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Human Rights Now

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For Immediate release

Hong Kong: HRN protests against the crackdown against freedom of assembly and unlawful arrest

1. It has been a month since the citizens of Hong Kong launched protests against qualifying limits to the candidates for the position of Chief Executive of Hong Kong. Human Rights Now (HRN), a Tokyo-based international human rights NGO, expresses its concern about the human rights situation in Hong Kong regarding freedom of expression and personal liberty and strongly requests that the government of Hong Kong stop all violent and unwarranted intervention into citizen demonstrations and rallies.

2. The protests began on September 28th, 2014 as a rally and sit-in in response to the National People's Congress (NPC) affirming its imposition of qualifying limits on the candidates for the 2017 election for the position of Chief Executive of Hong Kong. These protests have been guided by a principle of non-violence from their beginning.

Fundamental solutions have yet to be reached and clashes between protestors and police have recently increased.¹ Despite international criticism concerning the violent methods employed by the government, police used tear gas and pepper spray on sit-in demonstrators during the second day of clashes that began on October 17th on a downtown street in Mong Kok. The police also beat protestors with batons and arrested over 26 demonstrators on charges of common assault and criminal damage, adding to the 45 demonstrators who had been arrested before October 15th.² On October 21st, government officials opened a dialogue for the first time with the student leaders who have been representing the demonstrations. However, the government did not demonstrate a desire to compromise with the students and it has been reported that the students may refuse to participate in the next dialogue.³

¹ <http://www.theguardian.com/world/2014/oct/19/hong-kong-protesters-police-clash-second-night>

² <http://www.nytimes.com/2014/10/19/world/asia/hong-kong-officials-offer-fresh-talks-with-protesters-.html>

<http://www.theguardian.com/world/2014/oct/19/hong-kong-protesters-police-clash-second-night>

<http://www.bbc.com/news/world-asia-china-29678878>

³ <http://news.yahoo.com/few-hopes-success-hong-kong-talks-051413221.html>

3. HRN expresses its concerns about the Hong Kong government's violent response towards participants of these demonstrations.

In Hong Kong, citizens' freedom of expression and freedom of assembly—including freedom to participate in demonstrations—are ensured under Hong Kong Basic Law, which was adopted when Hong Kong was returned to China.⁴ Illegal arrests are prohibited under the same Law⁵ and article 46 of the Hong Kong Public Order Ordinance prohibits police from using violence unless it is “necessary”. Because the current demonstrations in Hong Kong are based on a principle of non-violence, the forceful response of the government of Hong Kong is clearly not “necessary”. Moreover, the arrest of demonstrators is against the provisions of human rights protection stated above and is illegal arrest.

4. Hence, HRN calls on the government of Hong Kong to

- 1) Respect demonstrators' freedom of expression, freedom of assembly and freedom to participate in demonstrations, and not to use violent or otherwise forceful methods to clear peaceful demonstrations;
- 2) Respect the personal liberty of demonstrators and immediately release all arrested who have been detained on charges of participating in demonstrations.
- 3) Conduct elections for the Chief Executive of Hong Kong under a fair system supported by many people of Hong Kong by conducting direct dialogues with demonstrators

Human Rights Now ~Protecting Human Rights for All~

Human Rights Now is a Tokyo based international human rights NGO comprising a body of experienced legal professionals dedicated to protecting and promoting human rights around the world, with a special focus on Asia. The activity includes monitoring/ fact-finding of human rights, human rights education and advocacy work. Human Rights Now has special consultative status with the Economic and Social Council since August 2012.

⁴ Article 27.

⁵ Article 28.