

Statement on the UPR Pre-session on the People's Republic of China of Hong Kong Watch

This statement is delivered on behalf of Hong Kong Watch.

We are a registered charity founded in 2017, consisting of Hong Kongers and friends of Hong Kong, working closely with Hong Kong community groups in the diaspora.

We inform and educate legislators, policy-makers and the media, and raise awareness among the wider public, about the violations of human rights, basic freedoms and the rule of law in Hong Kong, and advocate for actions to assist Hong Kongers.

The recommendations that I am raising here today have come out of many discussions with my Hong Konger colleagues, and Hong Kongers from other NGOs. They are not an exhaustive list, but ones that have broad consensus and are related to the UN's recommendations.

We have presented these recommendations in a briefing to many diplomats, and I can share it with you privately after this session too.

Overview

In the 2018 UPR, only 6 of the recommendations made to the PRC addressed Hong Kong SAR. We do not consider any of these recommendations fulfilled by the Hong Kong SAR in the interim period.

Furthermore, as the UPR focuses on human rights violations in the PRC since 2018, we urge you to highlight the drastic human rights violations in the Hong Kong SAR in this time period.

Although many regions of the PRC face human rights violations, the Hong Kong SAR has undergone the most dramatic changes in this period, shifting from one of Asia's most open cities to a police state in the last years.

It is vital that UN Member States make recommendations to the PRC that include the Hong Kong SAR during this UPR specifically, showing the close eye you have on the situation and the public concerns you have about these violations.

Background

Since 2018, the human rights violations in Hong Kong, including failure to fulfil international legal obligations, have been reviewed by the UN Human Rights Committee (2022), UN Committee on Economic, Social, and Cultural Rights (2023), UN Committee on Women's Rights (2023), and UN Working Group on Arbitrary Detention (2023). UN Expert including Special Rapporteurs have made many statements raising concerns.

1) National Security Law:

Since the last review, the draconian National Security Law was introduced in 2020. Under this, over 200 people have been arrested and landmark trials are taking place.

The National Security Law has violated a number of human rights and freedoms, due to its “overly broad” and “vague” application, as raised in the 2022 review under the International Covenant on Civil and Political Rights, and 2023 reviews under the International Covenant on Economic, Social, and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination Against women.

In view of what has been presented, we recommend China to:
Repeal and refrain from applying the National Security Law (as per the 2022 recommendation of the Human Rights Committee).

2) Sedition:

Since the last review, the sedition law, which covers acts, speech or publications deemed to have any "*sedition* intention" was used in Hong Kong for the first time since 1967.

In view of what has been presented, we recommend China to:
Repeal and refrain from applying the sedition law under the Crimes Ordinance, ensuring that it does not violate freedom of expression (as per 2022 recommendations of Human Rights Committee)

3) Arbitrary detention:

Since the last review, Hong Kong Watch has recorded over 100 political prisoners and many others who are imprisoned in relation to the 2019 protest movement.

In 2023, the UN Working Group on Arbitrary Detention published an opinion on Chow Hang Tung, concluding that her deprivation of liberty is arbitrary, and they are currently reviewing the case of Jimmy Lai. Whilst there are many other cases of political imprisonment and arbitrary detention, these two individuals have been public about their cases.

In view of what has been presented, we recommend China to:
End the arbitrary detention of Chow Hang-tung, prisoners (as per 2023 recommendation of HRC Working Group on Arbitrary Detention, and release Jimmy Lai and other political prisoners.

4) Independence of the Judiciary:

Since the last review, Hong Kong Watch has monitored and highlighted the stark decline of the rule of law and independence of the judiciary, exacerbated by the introduction of the National Security Law.

In view of what has been presented, we recommend China to:
Stop eroding the judicial independence and the rule of law embodied in the one country, two systems principle, including but not limited to by interpretations of the Basic Law and the National Security Law made by the NPCSC that are inconsistent with the ICCPR, the rule of law, and the Sino-British Joint Declaration, and by exercising the overriding power of the Committee for Safeguarding National Security of the Hong Kong SAR.

5) Extraterritoriality:

Since the last review, Hong Kong has introduced a National Security Law, and attempted to apply it outside of its jurisdiction.

In view of what has been presented, we recommend China to:

Withdraw the July 2023 arrest warrants with bounties against 8 overseas activists, for merely engaging in peaceful acts of free expression, association, and assembly, and should end its efforts to intimidate the members of the Hong Kong diaspora as well as relatives and friends of the wanted overseas activists above (as per joint statement of UN Special Rapporteurs dated on 9 October 2023).

6) Trade Unions:

Since the last review, 175 independent trade unions have disbanded in Hong Kong, across all sectors.

In view of what has been presented, we recommend China to:

Ensure that Trade Unions and their members can carry out their legitimate functions and exercise their rights, including providing services to workers and organising union activities and events, as guaranteed by international human right instruments in a climate free of fear and threats of any kind.

7) Freedom of Assembly:

Since the last review, Hong Kong has severely restricted the rights to freedom of assembly, in specifically prohibiting peaceful protests and demonstrations that were previously allowed.

In view of what has been presented, we recommend China to:

- (i) Urgently stop harassing activists in Hong Kong as a means to deter them from organising or participating in peaceful protests.
- (ii) Take urgent steps to ensure people in Hong Kong are able to exercise their right of peaceful assembly without fear, including but not limited to effectively discharging its positive duty to facilitate peaceful assemblies.

8) Law enforcement:

Since the last review, the 2019 protest movement took place in Hong Kong, and the Hong Kong Police Force responded to this with excessive force, violating a number of rights including women's rights, and have not been held accountable.

In view of what has been presented, we recommend China to:

Ensure the use of force by law enforcement agencies is fully compliant with the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.