖然當地重男輕女，但院童大多是男童，女童反而佔少數。原來因為女童較「值錢」，貧困家庭會賣女，而被賣女童多數從事性工作。所以院舍負責人說，若在街上遇到被遺棄的女童，已算很幸運，會立即帶她到孤兒院或女童宿舍。

女童宿舍也是依靠外國捐款營運，由一名菲律賓女子負責院務。宿舍貌似校園，乾淨整齊，有冷氣，有排球場，也有許多樂器供宿生使用。宿舍收留五歲至廿幾歲的女生。也有宿生只在日間逗留，晚上回家。

## 亞洲難民 / 羅興亞人



### 誰是羅興亞人？

羅興亞人大約佔緬甸全國人口百分之二點五，大多居於緬甸若開邦省 (Rakhine State)。緬甸佛教盛行，羅興亞人則信奉回教，屬少數民族。

緬甸政府根據一九八二年國籍法，拒絕承認羅興亞人的國民身分，只視他們為從孟加拉來的移民，此舉令大多數羅興亞人淪為無國籍人士，喪失公民應有的權利。

### 緬甸羅興亞人受到廣泛迫害

羅興亞人一直受到緬甸政府和緬甸人無間斷迫害，包括被任意拘留、驅逐、迫遷、強迫勞動、強姦及暴力對待等。譬如二〇一二年，若開邦省的佛教徒襲擊羅興亞人及當地回教徒，超過十二萬人被迫流離失所，政府卻袖手旁觀，沒有仔細調查暴力事件，更遑論將施暴者繩之於法。

### 逃難更身陷險境

羅興亞人唯有逃離家園，但他們沒有護照，只能登上人口販子的船，偷渡到泰國、馬來西亞、印尼、孟加拉和澳洲等鄰近國家。

登上了船，卻是另一惡夢的開始。因為在難民船上的羅興亞人，遭人口販子虐待，包括拳打腳踢、沒有足夠食物食水、不准如廁和洗澡，甚至被殺害。

過去數年，泰國、馬來西亞、印尼、孟加拉和澳洲等鄰近國家拒絕接收海上漂流的羅興亞難民，甚至把他們遣返緬甸，引起國際社會關注。雖然去年印尼和馬來西亞最終答允暫時收留羅興亞難民，但以今年五月為限，羅興亞難民前路未明。

### 參考資料

Amnesty International. Deadly Journeys: The Refugee and Trafficking Crisis in Southeast Asia. 20 October 2015

Amnesty International. Myanmar: The Rohingya Minority: Fundamental Rights Denied. 18 May 2004.



## 全球難民數字

1,950 萬人

## 難民來源地

47%  
其他國家



51% 逾半為  
兒童難民



## 難民收容國

86% 發展中  
國家



## 最大難民收容國

1. 土耳其 (一百五十九萬)
2. 巴基斯坦 (一百五十一萬)
3. 黎巴嫩 (一百一十五萬)

聯合國難民署·《全球趨勢：二〇一四年》·  
二〇一五年六月十八日



### 難民公約訂明難民定義

尋求庇護人士須經審核機制確認其難民身分。根據聯合國《關於難民地位的公約》（一九五一年）（下稱《難民公約》）及《關於難民地位議定書》（一九六七年），難民是「因為有正當理由，由於種族、宗教、國籍、屬於某一社會團體或具有某種政治見解的原因」而「留在其本國之外」，「並且由於此項畏懼而不能或不願受該國保護的人」。

不過，難民並不包括犯了國際文書訂明的「破壞和平罪、戰爭罪或危害人類罪」、「曾在避難國以外犯過嚴重政治罪行」及「曾有違反聯合國宗旨和原則的行為，並經確認為有罪」的人。（第一（六）條）

### 難民公約訂明難民權利

《難民公約》訂明締約國須保障難民的法律身分和權利，包括保障其不受歧視、免受驅逐出境和遣返、保有財產、結社、向法院申訴、工作、工資保障、住屋、教育及社會福利等權利。締約國亦須與聯合國難民事務高級專員辦事處合作。

由於《難民公約》早於一九五一年通過，保障範圍較為狹窄。隨著國際人權法發展，後來制訂的核心國際人權公約擴大了保障難民範圍。

### 不得遣返有遭受酷刑風險的人

若外國政府拒絕保護尋求庇護人士，將其遣返原居地，而該名人士回去有可能遭受酷刑，那就會違反核心國際人權公約。因為免受酷刑是每個人的絕對權利，無論任何情況也絕不容忍酷刑。聯合國《公民權利和政治權利國際公約》第七條訂明「任何人不得施以酷刑、殘忍、不人道或侮辱待遇或刑罰」。

聯合國《禁止酷刑公約》第三（一）條更訂明「如有充分理由相信任何人在另一國家將有遭受酷刑的危險，任何締約國不得將其驅逐、遣返或引渡至該國」。至於如何釐定酷刑風險，公約第三（二）條訂明「有關當局應考慮到所有有關因素，包括在適當情況下，考慮到在有關國家境內是否存在一貫嚴重、公然、大規模侵犯人權的情況」。

### 保障兒童難民

此外，聯合國《兒童權利公約》訂明保障兒童難民有權獲得人道援助和協助與家庭團聚。公約第二十二（一）條訂明「締約國應採取適當措施，確保申請難民身分的兒童，或按照適用的國際法或國內法及程序可視為難民的兒童，不論有無父母或其他任何人陪同，均可得到適當保護和人道主義援

助，以享有本公約和該有關國家為其締約國的其他國際人權或人道主義文書所規定的可適用權利」。

### 保障婦女難民

負責監察聯合國《消除對婦女一切形式歧視公約》的消除對婦女歧視委員會，於其第三十二號《一般性意見》說明，締約國有責任保障難民、尋求庇護及無國籍婦女免受歧視和享有性別平等。

### 保障性小眾難民

聯合國難民事務高級專員辦事處於二〇〇八年指引，確認某人基於性傾向和性別身分而遭受迫害，因而出國尋求庇護，應屬難民定義中「屬於某一社會團體」，故此，同性戀、雙性戀、變性和跨性別人士應得到同樣保障。<sup>[1]</sup>

### 香港難民保障不足

雖然聯合國多次促請當局將《難民公約》延伸至香港，但當局置若罔聞。不過，上文提及過的核心國際人權公約皆適用於香港，譬如香港政府有責任履行保障《公民權利和政治權利國際公約》及其本地法《香港人權法案》訂明「免受酷刑或殘忍、不人道或侮辱之處遇或懲罰」的權利。就此，香港政府實施「統一審核機制」處理免遣返保護申請。不過，審核機制和尋求庇護人士保障仍是不足，亟待改善。

譬如聯合國禁止酷刑委員會於二〇一五年十二月審議結論，促請香港政府「檢討免遣返聲請審核機制，以確保需要國際保護的人可獲得全面免遣返保障」，並「確保審核機制更為公平和透明」。<sup>[2]</sup> 聯合國經濟、社會與文化權利委員會於二〇一四年審議結論，建議香港政府「通過關於尋求庇護者和難民的立法，以改善他們享有經濟、社會和文化權利的情況，使其能夠合法就業，包括接受職業訓練和獲得適足住屋」。<sup>[3]</sup>

### 註釋

[1] UN High Commissioner for Refugees (UNHCR). UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity. 21 November 2008.

[2] UN Committee against Torture. Concluding observations on the fifth periodic report of China with respect to the Hong Kong Special Administrative Region. 9 December 2015.

[3] UN Committee on Economic, Social and Cultural Rights. Concluding observations on the second periodic report of China including Hong Kong and Macao. 13 June 2014.

專題

淺談難民與人權

每日都有人因戰亂或遭受迫害而被迫離開家園，踏上逃亡之旅。國際人權公約如何能保障難民的人權呢？

**出國尋求庇護屬人權**

人人有權在外国尋求和受到庇護，以逃避迫害。這項權利由《世界人權宣言》第十四（一）條所保障。

若說二〇一五是難民潮之年，相信也不為過。在地中海一帶所見的情景，不是難民經過驚心動魄的海上旅程，流浪到歐洲大陸又或不幸浮屍海灘上，便是歐洲諸國陸路邊境上，難民如何經過重重阻撓，才到達願意收容的西歐國家。在亞洲，還有羅興亞人逃離緬甸在海上飄浮，東南亞國家一度狠心拒諸門外，甚至連人帶船拖出公海，最後礙於各界關注及敦促施以人道救援，東南亞政府才暫時收容。

很多人對難民問題持不同意見，有些集中在先探究其成因，認為必須從平息戰爭及解決國際政治爭執上著手；有些人卻認為一定要分辨清楚責任誰屬，要該負上責任的政府自己承擔，其他沒有參與爭執或並不富裕的國家對難民沒有責任；有些人又覺得難民好可憐，不可見死不救。

一九九七年之前，香港仍然有收容越南難民，當時是少年的筆者學會了甚麼是人道立場，多年後的今日，才發現原來當時學會了非常重要的人權概念，並且必須要一直堅守。香港特別行政區在難民問題上應如何自處？本期專題搜羅國際人權公約和不同例子，希望有助公眾多瞭解國際標準和難民議題。

編輯部

主編 / 區美寶  
執行編輯 / 徐嘉穎  
編輯 /  
陳文慧 / 蔣昭儀 / 周學謙 / 劉尹涓 /  
巫芷琴 / 謝德愛 / 黃嘉雲

校對

李思敏  
Hugh Farmer

實習生

姜必俊  
楊嘉盈

義工

謝嘉賢

編輯部查詢

+852 2300 1250 / editorial@amnesty.org.hk

設計

TGIF / www.tgif.com.hk

插畫鳴謝

陳天熹

出版

國際特赦組織香港分會 / www.amnesty.org.hk

出版日期

二〇一六年四月

國際特赦組織版權所有。不得轉售。如欲以任何方式複製或改編本出版物或其任何部分，必須列明出處以及通知版權持有人。

免責聲明

本出版物所包含的文章、內容及其所反映的立場或觀點並不能代表國際特赦組織在某特定議題上的立場或觀點。

本刊物以森林管理委員會認可的紙張印製

01/ 主編的話

專題

02/ 淺談難民與人權

04/ 全球難民數字

05/ 亞洲難民——羅興亞人

06/ 專訪：香港中學生眼中的美索難民

08/ 專訪：前跨性別難民 ELIANA

10/ 專訪：尊嚴——難民的奢侈品？

訪問 TARIQ MEHMOOD

11/ 兒童紀錄短片

12/ 全球人權運動

13/ 好消息

本地迴響

14/ 你的一頁：蔡萌軒

15/ 大學 AI Club

16/ 香港難民生活棋

人權  
HUMAN RIGHTS

免費派發 FREE TO TAKE

ISSUE 17

SPRING 2016 / [www.amnesty.org.hk](http://www.amnesty.org.hk)

AMNESTY  
INTERNATIONAL

國際特赦組織香港分會



難民與人權