



**Human  
Rights  
Now**



30 November 2020

## **Human Rights Violations in Hong Kong since the Enactment of the National Security Law Must End**

Human Rights Now (HRN), a Tokyo-based international human rights NGO,<sup>1</sup> and Sounds of the Silenced (SOS), a non-profit organization comprising of Hong Kong legal practitioners and law and other students,<sup>2</sup> protest the human rights violations in Hong Kong since the national security law (NSL) was passed by China's Standing Committee of the National People's Congress (NPCSC) on 30 June 2020.<sup>3</sup> Since its enactment, Hong Kong authorities have been applying the NSL to punish pro-democracy protests, peaceful assemblies, educational activities, and individuals and groups' political activities. Hong Kong police have used excessive force against protesters, and the law has been a direct attack on Hongkongers' rights to freedom of expression, assembly, and association; participation in government; freedom from arbitrary arrest and ill treatment; and other rights, which are guaranteed under Hong Kong's Basic Law<sup>4</sup> and international human rights law, including the International Covenant on Civil and Political Rights (ICCPR), which is effective in Hong Kong, and customary international law for violations inside of China as articulated by the Universal Declaration of Human Rights (UDHR). Major violations of rights since the NSL's enactment include the following.

### **1. Rights to freedom from ill treatment (ICCPR Art. 7) and assembly (ICCPR Art. 21)**

- **Police Impunity.** No police officer has been held accountable for violence and excessive force used during the series of protests in 2019. Despite the Hong Kong High Court determining on November 19 that the Hong Kong government had violated its Basic Law by failing to "provide an independent mechanism for complaints about police",<sup>5</sup> police officers facing various allegations remain unpunished.

### **2. Rights to assembly (ICCPR Art. 21/UDHR Art. 20), fair trial & penal rights (ICCPR Art. 14/UDHR Art. 11), and freedom from arbitrary arrest (ICCPR Art 9(1)/UDHR Art. 9)**

- **Twelve Protesters Detained:** Twelve Hong Kong pro-democracy protesters were detained in China on August 23 after trying to escape the city through Chinese waters, all of whom were suspected of being related to pro-democracy protests in 2019.<sup>6</sup> Since their detention, they have been held *incommunicado* and denied access to their family members, lawyers and physicians.

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<sup>2</sup> SOS's Facebook page: <https://www.facebook.com/soundsofthesilenced/>.

<sup>3</sup> "The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region", 30 Jun. 2020, <https://www.gld.gov.hk/egazette/pdf/20202448e/egn2020244872.pdf>.

<sup>4</sup> "The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China", July 2020, [https://www.basiclaw.gov.hk/en/basiclawtext/images/basiclaw\\_full\\_text\\_en.pdf](https://www.basiclaw.gov.hk/en/basiclawtext/images/basiclaw_full_text_en.pdf).

<sup>5</sup> Davidson, "Hong Kong breached bill of rights over police scrutiny, court rules", The Guardian, 19 Nov. 2020, <https://www.theguardian.com/world/2020/nov/19/hong-kong-breached-bill-of-rights-over-police-scrutiny-court-rules>.

<sup>6</sup> Pang & Pomfret, "Families of detained Hong Kong dozen protest on island near Chinese prison", The Independent, 22 Nov. 2020, <https://www.independent.co.uk/news/world/hong-kong-dozen-protest-chinese-prison-b1759560.html>.

### 3. Rights to participation (ICCPR Art. 25), association (ICCPR Art. 22), and expression (ICCPR Art 19) in government

- **Four Pro-Democracy Legislators Disqualified.** On November 11, China's NPCSC adopted a resolution to empower the Hong Kong government to disqualify any lawmakers who "publicise or support independence," "seek foreign interference," or pursue "other activities that endanger national security." Legislators Alvin Yeung, Dennis Kwok, Kwok Ka-ki, Kenneth Leung have since been disqualified by the Hong Kong government's decision.<sup>7</sup>
- **Twelve Pro-Democracy Candidates Disqualified.** Twelve pro-democracy candidates running in Hong Kong's upcoming Legislative Council elections were disqualified from running in July.<sup>8</sup>
- **Hearing Cancellation.** A Panel on Constitutional Affairs hearing for NGOs to express their opinions about the ICCPR in Hong Kong, which SOS was to attend, was cancelled on November 16 after the above resignations, a few days before the hearing for COVID-19 protection.<sup>9</sup>

### 4. Rights to freedom of expression and association outside government and from arbitrary arrest (where relevant)

- **Arrest of Newspaper Owner.** Jimmy Lai, owner of the pro-democracy newspaper Apple Daily, was arrested on August 10 for "collusion with a foreign country or external elements" under the NSL.<sup>10</sup>
- **Arrest of Former Student Leader.** Tony Chung, a former leader of the student-led group Studentlocalism, was arrested on July 29 along with three other members for their activities under Articles 20 and 21 of the NSL.<sup>11</sup>
- **Charging of three pro-democracy activists.** Joshua Wong, Agnes Chow, and Ivan Lam were charged with organizing and/or inciting an unauthorized demonstration against the Extradition Bill surrounding Hong Kong's police headquarters on 20 June 2019. After a legal process on November 23, the three were imprisoned.<sup>12</sup>
- **Political Censorship of Education.** On November 26, the Head of Education Bureau announced that the academic subject of "Liberal Studies" will be replaced with a renamed subject, teaching materials must be censored, and teachers will be subject to having their classrooms monitored.<sup>13</sup>

HRN and SOS protest these violations and call on all relevant authorities to take measures to ensure the government of Hong Kong respects its obligations under the ICCPR and its Basic Law.

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<sup>7</sup> Kuo and Davidson, "Hong Kong opposition lawmakers all quit after four members ousted", The Guardian, 12 Nov. 2020, <https://www.theguardian.com/world/2020/nov/11/china-pro-democracy-hong-kong-lawmakers-opposition-oust>.

<sup>8</sup> Griffiths, "Joshua Wong among multiple Hong Kong pro-democracy candidates disqualified from upcoming election", CNN, Jul. 30th 2020, <https://edition.cnn.com/2020/07/30/asia/hong-kong-election-disqualified-intl-hnk/index.html>.

<sup>9</sup> "Legislative Council of the Hong Kong Special Administrative Region - Panel on Constitutional Affairs (Meetings)", <https://legco.gov.hk>, <https://www.legco.gov.hk/yr20-21/english/panels/ca/general/ca2021.htm>.

<sup>10</sup> "Jimmy Lai: Arrested Hong Kong tycoon tells protesters to be 'careful'", BBC, 12 Aug. 2020, <https://www.bbc.com/news/world-asia-china-53748285>.

<sup>11</sup> Ramzy and Yu, "Hong Kong Police Arrest Activist Said to Seek U.S. Asylum", The New York Times, 27 Oct. 2020, <https://www.nytimes.com/2020/10/27/world/asia/hong-kong-asylum-arrest.html>.

<sup>12</sup> Ramzy and May, "Joshua Wong Pleads Guilty Over 2019 Hong Kong Protest", NY Times, 23 Nov. 2020, <https://www.nytimes.com/2020/11/23/world/asia/joshua-wong-agnes-chow-hong-kong.html>.

<sup>13</sup> Wong, "Concern groups urge Hong Kong Education Bureau to stop textbook 'censorship'", Hong Kong Free Press, 23 Aug. 2020, <https://hongkongfp.com/2020/08/23/concern-groups-urge-hong-kong-education-bureau-to-stop-textbook-censorship/>.